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To: MEMBERS OF THE PLANNING POLICY COMMITTEE
Councillors Sayer (Chair), Chris Farr (Vice-Chair), Blackwell,
Booth, Botten, Sue Farr, Alun Jones, Moore, Prew,
Robinson and Steeds

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01883 722000

Substitute Councillors: Bloore, Crane, Gray and Pursehouse

C.C. All Other Members of the Council

14 June 2023

Dear Sir/Madam

PLANNING POLICY COMMITTEE THURSDAY, 22ND JUNE, 2023 AT 7.30 PM

The agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a Member of the Council, not being a member of the Committee, proposes to attend the meeting, please let the officers know by no later than noon on the day of the meeting.

Yours faithfully,

David Ford
Chief Executive

AGENDA

- 1. Apologies for absence (if any)**
- 2. Declarations of interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or her staff prior to the meeting.

- 3. Minutes of the meeting held on the 23rd March 2023** (Pages 3 - 14)
To confirm as a correct record
- 4. Minutes of the meeting held on the 25th May 2023** (Pages 15 - 16)
To confirm as a correct record

5. **To deal with any questions submitted under Standing Order 30**
6. **2022/23 Budget Outturn - Planning Policy Committee** (Pages 17 - 26)
7. **Planning Performance report** (Pages 27 - 32)
8. **Gatwick Airport Limited Northern Runway Project - DCO update** (Pages 33 - 38)
9. **Planning Enforcement report** (Pages 39 - 52)
10. **Neighbourhood Plans update** (Pages 53 - 56)
11. **Any urgent business**
To consider any other item(s) which, in the opinion of the Chair, should be considered as a matter of urgency – Local Government Act 1972, Section 100B(4)(b).

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 23rd 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

APPENDIX A

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

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 25th May 2023 at 9:12pm.

PRESENT: Councillors Blackwell, Booth, Botten, Chris Farr, Sue Farr, Alun Jones, Moore, Prew, Robinson, Sayer and Steeds

1. ELECTION OF CHAIR FOR 2023/24

RESOLVED – that Councillor Sayer be elected Chair of the Committee for the 2023/24 municipal year.

2. ELECTION OF VICE-CHAIR FOR 2023/24

RESOLVED – that Councillor Chris Farr be elected Vice Chair of the Committee for the 2023/24 municipal year.

3. APPOINTMENT OF THE CIL AND PLANNING POLICY WORKING GROUPS FOR 2023/24

RESOLVED – that:

A. the CIL Working Group be appointed as follows:

Residents' Alliance

Councillors Blackwell, Chris Farr, Langton and Smith

Liberal Democrats

Councillors Botten and Gaffney

Conservatives

Councillors Bloore and Prew

Independent Group

Councillor Moore

B. the Planning Policy Working Group be appointed as follows:

Residents' Alliance

Councillors Blackwell, Chris Farr and Sayer

Liberal Democrats

Councillors Botten and Robinson

Conservatives

Councillors Prew and Steeds

Independent Group

Councillor Pursehouse

Rising 9.13 pm

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2022/23 Budget Outturn - Planning Policy Committee

Planning Policy Committee Thursday, 22 June 2023

Report of: Mark Hak-Sanders - Chief Finance Officer (Section 151)

Purpose: To note the 2022/23 Outturn / Quarter 4 / Month 12 (March) financial position of the Committee.

Publication status: Unrestricted

Wards affected: All

Executive summary:

This report presents the 2022/23 Outturn / Quarter 4 financial position of both the revenue and capital budgets for this Committee.

This report supports the Council's priority of: Building a better Council/ Creating the homes, infrastructure and environment we need / supporting economic recovery in Tandridge/ Becoming a greener, more sustainable District.

Contact officer Mark Hak-Sanders, Chief Finance Officer (S151)
mhaksanders@tandridge.gov.uk

Recommendation to Committee:

That the Committee's Revenue and Capital budget positions as at Quarter 4 / M12 (March) 2022/23 be noted.

Reasons for recommendation:

The Council has a duty to ensure that its expenditure does not exceed resources available. The medium-term financial outlook remains uncertain and so the Council must continue to take steps towards growing its financial resilience, including building reserves to a sustainable level.

It is essential, as a matter of prudence that the financial position continues to be closely monitored. In particular, Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered, and that any new expenditure is contained within the available resources.

Finance have committed to bringing quarterly financial monitoring updates to each committee to ensure that all members are aware of the financial position of the services within their remit, as context for decisions needed to mitigate any variance to budget and in terms of the effect on the budget for 2023/24.

The consolidated position will be reported to Strategy & Resources Committee on the 29th June 2023.

Introduction and background

1. The 2022/23 Planning Policy Committee Revenue budget was approved at £1,204k on 10th March 2022, including the distribution of budget for staffing increments (known as the Tranche 2 budget).
2. The 2022/23 Planning Policy (Community Infrastructure Levy) Capital Budget was approved at £1.6m by Council on 10th February 2022 having been considered by Planning Policy Committee on the 20th January 2022.
3. This was increased to £2.1m by carry-forwards from 2021/22 approved by S&R committee on 30th June 2022.

Revenue Headlines

4. Planning Policy Committee is reporting an actual full year variance of £55k overspend, an improvement from £126k in Quarter3 (M9). The overall overspend is mainly due to:

£74k Planning Application and Advice variance consisting of:

- £84k overspend on salaries. Currently, the Planning Policy service is heavily reliant on contract staff and is going through an organisational change which should lead to some mitigation (£147k overspend in quarter 3). Change primarily due to reduction in Development Management staffing costs, including staff commencing employment later than forecast in quarter 3.

- £43k overspend on specialist recruitment to obtain skilled permanent staff (£32k overspend in quarter 3).
- £1k overspend on specialist legal advice. (£15k overspend in quarter 3). At Q3 the forecast assumed £15k additional legal costs, but the risk of this diminished over Q4 to a £1k overspend at outturn.
- £26k overspend on third party external consultant advice including retail impact assessments & highways matters. (£35k overspend in quarter 3).

