

Planning Policy Committee Agenda
Thursday, 18th January, 2024 at 7.30 pm
Council Chamber, Council Offices, Station Road East, Oxted

The agenda for this meeting is set out below.

Members of the Planning Policy Committee

Councillor Catherine Sayer (Chair)	Councillor Chris Farr (Vice-Chair)
Councillor Claire Blackwell	Councillor Ian Booth
Councillor Chris Botten	Councillor Sue Farr
Councillor Alun Jones	Councillor Judy Moore
Councillor Keith Prew	Councillor Vicky Robinson
Councillor Lesley Steeds	

Substitute Members

Councillor Robin Bloore	Councillor Mike Crane
Councillor Jeffrey Gray	Councillor Jeremy Pursehouse
Councillor Helena Windsor	

If a member of the Committee is unable to attend the meeting, they should notify Democratic Services. If a Member of the Council, who is not a member of the Committee, would like to attend the meeting, please let Democratic Services know by no later than noon on the day of the meeting. If any clarification about any item of business is needed, contact should be made with officers before the meeting. Reports contain authors' names and contact details.

David Ford

Chief Executive

Information for the public



This meeting will be held in the Council Chamber, Council Offices, Oxted and the public are welcome to attend. Doors for the Council Offices will open 15 minutes before the start of the meeting.



The meeting will also be broadcast online at tinyurl.com/webcastTDC. In attending this meeting, you are accepting that you may be filmed and consent to the live stream being broadcast online and available for others to view.



Information about the terms of reference and membership of this Committee are available in the Council's Constitution available from tinyurl.com/howTDCisrun. The website also provides copies of agendas, reports and minutes.



Details of reports that will be considered at upcoming Committee meetings are published on the Council's Committee Forward Plan. You can view the latest plan at tinyurl.com/TDCforwardplan.

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 16th November 2023 (Pages 5 - 16)

4. To deal with any questions submitted under Standing Order 30

Questions must be sent via email or in writing to Democratic Services by 5pm on the 16th January 2024 and comply with all other aspects of Standing Order 30 of the Council's Constitution.

5. Changes to the National Planning Policy Framework (Pages 17 - 42)

6. Changes to Government planning policy on traveller sites (Pages 43 - 46)

7. Biodiversity Net Gain update (Pages 47 - 54)

8. Gatwick DCO process (Pages 55 - 62)

9. Planning performance report (Pages 63 - 68)

10. Planning Policy Committee - 2024/25 Proposed General Fund Budget and Medium-Term Financial Strategy (Pages 69 - 92)

11. Review of delegation of powers to the Planning Policy Committee (Pages 93 - 98)

12. 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).

13. To consider passing the following resolution to exclude the press and public:

RESOLVED – that members of the press and public be excluded from the meeting for agenda item 14 under Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

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

14. Oxted Quarry Discussion (Pages 99 - 120)

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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 16th 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 21st 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 18th January 2024;
- B. the Chief Planning Officer also be requested to bring a report back to this Committee on 18th 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 21st 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.

R E S O L V E D – 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 26th 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 30th 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

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 26th 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.:

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

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>Felbridge Parish Council (upgrading the village playground with new surfacing and equipment).</p> <p>Total CIL applied for: £71,600</p>	<p>£71,600</p>
<p>Hurst Green Community Association (design for the renovation / extension of the Hurst Green Community Centre)</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"> • £60,000 to be paid forthwith; and • the remaining £60,000 to be paid following confirmation that HGCA's associated grant application to Your Fund Surrey has been approved.
<p>Lingfield Sports Association (installation of a drainage system to enable use of the Godstone Road playing field throughout the year)</p> <p>Total CIL applied for: £211,562</p>	<p>£211,562</p>
<p>Oxted Business Improvement District, Love Oxted (delivery of a wayfinding strategy)</p> <p>Total CIL applied for: £78,728</p>	<p>£39,364 (50%)</p>

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

The meeting closed at 7.00 pm.

Changes to National Planning Policy and Guidance

Planning Policy Committee Thursday 18th, January 2024

Report of: Chief Planning Officer

Purpose: For information / decision

Publication status: Open

Wards affected: All

Executive summary:

This report is to update Members on the recent changes to national planning policy and guidance, in particular the National Planning Policy Framework ('NPPF') and updated National Planning Practice Guidance ('NPPG'). The recent changes have implications for decision taking and plan making within the District.

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 Katya Fox – kfox@tandridge.gov.uk

Recommendation to Committee:

That the recent changes to Government policy and guidance be noted.

Government Planning Updates

- 1 On 19th December 2023, Michael Gove gave a speech updating on the Government's intentions for planning. Following this announcement, DLUHC published various documents and statistics, including an updated NPPF.
- 2 A summary of the speech and relevant documents is provided as an appendix to this report. Officers are considering their implications for decision taking and plan making and an initial assessment is provided within the appendix. Understanding of implications will continue to evolve as the recent changes embed and Officers will provide further updates for Councillors as necessary.
- 3 The following updates / publications should be noted, each of which is covered in Appendix A:
 - a. Revised NPPF (subsequently updated on 20th December, although to note updated version still bears the date of 19th December 2023)
 - b. New planning guidance on the Green Belt
 - c. Secretary of State speech, which included outlining interventions and designations for plan making and development management respectively
 - d. Written ministerial statement.
 - e. Response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation
- 4 There are no specific budget requirements associated with these policy and guidance changes. The changes will be addressed as part of 'business as usual' within planned work streams already included within the approved Planning Policy budget.

Key implications

Comments of the Chief Finance Officer

There are no immediate financial implications arising from this report.

However, the indirect financial implications resulting from the noted changes to Government policy and guidance will need to be considered by the Council, to ensure financial sustainability, thus securing stable provision of services in the medium term.

Although significant progress has been to improve the Council’s financial position, the medium-term financial outlook beyond 2024/25 remains uncertain. With uncertainty about the ongoing impact of inflation and no clarity on the extent to which both central and local funding sources might change in the medium term, our working assumption is that financial resources will continue to be constrained.

Comments of the Head of Legal Services

There are no legal issues associated with this report especially as it is considered too early to tell what level of legal implications the changes to the NPPF and NPPG will have on local authorities. The Council will continue to engage and respond constructively to any future rounds of consultation by the government on these matters.

Equality

There are no equality impacts associated with this report.

Climate change

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

Appendices

Appendix A – Summary of Changes to the National Planning Policy and Guidance

Background papers

None

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Planning Policy Committee 18th January 2024

Changes to the National Planning Policy Framework Appendix A

Contents

National Planning Policy Framework.....1

New planning guidance on the Green Belt.....7

Michael Gove’s Speech and Interventions8

Written Ministerial Statement9

Response to Levelling-up and Regeneration Bill: reforms to national planning policy consultation12

National Planning Policy Framework

A revised version of the National Planning Policy Framework (NPPF) was published on the 19th December 2023, subsequently updated on the 20th December 2023. The updated document can be found here: [NPPF \(December 2023\)](#). The key changes are summarised in the table below, along with an initial assessment of the implications for Tandridge.

Implications for Tandridge

- Officers and members need to familiarise themselves with changes to policy for both plan making and decision taking, which cover a breadth of topics
- It is important to get a new Local Plan in place
- Production of an annual position statement detailing a five-year housing land supply should be considered
- To be exempt from the requirement to maintain a rolling five-year housing land supply in the future, the Council must have a plan examined and adopted every five years and have identified at least a five-year supply of land at the time its examination has concluded
- Production of a local design code needs to be considered, particularly in areas where detailed design policies are not already part of an existing or emerging Neighbourhood Plan.

NPPF (Dec 23) Reference	NPPF (Dec 2023) Change	Implications for Tandridge
Section 1, Introduction		
paragraph 1	Introduces the concept that the local plans should provide ‘sufficient housing’ and other development in ‘a sustainable manner’	Needs to be considered in plan making
paragraph 1	Emphasises preparing and maintaining up-to-date plans as a priority	Imperative to get a new Local Plan in place as soon as possible
paragraph 6	Identifies the Written Ministerial Statement on Affordable Homes Update (24 May 2021) containing policy on First Homes as material consideration	Needs to be considered in plan making and decision taking
Section 2, Sustainable Development		
paragraph 7	Elaborates that sustainable development includes the delivery of homes, commercial development and supporting infrastructure	Needs to be considered in plan making and decision taking
paragraph 11d, footnote 8	Footnote updated to reflect the revisions made to the housing delivery test	Needs to be considered in decision taking where the presumption in favour of sustainable development applies
paragraph 14	Extension of the period of significance for Neighbourhood Plans from two years to five years in the determination of housing applications where the presumption (paragraph 11d) applies	Needs to be considered in decision taking.

