

TANDRIDGE DISTRICT COUNCIL

PLANNING POLICY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 23 March 2023 at 7:30pm.

PRESENT: Councillors Sayer (Chair), C.Farr (Vice-Chair), Blackwell, Bloore, Booth, Botten, S.Farr, Gray, Jones, Prew and Steeds

ALSO PRESENT: Councillors Allen and N.White

ALSO PRESENT (Virtually): Councillors Chotai, Gaffney, Gillman, Moore, Pursehouse and Swann

270. MINUTES OF THE MEETING HELD ON THE 19TH JANUARY 2023

These minutes were confirmed and signed as a correct record.

271. QUARTER 3 2022/23 BUDGET MONITORING - PLANNING POLICY COMMITTEE

An analysis of expenditure against the Committee's £1,204k revenue budget for 2022/23, as at the end of December 2022 (Month 9) was presented. An overspend of £126k was forecast (a deterioration of £40k since Q2) mainly due to overspends on salaries; specialist recruitment; and commissioning consultants / legal advice. This was partially offset by other factors, including a surplus on planning application fee income. However, that surplus had deteriorated by £59k since Q2 and such income would need to be closely monitored in 2023/24.

Slippage of £2,085k in the Committee's capital programme was forecast due to the re-phasing of expected CIL contributions.

RESOLVED – that the Committee's forecast revenue and capital budget positions as at Quarter 3 / M9 (December) 2022 be noted.

272. NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION RESPONSE

On 22nd December 2022, the Government began a ten-week consultation on proposed changes to national planning policy. These included updates to the National Planning Policy Framework; the approach to preparing National Development Management Policies; and policies to support levelling up. A report was submitted with a copy of the Council's response which had been submitted on 28th February 2023. The response confirmed support for some key ideas, while disagreeing with others.

The Government's response to the consultation process was awaited.

RESOLVED – that the consultation response at Appendix A to the report be noted.

273. SURREY HILLS AREA OF OUTSTANDING NATURAL BEAUTY BOUNDARY REVIEW

Natural England had launched a statutory consultation on 7th March (closing on 13th June) regarding proposals to extend the boundary of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The Council, as a statutory consultee, intends to prepare a response and consider the implications for locally valued landscapes.

A report was presented which explained Natural England's methodology for the proposed new AONB boundary, which represented a 25% increase over the current area, including an expansion of 28.19% (30,016 km²) in Tandridge. The four intended areas for expansion within the District were Caterham Woods (Evaluation Area (EA 8c); Woldingham Valleys (EA 9a), Limpsfield (EA 10c) and Godstone Hills (EA10a and 10b). However, nearly 66% of the land currently designated in the development plan as Areas of Great Landscape Value would fall outside of the extension area.

Upon introducing the report, Officers confirmed that Natural England would welcome a high level of scrutiny by consultees. The Chair encouraged Members to respond to the Head of Legal's recent e-mail which invited Members to identify areas of concern to help inform the Council's representations. During the debate, Members expressed disappointment regarding the omissions of Chelsham & Farleigh and Staffhurst Wood from the proposed new AONB area.

The Committee supported the report's recommendations for the Chief Planning Officer to prepare the Council's response (in consultation with the Planning Policy Working Group) with the assistance of landscape consultants.

RESOLVED – that:

- A. the report be noted and the Chief Planning Officer, given the timescales involved, be authorised to prepare a formal response to the consultation, in collaboration with the Planning Policy Working Group and planning policy officers, and that the response should consider whether:
 - an appropriate extension boundary has been defined in Tandridge District as a Surrey Hills AONB for the future
 - any areas have been omitted that are worthy of AONB designation requiring a review of national AONB designation criteria which might support the inclusion of these areas
 - AONB boundary definition criteria or otherwise has led to exclusion of other areas that should be in the extended AONB and how this might be resolved;
- B. the Chief Planning Officer be authorised to:
 - (i) appoint landscape consultants up to a fee cap of £30k to support the preparation of the consultation response given the highly technical nature of the Boundary Variation Project and its detailed evidence; and

- (ii) undertake further work to consider the future of the Areas of Great Landscape Value currently identified in the Tandridge District development plan as potential candidate areas for AONB status but now omitted from Natural England's Surrey Hills AONB review proposal in the context of locally valued landscapes as provided for in the National Planning Policy Framework 2021.