Offset by

- (£80k) surplus on planning application fee income (£108k surplus in quarter 3). Change in forecast due to:
 - (i) softening in developer demand
 - (ii) deferment of spending government grant to 2023/24
 - (iii) Pre app interim churn has resulted in some pre app income being received in advance of work done, income has been carried to 2023/24

Income levels will continue to be closely monitored in 2023/24.

£2k Gatwick Airport DCO overspend due to engagement of specialist consultants to assist with Council response to public consultation - (£22k overspend in quarter 3). Change in timing of operational expenditure between quarter 3 and outturn.

Offset by

(£1k) Tree Preservation underspend related to employee expenditure (including mileage) - (£2k overspend in quarter 3).

(£17k) Enforcement £29k salary overspend due to use of interim, whilst permanent staff recruited, third party expenditure (£39k) favourable, as appeals risks did not materialise in year and enforcement appeals income (£7k favourable) - (overall (£17k) underspend in quarter 3).

(£3k) Street Naming (£3k) income surplus driven by fees from developers - ((£2k) surplus in quarter 3).

5. The service is endeavouring to take mitigating action to reduce overspends in 2023/24 by completing the transition to permanent staff.

6. The outturn position assumes that the budgets for the local plan and other planning policy matters remain ringfenced to the local plan and are therefore held for future spend. This ensures that funding approved for such matters is retained to meet uncertain future costs and not used to offset overspends elsewhere in the budget. The current unspent balance is £1.047m, with a further £0.5m in the 2023/24 budget for planning policy matters, including the local plan.
7. The Planning Policy Committee position will continue to be monitored into 2023/24, including the impact of an increase in the use of permanent staff rather than interims, and consolidated with the overall Council position. A report to S&R committee on 29 June 2023 will set out the total Council position along with potential corporate mitigations for 2023/24 risks.

Capital Programme Update

8. At quarter 4, the Planning Policy (CIL) capital allocation is reporting an actual slippage of £2,108k due to rephasing of expected contributions. £2,085k of slippage was reported in quarter 3. Further details are set out in Appendix A. As this is CIL funded it has no General Fund impact.

Key implications

Comments of the Chief Finance Officer

The Section 151 Officer confirms the financial information presented in this report has been based on reasonable working assumptions taking into account all material, financial and business issues and risks. The key financial implications at this stage are captured in the body of the report.

Comments of the Head of Legal Services

It is essential, as a matter of prudence, that the financial position of services continues to be closely monitored. In particular, Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered and that new expenditure is contained within the available resources. Accordingly, any proposals put forward must identify the realistic measures and mechanisms to produce those savings.

Under S28 of the Local Government Act 2003, a local authority must review its budget calculations from time to time during the financial year and take appropriate action if there is any deterioration in its budget. This report satisfies this statutory requirement.

Equality

There are no equality implications associated with this report.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix A - Committees M12 (March) 2023 Financial Report and supporting data

Background papers

- Planning Policy Committee 22/23 draft budget and Medium-Term Financial Strategy – 20th January 2022
- 2022/23 final budget and 2023/24 MTFS - Strategy and Resources Committee 1st February 2022
- Planning Policy Committee - 2022/23 Budget – Tranche 2 Pressure and Savings Distribution – 10th March 2022
- 2021/22 Budget – Outturn Report – Strategy and Resources Committee 30th June 2022

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2022/23 Outturn Report (Appendix A)

**Quarter 4 / Month 12 (March 23) Financial Report
Planning Policy Committee
June 2023**

**Mark Hak-Sanders
Chief Finance Officer (S151)**

Contents

- Revenue Summary
- Saving Plans Update
- Capital Position

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Revenue Commentary – Planning Policy

| 2021/22 Outturn £k | Final Outturn £k | Annual Budget £k | Outturn Variance £k | Change from Q3 £k | One-off events £k | Ongoing Pressures £k |
|--|------------------------|------------------------|---------------------------|-------------------------|-------------------------|----------------------------|
| 816 Planning Applications & Advice | 409 | 335 | 74 | (48) | 43 | 31 |
| 294 Planning Strategy & Policy Guidance | 316 | 316 | 0 | 0 | 0 | |
| 50 Enforcement | 259 | 276 | (17) | (0) | (17) | |
| (2) Tree Preservation & Advice | 95 | 95 | (1) | (3) | (1) | |
| 0 Community Infrastructure Levy (CIL) | 0 | 0 | 0 | 0 | 0 | |
| 174 Local Development Plan - Evidence | 182 | 182 | 0 | (0) | 0 | |
| 0 Gatwick Airport DCO | 2 | 0 | 2 | (20) | 2 | |
| 9 Transfer to/from Neighbourhood Plan Rese | 8 | 8 | 0 | 0 | 0 | |
| 0 Southern Building Control | (0) | 0 | (0) | (0) | (0) | |
| (10) Land Charges and Street Naming | (11) | (8) | (3) | (1) | (3) | |
| 1,332 Planning Policy | 1,259 | 1,204 | 55 | (71) | 25 | 31 |

Note – the outturn position assumes that the budgets for the local plan and other planning policy matters remain ringfenced to the local plan and are therefore held for future spend.

This ensures that funding approved for such matters is retained to meet uncertain future costs and not used to offset overspends elsewhere in the budget.

Planning Policy overspend £55k (Change : £71k improvement from M9). The variance mainly comprises of:

£74k Planning Application and Advice variance described by :

- **£84k** overspend on salaries. During the year, the service has been reliant on contract staff and is going through an organisational change which should lead to some mitigation (£147k overspend in M9). Change primarily due to reduction in staffing spend including staff commencing employment later than forecast in M9. £43k one off overspend on third party specialist recruitment to obtain skilled permanent staff (£32k overspend in M9). Change due to further spend on specialist recruitment agencies. £1k Overspend on specialist legal advice (£15k in M9) Expected costs awarded against Council were less than expected in 2022/23, and £26k Overspend on third party external consultant advice including retail impact assessments and highways matters (£35k in M9)
- Offset by (£80k) surplus on planning application fee income (£108k in M9). Change in forecast due to (i) softening in developer demand (ii) deferment of spending government grant to 2023/24, (iii) Pre app interim churn has resulted in some pre app income being received in advance of work done, income has to be carried to 2023/24
- **£2k Gatwick Airport DCO** overspend due to engagement of specialist consultants to assist with Council response to public consultation (£22k overspend in M9). Change in timing of operational expenditure between M9 and outturn.
- Offset by:
- **(£1k) Tree Preservation** underspend related to employee expenses (including mileage) - (£2k overspend in M9)
- **(£17k) Enforcement** £29k salary overspend due to use of interim whilst permanent staff recruited, (£39k) favourable third party expenditure as appeals risks did not materialise in year.(£7k) favourable appeals income - (overall (£17k) underspent in M9).
- **(£3k) Street Naming** £3k income surplus driven by fees from developers ((£2k) in M9).

