

## 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 16 November 2023 at 7:30pm.

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

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

**APOLOGIES FOR ABSENCE:** Councillors Alun Jones and Robinson

#### **158. MINUTES OF THE MEETING HELD ON THE 21ST SEPTEMBER 2023**

These minutes were confirmed and signed as a correct record.

#### **159. UPDATE ON BIODIVERSITY AND NATURE RECOVERY IN TANDRIDGE**

Since the Committee's meeting on 21<sup>st</sup> September 2023, the Government had announced a revised timetable for the introduction of mandatory Biodiversity Net Gain (mBNG) as follows:

- Regulations / Guidance by the end of November (still awaited at the time of the meeting)
- January 2024 for major development
- April 2024 for small sites
- 2025 for Nationally Significant Infrastructure Projects

A report was considered which updated the Committee about mBNG work being undertaken by officers, including a corporate implementation plan to ensure compliance. The report commented on the merits of:

- undertaking a habitat bank feasibility study on Council owned land
- establishing an evidence base of current baseline habitats to:
  - help enforce the anti-degradation provisions of the Environment Act 2021, which enabled the biodiversity value of application sites to be backdated to January 2020 (a mapping project facilitated by volunteers from Parish Councils was proposed)
  - support potential policies requiring BNG levels in excess of the mandatory 10%.

The report advised that consultants had been engaged to help address the viability of a 10%+ BNG requirement on sites throughout the District. Reference was made to research which confirmed that at least two Local Planning Authorities had already adopted provisions with a 20% requirement with ten others intending to do likewise, and a further LPA seeking 30%. This was in the context of a previous Government BNG consultation paper which stated that:

*“We maintain the view that 10% strikes the right balance between the Government’s ambition for development and the pressing need to reverse environmental decline. The 10% will be a mandatory requirement but should not be viewed as a cap on the aspirations of developers that want to voluntarily go further or do so in the course of designing proposals to meet other local planning policies ... ‘It remains the Government’s intention to continue to allow higher percentage targets to be set by planning authorities at a local or site level. Any higher target should be made clear at an early stage ... and careful consideration should be given to the feasibility and achievability of any requirements above 10%, which can have significant impacts on the costs of developing a site.’”*

Given the absence of government guidelines, it had not been possible to model likely staff cost charging schedules for BNG related work. It was confirmed that the anticipated guidelines would help inform the 10%+ BNG costings to be presented to a future meeting. Such costings would include the estimated expenditure required for periodic monitoring of development sites as well as that needed for the initial one-off implementation of mBNG. Other matters discussed during the debate included:

- the merits of liaising with the other three East Surrey Districts / Boroughs regarding a potential strategic partnership approach to mBNG
- confirmation that the protections afforded to Ancient Woodland and Sites of Special Scientific Interest (SSSI) would continue to apply
- Surrey County Council, supported by TDC, was in the process of developing a Local Nature Recovery Network (as mandated by the Environment Act) which sought to join up SSSIs and land in between with a view to accommodating ‘biodiversity offsetting sites’.

The Committee also wished to record its appreciation of the recruitment of a Principal Ecologist (Tim Elton).

**RESOLVED** – that:

- A. a further update report on the preparedness of the Local Planning Authority to deal with the introduction of mBNG be brought back to this Committee on 18<sup>th</sup> January 2024;
- B. the Chief Planning Officer also be requested to bring a report back to this Committee on 18<sup>th</sup> January 2024 setting out recommendations on whether or not the Council should seek to exceed the 10% mBNG requirement in Tandridge; and
- C. the feasibility, timing and cost of undertaking a District wide baseline habitat assessment and habitat bank study be investigated and a further report brought back to the Committee on 21<sup>st</sup> March 2024.

## **160. LEVELLING UP AND REGENERATION ACT 2023 / LOCAL PLAN UPDATE**

A report was presented which updated the Committee on the latest situation regarding the ‘emerging Local Plan’ (following Full Council’s decision to request a report from the Inspector with his conclusion about why that Plan is unsound and not adopted) and the implications of the Levelling Up and Regeneration Act (LURA).