274. SURREY COUNTY COUNCIL – HOUSING, HOMES AND ACCOMMODATION STRATEGY FOR SURREY

The Committee received a report on Surrey County Council's final draft Housing, Homes and Accommodation Strategy for Surrey, including a copy of the Council's response (re-produced at Appendix A to these minutes). This matter had also been considered by the Housing Committee on 16th March 2023.

RESOLVED – that the report be noted and the response to Surrey County Council be endorsed.

275. GATWICK AIRPORT DEVELOPMENT CONSENT ORDER (DCO) CONSULTATION PROCESS UPDATE

Gatwick Airport Limited (GAL) intended to seek consent for its Northern Runway Project which, as a 'nationally significant infrastructure project' required a DCO from the Secretary of State. The project included:

- repositioning the northern runway (12m north)
- expansion of both the north and south terminal buildings
- other airport facilities, including a waste facility and a new hangar
- new office space (9,000m² floorspace) and three new hotels
- 18,500 extra car parking spaces
- road improvement works
- environmental and mitigation measures.

The report before the Committee summarised the DCO process which, subject to GAL's DCO application being accepted by the Planning Inspectorate in June, would culminate in a public inquiry concluding in March 2024. A consortium of 10 local authorities in the vicinity of Gatwick, including Tandridge, had been established to ensure their interests were represented at local level. Notwithstanding a financial contribution from GAL, the consortium would be required to fund most of its legal costs, including the appointment of a parliamentary agent and a King's Counsel for representation at the public inquiry.

The report highlighted the potential impact of the project upon the District and advocated that the Gatwick Working Group (originally established in accordance with the Committee's decision on 23rd September 2021 – Minute 118 (21/22)) be reconvened to provide advice and guidance for officers for the duration of the DCO process. The Chair invited Group Leaders to inform Democratic Services of any changes to their representatives on the Group.

RESOLVED – that

- A. the Gatwick Airport Working Group of Members and Officers be reactivated to ensure adequate engagement with the DCO process and decision making on behalf of the Council going forward; and

- B. while the DCO process is underway, update reports on progress are made to each meeting of this Committee so that Members are aware of latest developments and can engage in the DCO process.

276. GATWICK AIRPORT DEVELOPMENT CONSENT ORDER (DCO) CONSULTATION PROCESS - FINANCIAL IMPLICATIONS

The press and public were excluded from this item in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- i) the item involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act; and
- ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Arising from discussion under Minute 275 regarding the Gatwick DCO process, the Committee considered measures aimed at ensuring value for money and limiting expenditure to that deemed essential to protect the interests of local residents, especially as Tandridge was one of the smaller and less wealthy councils in the Local Authority consortium. It was proposed that:

- Crawley Borough Council, as lead local authority, and each consortium working group, be advised that TDC cannot commit to further expenditure beyond that stated below until estimates of the total spend on the DCO process per authority are provided and processes for controlling expenditure are in place; and
- in the interim, up to £30k of expenditure on the DCO process be agreed, including expenditure incurred to date. This would also enable the Council to continue participating in the consortium until the next Planning Policy Committee in June 2023, when the matter can then be further considered, based on financial information of the costs to the consortium and its constituent member authorities which, hopefully, can be secured in time.

While accepting the need for the Council to contribute to the consortium given the impact of northern runway project upon Tandridge residents, the Committee supported the above proposals to counter the risk of exposure to potentially unlimited costs.

RESOLVED – that:

- A. the Committee endorses the approach to seeking to control expenditure on the Gatwick Airport DCO process as set out in paragraphs 6 and 7 of the report;
- B. subject to C below, the Committee approves combined expenditure of up to £30k in the current financial year (2022/23) and until the 22nd June Planning Policy Committee in 2023/24 to allow for continued engagement with the consortium of local authorities, pending clarification on future expenditure with regard to the DCO process and improved financial controls being in place; and
- C recommendation C of the report (regarding the delegation of certain matters to the Chief Planning Officer and Chief Finance Officer, in consultation with the Chair and Vice Chair of the Committee) be approved.

277. LOCAL PLAN - LETTER TO THE INSPECTOR

The press and public were excluded from this item in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- i) the item involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act; and
- ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In September 2022, the Council informed the Local Plan Inspector that it would not be sending any further monthly progress updates for the time being, but would resume upon further clarification of government policy. Those policy changes had been published by central government in December 2022 and reported to the Committee on 19th January 2023. A proposed way forward for Tandridge had since been prepared with advice from external consultants. This formed the basis of a draft letter to the Local Plan Inspector which was presented to the Committee for consideration.

RESOLVED – that the letter, attached at Appendix B, be agreed and the Chief Executive be authorised to sign and send the letter to the Local Plan Inspector.