The service is endeavouring to take mitigating action by transitioning from contract to permanent staff

Capital Budget – Planning Policy

| Scheme Name | Original Budget 2022/23 | Carry Forward from 2021/22 | Budget incl. Carry Forwards 2022/23 | 2022-23 Outturn | Outturn Variance | M9 Forecast Variance | Change from Qtr3 |
|---|-------------------------|----------------------------|-------------------------------------|-----------------|------------------|----------------------|------------------|
| | £k | £k | £k | £k | £k | £k | £k |
| Capital contributions to third parties from CIL | 1,667 | 479 | 2,146 | 38 | (2,108) | (2,085) | (23) |
| Total Capital Programme | 1,667 | 479 | 2,146 | 38 | (2,108) | (2,085) | (23) |

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- The Capital Budget for Planning Policy consists of the Capital Contributions for Community Infrastructure Levy. When the budget was set, this consisted of £1,667k, with a further £950k as part of the Croydon Road scheme in S&R.

Carry forwards agreed as part of the 30th June 2022 S&R committee have increased this to £2,146k, as set out above.

- The outturn position is spend of £38k, £2,108k less than budget. As this is CIL funded, there is no General Fund impact and the CIL funding will carry-over to future years.

The variance relates to:

- Third party delays where the budget assumed earlier agreement on Grant letters/agreements.
- The budget also reflects some older CIL Grants which are subject to external fund raising.

Planning performance report

Planning Policy Committee Thursday, 22 June 2023

Report of: Interim Head of Planning

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

This report includes information about the key planning performance indicators for quarter 4 1 January-31 March 2022-2023. The Council is required to submit this data quarterly to the Department of Levelling Up Housing and Communities (DLUHC). It also contains information about current planning applications.

From the next committee cycle, all policy committees will return to formal reporting of key performance indicators, along with risk registers.

This report supports the Council's priority of:

Creating the homes, infrastructure and environment we need

Contact officer Mark Berry, Interim Head of Planning
mberry@tandridge.gov.uk

Recommendation to Committee:

That the Quarter 4 2022-2023 performance indicators for the Planning Policy Committee be noted.

Reason for recommendation:

To support the committee in monitoring and managing performance.

Introduction and background

1. Performance reports are presented to each policy committee at the end of each quarter. This report is divided into two sections: the first is a summary of the position with regard to the statistics collected by DLUHC, and the second contains a broader performance update on the work of the planning service.

Statistics collected by DLUHC

2. The following performance information has been submitted to DLUHC. With reference to the indicator descriptions, an "agreed extension of time" relates to when the applicant has given their consent to the Local Planning Authority exceeding the Government's statutory target date for the determination of their application.
3. The performance statistics only cover applications for planning permission but exclude a whole range of other application types including Prior approvals, Lawful Development Certificates, Pre-application advice, discharge of conditions and tree applications. They are the official statistics that the government monitors and on which our performance is judged.

| Indicator | National Target | Actual |
|---|------------------------|---------------|
| Percentage of decisions on major applications made within 13 weeks or within agreed extension of time | 60% | 83% |
| Percentage of decisions on minor applications made within 8 weeks or within agreed extension of time | 70% | 90% |
| Percentage of decisions on other applications made within 8 weeks or within agreed extension of time | 70% | 93% |

4. During quarter 4 there were 254 decisions, made on the following categories of applications:

| Type of application | Total | Granted | Refused |
|--|--------------|----------------|----------------|
| Major applications | 6 | 4 | 2 |
| Minor applications | 58 | 46 | 12 |
| Other applications (incl. 180 householder) | 190 | 169 | 21 |
| Total decisions | 254 | 219 | 35 |

5. Five of the major applications detailed in the table above were decided within the agreed time.
6. Of the 254 decisions detailed above 202 were made within the statutory deadlines or with an agreed Extension of time.
7. For the 58 minor applications, the percentage decided within the agreed extension of time was 96%.
8. Of the 202 decisions, which still met the statutory deadlines with an agreed extension of time, around 70% (146) were householder applications.
9. These results are in line with DLUHC's required performance levels for planning applications and demonstrate the continued improved performance of the planning service.
10. Councils which decide fewer than 60% of major applications within the statutory deadline of 13 weeks or 70% of minor and other applications within the 8 week deadline may be liable to government intervention.

Planning service performance – reducing the backlog (including non-DLUHC statistics)

11. Over the last six months the Council's planning service has reduced the backlog of outstanding applications. Work is ongoing to reduce this further.
12. A backlog occurs when the number of planning applications being determined is less than the number of new applications received. If this occurs over a succession of quarters then the backlog position gradually worsens. The total number of regular applications for planning permission received in Tandridge in the year 2022-2023 was 907.
13. The worst quarter for decision-making was Q3 when 217 planning applications were received but only 107 decisions were made.
14. The situation is improving and in Q4 254 planning applications were determined. At the time of writing (12 June 2023) there were:
 - 375 undetermined planning applications.
 - 81 undetermined Lawful Development Certificates
 - 13 Prior Notifications
15. There are also a further 180 outstanding submissions of other kinds including pre-application advice cases, notifications, consultations, discharge of conditions and non-material amendments. These types of submission are currently not monitored by the Government.