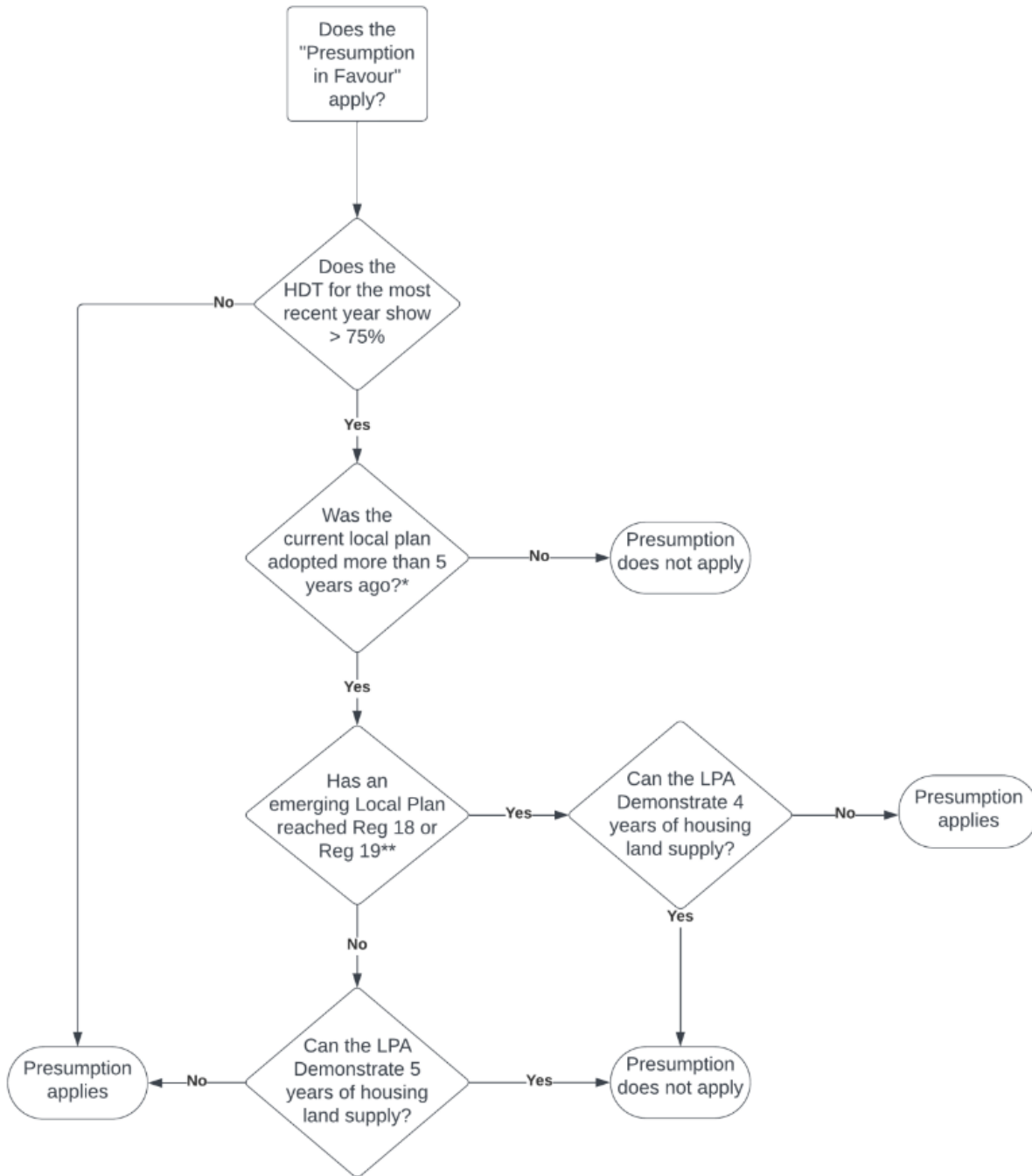
NPPF (Dec 23) Reference	NPPF (Dec 2023) Change	Implications for Tandridge
Section 3, Plan-making		
paragraph 15	Changes emphasis of plan-making from addressing to meeting housing needs	Needs to be considered in plan making
paragraph 20	Introduces the concepts of beauty and place making in relation to design quality for places	Needs to be considered in plan making
Section 5, Supply of Homes		
paragraph 60	Explains that the overall aim should be to meet as much of an area's identified housing need as possible, including a mix of housing types for the local community	Needs to be considered in plan making and decision taking
paragraph 61	Explains that strategic policies should be informed by a local housing need assessment based on the standard method. Also explicitly states that the outcome of the standard method is an advisory starting point for establishing a housing requirement for the area	This elevates what was in the Planning Practice Guidance into the Framework itself. It makes clear that the housing need figure is to be calculated with the standard method, but only forms an advisory starting point to derive a housing requirement within a Local Plan.
paragraph 61	Elaborates that demographic characteristics of an area can be used to justify exceptional circumstances to justify an alternative method for calculating housing need	Should an alternative method be used, the alternative method must still reflect current and future demographic trends and market signals.
paragraph 62	Introduces the requirement for the urban uplift to be delivered within the cities and urban centres to which it applies unless there is a voluntary cross-boundary agreement	TDC will be under no obligation to accommodate need associated with the urban uplift applied to London boroughs.
paragraph 63	Expands the definition of housing for older people to include retirement housing, housing-with-care and care homes	To be considered as part of future plan-making
paragraph 66	Amends exclusion exemption for affordable housing provision from 'entry-level' exception site to 'community-led development' exception site	Needs to be considered in decision taking
paragraph 69	Clarifies that local plans should identify supply starting from the intended date of adoption (rather than the start of the plan period)	Needs to be factored into plan-making
Paragraph 70	Adds a requirement for LPAs to support small sites to come forward for community-led, self-build and custom-build housing	Needs to be considered in plan-making and decision taking
Paragraph 70	Introduces 'permission in principle' as another tool to help bring small and medium sites forward	Needs to be considered in plan-making

NPPF (Dec 23) Reference	NPPF (Dec 2023) Change	Implications for Tandridge
Paragraph 73	Amends policy in relation to the development of exception sites to focus on ‘community-led development’ rather than ‘entry-level’. Caveats added: a) to allow market housing to cross-subsidise affordable provision; and b) to reiterate that First Homes exception policy is extant	Needs to be considered in future plan-making and decision taking
Paragraph 75	Introduces requirement for LPA’s to monitor deliverable land supply against housing requirements, set out in adopted strategic policies	This applies to the current adopted development plan.
Paragraph 76	LPAs are no longer required to identify and annually update housing land supply if an up-to-date plan is in place	None, until a new Local Plan is adopted
Paragraph 77	Sets out a revised approach to calculating five-year housing land supply (including the removal of five and 10% buffers)	None, as previously a 20% buffer has to be applied in Tandridge.
Paragraph 77	Sets out that national planning guidance provides further information to calculate housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed	National planning practice guidance needs to be considered when calculating housing land supply for the district
Paragraph 78	Elaborates that where LPAs do not have a recent adopted local plan, they may confirm the existence of a five-year supply of deliverable housing sites through an annual position statement	The production of an annual position statement needs to be considered
Paragraph 79	Expands on the policy consequences where housing delivery rates fall below the three thresholds for 95%, 85% and 75%	None, as has been the case previously, a Housing Delivery Test Action Plan is required.
Paragraph 80	Clarifies that the Housing Delivery Test (HDT) consequences apply the day following the annual publication of the HDT results	None
Paragraph 82	Addition of requirement to take into account community-led development for housing when considering local need in rural areas	Needs to be considered in plan-making and decision taking
Section 6, Economy		
Paragraph 88	Introduces the concept of beauty for new buildings in rural areas	Needs to be considered in plan-making and decision taking
Section 8, Communities		
Paragraph 96	Introduces the concept of beauty for new community buildings, pedestrian and cycle routes and public space	Needs to be considered in plan-making and decision taking
Section 11, Land		

NPPF (Dec 23) Reference	NPPF (Dec 2023) Change	Implications for Tandridge
Paragraph 124	Supports the use of mansard roof extensions	Needs to be considered in decision taking
Paragraph 130	Introduces the idea that significant uplifts in average density of residential development may be inappropriate if the resulting build form would be wholly out of character with the existing area. This should be considered through authority-wide design codes	Needs to be considered in plan-making and decision taking. Urgent preparation of a district wide or more locally based design codes should be considered as part of the LPA future work programme
Section 12, Well-designed and beautiful places		
Paragraph 138	Sets out that LPAs should prepare and use local design codes, in line with the National Model Design Code, to assess and improve the design of development	The production of local design code needs to be considered as part of the LPA forward work programme
Paragraph 140	Introduces a requirement for LPAs to ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about design of development and materials and are clear about the approved use of materials where appropriate.	Needs to be considered in validation and decision taking
Section 13, Green Belt		
Paragraph 145	Explicitly states that there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated but authorities may choose to do so.	Needs to be considered in plan making
Section 14, Climate change and flooding		
Paragraph 164	Introduces the requirement for LPAs to give significant weight to support energy efficiency and low carbon heating improvements to existing buildings in determining planning applications. Caveat notes that heritage policies should also be applied for designated heritage assets	Needs to be considered in decision taking
Section 15, Natural environment		
Paragraph 181, footnote 62	Introduces a requirement to take into consideration the availability of agricultural land for food production in deciding which sites are most appropriate for development	Needs to be considered in plan making and decision taking.
Annex 1, Implementation		
226	Sets out the transitional arrangements for the application of the revised housing land supply calculation. For authorities with an emerging plan that has been submitted for examination or has reached Reg 18 or Reg 19, it will only be necessary to demonstrate four-year housing	None, assumed not to apply to Tandridge (see figure below table)

NPPF (Dec 23) Reference	NPPF (Dec 2023) Change	Implications for Tandridge
	land supply (rather than five). This will apply for two years	
229	Policy on renewable and low carbon energy and heat in plans (paragraph 160) does not apply to plans that had reached Regulation 19 when the previous version of the NPPF was published, on 5 September 2023	None, as it is assumed that this does not apply to the emerging Local Plan 2033.
230	Sets out the transitional arrangements for the application of the Framework policies in relation to the examination of plans.	None, as the emerging Local Plan 2033 is being examined under previous transitional arrangements.
Annex 2, Glossary		
Community-led developments	Adds new definition for community-led developments. (Definition for entry-level exception sites has been deleted)	Needs to be considered in plan making and decision taking
Mansard roof	Adds new definition	Needs to be considered in plan making and decision taking

Figure 1 Anticipated Application of Presumption Test



* and did the plan identify a 5 year supply at examination
 ** including both a policies map and proposed allocations towards meeting 5 years of housing need

Source: Harry Quartermain (2023)

<https://www.linkedin.com/feed/update/urn:li:activity:7143575985190301696/>

New planning guidance on the Green Belt

Green Belt guidance

The Planning Policy Guidance was updated to provide new paragraphs on the development that can take place on brownfield land in the Green Belt.