Receipt of the Inspector's report was likely to be in early 2024 given his known commitments. In the meantime, the Planning Policy team would undertake work to inform any final decision on the 'emerging Local Plan' and potential next steps, including the implications of LURA.

In light of the Inspector's findings, while the 'emerging Local Plan' was still technically under examination, no weight could be given to its policies. The adopted policies therefore remained, *"the Tandridge District Council Core Strategy 2008, the Tandridge Local Plan Part 2: Detailed Policies 2014-2029; the Caterham, Chaldon & Whyteleafe Neighbourhood Plan; the Limpsfield Neighbourhood Plan; and the Woldingham Neighbourhood Plan"*. However, the evidence base studies published as part of the 'emerging Local Plan' are still capable of being a material consideration for planning applications until such time as they are withdrawn.

As far as the LURA was concerned, the report outlined the various key changes to the planning system involving planning policy processes; development management; enforcement and other provisions. However, operational arrangements for implementing the Act remained unknown, pending the introduction of secondary legislation for which there was no timeframe at present. The Government's timeline for revising the National Planning Policy Framework was also uncertain.

**RESOLVED** – that the report be noted.

## **161. A22 AND A264 CORRIDOR FEASIBILITY STUDY**

Surrey County Council (SCC) and West Sussex County Council had started a two-stage study of the A22/A264 corridor to inform measures to improve transport related issues for the A22 (between Junction 6 of the M25 and Ashurstwood) and the A264 (between Junction 10 of the M23 and Felbridge). It would focus on movements throughout the corridor and interconnecting junctions and was currently progressing through stage 1 (to identify a 'long list' of potential measures via initial stakeholder engagement) with stage 2 (feasibility designs for shortlisted options and development of an outline business case) to take place throughout 2024.

The Council had been engaging in the study, further details of which were presented to the Committee by way of a TDC officer report and SCC's project brief. The report confirmed that the project would be used to support future funding applications by the two Highway Authorities to deliver improvement schemes. The study sought to address various transportation problems associated with the corridor (i.e. high car dependence, traffic congestion and rat running; long bus journey times; low public transport usage; pressure from Mid Sussex and Tandridge housing developments; road traffic collisions, limited space for highway improvements; and environmental constraints).

The report explained the new approach to both Highway Authorities' latest transport plans to reduce traffic emissions. This would be reflected in the need for more sustainable measures, including those to enable greater use of public transport. The report also outlined Surrey County Council's proposed funding strategy and the implications of the study for future planning applications in the vicinity of the corridor (i.e. the need to mitigate against any adverse transport impacts arising from proposed developments).

Officers clarified that the northern stretch of the A22 (to Whyteleafe) would have to be the subject of a separate assessment which they would press SCC Highways to undertake. This followed a late change to the agreed study area which included the stretch to Whyteleafe, something which Members considered warranted an explanation from SCC.

Members also expressed concerns about apparent inconsistencies, inaccuracies and unawareness of key issues within the project brief. The Chair requested that these be conveyed to her via email within the next seven days for her to consolidate in representations to SCC's Cabinet Member for Highways, Transport and Economic Growth. The Chair's representations, besides seeking an explanation for the change in the study area, would seek assurances that the flawed aspects of the brief would be acknowledged by those responsible for delivering the project and that the identification of improvement measures would be based on accurate and relevant information.

**RESOLVED** – that the report be noted.

## **162. GATWICK AIRPORT - DEVELOPMENT CONSENT ORDER (VERBAL UPDATE)**

The Chief Planning Officer confirmed that:

- 'Relevant Representations' and 'Principal Areas of Disagreement Summary Statements' had been submitted to the Planning Inspectorate (PINS)
- PINS had closed the Relevant Representations submission portal one day too early and, to rectify the error, the portal had been reopened until 19th November which would lengthen the timetable for the overall programme
- the Joint Local Authority Consortium had met with Gatwick Airport Limited (GAL) and clarified its 'next steps' to which TDC would be required to contribute, including the preparation of a Local Impact Report, Written Representations, Statement of Common Ground and Section 106 negotiations
- Officers had contributed to GAL's consolidated issues tracker
- technical advice from Ekosgen regarding noise and air quality impacts would help inform the Council's representations.