16. There are a further 148 cases waiting to be validated and a further 67 which have been classed as invalid, as they have not met the necessary criteria. In these cases, officers work with the applicant to make them aware of the necessary information required to make the applications valid.
17. The validation timescales have substantially reduced since last year but have increased again recently. Further work is being done to ensure new cases are validated as quickly as possible and to substantially reduce this validation backlog during the course of June. Once validated, the cases will be added to the total number of undetermined cases.
18. In terms of outstanding cases, of the 375 undetermined planning applications, 32 applications are more than one year old and 196 (i.e. 52%) were past their target determination date with no agreed extension of time. In most cases an extension of time will be requested and granted before a decision is made.
19. Officers aim to deal with applications in chronological order and within the statutory time limit but this is not always possible due to the reasons set out below:-
 - Further information requested from the applicant.
 - Amendments being made to the application.
 - Specialist advice being sought.
 - Waiting for responses from key consultees
 - The need to consult again once revised information is received.
20. During 12-16 June the Planning Service will have focused on further reducing the remaining backlog of planning applications to enable a sustained improvement in performance. A verbal update on the situation will be provided by the Interim Head of Planning at the meeting.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications of this report. As such, the Section 151 Officer supports the recommendations.

Comments of the Head of Legal Services

There are no direct legal implications arising from this report. The performance indicators measure how well the Planning Service is performing and help to plan for future service improvements.

Equality

This is a factual report with no implications for equalities.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

None

Background papers

None

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Gatwick Airport Limited Northern Runway Project Development Consent Order Update

Planning Policy Committee, Thursday, 22 June 2023

Report of: Planning Policy Specialist

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

Gatwick Airport Limited (GAL) have been progressing their work on the Northern Runway Project draft Development Consent Order (DCO) towards submission to the Planning Inspectorate (PINS) for Examination. Affected local authorities working within the Gatwick Officer Group (GOG) consortium have recently been informed that submission is currently scheduled for the w/b July 3rd, 2023.

This report is to update Members on the progress to date with the DCO process, where things currently stand and the future steps and requirements in the DCO process as understood at this time. It outlines the anticipated expectations on the Council from the DCO and how these may best be delivered in the tight time frames set out for the pre-examination and examination schedules, and in the context of delivering this within constrained physical and financial resources.

This report supports the Council's priority of:

- Building a better Council
- Becoming a greener, more sustainable District

Contact officer Rob Cotter
RCotter@tandridge.gov.uk

Recommendations to Committee:

That:

- A. the contents of this 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 GOG 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.

Reason for recommendations:

The implications of the construction and operation of the Northern Runway Project at Gatwick Airport could be significant for both the local community in proximity to the airport as well as the wider communities across Tandridge.

As a consultative body, the Council is required to engage and participate in the DCO process within the statutory timescales set.

The Council also has an obligation to its residents and business communities to understand the full extent of impacts of GAL's proposals and through engagement in the process seek to ensure these are limited and mitigated as fully as possible within the conditions of the DCO application and in compliance with relevant standards and legislation.

GAL has for some time been targeting a draft DCO submission to PINS at the soonest possible opportunity. Whilst this was most recently scheduled for March 2023 and then subsequently postponed, it now appears that an early July submission date can be expected with a high level of confidence.

Once submitted, the respective local authorities within the consortium will be under obligation to not only assess an enormous volume of application material that GAL have not yet made available to them, but also prepare submission material to PINS based on their evaluation of this material.

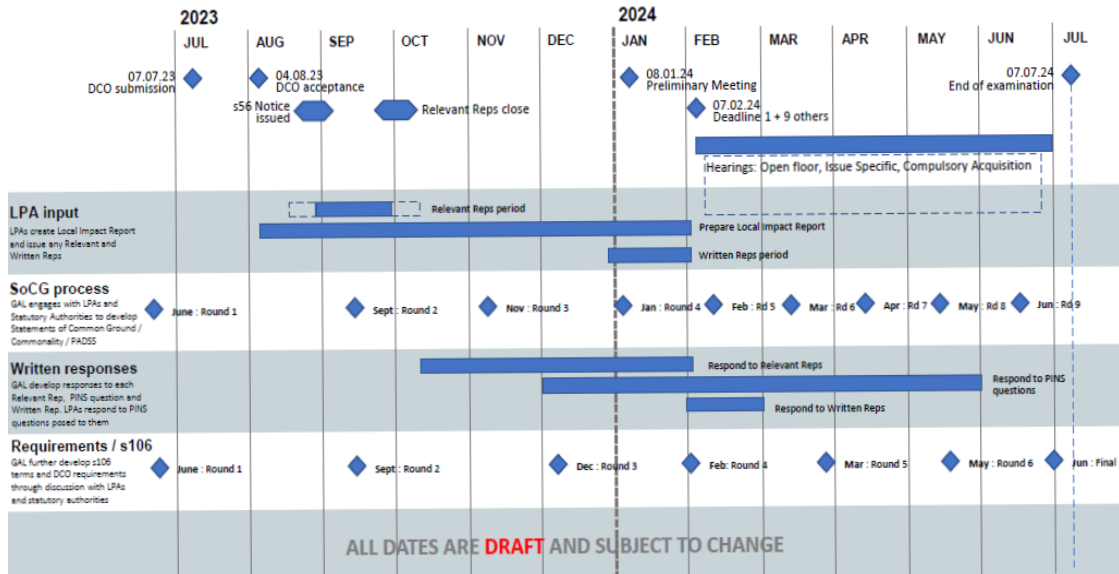
Given limited physical and financial resources within Tandridge, as well as at other authorities in the GOG consortium, efficiencies can be gained through collaborative working, subject to agreeing appropriate expedited sign-off mechanisms for collaborative documents to be submitted for Examination.

1. Gatwick Northern Runway Project DCO

- 1.1 As part of a masterplan published in 2019, GAL announced that they would actively pursue bringing the existing standby runway ('northern runway') into routine aviation use alongside the main runway, making Gatwick a dual-runway airport.