'The National Planning Policy Framework sets out the policy on proposals affecting the Green Belt. Where previously developed land is located within the Green Belt, the National Planning Policy Framework sets out the circumstances in which development may not be inappropriate. This includes limited infilling or the partial or complete redevelopment of previously developed land, subject to conditions relating to the potential impact of development on the openness of the Green Belt.

The Framework indicates that certain other forms of development are also 'not inappropriate' in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.' (Paragraph: 004 Reference ID: 64-004-20231219

This reiterates what is in the December NPPF and does not represent a substantive change from the policies in the previous versions of the NPPF.

Michael Gove's Speech and Interventions

Five key principles were highlighted as crucial to supporting new development: beauty, infrastructure, democracy, environment and neighbourhood. As well as introducing the new NPPF, key points from Michael Gove's speech included, promises to:

- Launch a rapid, three-month review into the wider statutory consultee system
- Publish league tables of LPA performance
- Establish accelerated planning services
- Consult on measures to limit the use of extension of time agreements by LPAs
- Focus on planning committee decisions, with reporting from PINS on successful appeals, which are aligned with the original officer's recommendation
- Get tough with LPAs that are not performing.

Additional financial support was also highlighted: the increase in planning fees, the confirmation that 180 authorities had been awarded funding through the Planning Skills Delivery Fund, establishment of the planning super squad to unblock major developments and eight successful bids for the first round of the Local Nutrient Mitigation Fund.

On the same day, demonstrating the promise to 'get tough', the Secretary of State intervened in seven councils¹ on the basis they neither had a plan adopted in the current plan making system nor have a currently submitted draft plan for local plan examination. A new direction was issued preventing West Berkshire withdrawing its Local Plan (following previous directions to Spelthorne and Erewash during Autumn 2023). Fareham and Chorley were designated on the grounds of poor-quality decision-making (joining the previously solely designated Uttlesford). A letter was issued to the Mayor of London regarding under delivery of housing and setting out a government directed action plan.

Michael [Gove's Speech](#)

[Local Plan Intervention Letters](#)

[West Berkshire Intervention Letter](#)

[Chorley Designation Letter](#)

[Fareham Designation Letter](#)

[Housebuilding in London: Letter from SoS to Mayor of London](#)

Implications for Tandridge

- Need to sustain and continue improving the rate and quality of decision making. This will be further challenged if the proposal to limit the use of extension of time agreements is introduced.
- Need to continue to move forwards with the preparation of a district wide Local Plan and to publish an updated Local Development Scheme at first possible moment to avoid intervention.

¹ Amber Valley, Ashfield, Basildon, Castle Point, Medway, St Albans and Uttlesford.

Written Ministerial Statement

[Michael Gove's Written Statement](#)

Summary Statement issued on 19.12.2023 by Michael Gove, SoS for Levelling Up, Housing and Communities

[NPPF headlines](#)

Local Housing Need

The new NPPF makes it clear that the outcome of the standard method is an advisory starting point and details what amounts to exceptional circumstances which may warrant the use of a different Local Housing Need Calculation Method, particularly around demographics.

The proposal to take into account 'over-delivery' of homes in the past in preparing new plans has not been taken forward.

Green Belt

The changes clarify that there are no requirements for a Green Belt boundary to be changed once it has been established.

Design Code

Stronger protection will be afforded against proposal which would bring inappropriate residential densities which would be wholly out of character with the area.

Exporting Housing Need

The new NPPF makes it clear that the 20 cities subject to the urban uplift have to accommodate this uplift within those cities and urban centres, except where a voluntary cross-boundary agreement is reached to export some of it to the surrounding areas.

Five-year Housing Land Supply

The government has removed the requirement for LPAs that have an up-to-date local plan (plan less than five years old and a five-year land supply when adopted) to update their five-year supply of land annually.

The 5% and 10% buffer applied to authorities' which did not meet their requirements is also removed. The 20% buffer an authority needs to add to its housing land supply where housing delivery falls below 85% of its requirement will now only apply to those authorities that do not have an up-to-date plan in place (less than five years old).

Actions Plan will be mandatory for LPAs where delivery falls below 95% and the presumption in favour of sustainable development will apply where delivery falls below 75%.

LPAs with a Local Plan in the making (at examination, Regulation 18 or Regulation 19 with a policy map and proposed allocations) now only have to meet a four-year housing land supply for a period of two years for decision making purposes.

Over-supply will be treated in the same way as under-supply for the purpose of calculating five-year housing land supply. Further guidance will be published.

Neighbourhood Plans

Protection afforded by a Neighbourhood Plan is lengthened from two to five years.

Community-Led Housing and Self and Custom Build

'Permission in principle' will be encouraged for community-led housing, self-built and custom-built. Retirement housing, housing-with-care and care homes need will need to be specifically considered when establishing local housing need.

Environment and Energy

Protection for agricultural land has been strengthened through the NPPF changes. The changes also support more efficient homes.

Wider reforms beyond the NPPF

Whether the character and past record of developers should be considered through the planning system is still being discussed. The enforcement package outlined in the Levelling Up and Regeneration Act is being implemented, including extending the time limits to take enforcement action, increasing maximum fines and reducing loopholes to appeal against enforcement action.

A consultation will be opened on how to improve build out rated once the Competition and Markets Authority has published its final report as part of their housebuilding market study in 2024.

The government would like to improve planning performance and has announced the following measures:

Greater Transparency

A new Local Authority performance dashboard will be published in 2024. The dashboard will display performance without the use of Extension of Time Agreements. A consultation will be released on the use of those agreements, with the government intending to ban them for householder applications, limiting the process they can apply to and prohibiting repeat agreements.

Additional Financial Support

As of 6 December, planning fees have increased by 35% for major applications and 25% for other applications. Local authorities are obliged to spend these fees on planning services. Government has encouraged authorities not to decrease spend on planning from their general fund.

The government is committing to increase the Planning Skills Delivery Fund from £24 million to £29 million, an increase of 17%.

The government is going ahead with the establishment of their Planning Super Squad, who will help deliver major developments across the country. The government has made £13.5 million of funding available to support this initiative.

£5 millions have been set aside to help LPAs with securing Local Development Orders.

£57 millions are being allocated to the eight successful bids in the first round of the Local Nutrient Mitigation Fund. The second round will open for bid in January 2024. A further round of Nutrient Support Funding in the form of £100,000 to the lead local authority for large affected catchments will also be made available.

Faster Processes

A three-month review of the statutory consultee process will be undertaken.

The government wishes to standardise and regularise agreements which will be based on Planning Performance Agreement. It is intended for the agreements to provide clear milestones and set appropriate fees for the processing of planning applications. A consultation will be out in the new year on those arrangements.

PINS has been tasked with reporting where appeals overturn a planning committee decision and where the final decision is the same as the original officer's recommendations. Where this is the case and where no reasonable grounds can be found to justify the decision of the planning committee, PINS has been instructed to award the cost to the appellant.

Direct Action

The government is taking action against seven local authorities in the country. Direction has been issued those seven authorities requiring them to publish a plan timetable within 12 weeks of the publication of the NPPF. Should they fail, further intervention will be considered by central government.

Two additional authorities have been designated for their poor-decision making performance. Further authorities are being reviewed.

The 2022 Housing Delivery Test results have been published. 20 new authorities became liable to the presumption in favour of sustainable development.

London was singled out for its poor housing delivery performance and the government would like further action to be taken to bring forward brownfield site and regeneration opportunities in the capital. The government has put together a taskforce to review the plan and identify opportunities where policy could help speed up delivery.

A new development corporation for Cambridge will be set up, to help deliver the government's Cambridge 2040 vision.

Building Regulations will be reviewed in Spring 2024 to allow LPAs to introduce tighter water efficiency standards in new homes. Government is currently encouraging Local Authorities to work with the Environment Agency to agree standards tighter than the 110 litres per day set out in current guidance.

The definition of Gypsies and Travellers used in the Planning Policy for Travellers Site is reversed back to the definition adopted in 2012, following the Smith v SSLUHC & Ors case. Further review will be conducted in 2024.

Response to Levelling-up and Regeneration Bill: reforms to national planning policy consultation

The government has also published its response to its consultation on updating the National Planning Policy Framework, which ran from December 2022-March 2023. More than 26,000 responses were received. It is helpful to consider the responses as it provides useful context to understanding the changes to the NPPF, helps illuminate Government thinking on key points and identifies where future changes or guidance may be forthcoming. It is also useful to understand what changes were not implemented.

In summary, there are four significant changes proposed in the consultation, which have not been implemented:

- 1) Test of soundness: The consultation draft proposed to remove the requirement that local plans be 'justified' and referenced proportionate evidence. This has not been implemented and the test of soundness are unchanged.
- 2) Green Belt: The consultation draft proposed that Green Belt boundaries would not need to be reviewed or altered if this would be the only means of meeting the objectively assessed housing need for the plan period. This proposal has not been implemented, instead the NPPF has been amended to note that it is optional to review or change Green Belt boundaries during plan making.
- 3) Out of character densities: The consultation draft proposed that local plans did not have to meet needs in full if it would require building at densities significantly out of character with the existing area. This has not been implemented although there are references later in the new NPPF in regard to applying density policies in urban areas.
- 4) Historic over delivery: The consultation draft proposed that local plans did not have to meet needs in full if there was evidence of past over-delivery. Again, this was not taken forward.