A considerable amount of work regarding GAL's DCO application would need to be undertaken during the next few months. It was confirmed that Ekosgen's report would be circulated to Members following an officer review.

## **163. CIL WORKING GROUP - 26TH OCTOBER 2023**

The Committee considered recommended CIL allocations to seven projects arising from the Working Group's meeting on 26th October 2023.

A concern was expressed that a disproportionate amount of CIL funding had been channelled to the north of the District during the previous two years. In response, Members who participated on 26th October believed that the assessment process had been fair and robust and that the Working Group could only be expected to deal with the applications before it (no substantive bids for projects in the south had come forward). It was also confirmed that CIL income would continue to accumulate for future grant allocations, meaning that the potential remained for new projects to be supported in the near future.

**RESOLVED** – that the minutes of the CIL Working Group's meeting on the 26<sup>th</sup> October 2023, attached at Appendix A, be received and the recommended CIL allocations in item 3 be approved.

## 164. QUARTER 2 2023/24 KEY PERFORMANCE INDICATORS - PLANNING POLICY COMMITTEE

Information was presented about:

- key planning performance indicators for development management services for the second quarter of 2023/24 (1st July to 30th September 2023) as submitted to the Department for Levelling Up, Housing and Communities
- the Committee's risk register
- efforts to reduce the backlog of planning applications.

The analysis confirmed that steady progress was being made, although the need to reduce reliance on "extension of time" agreements was recognised. It was also confirmed that efforts were being made to recruit new, permanent enforcement staff to fill current vacancies.

The importance of providing sound pre-application advice was discussed. In that respect, the Interim Head of Development Management agreed to discuss a specific case with Councillor Gray after the meeting.

**RESOLVED** – that the Quarter 2 (2023/24) performance indicators and risks for the Planning Policy Committee be noted.

## 165. QUARTER 2 2023/24 BUDGET MONITORING - PLANNING POLICY COMMITTEE

An analysis of expenditure against the Committee's £1,338K revenue budget for 2023/24, as at the end of September 2023 (Month 6) was presented. A £4197K revenue overspend was forecast, mainly due to contract staff being retained for longer than originally anticipated; and costs associated with planning appeals and the Gatwick DCO process. Regarding the Committee's capital programme (entirely funded by Community Infrastructure Levy income) expenditure of £0.1m was forecast, with slippage of £0.4m. The Chief Finance Officer presented the analysis in the context of the Council-wide budget position to be reported to the Strategy & Resources Committee on the 30<sup>th</sup> November 2023.

The Chair considered that the projected overspend reflected the inadequacy of the Committee's revenue budget, which needed a re-set for 2024/25. The Chief Finance Officer supported this view and confirmed that proposals to set a more realistic Planning Policy budget would be presented during the next cycle of meetings.

**RESOLVED** – that the Committee's forecast revenue and capital budget positions as at Quarter 2 / M6 (September) 2023/24 be noted.

Rising 8.50 pm

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**TANDRIDGE DISTRICT COUNCIL**

**CIL WORKING GROUP**

Minutes of the meeting of the Working Group held in the Council Chamber, Council Offices, Station Road East, Oxted on the 26<sup>th</sup> October 2023 at 2.00pm.

**PRESENT:** Councillors Blackwell, Bloore, Botten, C.Farr, Gaffney, Langton, Moore, Prew and Smith (via Zoom).

**1. ELECTION OF CHAIR FOR THE REMAINDER OF 2023/24**

Councillor Langton was elected Chair of the Working Group for the remainder of the 2023/24 municipal year.

**2. DECLARATIONS OF INTEREST**

In respect of Item 3 below:

Councillor Gaffney advised that she had been asked to support the Station Avenue, Caterham project in her capacity as a local councillor. This was before the CIL bid materialised, which she would consider afresh during the meeting and participate in any vote.

Councillor Moore advised that she had not been involved in the project to upgrade the Felbridge village playground project (which was in her Ward) and felt able to be objective in considering the CIL bid.

Councillor Langton advised that he was part of the Hurst Green Community Centre renovation project group and had assisted with the Association's CIL bid. Therefore, he would not participate in any vote on the application but would remain in the Chamber to assist with any discussion about the project.