- 1.2 The masterplan also envisaged significant additional terminal floorspace (both north and south) in the airport, supporting hotel facilities, office buildings, parking, ancillary facilities and new airport taxiway layouts.
- 1.3 In order to undertake these works, GAL are required to apply for a DCO, a rigorous statutory planning process overseen by PINS, in order to obtain planning permission.
- 1.4 To this end, GAL undertook an initial Section 42 statutory public consultation, which ran for a period of 12 weeks in Autumn/Winter 2021, to which the Council responded following consideration by this Committee at its meeting on 25 November 2021.
- 1.5 A subsequent six-week statutory public consultation on GAL's updated highway design proposals took place over June and July 2022. Technical advice and comments were predominantly sought from Surrey County Council as the Highways Authority for Tandridge.
- 1.6 Following these consultations, GAL have continued to engage with Local Authorities through GOG on a range of Topic Working Groups (TWGs), as well as progress the proposed structure of the Statements of Common Ground (SoCG). Whilst a number of meetings have taken place on these themes, it is important to stress that the officer group has at no point received any information of substance through the TWGs and also that GAL have not yet agreed a single SoCG, stressing that their focus is on agreeing the 'structure' of the SoCGs and that they will be seeking agreement on the content through the examination process.
- 1.7 To assist GOG through the current work and the significant work envisaged throughout the DCO process, the consortium appointed consultants AECOM to provide specialist advice across the range of SoCG topic headings. Tandridge is a participating authority in this work and has tailored its main focus to the topics of 'air quality' and 'noise and vibration' as being those most relevant to the authority. The costs for this participation have been fully budgeted and the Council has secured that these costs are capped as a maximum contribution proportionate to the consortium membership and the work areas undertaken.
- 1.8 In addition to the above, the authority also has a tabled proposal to engage independent consultants to undertake further, locally focussed econometric analysis of the impacts of GAL's project. This work would also fit within the Council's current budget envelope, should the Council be so minded to engage the consultants.
- 1.9 It is in the context of this general overview that GAL now intend to submit the DCO to PINS in early July, 2023, with the pre-exam and examination assumptions and time frames set out in the table below. This submission date is a delay of three months from their most recent target submission of March 2023, and a delay of twelve months from the original target submission of July 2022.

Draft assumptions for NRP pre-exam/exam GAL/LPA engagement



1.10 As can be seen from the table above, the July DCO submission will be the trigger for several formal requirements from the affected authorities while TWGs and consultant engagement and liaison will be ongoing. This period will also be the window for the public to make their own representations to the DCO. Whilst the Council is prevented from facilitating or assisting the public to make representations to the DCO, it is not unreasonable to consider that it will be expected to aid members of the public understand where and how they can make their own comments to the DCO, as well as be instrumental in making the information available in publicly accessible locations.

1.11 In the short interim period before formal DCO submission in July, officers are continuing to participate in key workstreams including, but not limited to:

- Continued attendance at TWGs;
- Continued co-operation with neighbouring authorities including regular meetings with Chief Executives, GOG, GOG Steering Group etc.;
- Overseeing the commission of specialist advice in partnership with neighbouring authorities and, where relevant, independently.

- 1.12 On formal submission of the DCO to PINS, officers from host and neighbouring authorities will be obliged to complete required documents as demanded of the examination process. These will include an Adequacy of Consultation (AoC) response, Relevant Representations, Written Representations, Local Impact Report (LIR), SoCGs across all of the thematic areas and Principal Areas of Disagreement (PAD). There will also be the requirement to provide any updates and amendments when requested and to respond to Inspector questions and attend hearing sessions.
- 1.13 The consortium has currently prepared a draft AoC. This captures all the limitations of GAL's consultation and the response will present this in a clear and robust way to the Inspector. The draft has been guided by the legal advisors appointed by seven of the ten consortium authorities. Before finalisation, the draft will be further discussed at GOG on June 13th and then at the GOG Steering Group of senior managers in early July.
- 1.14 There have also been discussions specifically between the Surrey authorities on where a collaborative approach in the preparation of examination documents would be beneficial. At this stage the LIR has been identified as the main document that could be prepared collaboratively (based on the Sizewell B template) and deliver the best outcome from a collective resource pool. There has also been initial discussion on potentially also preparing a collaborative Relevant Representation and PAD document, although these will most likely have to be submitted independently. At this stage the respective authorities are seeking a general political steer on taking this approach.
- 1.15 In addition to the above, there has been an identification that some of the timelines and the as yet unknown scheduling of the examination could lead to very short periods of time for document submission. A concern with this and with working collaboratively is in ensuring appropriate sign-off mechanisms for the submission documents to meet the anticipated tight deadlines of examination, particularly where the examination deadlines do not align with the respective Council or Committee calendar dates. At this stage, respective authorities are again seeking a political steer on whether an alternative sign-off mechanism could best meet these procedural expectations and what this mechanism might be.

1.16 Members may recall that, as far as the 'pre DCO' submission consultation phase is concerned, authority was granted to the, "*Chief Executive and / or the Chief Planning Officer, in consultation with [the Gatwick] Working Group ... to respond to consultations and other forms of engagement from relevant stakeholders at various stages of the DCO process, so that such responses can be considered at the appropriate level and actioned in an agile way*". (Planning Policy Committee, 23.09.21). It is suggested that a similar approach be taken regarding the submission of documents required for the DCO Examination, hence Recommendation C above. The wording of the recommendation reflects the fact that the Gatwick Working Group has since been subsumed by the Planning Policy Working Group (comprising Councillors Blackwell, Botten, C.Farr, Prew, Pursehouse, Robinson, Sayer and Steeds).

1.17 The above is the current general position of the GAL NRP DCO process.

Key implications

Comments of the Chief Finance Officer

The financial implications of the work set out in this report are contained within the £30k limit previously approved by this Committee, as supplemented by external funding through the PPA payments. This situation will continue to be monitored with regular reports back to the Committee.

Comments of the Head of Legal Services

The legal requirements governing the determination of the DCO process are set out in the Planning Act 2008. As has been indicated in this report, the DCO process sets out response timescales by statute. By agreeing the delegation of authority as set out in recommendation C, the Council will be in a position where it can respond to the legal obligations placed upon the authority in its role as a 'neighbouring authority'.

Equality

There are no equalities implications as a result of this report.