The full response can be found here: [Consultation Response](#). The table below summarises the Government responses.

Consultation Topic / Question	Government Response
Housing land supply	
Q1) Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply for as long as the housing requirement set out in its strategic policies is less than 5 years old?	Proposed change implemented via revision to NPPF
Q2) Do you agree that buffers should not be required as part of 5-year housing land supply calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?	5% and 10% buffers removed from housing land supply calculations; however, 20% buffer retained. Implemented via revision to NPPF
Q3) Should an over-supply of homes early in a plan period be taken into consideration when calculating a 5-year	Proposed change implemented via revision to NPPF.

Consultation Topic / Question	Government Response
housing land supply later on, or is there an alternative approach that is preferable?	Additional Planning Practice Guidance to be produced in due course
Q4) What should any planning guidance dealing with over-supply and under-supply say?	Under consideration ahead of future PPG as set out in response to Q3
Q5) Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?	<p>Proposed change (protection for NPs increased from 2 to 5 years) implemented via revision to NPPF</p> <p>Additional Planning Practice Guidance to be produced in due course</p>
Q6) Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?	Proposed change implemented via revision to NPPF
Local Housing Need and the standard method	
Q7) What are your views on the implications these changes may have on plan-making and housing supply?	<p>Proposed changes implemented with amendments via revision to NPPF</p> <p>Further consideration being given to the use of more recent household projections but for the time being 2014 based household projects will continue to be used for the standard method</p>
Using an alternative approach for assessing local housing needs	
Q8) Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?	<p>Proposed changes implemented with amendments via revision to NPPF</p> <p>Government discounted proposal to take into account other issues, such as flooding, in defining exceptional circumstances. Noting that such issues should be take into account via existing policy when planning for areas rather than establishing need</p> <p>Government made it clear that the standard method is advisory and should be considered the starting point for establishing need in an area. Further that it is only after consideration of this alongside an area's constraints and</p>

Consultation Topic / Question	Government Response
	<p>available land that a decision on how many homes should be planned for.</p> <p>Further guidance is to be produced</p>
<p>Q9) Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?</p>	<p>Green Belt Policy wording to be revised in response for greater clarity of the policy intent. Revised wording amendments via revision to NPPF.</p> <p>Density or character Proposed changes implemented with amendments via revision to NPPF. (a new paragraph inserted into chapter 11 of the existing Framework).</p> <p>To support implementation, this proposal is directly linked to authority-wide design codes.</p> <p>Revision to supporting guidance in due course.</p> <p>Past over supply Proposed changes not implemented in revision to NPPF. But further consideration on practicability to be explored.</p>
<p>Q10) Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?</p>	<p>Government policy position is set out in response to Q9</p>
<p>Q11) Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?</p>	<p>Proposed changes not implemented</p>
<p>Q12) Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?</p>	<p>N/A as tests of soundness were not revised</p>
<p>Delivering the urban uplift</p>	

Consultation Topic / Question	Government Response
<p>Q13) Do you agree that we should make a change to the Framework on the application of the urban uplift?</p> <p>Q14) What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?</p> <p>Q15) How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?</p>	<p>Government considered responses to Qs 13, 14 and 15 together.</p> <p>Proposed changes implemented with amendments via revision to NPPF. Associated footnote revised to ensure consistency with existing policy in Chapter 11 (on making the most effective use of land, optimising densities and prioritising brownfield and other under-utilised urban sites.)</p>
Enabling communities with plans already in the system to benefit from changes	
<p>Q16) Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?</p>	<p>Proposed changes implemented with amendments via revision to NPPF</p>
<p>Q17) Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?</p>	<p>Proposed changes not implemented in revision to NPPF. Government position set out in Annex 1 of the framework will not change.</p>
Taking account of permissions granted in the Housing Delivery Test	
<p>Q18) Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?</p> <p>Q19) Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?</p>	<p>Government considered responses to Qs 18, 19 and 20 together.</p> <p>Proposed changes not implemented in revision to NPPF due to operability challenges. But further consideration for future policy update to be explored.</p>

Consultation Topic / Question	Government Response
Q20) Do you have views on a robust method for counting deliverable homes permitted for these purposes?	
Q21) What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	Proposed changes not implemented in revision to NPPF as set out in Qs 18 and 19. But Government will publish the results of the 2022 Housing Delivery Test and consequences applied as set out in the National Planning Policy Framework.
Chapter 5 – A planning system for communities More homes for social rent	
Q22) Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?	Further consideration of views, for future policy update to be explored.
Q23) Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?	Proposed changes implemented with amendments via revision to NPPF
More small sites for small builders	
Q24) Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)? Q25) How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?	Government considered responses to Qs 24 and 25 together. Proposed changes implemented with amendments via revision to NPPF. Further consultation on specific proposals to strengthen small sites planning policy in due course.
More community-led developments	
Q26) Should the definition of ‘affordable housing for rent’ in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?	Government will consider proposed changes for future policy updates.
Q27) Are there any changes that could be made to exception site policy that would make it easier for community	Government considered responses to Qs 27 and 28 together.

Consultation Topic / Question	Government Response
<p>groups to bring forward affordable housing?</p> <p>Q28) Is there anything else that you think would help community groups in delivering affordable housing on exception sites?</p>	<p>Proposed changes implemented with amendments via revision to NPPF. Associated footnotes revised to reflect the replacement of the entry-level exception site policy.</p>
<p>Q29) Is there anything else national planning policy could do to support community-led developments?</p>	<p>Government amended NPPF - new para 82 of NPPF to emphasise on role of community led development in affordable housing; new para 73 to focus exclusively on newly introduced community-led housing exception sites; and added a definition of community-led development in the Glossary.</p> <p>Further changes to be considered in future updates.</p>
<p>Q30) Do you agree in principle that an applicant's past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?</p> <p>Q31) Of the 2 options above, what would be the most effective mechanism? Are there any alternative mechanisms?</p>	<p>Government considered responses to Qs 30 and 31 together.</p> <p>Government will consider proposed changes for future policy updates</p>
<p>Q32) Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?</p>	<p>Government proposes to take forward these changes, after a full consultation on them in the future.</p>
<p>Chapter 6 – Asking for beauty</p>	
<p>Q33) Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?</p> <p>Q34) Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to</p>	<p>Government considered responses to Qs 33 and 34 together.</p> <p>Proposed changes implemented via revision to NPPF</p>

Consultation Topic / Question	Government Response
further encourage well-designed and beautiful development?	
Q35) Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Proposed changes implemented with amendments via revision to NPPF.
Q36) Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?	Proposed changes implemented with amendments via revision to NPPF to recognise that mansard roof development should be allowed only on suitable properties and the inclusion of an explanation in the Glossary.
Chapter 7 – Protecting the environment and tackling climate change.	
Q37) How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?	Further consideration for future policy update to be explored.
Q38) Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?	Proposed changes implemented via revision to NPPF
Climate change mitigation: exploring a form of carbon assessment	
Q39) What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?	Government will consider proposed changes for future policy updates. Government is carrying out research that will inform potential future policy decisions in this area.
Q40) Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?	Government will consider proposed changes for future policy updates.
Chapter 8 – Onshore wind and energy efficiency	
Q41) Do you agree with the changes proposed to Paragraph 155 of the	Government brought forward changes in September 2023 NPPF update with

Consultation Topic / Question	Government Response
<p>existing National Planning Policy Framework?</p> <p>Q42) Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?</p> <p>Q43) Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?</p>	<p>minor changes to reflect responses to consultation.</p> <p>Government has amended the text in footnote 54 from planning impacts identified by the local community being “satisfactorily addressed” to “appropriately addressed”. And in paragraph 155a from “addressed satisfactorily” to “addressed appropriately”</p>
<p>Q44) Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?</p>	<p>Proposed changes implemented with amendments via revision to NPPF.</p> <p>The amendments make it clear that this policy should apply to all existing buildings, both domestic and non-domestic.</p>
Chapter 9 – Preparing for the new system of plan-making	
<p>Q45) Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?</p>	<p>Government confirmed intention that the latest date for plan-makers to submit local plans, minerals and waste plans, and spatial development strategies for examination under the current system will be 30 June 2025 and adoption by 31 December 2026.</p>
<p>Q46) Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?</p>	<p>Government confirmed intention to have in place the regulations, policy and guidance by autumn 2024</p>
<p>Q47) Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?</p>	<p>Proposed changes implemented via revision to NPPF.</p>
<p>Q48) Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?</p>	<p>Government confirmed intention contingent upon parliamentary approval</p>
Chapter 10 – National Development Management Policies	

Consultation Topic / Question	Government Response
<p>Q49) Do you agree with the suggested scope and principles for guiding National Development Management Policies?</p> <p>Q50) What other principles, if any, do you believe should inform the scope of National Development Management Policies?</p> <p>Q51) Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?</p> <p>Q52) Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?</p>	<p>Government will use existing national development management policy as the starting point for developing the first suite of National Development Management Policies.</p>
<p>Chapter 11 – Enabling Levelling Up</p>	
<p>Q53) What, if any, planning policies do you think could be included in a new Framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?</p> <p>Q54) How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?</p>	<p>Government has committed separately to consulting on adding requirements to the NPPF for decision-makers to pay particular regard to research and development needs in order to take advantage of the economic opportunities available to them.</p> <p>Government intends to publish Freeports Delivery Roadmap.</p> <p>Update of PPG in due course.</p>
<p>Q55) Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?</p>	<p>Government will consider responses in on-going policy development work. Government has already committed to a review into identifying further measures that would prioritise the use of brownfield land and will provide further detail in due course.</p>
<p>Q56) Do you think that the government should bring forward proposals to update the Framework as part of next year’s wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for</p>	<p>Proposed changes not implemented in revision to NPPF.</p>

Consultation Topic / Question	Government Response
example policies on lighting/street lighting?	
Chapter 12 – Practical changes and next steps	
Q57) Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?	Government will ensure that the language used in updating the NPPF and production of the NDMP is plain and concise. And will ensure that any future national planning policy documents are published in line with accessibility guidance.
Q58) We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.	<p>Government recognises that any decrease in housing supply as a result of these immediate changes would affect the availability and affordability of housing, with a particularly adverse impact on younger people.</p> <p>After consideration, Government considers that the policy changes, as implemented, will not have a significant adverse impact on housing supply in the short term. As such, the changes are not expected to have a negative impact on individuals, or groups of individuals with protected characteristics, who typically are more likely to be impacted by the challenge of access to affordable housing.</p>

Changes to Government planning policy on traveller sites

Planning Policy Committee Thursday, 18 January 2024

Report of: Chief Planning Officer

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

The government updated the Planning Policy for Travellers in December 2023 with a revised definition for Gypsy and Travellers. The definition has reverted back to defining travellers as all those of travelling background, not just those who are currently travelling.