In accordance with Standing Order 25(3), Councillors Bloore and Prew wished it recorded that they voted against the above resolution.

Rising 9.00 pm

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APPENDIX A

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Letter to Surrey County Council's Cabinet Member for Children & Families dated 7th March 2023

Dear Councillor Mooney

Thank you very much for sending us the draft Housing, Accommodation and Homes Strategy for Surrey for our consideration and views. This has now been discussed in Tandridge District Council's ('TDC') Planning Policy Working Group meeting on 24th February and agreed in consultation with the Group Leaders and Chair and Vice Chair of the Planning Policy and Housing Committees.

We are particularly encouraged to read that Surrey CC are endorsing and supporting the need for public sector landowners to accept that disposal of land cannot only be seen through a lens of maximizing commercial return, but on achievement of wider objectives and community values to facilitate the supply of new homes for social rent and therefore supporting the provision of affordable homes.

However, TDC has real concerns about the content of other parts of the Strategy.

One of these concerns is how the strategy, if adopted, will be perceived and used, particularly in the presentation and determination of planning applications and the examination of local plans. There is repetitive reference throughout the document to a "housing crisis" in Surrey. The adopted strategy will be a material consideration in the determination of planning applications and appeals and could be introduced as part of the evidence base at local plan examinations. TDC would not want its decisions on planning applications, evidence at appeals and evidence at the Local Plan examinations undermined by such a document.

Another concern is that Tandridge is predominately a rural district made up of 94% Green Belt with no large towns or main centres. Therefore, including high density "20 minute Neighbourhood Principles" into our local policies would significantly and detrimentally change the character of our small towns and would not be supported. The Government, in its Levelling-up and Regeneration Bill: reforms to national planning policy, accept that building at densities significantly out of character with the existing areas may have an adverse impact on an area and that it is important to be able to plan for growth in a way which recognises places' distinctive characters and delivers attractive environments which have local support.

The question also has to be asked is if this an appropriate time to be bringing forward a strategy that refers to a housing crisis in Surrey? The statements from the Secretary of State to DLUHC in December 2022, his letter to MPs and then the published consultation on changes to the National Planning Policy Framework all signal changes relating to how local plans are prepared and housing needs met in individual districts. Surrey District Councils all have Green Belt and sometimes Area of Outstanding Natural Beauty constraints applying in their districts. These are constraints that central government seems to be signalling will not be required to be set aside to meet an individual district's housing needs. There are mixed messages about central government's ultimate intention for the delivery of housing and the changes that will eventually be confirmed. In TDC's view, this is not the appropriate time to be embarking on a countywide housing, accommodation and homes strategy for Surrey.

At Tandridge we already have our own Affordable Housing programme. We already identify Council owned sites for development and redevelopment and have a very successful programme of building affordable homes for our residents. For example, there are currently three planning applications for Council housing awaiting determination and two others with planning permission where development is to commence shortly. We are also currently purchasing a site for council houses from the MoD in Caterham. The MOD has given us first refusal as it is public estate land to enable us to deliver more affordable housing. We would like to request that Surrey CC adopts the same approach.

As the local planning authority, we believe that we are best placed to determine our local policies, housing need and where development should take place. Working at a local level, we know our area the best and already take into account land supply, constraints, social issues, infrastructure requirements, population demographics and residents views. We already work with other D&B's and partners to provide the best outcome for our residents and are always willing to open dialogue and work together and have done so very successfully.

In addition, we believe it would assist with transparency and consistency going forward if the D&Bs, which as the planning authorities have the relevant expertise, are responsible for determining applications on County Council land. These are currently subject to Regulation 3 which permits a local authority to make an application to itself for planning permission and then determine that application. This causes confusion among the public and a perception of lack of transparency and we would like to request that the County Council delegates the power to D&Bs.

Taking into consideration the points above, Tandridge District Council will not be taking part as a partner in the Housing, Accommodation and Homes Strategy for Surrey. We also request that this position is noted in the final document.

Yours sincerely,

Cllr Catherine Sayer
Leader of Tandridge District Council.

David Ford
Chief Executive of Tandridge District Council

Letter to the Local Plan Inspector sent on 24.03.23

Dear Inspector,

I am writing to update you on the Council's intention for the Tandridge District Council Our Local Plan: 2033 ("the emerging Local Plan"). The Council continues to seek a positive outcome to the Independent Examination of the Plan at the earliest possible opportunity. You have been clear that it is your intention to work with the Council through the Independent Examination process in order to obtain a 'sound' Local Plan that is capable of adoption by the Council.