### 3. APPLICATIONS FOR CIL FUNDS – NOVEMBER 2023

The Group had been provided with written copies of the completed application forms and officer assessments in respect of seven CIL applications, i.e.:

<b>Project (in order of original officer ranking)</b>	<b>CIL requested</b>
<b>Tandridge District Council</b> (public realm enhancements along <b>Station Avenue, Caterham</b> aimed at attracting new businesses and boosting economic growth / employment opportunities)	£1,236,500
<b>Tandridge District Council</b> (flood alleviation and enhancements of the open space and public amenities in <b>Queens Park, Caterham</b> )	£1,394,000
<b>Hurst Green Community Association</b> (design for the renovation / extension of the <b>Hurst Green Community Centre</b> )	£120,000
<b>St Mary's School, Oxted</b> (upgrading the <b>community swimming pool</b> )	£150,000
<b>Lingfield Sports Association</b> (installation of a drainage system to enable use of the <b>Godstone Road playing field</b> throughout the year)	£211,562
<b>Oxted Business Improvement District, Love Oxted</b> (delivery of a <b>wayfinding strategy</b> )	£78,728
<b>Felbridge Parish Council</b> (upgrading the <b>village playground</b> with new surfacing and equipment)	£71,600
<b>Total CIL requested</b>	<b>£3,262,390</b>

Officers advised that the current balance of available CIL funds (c.£2,500,000) was projected to increase during the remainder of the current financial year to a level which, coupled with underspends against previous CIL awards, would be sufficient to fund the above applications in full. The Chair asked Officers to prepare a cash flow forecast after the meeting to demonstrate this. Notwithstanding the funding position, Members favoured a prudent approach given the potential for subsequent high priority bids to emerge. The Group agreed that each application should be carefully considered on its merits and not necessarily supported in full on affordability grounds alone.



Representatives of each organisation gave presentations about their bids and responded to Members' questions.

Following the presentations, the Group discussed the merits of the bids and whether they should be supported in full, in part, or not at all. The key points to emerge were:

#### Station Avenue, Caterham - public realm enhancements

The Group acknowledged that the flood alleviation impact of permeable paving and hydrorock would be limited, but that economic regeneration was the main driver. Some concerns were raised that new investment could be vulnerable to flood damage.

The extent to which the community had been consulted about the project was discussed. The Caterham BID representative explained that engagement to date had been restricted to local businesses who fully supported the proposed works. A more widespread community consultation would be undertaken once architectural designs were available.

The extent to which other Caterham projects had received (or would be receiving) CIL funding was also taken into account, notwithstanding the extent of relatively recent new housing development in the area.

On balance, a 75% award was recommended.

#### Queens Park, Caterham – flood alleviation and open space / public amenity enhancements

Adjustments to the proposed flood alleviation measures in light of public consultation feedback were explained. Members were also advised about the rationale for undertaking such measures alongside the amenity enhancements.

While the flood alleviation scheme would be crucial in helping to reduce the impact of flooding throughout the Caterham Hill area, it would not have any significant bearing on the Valley given that floodwater on the Hill drained northwards towards Old Coulsdon.

Members were keen for enhanced WC facilities to be provided as part of the public amenity enhancements, either via the CIL award or other complementary funding streams. The widening of paths throughout the park (for disabled access purposes) was also identified as a priority. Subject to those provisions, the Group recommended that the bid be approved in full.

Hurst Green Community Association – design aspect of the Community Centre renovation project

The design element (for which CIL funding was being sought) represented 10% of the total estimated £1.2 million project cost. This would enable HGCA to submit a grant application to Your Fund Surrey (Surrey County Council). The YFS team had recently agreed to base its funding decision upon a Quantity Surveyor's cost estimate / RIBA stage 3, which meant that only a proportion of the £120,000 design cost would be required for now, pending completion of the full (RIBA stage 4) design work at a later stage.

Members considered that, subject to the YFS bid being successful, the CIL application be supported in full, with the £120,000 being released in two equal instalments.