A new Gypsy Traveller Accommodation Needs Assessment (GTANA) has been commissioned by the authority which will provide an up-to-date need figure based on this updated definition.

This report supports the Council's priority of:

Creating the homes, infrastructure and environment we need

Contact officer: Helen Murch
HMurch@tandridge.gov.uk

Recommendation:

That the new definition of gypsies and travellers (made in the Government's December 2023 update of the Planning Policy for Travellers) be noted.

1. On 19 December 2023, the government updated its planning policy for traveller sites. The update comes alongside the government publishing its long-awaited response to the consultation it ran on the National Planning Policy Framework in 2022. The updated paper can be viewed at: [Planning policy for traveller sites - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/121212/Planning_Policy_Framework_2023.pdf)
2. This updated government policy must be considered in the preparation of development plans. It is also a material consideration that applies to planning decisions being taken now by the Council and also by Planning Inspectors.
3. Local planning authorities preparing plans for and taking decisions on traveller sites should also have regard to the policies in the National Planning Policy Framework ('NPPF' so far as they are relevant).
4. The only change in this government policy paper is to the definition of gypsies and travellers. The definition reverts to defining travellers as all those of travelling background, not just those who are currently travelling. This follows the judgment in the Court of Appeal in the case of *Lisa Smith v SSLUHC & Ors* [2022] EWCA Civ 1391 ('Lisa Smith case'), which upheld claims that the government's planning policy definition discriminated unlawfully against those who had been forced to give up their nomadic lifestyle due to disability or old age. As such, the definition used in the Planning Policy for Traveller Sites adopted in 2012 will once again apply. This amendment was effective from 19 December 2023 for plan-making and decision-taking. Footnote 1 of the updated government policy paper provides a glossary to address unlawful discrimination, and defines that for the purposes of planning policy, "gypsies and travellers" means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
5. The definition excludes "members of an organised group of travelling showpeople or circus people travelling together as such", according to the glossary. In determining whether persons are Gypsies and Travellers, the glossary also reads, "consideration should be given to whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of life; and whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances."
6. The government intends to review the approach to this area of policy and case law in 2024.

Key implications

Implications for Tandridge District Council

7. The change to the definition has implications for the Council.
8. A new Gypsy Traveller Accommodation Needs Assessment (GTANA) has been commissioned by the authority which will provide an up-to-date need figure. This is due to be published in mid 2024. Whilst there was an intention to provide for 'cultural' need further to the examiner's comments, the change to the definition now provides clarity as to which need should be addressed leaving no room for interpretation.
9. Reverting to the 2012 definition will strengthen the case for better provision of sites and safe stopping places for the gypsy and traveller community. The GTANA will not prohibit gypsies and travellers with disability, carers or the elderly from being included within the forthcoming accommodation needs assessment.

Comments of the Chief Finance Officer

The Council to continues to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.

The expenditures associated with the production of the new Gypsy Traveller Accommodation Needs Assessment (GTANA) are supported by the Section 151 Officer provided they are undertaken within the existing approved Local Plan expenditure envelope and it demonstrably delivers value for money for the Council.

In conjunction with Planning Policy, the costs will continue to be planned and monitored within the envelope.

Comments of the Head of Legal Services

As set out in this report, [new guidance](#) has been published in response to an October 2022 Court of Appeal ruling. Notably, in the Lisa Smith case, the court upheld claims that the government's planning policy definition of Gypsies and Travellers at the time discriminated unlawfully against those who had been forced to give up their nomadic lifestyles due to disability or old age.

The case had focused on the government's planning policy for traveller sites 2015 document, which excluded those who have ceased to travel by reason of infirmity or advancing years from the definition of Gypsies and Travellers. In particular, that elderly and disabled Gypsies and Travellers (who were no longer travelling) had to rely on general planning policy was felt by the court to be inherently a disadvantage.

In determining whether persons are Gypsies and Travellers, the glossary provides "consideration should be given to whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of life; and whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances."

Therefore with the recent changes being implemented to planning policy, an up-to-date GTANA for the Council is required, as evidence to inform the planning process.

Biodiversity Net Gain update

Planning Policy Committee Thursday, 18 January 2024

Report of: Chief Planning Officer

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

This report seeks to update Members about the work being undertaken to prepare the Council for the introduction of Biodiversity Net Gain ('BNG') regulations, together with commentary about the scope for exceeding the mandatory 10% BNG requirement; and the likely supply of off-site bio diversity units (via both the public and private sectors) to offset losses arising from development.

This report supports the Council's priority of: Creating the homes, infrastructure and environment we need/ Becoming a greener, more sustainable District

Contact officer Tim Elton - Principal Ecologist
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Recommendation to Committee:

That the report be noted.

1. BNG Government Guidance and Legislation Update

1.1 On the 29th November 2023, the government published a series of key BNG guidance, tools, and draft secondary legislation, including:

- Local Authority Guidance
- BNG Planning Practice Guidance
- Statutory Biodiversity Metric Tools and Guidance
- The Biodiversity Net Gain Draft Statutory Instruments
- Biodiversity Net Gain developer and land manager step – by –step guidance
- Updates and additions to the Defra BNG guidance collection page

1.2 The guidance is in draft format prior to the commencement of mandatory biodiversity net gain (mBNG) and may be subject to change. The date that the BNG regulations come into force is still to be confirmed but it is understood that the timing is subject to parliamentary timetabling, and a date within late January/ early February for major development mBNG is expected.

1.3 It is considered that the likely timetable for mBNG will be as follows:

- Late January/ early February 2024 for major development
- April 2024 for small sites
- 2025 for Nationally Significant Infrastructure Projects

2. The preparedness of the Local Planning Authority to deal with the introduction of mBNG

2.1 The Council will be ready for the introduction of mBNG in late January/ early February.

2.2 The Council is an active member of the Planning Advisory Service Biodiversity Net Gain Forum for LPAs, and is participating in all Practitioner Network virtual meetings, to ensure all emerging discussion and guidance is considered in preparedness of the LPA to deal with the introduction of mBNG.

2.3 The Council has updated its BNG implementation plan in accordance with the recently published BNG guidance, tools and regulations. Working groups to process map a case study planning application through the entire DM process, and through to monitoring and enforcement, have been established and the work is underway. Internal guidance notes for DM and other Council functions will then be produced.

2.4 A draft validation checklist has been produced, which includes consideration for Biodiversity Net Gain requirements and other general biodiversity updates in accordance with current best practice guidelines. A S106 template for habitat banks has also been produced, detailed further in the present report. Other immediate priority tasks in preparedness of the Council for the introduction of mBNG include:

- Issue developer and landowner guidance on the local level details of BNG, and updating the council website to contain this;
- Member and officer training;
- developing standard wording for officer reports, decision notices and conditions;
- developing a cost calculator for BNG monitoring fees.

3. Liaison with potential strategic partnerships

3.1 The Council continues to liaise with Surrey County Council ('SCC') to ensure successful implementation and development of local level variables associated with BNG, including registering the Council's interest in becoming a Supporting Authority in the development of the Local Nature Recovery Strategy, and the development of habitat banks. Officers from the Council have attended a BNG training / workshop hosted by SCC. A further meeting between the Council's Principal Ecologist and the SCC Environment Team has taken place and further ongoing meetings are scheduled.

3.2 The Council will also be liaising with other Boroughs and Districts in due course, as well as with Parish councils, to ensure a joined up and strategic approach to BNG and the wider nature recovery as a whole.

4. Policy exceeding the 10% mBNG requirement in Tandridge

4.1 The Council continues to aspire to implement a higher than 10% BNG policy requirement for development within the District. However, it is recognised that it is important that the impacts of developing a policy exceeding the 10% mBNG requirement are carefully considered, particularly regarding impact upon 100% affordable housing schemes.

4.2 The Council has engaged with a consultant to undertake a viability assessment of affordable housing against varying levels of BNG percentage requirement. This will involve, with the support of in-house ecologist resource, the testing of case study planning applications against their ability to deliver varying levels of BNG, and the associated viability impacts at each level.

4.3 Once the case and justification for going above 10% mBNG has been finalised and a policy approach developed this will be reported back to the Planning Policy Committee. At this point it is anticipated that this will be in late spring 2024.

5. Study of habitat banks on Council owned land

5.1 The successful delivery of BNG will require a supply of high-quality off-site biodiversity units within the District subject to strict monitoring and enforcement, to ensure that biodiversity losses via development within the District are offset locally in accordance with the spatial Biodiversity Gain Hierarchy.