Since we last wrote to you in August 2022 (TED56b), the Government has clearly signalled significant proposed changes to national planning policy which will be relevant to the consideration of the plan-making context in the District. These changes will further strengthen the importance of getting this Local Plan adopted as soon as possible. The Council cannot afford to wait to start plan-making again under a new system (once that is introduced). Additionally, the local context has continued to evolve. The Council has commissioned planning consultants DAC/Arup to review the current situation and advise us on how best to secure a plan-led approach to managing development at the earliest opportunity. After due consideration of their advice and due to the changes in Government direction, the Council believes that a shortened and modified Local Plan is the best way forward. Under the current circumstances the need to have an up-to-date Local Plan in place in the District is unquestionable and in the public interest. As a result, the Council's resolve to progress our submitted Local Plan through to adoption is now stronger than ever.

The contextual changes which are most relevant to progressing the emerging Local Plan can be summarised as follows:

The recent written Ministerial Statement and publications from the Government, signal a significant change in national planning policy. Changes to the National Planning Policy Framework (NPPF) are intended to be introduced in Spring 2023.

Further changes will be introduced to the planning system in 2024 through the Levelling Up and Regeneration Bill. The government is also clear that Plans in advanced stages of the process should not be withdrawn. The Tandridge emerging Local Plan falls into this category.

There remains, and Government has reinforced this, an overriding need to have up-to-date Local Plans in place as soon as possible. At the moment, the District is seeing speculative and inappropriate planning applications being submitted on Green Belt land and is having to use scarce resources to combat these applications.

The traffic modelling undertaken since the Examination hearings indicates that there is capacity at M25 Junction 6 only until 2027. After extensive work, discussions, and an unsuccessful bid for Government funding, we can see no realistic prospect at this time that an upgrade to Junction 6 can be achieved in the near-term. While all parties remain in regular communication, it is not anticipated that this situation is likely to change. Constraints such as the A264, A22 and other major roads remain, and in some cases such as the A264, will soon become more severe due to recently allocated sites in Mid-Sussex which is adjacent to Tandridge.

The proposed expansion of Gatwick via the DCO process continues to progress. No matter what the final outcome, Gatwick is one of the most influential employers in the area – both directly and through the supply chain. This means that any decision will influence current and future sources of employment, travel patterns, infrastructure and services in Tandridge, which, in turn, will influence any future spatial strategy.

Approach

We believe that the emerging Local Plan can be modified to provide for homes which can be delivered over the medium term within the scope of the transport infrastructure constraints that have been identified.

Through the additional work that the Council has been undertaking, the extent of the constraints has become clearer, and it is possible to identify an upper ‘ceiling’ to growth provision consisting of deliverable sites which are capable of being found sound and within the limits of existing infrastructure capacity.

We summarise the proposed approach to main modifications using the broad Local Plan policy areas in the 2012 NPPF.

Delivery of housing, infrastructure, health, community and local facilities

Update the housing site allocation policies to clarify the amount of open market and affordable housing expected on these sites, and identify the necessary infrastructure that will now be required to support growth in the absence of alternative provision in the Garden Community.

We plan to provide updated evidence on these matters to support these main modifications. This evidence is also intended to address issues that you have raised, such as Heritage Assessment, Education and Health requirements, as well as Gypsy and Travellers provision. Any infrastructure requirements will be incorporated into an updated Infrastructure Delivery Plan.

We also plan to submit updated Statements of Delivery for each of the sites that remain, which will then form the basis for an updated housing trajectory.

The Spatial Strategy will be updated to reflect the above and will also remove the South Godstone Garden Community.

Time period

The revised plan period will be for ten years. A number of factors outside the control of the Council have influenced this proposed modification, including, but not limited to:

The limited life span of “old style” plans such as this one as defined in the Levelling up and Regeneration Bill. However, there is a clear preference to continue to progress the emerging Local Plan to adoption, rather than withdrawing it and ‘starting again’ with a new Local Plan under the existing system. The proposed June 2025 deadline for Councils to submit an ‘old-style’ local plan for Independent Examination means that it is highly unlikely that the Council could successfully progress another Local Plan under the NPPF 2021 in the time available. In addition, the Council is unlikely to be able to begin production of a new-style Local Plan until November 2024 at the earliest (under the arrangements currently proposed by the Government), leaving the District without an up-to-date Local Plan for a prolonged period of time. The earliest anticipated date for the adoption of new-style Local Plans is April 2027, which is over four years away.