Climate change

The implications of increased air traffic from Gatwick does have environmental implications. This is one of the main concerns for the Council and residents and will be an area where the Council will be vigilant in its responses. However, for this report, which is focused on providing elected Members with an update on the DCO process and associated workflows, there are no direct climate change implications.

Appendices

None

Background papers

None

Planning Enforcement Report

Planning Policy Committee Thursday, 22 June 2023

Report of: Cliff Thurlow

Purpose: For decision.

Publication status: Open

Wards affected: All

Executive summary: This report sets out a Planning Enforcement Policy for adoption by this Committee and implementation by the Planning Department in carrying out the Council's planning enforcement function.

This report supports the Council's priority of: Becoming a greener, more sustainable District.

Contact officer Cliff Thurlow - CThurlow@tandridge.gov.uk

Recommendation to Committee:

The Planning Enforcement Policy, attached as Appendix A, be adopted to improve the effectiveness, timeliness, resilience and transparency of the Council's planning enforcement function.

Introduction and background:

1. Planning is a high profile and often contentious service and whilst the planning system affords control over most forms of development, the integrity of that system depends on the proper enforcement of breaches of planning control.
2. Under planning legislation, Local Planning Authorities (hereafter LPA's) have the primary responsibility for taking whatever planning enforcement action they consider necessary in the public interest in their area.

3. Planning Practice Guidance prepared by central government advises that effective enforcement is important to:
 - tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
 - maintain the integrity of the decision-making process;
 - help ensure that public acceptance of the decision-making process is maintained.

4. Whilst it is the duty of LPA's to investigate allegations of a breach of planning control, formal planning enforcement action (i.e. issue of notices) is discretionary and only undertaken when it is considered expedient to do so. Enforcement action is remedial rather than punitive and must always be commensurate with the breach of control to which it relates. The following formal planning enforcement action powers are available:
 - enforcement notices;
 - breach of condition notices;
 - temporary stop notices;
 - stop notices;
 - injunctions;
 - discontinuance notices (advertisements);
 - untidy land/ s215 notices; and
 - prosecution.

5. How these powers are used is prescribed by planning legislation. Prosecution can only be sought in the following circumstances:
 - non-compliance with the requirements of a notice that has taken effect;
 - unauthorised works to a listed building;
 - unauthorised works to a protected tree;
 - unauthorised advertisement display.

6. The Council, in accordance with the provisions of the National Planning Policy Framework, prepared and adopted a Local Enforcement Policy in 2019. Based on more recent discussion with elected Members and the public, it became clear that there were aspects of the Council's planning enforcement function that needed to be addressed, including:
 - i. Resilience – the adverse impact of high 'enforcement staff' turnover was having on the timescale for handling cases and consideration to be given to how this might be addressed;

- ii. Out of hours response to breaches of planning control – there have been high profile and deliberate breaches of planning control at weekends or public holidays in the last 12 months for which the Council had (and continues to have) no established procedures and officers on call to respond; such breaches can be more difficult to remedy, if not checked immediately and can cause the Council reputational damage;
 - iii. Follow-up – some breaches of planning control currently take years to remedy fully both in terms of prosecutions and ensuring the requirements of notices are being met;
 - iv. Retrospective planning applications – the Council’s enforcement policy needs to set out a clear protocol as to the circumstances in which planning enforcement action is pursued or held in abeyance when retrospective planning applications are made to remedy breaches of planning control to avoid this being used a delaying tactic and greatly prolonging the timescale for effective enforcement action; part of this review should consider drawing Development Management Officers in to the process to give a view on the likelihood of planning permission being granted;
 - v. Effective use of enforcement powers – powers such as temporary stop notices, stop notices and injunctions have been little used by this Council in the past (in some cases not used at all) but now need to be part of a robust response to breaches of planning control;
 - vi. Co-operation with other agencies – making this more formalised, efficient and effective;
 - vii. Monitoring irresponsible planning behaviour – if such a provision is introduced by central government; and
 - viii. Key Performance Indicators – the indicators for planning enforcement performance need review to make them fit for purpose.
6. At the Planning Policy Committee meeting in January this year, Members agreed that:
- “... the Planning Policy Working Group, together with Officers, be authorised to review the Council’s adopted Local Enforcement Plan 2019 with a view to improving the effectiveness, timeliness and resilience of the Council’s planning enforcement function and with a report back to this Committee.”*
7. The Planning Enforcement Policy at Appendix A to this report is the culmination of that review.

8. The Policy has four main objectives:
 - i) to make the Council's planning enforcement function effective, timely and results driven;
 - ii) to provide a clear statement on behalf of the Council of how it wishes to see planning enforcement action prioritised, with particular respect to those 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) to ensure that the full panoply of enforcement powers are considered and used in achieving the objectives of this Policy; and
 - iv) to provide greater feedback and so transparency of the Council's planning enforcement function.
9. The Policy document is deliberately succinct to make it easier to understand and interpret.
10. There are aspects of the Policy that require further work, namely:
 - planning enforcement staffing if the Committee resolve to adopt this Policy
 - resilience, including out of hours working and any sharing of planning enforcement functions with neighbouring LPA's
 - reporting and Key Performance Indicators.
11. These matters will need to be the subject of further report back to this Committee.

Key implications

Comments of the Chief Finance Officer

The working intention is for this policy to be implemented within existing budget, because the policy is aimed at more efficient ways of working within existing resources. Out of hours enforcement may require additional spend, driven by activity, which will be managed closely in year. Financial implications will be kept under review and any issues raised at a future Committee.

Comments of the Head of Legal Services

Effective enforcement is important to maintain public confidence in the planning system (NPPF). The proposed Planning Enforcement Policy sets out timescales and procedures for the team to be able to work in a more efficient and effective way. The Committee's recommendations will also improve the public's perception of the Council's enforcement function.

Equality

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are:

- (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,
- (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these. It was important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix 'A': Planning Enforcement Policy.

Background papers

None.