5.2 SCC is undertaking a County-wide BNG Habitat Banks Assessment Study, in which a total of 59 sites have been identified for assessment. This Council previously put forward council-owned sites to SCC to form part of the BNG Habitat Banks Assessment Study. These sites are:

- Fosterdown Wood (23 hectares), in Caterham
- North Down Scarp near Woldingham (3.5 hectares), in Woldingham & Oxted

5.3 In addition to this, SCC have also included in the habitat bank study two sites outside of the Council's ownership but falling within the District Council area, these are:

- National Centre for Young People with Epilepsy (42 ha), in Dormansland
- Hill Park Estate, Chestnut Avenue (25.4 ha), in Tatsfield

5.4 SCC have confirmed the appointment of an ecological consultancy to survey the above four sites within the 2024 botanical survey season, and carry out a detailed BNG study of the sites to assess their suitability to provide off-site biodiversity units as habitat banks. Informed by a habitat survey and desktop information, the consultant will prepare two biodiversity unit uplift options for each site, with one being a high level of intervention, and the second being a low cost and low intervention option. It is considered that the costs associated with the assessment of both the Council sites will be covered by SCC funding, and as such it is expected there will be no cost for this work incurred by the Council.

5.5 It is considered that a sufficient supply of off-site biodiversity units will be available in 2024, with the private market likely to have available biodiversity units from the BNG commencement date.

6. Supply of off-site BNG solutions (biodiversity units) from the private market

- 6.1 The Council is proactively liaising with local landowners and other parties within the District with interest in forming habitat banks for the sale of off-site biodiversity units to developers on the private market. The Council has received information relating to potential Habitat Banks, which are currently being reviewed. The Council has produced a Section 106 template in readiness of agreeing such a habitat bank, to ensure off-site biodiversity units within the District area are available for allocation to developments as and when required.
- 6.2 Several private sector 'match making' registers have been published, on which off-site biodiversity unit providers can advertise their biodiversity units for sale to developments which have incurred an off-set liability. The Council is monitoring these registers for availability of biodiversity units within the District. To date, one habitat bank exists on a register within the Council's area, offering 30 units of scrub and 60 units of grassland.

7. The feasibility, timing and cost of undertaking a District wide baseline habitat assessment

Officers are currently considering whether or not it is feasible in terms of time and cost to conduct a detailed District-wide baseline habitat assessment. However, habitat data based on reasonable assumptions is available, which includes the Tandridge District Council area.

8. Costs associated with BNG

- 8.1 Information of funding available for LPAs to implement BNG in 2024 and beyond have not been provided.
- 8.2 The costs of the monitoring and enforcement of both on-site significant biodiversity gains for development projects and off-site biodiversity gains (e.g. habitat banks) can be recovered via S106 agreements.
- 8.3 Due to the long-term nature of BNG, it is important that costs are regularly reviewed in line with the charges levied. These should be assessed on at least an annual basis to reflect the Council's corporate priorities, and ensure increases are applied to take account of inflation, demand, and any other appropriate factors.

Key implications

Comments of the Chief Finance Officer

The 2024/25 proposed budget is presented with significant uncertainty regarding the financial impact of BNG. Further clarity over Government funding and the approach to BNG is expected from January 2024 onwards. As with any newly introduced fee, demand and the associated income and costs come with a degree of uncertainty. The Council's approach will need to be established and then monitored carefully to ensure costs are covered.

Due to the long-term nature of BNG it is essential to ensure we proactively manage the processes and the associated financial implications as tightly as possible and minimise the associated risks.

Comments of the Head of Legal Services

One of the measures set out in the Environment Act 2021 is the mandatory Biodiversity Net Gain regime which will require most planning permissions granted in England to deliver at least a 10% net gain on the site's pre-development biodiversity value. As mentioned in the main body of this report, the new regime was due to be implemented for certain town and country planning applications in November 2023 but has been delayed for two months. The new target date of January 2024 on the introduction of BNG for major development has been announced. On 29 November 2023, the Government also announced the publication of the draft secondary legislation for the new BNG framework. This introduced the following six sets of draft regulations, all of which are required to go live together in order to implement the new BNG regime:

- The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations
- The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations
- The Biodiversity Gain Site Register Regulations
- The Biodiversity Gain Requirements (Exemptions) Regulations
- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations
- The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations

As well as publishing the draft regulations, since 29 November DEFRA has uploaded multiple pieces of new guidance to its website to tie in with the draft regulations. DLUHC has also published draft biodiversity net gain planning practice guidance. The draft planning practice guidance mentions an additional set of regulations to implement BNG: The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations.

In total, including further material on DEFRA's Land Use blog, almost twenty new pieces of guidance have already been published since 29 November 2023. With multiple sets of draft BNG regulations to consider, that is a lot for Officers and developers to get to grips with in a very short space time and it is still not clear how much more guidance there is to come. Some of the guidance that has been published is also itself in draft, meaning that further changes to these will be made.

The sheer amount of material that has been published by the Government since the end of November 2023 – and which may still yet be published - means that there is still an awful lot for Officers in particular to get to grips with before implementation in January 2024. However as the report sets out great strides have been made to ensure the Council is as prepared as it can be.

Equality

Introduction of mBNG will benefit all residents of the District and will:

- (i) promote equality of opportunity; and
- (ii) through allowing better access to nature, positively impact groups with protected characteristics in the community.

Climate change

Apart from improvements in access to nature and increased biodiversity, there are no significant environmental / sustainability implications associated with this report.

Appendices

None

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Gatwick Airport Development Consent Order (DCO) process

Planning Policy Committee Thursday, 18 January 2024

Report of: Chief Planning Officer

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

This report is to update Members on the progress to date with the Development Consent Order (DCO) for Gatwick Airport Limited (GAL)'s Northern Runway Project (NRP). It outlines the immediate and longer-term requirements for the Council to respond to the DCO.

There are two key developments to note. First, the Examining Authority published a 'Rule 6' letter on 5th January 2024 under the Planning Act 2008 – Sections 88 and 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 6, 9, 13 and 16. This letter includes a draft timeline for the examination as well as the Initial Assessment of Principal Issues, prepared by the Examining Authority.

Second, GAL have launched a public consultation (until 21st January 2024) regarding revised proposals for specific aspects of the project.

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 officer Helen Murch
Hmurch@tandridge.gov.uk

Recommendations to Committee:

That:

- A. progress on the workstreams be noted; and
 - B. GAL's revised proposals and new consultation period be noted.
-

Introduction

- 1 Gatwick Airport Limited (GAL) submitted an application for an Order to grant Development Consent for its Northern Runway Project. The Planning Inspectorate accepted the application.
- 2 For further information on the Development Consent Process including written guidance and various videos please go to the following weblink
- 3 [The process | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/the-process/national-infrastructure-planning)
- 4 The Gatwick Airport Limited submitted Application documents, representations and procedural documentation are available to view on the following website
- 5 [Gatwick Airport Northern Runway | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/gatwick-airport-northern-runway/national-infrastructure-planning)

Representations

- 6 The period for relevant representations (consultation responses) to be submitted to the Planning Inspectorate started on the 4 September 2023. On 19 November 2023 the PINS initial consultation period for the submission of representations in relation to the GAL application closed. This was then extended until the 12 December 2023 as there were other interested parties identified who had not been consulted.
- 7 Over 4000+ representations have been received by the Planning Inspectorate.
- 8 Written Representations are due on 12th March 2024 (see Rule 6 letter section below).

Topic Meetings

- 9 Gatwick Airport Limited have organised a number of topic meetings with the Joint Local Authority Consortium and their specialist consultants. In these topic meetings GAL provided presentations and invited discussions on those various topics. Tandridge attended the GAL topic meetings on Employment and Skills, Air Quality, Transport and Noise.

Issues Trackers

- 10 GAL have collated topic related issues trackers from the issues provided to them in the submitted representations and any other raised relevant issues that have arisen since. GAL have produced topic related trackers and their responses to each of those matters and they have shared those latest versions with the Joint Authority Consortium in December 2023. GAL have stated that they intend to update these trackers and issue them again in January 2024.

Gatwick's Revised Proposals

- 11 GAL published their revised proposals on the 13 December 2023 and are undertaking public consultation from 13 December 2023 to 21 January 2024 at 11:59pm. They are consulting the public, landowners and other stakeholders on their proposed changes.
- 12 The proposals are available to view on GALs website which is available to view on the following weblink [Northern Runway Plans | London Gatwick Airport](#)
- 13 There are 3 methods by which interested parties can respond to GAL's revised proposals consultation which are as follows:
 - The completion of online form available on the GAL website
 - Email to feedback@gatwickfutureplans.com or
 - Postal responses can be sent to Northern Runway Project Team, Destinations Place, South Terminal Gatwick Airport, West Sussex RH6 0NP.
- 14 Once the consultation has been completed GAL will consider the comments and then they will submit their revised proposals to the Planning Inspectorate. They expect to do this in February 2024. It will then be for the Planning Inspectorate to decide if the changes can be made to the application before it is examined.
- 15 The Joint Authority Consortium (JAC) are discussing about producing a joint response to the revised Gatwick proposals, except Crawley who will prepare their own individual response due to the greater impact on their area.

Local Impact Report

- 16 With a Development Consent Order application, the Examining Authority (the Planning Inspectorate) will invite the relevant local authorities to prepare and submit a Local Impact Report (LIR) by a required deadline. A LIR provides details of the likely impact of the proposed development on the authority's area (or any part of that area). The content is decided by the authority. The submission deadline is 12th March 2024 (see Rule 6 letter section below)
- 17 Surrey County Council is working in partnership with Tandridge District Council, Mole Valley District Council and Reigate and Banstead and Banstead Borough Council to draft a Joint Local Impact Report. This will contain shared sections in relation to the impact across the whole of the County and it will also contain specific sections in relation to the impact on Tandridge, informed by advice from our noise and air quality specialists.
- 18 The Joint Authority Consortium's legal representatives Sharp Pritchard and Kings Counsel will be reviewing the various drafts from the later part of January 2024.