St Mary's School, Oxted - upgrading the community swimming pool

The Group considered that community use of the pool was key to the question of CIL funding. In that respect, the extent to which the project could impact upon Freedom Leisure's customer base was discussed. A 66% CIL allocation was recommended, subject to conditions about the need for support from Your Fund Surrey and the school reporting on the extent of community use of the new pool.

Lingfield Sports Association - installation of a drainage system for the Godstone Road playing field

The much-needed drainage system would enable adult (men's) football to return to the playing field, together with the potential to host women's football and other sports throughout the year. The current drainage problems amounted to severe waterlogging of the playing surfaces (which did not impact upon neighbouring land) as opposed to flooding.

An effective drainage system was an essential prerequisite to improving the clubhouse (phase 2 of the Association's development plan).

The Group recommended that the bid be approved in full.

Oxted Business Improvement District, Love Oxted - delivery of a wayfinding strategy

The Oxted BID representatives explained the objectives of the project, namely new signage to make the town more welcoming and easier to navigate and to help overcome the Station Road East and West disconnect caused by the railway line. The Group recognised the potential benefits of the project but considered that greater contributions should also be sought from other sources, besides TDC and the BID. A 50% CIL allocation was recommended.

Felbridge Parish Council - upgrading the village playground

The Group recommended that the bid be approved in full.

The following general matters regarding the CIL allocation process were also discussed:

- justification for utilising CIL funds to augment the Council's capital programme;
- the rationale for supporting projects in areas with high levels of new housing development;
- a suggestion that analysis be produced to map CIL funded projects throughout the District, coupled with information about the location of recent housing growth;
- a suggestion that electronic copies of all supporting documents accompanying CIL applications be stored in a single location for Members to access; and
- the need for active engagement from the Surrey County Council's Flood Risk Management Team to help monitor the impact of flood alleviation works.

**RECOMMENDED** – that the following CIL allocations be ratified by the Planning Policy Committee:

Project	CIL allocation
<p><b>Felbridge Parish Council</b> (upgrading the <b>village playground</b> with new surfacing and equipment).</p> <p>Total CIL applied for: £71,600</p>	<p>£71,600</p>
<p><b>Hurst Green Community Association</b> (design for the renovation / extension of the <b>Hurst Green Community Centre</b>)</p> <p>Total CIL applied for: £120,000</p>	<p>£120,000 to be released in two phases, i.e.:</p> <ul style="list-style-type: none"> <li>• £60,000 to be paid forthwith; and</li> <li>• the remaining £60,000 to be paid following confirmation that HGCA's associated grant application to Your Fund Surrey has been approved.</li> </ul>
<p><b>Lingfield Sports Association</b> (installation of a drainage system to enable use of the <b>Godstone Road playing field</b> throughout the year)</p> <p>Total CIL applied for: £211,562</p>	<p>£211,562</p>
<p><b>Oxted Business Improvement District, Love Oxted</b> (delivery of a <b>wayfinding strategy</b>)</p> <p>Total CIL applied for: £78,728</p>	<p>£39,364 (50%)</p>

Project	CIL allocation
<p><b>Tandridge District Council</b> (flood alleviation and enhancements of the open space and public amenities in <b>Queens Park, Caterham</b>)</p> <p>Total CIL applied for: £1,394,000</p>	<p>£1,394,000 (subject to confirmation that:</p> <ul style="list-style-type: none"> <li>• enhanced WC facilities will be provided, either via the CIL award or other complementary funding streams; and</li> <li>• pathways throughout the park will be widened for disabled access purposes).</li> </ul>
<p><b>Tandridge District Council</b> (public realm enhancements along <b>Station Avenue, Caterham</b> aimed at attracting new businesses and boosting economic growth / employment opportunities)</p> <p>Total CIL applied for: £1,236,500</p>	<p>£927,375 (75%)</p>
<p><b>St Mary's School, Oxted</b> (upgrading the <b>community swimming pool</b>)</p> <p>Total CIL applied for: £150,000</p>	<p>£100,000 (66%) (subject to:</p> <ul style="list-style-type: none"> <li>• complementary funding from Your Fund Surrey being forthcoming; and</li> <li>• the school providing subsequent reports to the Council demonstrating the extent of community use.</li> </ul>

The meeting closed at 7.00 pm.