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Draft Planning Enforcement Policy 2023

1. OBJECTIVE OF THIS PLANNING ENFORCEMENT POLICY

- 1.1 Tandridge District Council's objective in producing this Planning Enforcement Policy is seeking to be consistent with the National Planning Policy Framework 2021 (NPPF). Paragraph 59 of the NPPF states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

- 2.2 Planning enforcement covers the areas of planning permission (including compliance with planning conditions), advertisement consent, listed building consent, conservation area consent, tree preservation orders and untidy land. Although planning enforcement action is a discretionary power of the District Council as local planning authority and should only be exercised when expedient to do so, the primary objective of the Council is to prevent harm to the District and its residents and businesses from unauthorised development. This will be the overriding objective both of this enforcement policy and the way it is put into practice.

2. IMPLEMENTATION OF THE PLANNING ENFORCEMENT POLICY

- 2.1 This overall planning enforcement policy will be implemented in accordance with the individual policies set out below:

POLICY 1:

The Council’s planning enforcement team, trees officers and development management team will prioritise the investigation and response to allegations of breaches of planning control in accordance with Table 1 below:

TABLE 1: Prioritisation and target response times for investigation of potential breaches of planning control:

| NATURE OF BREACH | PRIORITY | TARGET RESPONSE TIME (ie first site visit by an enforcement officer). | TIME FOR SERVICE OF TEMPORARY STOP NOTICE | TIME FOR SERVICE OF ENFORCEMENT NOTICE | TIME FOR SERVICE OF STOP NOTICE |
|--|----------|---|--|--|--|
| <ul style="list-style-type: none"> • Deliberate unauthorised development in the Green Belt • Development that has the potential to cause irreparable harm to the environment, especially sensitive sites such as Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty etc. • Unauthorised works to, or changes of use of, a listed building. • Unauthorised works or changes of use in conservation areas. • Unauthorised works to protected trees. (Trees subject to Protection Orders and Trees in Conservation Area) • Non-compliance with surface water drainage conditions attached to planning permissions in areas. particularly at risk of flooding | 1 | As soon as possible and at least within 1 working day. | Within 3 working days of first site visit. | Within the 28 day period covered by the temporary stop notice. | Within 3 days of service of the enforcement notice, unless the enforcement notice expressly sets out reasons why the Stop Notice should have immediate effect. |

| NATURE OF BREACH | PRIORITY | TARGET RESPONSE TIME (ie first site visit by an enforcement officer). | TIME FOR SERVICE OF TEMPORARY STOP NOTICE | TIME FOR SERVICE OF ENFORCEMENT NOTICE | TIME FOR SERVICE OF STOP NOTICE |
|---|----------|---|--|--|--|
| <ul style="list-style-type: none"> • Non-compliance with contaminated land remediation conditions. • Non-compliance with conditions seeking to safeguard archaeological interest. • Unauthorised engineering operations, including the importation onto land of materials to be used in construction or land raising activities. | | | | | |
| <ul style="list-style-type: none"> • Activities resulting in disturbance and loss of amenity to neighbouring residential properties or sensitive land uses or third parties. • Activities that are likely to be adversely affecting the environment, but not irreparably. • Breach of planning condition • Alleged unauthorised change of uses of land or buildings | 2 | Within 3 working days. | If the harm justifies service of a temporary stop notice, the notice to be served within 5 working. days of first site visit | If the harm justifies the service of an enforcement notice, within the 28 day period covered by the temporary stop notice. | If the harm justifies the service of a stop notice, within 3 days of service of the enforcement notice, unless the enforcement notice expressly sets out reasons why the Stop Notice should have immediate effect. |

| NATURE OF BREACH | PRIORITY | TARGET RESPONSE TIME (ie first site visit by an enforcement officer). | TIME FOR SERVICE OF TEMPORARY STOP NOTICE | TIME FOR SERVICE OF ENFORCEMENT NOTICE | TIME FOR SERVICE OF STOP NOTICE |
|--|----------|---|---|--|---------------------------------|
| <ul style="list-style-type: none"> • Minor breaches of condition. • Activities causing minimal disturbance to third parties, if any. | | | | | |
| <ul style="list-style-type: none"> • Unauthorised advertisements. • Complaints about the condition of land or a building adversely affecting the amenity of an area. | 3 | Within 7 working days | Not applicable. | Not applicable. | Not applicable. |

2.2 Within the Council’s Planning Department the distribution of the enforcement functions set out in Table 1 above will be as provided for in Policy 2 below:

POLICY 2:

The planning enforcement team will be responsible for the investigation of, and follow-up action upon, breaches of planning control, with the exception of:

- i) the initial investigation of breaches of planning conditions and what action should be taken to seek to remedy the breach which will be a matter for Development Management Officers; and**
- ii) the investigation of, and subsequent action against, breaches of tree preservation orders which will be matter for the Trees Officers.**

When it is determined with respect to breaches of planning conditions that a breach of condition notice should be served the enforcement of that breach will pass to the planning enforcement team.

2.3 Local planning authorities should act proportionately and expediently in exercising their discretionary enforcement powers but this should not undermine the use of effective and timely enforcement action. Tandridge District is 94% covered by Green Belt and has two Areas of Outstanding Natural Beauty (AONB), the Surrey Hills AONB and the High Weald AONB, as well as a wealth of heritage assets, all of which require priority in being protected from harmful breaches of planning control in accordance with Policy 3 below:

POLICY 3:

The Council will assess what enforcement action may be appropriate against the actual or potential level of harm a breach of planning control may cause, except that the Council will immediately initiate enforcement action in cases of:

- a) Breaches of planning control harmful to the Green Belt and open countryside;**
- b) Breaches of planning control in Areas of Outstanding Natural Beauty;**
- c) Breaches of planning control relating to works, or changes of use of, listed buildings;**
- d) Breaches of planning control in conservation areas;**
- e) Breaches of planning control consisting of engineering operations involving the importation of materials for infilling land, land raising or other works of construction on land; and**
- f) Any breaches of planning control that would be likely to cause irreparable harm to the environment.**

In all the cases a) to f) above the Council will as a precursor to subsequent enforcement action serve a temporary stop notice or temporary stop notices in accordance with the timescale set out in Table 1 of Policy 1 above.

Enforcement action required in all cases a) to f) above will be taken irrespective of whether those responsible for a breach of planning control seek to remedy that breach by a planning application or other application.