Section 106 Agreement

- 19 GAL has informed the JAC that they intend to circulate a first draft of the Section 106 Agreement in January 2024. The Legal Department of Tandridge District Council will be reviewing and feeding into the various drafts of the Section 106 Agreement and the Council will be a signatory to the final agreed Section 106 Agreement alongside the other relevant authorities.
- 20 In terms of the other local authorities, their joint legal representatives Sharp Pritchard along with Kings Counsel will be reviewing and feeding into the draft Section 106 Agreement. In December 2023, Mole Valley District Council decided to join this joint legal partnership in relation to the Section 106 matters only and entered into a separate written agreement.

Statements of Common Ground

- 21 GAL will be producing the required Statements of Common Ground with the various local authorities. Some will be joint statements with the JAC where there are common issues that are agreed by all parties and some Statements of Common Ground will be produced with individual authorities in relation to specific issues.

Rule 6 Letter

- 22 On 5th January 2024, PINS issued a Rule 6 letter which provides information about how the application will be examined. The letter gives the following details:
 - i. Details about the Preliminary Meeting
 - ii. Draft Examination Timetable
 - iii. Initial Assessment of Principle Issue

Preliminary Meeting

- 23 The Rule 6 letter confirms the arrangements for the Preliminary Meeting. The purpose of the Preliminary meeting is to discuss the arrangements for the examination of the application. It focuses on the process only and questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin after the close of the Preliminary Meeting.
- 24 All Interested Parties have been invited to the Preliminary Meeting which is to take place on Tuesday 27th February 2024, 10.00am, at the Sandmand Signature London Gatwick Hotel and virtually. A livestream of the event will be made available online as well as a recording, following completion of the event.

Examination Timetable

- 25 PINS has confirmed that the Examination Authority will be made up of five Planning Inspectors.
- 26 The ExA is under a duty to complete the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting, on 27th August 2024.
- 27 The ExA has published the following indicative timetable for the examination:

Date	Item
06/02/2024	Procedural Deadline A
28/02/2024	Preliminary Meeting
29/02/2024, 01/03/24 and 05/03/24-07/03/24	Open Floor Hearings
28/03/2024	Publication of the ExA's Written Questions
w/c 29/04/2024	Hearings
w/c 17/06/2024	Hearings
01/07/2024	Publication of the ExA's Further Written Questions
w/c 29/07/2024	Hearings
14/08/2024	Publication of the ExA's proposed schedule of changes to the draft DCO

- 28 Deadlines and details of when documents, such as the Written Representations, Local Impact Reports and Statements of Common Grounds, are due are set out in Annex F of the Rule 6 letter.

Initial Assessment of Principal Issues

- 29 The ExA has published their initial assessment of principal issues in appendix to the Rule 6 letter.
- 30 The ExA identified the following as being principal issues:
- Air Quality
 - the case for the proposed development
 - Climate Change and Greenhouse Gas Emissions
 - Compulsory Acquisition and Temporary Possession of Land and Rights
 - Draft Development Consent Order, Planning Obligations, Agreements and Management Plans
 - Ecology
 - Historic Environment
 - Landscape and Visual Effects
 - Noise and Vibration
 - Social, Economic and Land Use Considerations
 - Traffic and Transportation
 - Water Environment

Key implications

Comments of the Chief Finance Officer

The Council to continues to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.

The expenditures associated with the Gatwick DCO workstreams are supported by the Section 151 Officer provided they are undertaken within the existing approved Gatwick DCO expenditure envelope and it demonstrably delivers value for money for the Council. In conjunction with Planning Policy, the costs will continue to be planned and monitored.

Comments of the Head of Legal Services

There are no identifiable legal implications arising from this report. The consultation currently being held by GAL is a valuable opportunity for stakeholders to express their views on the proposed options for expanding aviation capacity close to the District. Under section 42 of Planning Act 2008 ('the Act') the Council along with other local authorities must be consulted about whether an applicant, in this instance GAL has complied with their duties. In addition, under the Act, GAL must notify each consultee of the deadline for receipt of comments in relation to the consultation which must not be earlier than 28 days after the consultation documents are received. The Councils can confirm that this provision has been met as the consultation period has been extended from 13 December 2023 to 21 January 2024. The inhouse legal services team will negotiate the terms of the s106 Agreement on behalf of the Council.

Equality

There are no equality impacts associated with this report.

Climate change

The implications of increased air traffic and new potential flight paths 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

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KPI's – Q3 - Planning performance report

Planning Policy Committee Thursday 18 January 2024

Report of: Chief Planning Officer

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

This report includes information about the key planning performance indicators for quarter 3 (1 October – 31 December). 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.

This report supports the Council's priority of:

Creating the homes, infrastructure and environment we need

Contact officer Femi Nwanze - FNwanze@tandridge.gov.uk

Gemma Fitzpatrick - GFitzpatrick@tandridge.gov.uk

Recommendation to Committee:

To note the Quarter 3 2023-2024 performance indicators for the Planning Policy Committee.

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 will be 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	Q1	Q2	Q3	Cumulative
Percentage of decisions on major applications made within 13 weeks or within agreed extension of time	60%	100%	90%	60%	86%
Percentage of decisions on minor applications made within 8 weeks or within agreed extension of time	70%	85%	85%	86%	85%
Percentage of decisions on other applications made within 8 weeks or within agreed extension of time	70%	94%	90%	88%	91%

4. During quarter 3 there were 231 decisions, made on the following categories of applications:

Type of application	Total	Granted	Refused
Major applications	5	1	4
Minor applications	70	54	16
Other applications (incl. 129 householder)	156	138	18
Total decisions	231	193	38

5. Of the 5 major applications detailed in the table above, 3 were decided within the agreed time or with an agreed Extension of time.
6. Of the the 70 minor applications, 60 (86%) were decided within the agreed time or with an agreed Extension of time.
7. Of the the 156 other applications, 138 (88%) were decided within the agreed time or with an agreed Extension of time.
8. Cumulatively of the 231 decisions issues in quarter 3 as detailed above, 201 (87%) were made within the statutory deadlines or with an agreed Extension of time.
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. This quarter 3 major applications were resolved by the Planning Committee to grant planning permission subject to completion of a legal agreement and/or referral to DHLUC. These 3 applications are therefore currently undetermined and thus not included in the above table.

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

11. Work continued during Q3 to further reduce the backlog of planning applications.
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. Work on reducing the backlog continues and further progress has been made though Q3. 231 planning applications were determined compared to the 177 applications received. We were successful in our application for funds from the government’s newly announced Planning Skills Delivery Fund. This grant will be helpful in assisting with reducing the backlog.

14. The following table shows the comparison between the figures reported to the 22 June meeting and those prevailing at the time of writing (09 January 2024) there were:

Measure	June 2023	30 August 2023	5 January 2024
Undetermined planning applications	375	354	287
Undetermined Lawful Development Certificates	81	54	59
Undetermined Prior Notifications	13	14	9
Other outstanding submissions *	180	176	158
Cases waiting to be validated	148	41	62
Invalid applications	67	35	32
Cases past their target date with no EOT	196 (52%)	186 (53%)	142 (49%)

* including pre-application advice cases, notifications, consultations, discharge of conditions and non-material amendments.

15. The validation timescales have substantially reduced since last year and that position is being maintained.

16. In terms of outstanding cases, of the 287 undetermined planning applications, 47 applications are more than one year old and 142 (i.e. 49%) 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.

17. 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.

18. On Appeals, the performance in Q3 has been as follows:

- Planning appeals - 18 decision issued. (5 allowed & 13 dismissed).
- Enforcement appeals - 3 decisions issued. (0 allowed & 3 dismissed).
- New Planning appeals received in 16
- New Enforcement appeals received - 2
- Live Planning appeals at beginning of the quarter – 60 in total, comprising 2 Inquiries, 1 Hearing, 41 Written Reps & 16 Householders.
- Live Enforcement appeals at beginning of the quarter – 14 in total, comprising 2 Inquiries, 1 Hearing & 11 Written Reps.
- Live Planning appeals at end of the quarter – 44 in total, comprising 2 Inquiries, 1 Hearing, 29 Written Reps & 12 Householders.
- Live Enforcement appeals at end of the quarter – 13 in total, comprising 2 Inquiries, 1 Hearing & 10 Written Reps.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications from this report as it is presented for noting. Performance against specific KPIs may have a financial impact. Financial implications will be drawn out where relevant in the regular quarterly financial update report.

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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Planning Policy Committee – 2024/25 Proposed General Fund Budget and Medium-Term Financial Strategy

Planning Policy Committee Thursday, 18 January 2024

Report of: Helen Murch – Chief Planning Officer
Mark Hak-Sanders - Director of Resources (S151)

Purpose: For Decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The purpose of this report is to present the proposed Budget for 2024/25 and Medium-Term Financial Strategy (MTFS), including the Capital Programme (Community Infrastructure Levy), for this Committee.

Members are asked to agree the recommendations below. These recommendations will be consolidated into the overall position, which will form part of the Council-wide budget setting process (to be ratified by Full Council on 8th February 2024).

