

## 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 22<sup>nd</sup> June 2023 at 7:30pm.

**PRESENT:** Councillors Sayer (Chair), Chris Farr (Vice-Chair), Blackwell, Booth, Sue Farr, Gray (In place of Botten), Alun Jones, Moore, Prew, Robinson and Steeds

**ALSO PRESENT:** Councillors Crane and Nicholas White

**ALSO PRESENT (Virtually):** Councillors Bloore and Gaffney

**APOLOGIES FOR ABSENCE:** Councillor Botten

#### 50. MINUTES OF THE MEETING HELD ON THE 23RD MARCH 2023

The Chair updated the Committee on two items within the minutes as follows:

##### Minute 273 – Surrey Hills AONB boundary review

The Council had responded to Natural England's boundary review consultation by the deadline of 13th June. The Chair understood that all responses would be available to view shortly and would be assessed by Natural England by the end of November 2023. A further consultation would then be required for any additional AONB designations. The Chair outlined the subsequent processes which would culminate in the Natural England Board submitting a final draft Order to the Secretary of State (for the Environment, Food and Rural Affairs) to vary the AONB boundary, the target date for which was by end of August 2024. The timescale for the Secretary of State's decision was unknown, as was the likelihood of a Public Inquiry being triggered.

##### Minute 277 – Local Plan

The Chair referred to the most recent exchanges between the Council and the Inspector (published on the website as ID 23 and TED 59) and welcomed the Inspector's pragmatic suggestion of a procedural meeting as the next step for the Examination. The purpose of the meeting would be to review the processes for delivering the work required by the Inspector.

The minutes were confirmed and signed as a correct record.

#### 51. MINUTES OF THE MEETING HELD ON THE 25TH MAY 2023

These minutes were confirmed and signed as a correct record.

## 52. 2022/23 BUDGET OUTTURN - PLANNING POLICY COMMITTEE

An analysis of actual net expenditure against the Committee's 2022/23 revenue and capital budgets was presented. The key headlines were:

- an overspend of £55k against the £1,204K revenue budget (an improvement of £71K since Month 9) mainly due to:
  - overspends on salaries, specialist recruitment and consultants
  - offset by an £80K surplus in planning application fee income, albeit that a £108K surplus had been forecast in Month 9
- capital programme slippage of £2,108K into 2023/24, due to rephasing of expected CIL contributions.

The need to reduce expenditure on specialist contractors was discussed. The prospects for the Development Management team were good, with a settled team of in-house officers now in place. Efforts to recruit permanent Planning Policy staff would be a priority once the new Head of Planning Policy and Development Management had taken up post.

**RESOLVED** – that the Committee's revenue and capital budget positions as at Quarter 4 / Month 12 (March 2023) be noted.

## 53. PLANNING PERFORMANCE REPORT

The Committee considered a performance report covering the fourth quarter of 2022/23 which provided:

- (i) performance information submitted to the Department of Levelling Up Housing and Communities (DLUHC) against various statutory indicators regarding the determination of 'major', 'minor' and 'other' planning applications (this confirmed that the Council's performance met the Government's target timescales); and
- (ii) information about efforts to reduce the backlog of planning applications.

Upon introducing the report, officers updated the statistics for the metrics provided in (ii) above which illustrated a continued, steady improvement in the Development Management service. It was confirmed that monthly updates against those metrics could be circulated to provide the Committee with more timely performance data. However, the Deputy Chief Executive advised that Officers wished to supplement figures with contextual information to enable Members to make a more holistic assessment of the Council's performance. This would necessitate a slight delay in the onset of the requested monthly reporting.

**RESOLVED** – that the Quarter 4 (2022/23) performance indicators for the Planning Policy Committee be noted.

## 54. GATWICK AIRPORT LIMITED NORTHERN RUNWAY PROJECT - DCO UPDATE

Gatwick Airport Limited (GAL) had been progressing its work on the Northern Runway Project draft Development Consent Order (DCO) which was scheduled for submission to the Planning Inspectorate (for examination) during the week beginning 3rd July. A report was presented which updated Members on the DCO process to date, including:

- (i) a summary of GAL's public consultation and engagement initiatives
- (ii) the role of the Gatwick Officer Group (GOG) consortium of affected local authorities, assisted by consultants AECOM
- (iii) the fact that Tandridge had tailored its main focus on topics of 'air quality' and 'noise and vibration' and was about to commission independent consultants (Ekosgen) to undertake further localised impact assessments
- (iv) work being undertaken by TDC officers in the lead up to the formal DCO submission (e.g. participation in GAL's Topic Working Groups; continued co-operation with neighbouring authorities; and overseeing the commissioning of specialist advice)
- (v) the work required of affected authorities following the DCO submission (e.g. an 'Adequacy of Consultation response' and other forms of representation) and the need to ensure flexible delegation arrangements to enable appropriate 'sign-off mechanisms' to meet the tight deadlines of the public examination regime.

The Committee was advised of the Council's significant workload associated with the DCO process, hence the need to work collaboratively with other councils. Regarding (v) above and the recommendation to involve the Planning Policy Working Group (which had subsumed the former Gatwick Working Group) in future decision-making processes, the Chair confirmed that:

- any other Members with an interest in Gatwick could attend Planning Policy Working Group meetings for any Gatwick items; and
- any Gatwick business for future Planning Policy Working Group meetings would be taken as the first main agenda item to assist.