If you are minded to progress to adoption with our proposed shortened emerging plan, we then intend to commit to producing a new plan under the new system. As you have suggested in the Examination, the Council can also include a five-year review policy as part of the main modifications.

Capacity issues, as already raised previously, at Junction 6 and on other major roads which are a constraint to growth until such time as mitigation can be secured in the longer term.

Uncertainty over the scale of future growth associated with Gatwick, we believe lends weight to the argument that a shorter plan period, with an agreed period for review, is the most appropriate route.

The shortened plan period is a pragmatic approach that allows for plan-led delivery of housing in the interim period, also using the extensive work that has already been undertaken and that we believe will result in the best outcome for Tandridge and its residents.

Employment

It is the Council's view that it would be inappropriate to introduce new designations for employment sites in the shortened time frame of this emerging Local Plan because they are likely to change again in the next Local Plan which would be expected to incorporate the final decision regarding Gatwick and any updated employment needs assessments.

Conservation and enhancement of the natural and historic landscape and the review of the Surrey Hills AONB boundary

The statutory consultation phase for the ongoing review of the Surrey Hills AONB Boundary began on the 7th of March. We understand the initial proposals are for an increase of around 30% in the area designated as Surrey AONB in Tandridge District. Natural England currently expects to submit the final proposals to the Secretary of State for Defra by summer of 2024. Depending on progress, and on the future of the AGLV designation, main modifications to the emerging Local Plan landscape policies may be necessary.

We are committed to incorporating the suggestion you made in the Examination about including the extensive amount of landscape evidence in the emerging Local Plan.

Development Management Policy areas

The introduction of National Development Management Policies (NDMP) will narrow the scope of Local Plans to predominantly strategic policies. Given the proposal for (NDMP) to become part of the Development Plan, these will supersede local policies on these issues in many instances.

Next Steps

We would welcome working collaboratively with you to update the work programme reflecting the revised approach and potentially any implications should the Government changes be implemented.

We anticipate further engagement with key stakeholders in the delivery of the Plan, reconsideration of the case for exceptional circumstances, the production of proposed main modifications and public consultation on them together with any appropriate further hearings. We would be aiming to have an adopted Plan in place by the end of 2024 subject of course to your agreement and availability.

We expect to be commissioning the following to provide a proportionate evidence base and the relevant main modifications:

- Update site infrastructure, services, health, education, traffic, sports and community facilities, open spaces, heritage, landscape, biodiversity evidence in the absence of the South Godstone Garden Community and to incorporate your comments. This evidence would identify any additional site requirements which would then be incorporated into main modifications for the allocated sites, the Infrastructure Delivery Plan, and any related policies in the emerging Local Plan.
- Update viability assessments.
- Update Statements of Delivery.
- Update Housing Trajectory and Housing Requirement.
- Update to the OAN evidence to include the 2018 household projections and incorporating adjustments that you have specified in ID-16. We believe that extensive new work and hearings on the matter would be disproportionate because you have already concluded *“that there are specific policies of the Framework which indicate that development should be restricted in Tandridge and that in principle, the Plan would be sound in not meeting the OAN in full.”* The Government has recently confirmed that the figure is no more than a “starting point” and that Green Belt boundaries do not have to be reviewed.
- Updated AONB and Local Nature Recovery Network (if these are confirmed in time) to inform the landscape policies.

Conclusion

The Council is firmly of the view that progressing the emerging Local Plan via main modifications would enable a satisfactory and pragmatic conclusion to be reached to the Independent Examination of the Local Plan within expeditious timescales. This approach would provide for a sound plan in a more proportionate and efficient manner, and ensure that the Council has an up to date planning framework for the District on an interim basis until a new Local Plan can be produced under the forthcoming planning system which will emerge in 2024 through the implementation of the Levelling Up and Regeneration Bill and wider changes to national planning policy.

After spending more than £3m on the Local Plan, we are also very aware that not having an interim Local Plan in place – before we can start a new plan under the new system – will leave the Council open to speculative and inappropriate planning applications on Green Belt land which will be financially damaging to the Council due to having to defend against these applications at appeal. We believe that would be a very poor outcome for the Council and for the residents of Tandridge.

We are committed to the process of obtaining a sound local plan and I trust that our proposal will meet with your agreement and support. I invite you to work with us to achieve the outcome that is so eagerly desired and is in the public interest. We very much look forward to working with you to bring the Examination to a close at the earliest possible opportunity.

Yours sincerely

David Ford
Chief Executive