The Council will not delay initiating enforcement action in any case under e) above pending consultation with other outside agencies which have their own powers of prosecution or enforcement.

2.4 One way that some breaches of planning control may be resolved is the making of a retrospective planning application but this will only be considered if Policy 4 below is complied with:

POLICY 4:

When those responsible for a breach of planning control indicate that they will submit a retrospective application to regularise that breach, enforcement action will only be deferred if:

- a) the enforcement case officer in consultation with development management officers considers that there is a reasonable prospect planning permission may be granted; and**
- b) the breach of planning control will cease pending determination of the retrospective application to ensure no harm to amenity or the environment or ongoing contravention of development plan policy.**

2.5 Regrettably, cases of deliberate breaches of planning control do arise when those responsible ignore Temporary Stop Notices served on the land and in such cases the Council will respond in accordance with Policy 5 below:

POLICY 5:

When a deliberate breach or breaches of planning control occur and a Temporary Stop Notice is ignored, the Council will seek to restrain any ongoing or further breach or breaches of planning control through the use of a High Court injunction.

2.6 The Council will seek at all times to ensure that its planning enforcement function is resilient and has the confidence of residents and businesses in the District that it can provide effective and timely action against breaches of planning control when that is required. Some recent cases of deliberate breaches of planning control on Green Belt sites have demonstrated the need for resilience by being able to respond to quickly outside of normal working hours. Policy 6 below seeks to achieve that resilience:

POLICY 6:

The Council will ensure that its planning enforcement function provides effective and timely enforcement action through:

- a) Adequate resourcing;**
- b) Keeping under review management and procedures;**
- c) Key performance indicators;**
- d) Pursuing opportunities for sharing resources with other nearby local planning authorities; and**
- e) Instigating at the earliest opportunity an “out of hours” enforcement officer presence.**

2.7 The Council needs to be transparent about the performance of its planning enforcement function as an assurance to elected councillors, residents and businesses and this would be assisted by reports to the Council’s Planning Committee and in the Council’s Annual Monitoring Report as provided for in Policy 7 below:

POLICY 7:

The performance of the Council’s planning enforcement function will be the subject of:

- a) Quarterly reports to Planning Committee detailing and updating what action has been taken to secure compliance with confirmed enforcement notices or breach of condition notices, or what other action (eg prosecution in the courts) has been taken to remedy breaches of planning control; and**
- b) A full annual report on all planning enforcement activity to be included in the Council’s Annual Monitoring Report.**

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Neighbourhood Plans Update

Planning Policy Committee Thursday, 22 June 2023

Report of: Planning Policy Specialist

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

This report is to update Committee Members on the progress to date with Neighbourhood Plans in Tandridge.

This report supports the Council's priority of:

- Creating the homes, infrastructure and environment we need
- Supporting economic recovery in Tandridge
- Becoming a greener, more sustainable District

Contact officers Emma Amies (Tatsfield, Lingfield) / Elliott Hale (Burstow, Caterham)

eamies@tandridge.gov.uk; ehale@tandridge.gov.uk

Recommendation to Committee:

That progress on Neighbourhood Plans be noted.

Introduction

1. Officers are working with the various Neighbourhood Plan groups around the District. This report summarises the latest state of play for each area where a neighbourhood plan has been started.

Tatsfield Neighbourhood Plan

2. Officers are finalising the Regulation 15 Assessment of this plan. Habitats Regulation Assessment (HRA) screening was undertaken in 2020 and concluded that the next HRA stage – Appropriate Assessment was not necessary. A Strategic Environmental Assessment (SEA) was not considered necessary for this plan in 2022.

Lingfield Neighbourhood Plan

3. Lingfield Neighbourhood Plan is currently at Regulation 14 – the formal round of consultation organised by the Parish Council. The consultation period started on 17 May and ends on 28 June 2023. Screening in 2019 concluded that HRA Appropriate Assessment is not necessary. An SEA is necessary and has been undertaken.

Burstow Neighbourhood Plan

4. Regulation 14 for Burstow Neighbourhood Plan took place during February-March 2023. The Parish Council are awaiting Council Officer's comments on their latest draft. This plan needs screening for HRA and SEA.

Caterham, Chaldon and Whyteleafe Neighbourhood Plan

5. Caterham, Chaldon and Whyteleafe Neighbourhood Plan was made in June 2021. This plan is being regularly monitored. Support has been received from AECOM to review the Neighbourhood Plan. A Housing Needs Assessment is underway and Officers at Tandridge have been providing information for this.

Warlingham Neighbourhood Plan

6. Work on Warlingham Neighbourhood Plan is being restarted. It is at an early stage – the area has yet to be designated. A meeting with Anna Cronin (external consultant) is being set up to brief the group on the plan making process.

Godstone Neighbourhood Plan

7. Godstone has shown renewed interest in completing a neighbourhood plan but nothing has been formally confirmed.

Dormansland Neighbourhood Plan

8. Dormansland Neighbourhood Plan was previously halted. Officers are not aware of any further developments.

Woldingham and Limpsfield Neighbourhood Plans

9. Woldingham and Limpsfield have made (adopted) Neighbourhood Plans. Officers are not aware of any further developments, i.e. any immediate plans for review.

Key implications

Comments of the Chief Finance Officer

Alongside officer time, there may be a modest requirement for external support with elements of the work. This will be managed through regular budget monitoring. As such, the Section 151 Officer supports the report.

Comments of the Head of Legal Services

Neighbourhood Development Plans are prepared in accordance with the Neighbourhood Planning (General) Regulations 2012, and the Town and Country Planning Act 1990. The statutory duty is primarily set out within para 12 (2) of Schedule 4B to the Town and Country Planning Act 1990 – as applied to Neighbourhood Plans by section 33C of the Planning and Compulsory Purchase Act 2004. Neighbourhood plans, once formally adopted, carries the same legal status as a District Local Plan (and other documents that form part of the statutory 'development plan') and therefore becomes a material consideration in the determination of planning applications. Applications for planning permission would therefore be determined in accordance with the development plan (including any Neighbourhood Plan), unless material considerations indicate otherwise.

Equality

There are no equalities implications as a result of this report.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

None

Background papers

None

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