The Chair also confirmed that a contract with Ekosgen (referred to in (iii) above) was expected to be entered into during the following week.

**RESOLVED** – that:

- A. the contents of the report regarding the progress made to date in the DCO process and the current position be noted;
- B. approval be granted, where beneficial to Tandridge, for collaborative working with relevant Surrey authorities involved in the Gatwick Officer Group on the preparation of submission documents required for DCO Examination; and
- C. authority be delegated to the Chief Executive and other members of the Senior Management Team as he may wish, and in consultation with the members of the Planning Policy Working Group, to submit documents on behalf of the Council required for the DCO Examination.

## 55. PLANNING ENFORCEMENT REPORT

In accordance with the Committee's decision on the 19<sup>th</sup> January 2023, the Council's Local Enforcement Plan (adopted in 2019) had been reviewed. Arising from that review, proposals for the adoption of a new policy were submitted. The covering report referred to relevant government guidance; the enforcement powers available to councils; and the circumstances in which prosecutions could be sought as prescribed by legislation.

The four main objectives of the proposed new policy were to:

- i) make the Council's planning enforcement function more effective, timely and results driven;
- ii) provide a clear statement about how enforcement action should be prioritised, with particular emphasis on addressing breaches of planning control that have the potential to cause the greatest levels of harm to the environment and/or amenity of local residents;
- iii) ensure that the full range of enforcement powers are considered and used in achieving the policy's objectives; and
- iv) increase the transparency of the Council's planning enforcement function.

The seven elements of the draft new policy were:

### Policy 1:

*Explanation of how the planning enforcement team, trees officers and the development management team will prioritise investigations and responses to alleged breaches of planning control.*

### Policy 2:

*Identification of circumstances where development management and tree officers would also be responsible for investigating potential breaches of planning control, together with the identification of remedial action.*

### Policy 3:

*Identification of circumstances where the Council will immediately initiate enforcement action, including, as a precursor, the serving of temporary stop notices. In all such circumstances, required enforcement action will be taken irrespective of whether those responsible seek to remedy breaches by submitting a planning (or other) application. Regarding breaches involving the importation of materials for infilling land, land raising or other construction work, the Council will not delay initiating enforcement action while consulting other agencies which have their own powers of prosecution or enforcement.*

### Policy 4

*Identification of circumstances where enforcement action will only be deferred when those responsible for breaches of planning control intend to submit a retrospective application to regularise the breach.*

Policy 5

*Confirmation that when a deliberate breach of planning control occurs and a temporary stop notice is ignored, the Council will seek to restrain any further breach through a High Court injunction.*

Policy 6

*Identification of measures for ensuring the provision of effective and timely enforcement action, including the pursuit of opportunities for sharing resources with other authorities, and instigating an 'out of hours' enforcement officer presence.*

Policy 7

*Confirmation that the performance of the Council's planning enforcement function will be the subject of quarterly reports to the Planning Policy Committee and included within the Council's Annual Monitoring Report.*

The Chair clarified that the purpose of the policy was to set the direction of travel towards an enforcement regime which the Council wished to establish as soon as possible, and that the required resources were yet to be finalised. In that respect, the report acknowledged that certain elements of the policy required further work (i.e. measures to achieve greater resilience for the service and mechanisms for future performance monitoring) and that a follow up report would need to be submitted to a future meeting.

The Committee welcomed the proposed new policy. Various matters were discussed during the debate, including the scope for:

- greater collaboration between the enforcement and development management teams to enhance the effectiveness of planning conditions; and
- a more pro-active approach to ensuring the implementation of planning conditions by developers, particularly the installation of sustainable drainage solutions.

**RESOLVED** – that, subject to Policies 6 and 7 being amended to refer to the Planning Policy Committee (and not the Planning Committee) the planning enforcement policy at Appendix A to the report be adopted.

## 56. NEIGHBOURHOOD PLANS UPDATE

The Committee received an update about the progress of emerging Neighbourhood Plans throughout the District, i.e.:

Burstow – the Regulation 14 consultation had concluded in March 2023 and Officers were undertaking a review of the document.

Caterham, Chaldon and Whyteleafe - the neighbourhood plan (made in June 2021) was being monitored. Support had been received from AECOM to review the plan and a housing needs assessment, supported by Officers, was underway.

Dormansland – Officers understood that a local working group was about to be established for re-activating a neighbourhood plan process.

Godstone - interest had been expressed in completing a neighbourhood plan, but the group's intentions had not been confirmed to date.

Limpsfield – the neighbourhood plan had been adopted and Officers were unaware of any subsequent intentions for review.

Lingfield – the Regulation 14 consultation, organised by the Parish Council, was due to end on 28<sup>th</sup> June 2023. Officers were preparing a Council response.

Tatsfield - Officers were finalising the Regulation 15 assessment with a view to publication (Regulation 16) during the summer.

Warlingham - work on a neighbourhood plan had re-commenced but was at an early stage. The area had yet to be designated and a meeting with an external consultant was being arranged to brief the group on the plan-making process.

Woldingham – the neighbourhood plan had been adopted and Officers were unaware of any subsequent intentions for review.

The Committee was also advised that neighbourhood planning had become a significant workstream for the Council.

**RESOLVED** – that the progress on Neighbourhood Plans be noted.

Rising 8.40 pm