This report supports the Council's priorities 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 - Director of Resources (Section 151)
mhaksanders@tandridge.gov.uk

Recommendations to Committee:

The approved Planning Policy Committee budget will form part of the Council-wide budget setting process (to be ratified by Full Council on 8th February 2024). This report focusses on the budgets for this Committee, and recommends that Members:

- A. **Agree the Planning Policy Committee – Proposed Revenue Budget for 2024/25 of £1.817m**, as shown in **Appendix A**, taking account of pressures allocated to the Committee and note that further allocations will be made to distribute an amount equal to increments and the agreed Council pay award, subject to approval by Strategy & Resources Committee and Council.
- B. **Agree the Planning Policy Committee’s Fees and Charges** for 2024/25 as shown in **Appendix C**.
- C. **Agree the Planning Policy Committee’s (Community Infrastructure Levy) Capital Programme** for 2024/25 being the sum of £1.6m, as shown in **Appendix D**, subject to approval by Strategy & Resources Committee and Full Council.
- D. **Note the Subjective Revenue Budgets in Appendix B**, setting out movements from 2023/24 to 2024/25 and an estimated movement to 2025/26.

Reason for recommendation:

Section 151 of the Local Government Act 1972 requires all councils in England and Wales to make arrangements for the proper administration of their financial affairs. It is a legal obligation that the Council sets a balanced budget for 2024/25.

1. Introduction and Background

- 1.1 The Council’s proposed budget for 2024/25 has been collated through an extensive process over the past six months, beginning with a report to Strategy & Resources Committee on the 29th June 2023 which set out the timetable, process and key milestones. Throughout the process, the budget has been developed with an expectation that a savings target of £0.75m (with a range from £0.5m up to £1.4m) would be required to balance the Council’s overall budget.
- 1.2 The results of the budget process were captured in the Draft Budget 2024/25 and Future Tandridge Programme Update report that was presented to Strategy & Resources Committee on the 30th November 2023. The report set out a draft £0.6m savings plan for the Council overall, which at that point was sufficient to balance the budget, along with itemised budget pressures and a high-level assessment of the impact of inflation.

- 1.3 The Draft Budget was presented with significant uncertainty on whether Government funding would be sufficient to allow the budget to remain balanced with the existing £0.6m savings plan. On the 18th December 2023, the Government released the provisional Local Government Finance Settlement, which set out funding for each Council. Although the final settlement is not expected until later in January 2024, it is highly unlikely that funding allocations will materially change. This Council's allocation was sufficient to balance the budget for 2024/25 based on the £0.6m savings set out in the Draft Budget.
- 1.4 Significant uncertainties also face the Committee's budget in 2024/25, particularly:
- The unsound Local Plan, consequent appeal costs, and the cost of a new Local Plan;
 - The cost of implementing the new Enforcement Policy adopted on 22 June 2023;
 - The impact of national fee increases;
 - The impact of locally set fees, including the introduction of Planning Performance Agreements;
 - Workload for the Planning Policy team;
 - The impact of Biodiversity Net Gain;
 - The ability to recruit permanent staff; and
 - Resourcing implications from Gatwick.
- 1.5 Despite these uncertainties, there are clear pressures that the Committee's budget needs to address, including the impact of appeals and the additional cost of interim staff.
- 1.6 In addition, despite increasing national planning fees, the Secretary of State for Housing and Communities & Minister for Intergovernmental Relations, The Rt Hon Michael Gove MP, set out in a statement on the 19th December 2023 that "local authorities are obliged to spend these [increased] fees on planning services, and ... there should be no decrease in authorities' spend on planning from their general fund."¹
- 1.7 For these reasons, the 2024/25 budget continues to protect the Planning Policy Committee from savings, with the focus instead being on providing an improved and more robust planning service, financial stability whilst the service achieves a sustainable staffing model.

¹ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-19/hcws161>

- 1.8 Since the Draft Budget was presented, an additional investment of £338k for the Committee has been proposed, in discussion with the Committee Chair and the Member Reference Group. Along with the Draft Budget allocations of £102k and an inflationary allocation of £39k, this brings the total increase to £479k. The additional investment responds to the pressures set out above and reflects the 2023/24 projected overspend of £419k. Alongside the Committee's budget, the wider Council's corporate budget includes a modest contingency of £445k and a service capacity fund of £200k (more details of which will be presented to Strategy & Resources Committee).
- 1.9 The report allocates funding to the Committee for the budget pressures set out in Appendix A. These are based on the pressures included in the Draft Budget with additional amounts to reflect an ongoing budget review and an allocation for non-pay inflation, as set out above.
- 1.10 The overall budget has been drawn together on the following principles:
- A balanced revenue budget with the use of General Fund Reserves avoided in anything but unforeseen circumstances that cannot be met from contingencies or reduced spend elsewhere;
 - Maintaining and ideally building the contingency to provide further medium-term financial resilience and to mitigate risk;
 - Supporting and enabling the Council to fund the Future Tandridge Programme and associated improvements to its services;
 - Continuing to explore options to build resilience of General Fund Reserves;
 - Completing the Future Tandridge Programme within available resources, delivering services with appropriately set budgets;
 - Producing evidence-based savings plans which are owned/delivered, tracked, monitored and reported monthly; and
 - Ensuring that managers are accountable for their budgets.
- 1.11 The principles more specifically relating to setting sustainable medium-term budgets are:
- Developing multi-year plans, integrated with capital investment across the Council;
 - Application of a budget envelope approach with a model to determine a consistent and transparent application of funding reductions to Committee budget envelopes, backed by formal reporting to Committee;
 - Envelopes validated annually based on realistic assumptions;
 - Evidence bases used to underpin savings proposals and investments;
 - Assurance that all savings, pressures and growth are managed within budget envelopes to ensure accountability for implementation;
 - Pay and contract inflation allocated to Service budgets to be managed within budget envelopes; and
 - A corporate contingency held centrally to mitigate risk.

1.12 The remainder of this report sets out more detail for the Planning Policy Committee.

2. Planning Policy Committee Overview

2.1 The Planning function is a key statutory function of the Council. The Planning Policy Committee is responsible for influencing and controlling development and use of land throughout the district in its role as Local Planning Authority. This includes:

- The preparation, adoption and review of all Statutory Development Plans;
- All transport and infrastructure related issues;
- Allocation of Community Infrastructure Levy; and
- Co-operation and liaison with agencies outside the Council in respect of conservation, heritage, economic development and other planning related issues.

2.2 Progress on the Local Plan was subject to a report to Committee on 16th November 2023. On 19th October 2023, Full Council asked the Inspector to write his final report on the emerging Local Plan and bring the Examination to a close. The Council has been advised that the Inspector will find the emerging local Plan unsound in his report. The remaining Local Plan funding will be treated as ringfenced for policy matters whilst the future spending need on preparing a new local plan and for other policy related workstreams is established. Any amounts not spent in each financial year will be preserved for future use.

2.3 Transformation of the Planning function started in 2021 and has continued into 2023. Development Management are actively seeking to move towards a full-time complement of staff with significantly reduced reliance on contract staff. This should reduce budgetary pressures moving forward into the 2024/25 financial year however some reliance on interim staff will remain. Changes are also being progressed in working practices to improve efficiency and to allow staff more time to work on processing and determining planning applications.

2.4 The Chief Planning Officer and Director of Resources have jointly defined a piece of work to review the software used by the Planning service to determine whether improvements can be made, and assess longer-term options for the future of the service's IT estate. This review was discussed and agreed with the Chairs of the Planning Policy and Planning Committees and will be taken forward as soon as possible, with updates provided to Members.

2.5 The pre-application service is bringing in additional income as part of the overall budget for the Committee. There is potential for Planning Performance Agreements to also provide additional income streams.

- 2.6 The Land Charges service is undergoing a digital transformation which is being funded by Government Grant.
- 2.7 A separate statutory function for which the Planning Policy Committee is responsible is the oversight of Building Control, which can be broadly split as follows:
- Fee Earning service. These functions are those elements of the service for which the organisation can charge a fee; and
 - Non-Fee Earning Work.
- 2.8 Building Control is delivered by the Council as the host of a shared service in partnership with Reigate and Banstead Borough and Mole Valley District Councils under the name Southern Building Control Partnership (SBCP).
- 2.9 The partnership member authorities require that the partnership sets a balanced budget which ensures that its costs are covered by income from its chargeable services. The draft for 2024/25 includes items based on a revised staff structure and the completion of an IT project to upgrade the partnership's Salesforce platform and bring the IT support under the umbrella of Tandridge's IT team.
- 2.10 There is no change in the level of support service recharges paid to the Council in respect of its role as host authority.
- 2.11 Following a revision in the Inter Authority Agreement and a review of application numbers, Tandridge District Council's share in the partnership has been reduced from 35% to 31%. The Council holds a ringfenced reserve to meet deficits that may arise.

3. Revenue Budget

- 3.1 **The proposed revenue budget for Planning Policy Services totals £1,817m. Appendix B** details the subjective budgets from 2023/24 budget to Proposed Budget for 2024/25 and estimates for 2025/26.
- 3.2 The Planning Policy Committee is overspending by £419k in the current financial year. Elements of this (for example on appeals provision and land charges income reduction), were already reflected in the 2024/25 Draft Budget.
- 3.3 The Chief Planning Officer is working with the Planning Service, the Chief Executive, Deputy Chief Executive, Section 151 Officer and Finance to establish a realistic and workable budget for the Committee. This work is ongoing and will continue in consultation with the Chair and Vice Chair of the Planning Policy, Planning and Strategy & Resources Committees.
- 3.4 In order to set a balanced budget for the Council overall and reflect the insufficiency evident in the current Committee budget, a £479k / 36% increase in the Committee's budget is proposed as set out, below.

- 3.5 Furthermore, a £200k Service Capacity Fund will be held Corporately, subject to approval by Strategy & Resources Committee and Full Council. This will be available to all Committees subject to a Member approval process and will enable the Council flexibility to meet budget pressures as they arise during the year.
- 3.6 No corporate savings are required from this Committee and any savings generated will be held by the Committee to reallocate against Planning priorities.
- 3.7 **Financial pressures excluding increments, and pay award (totalling net £479k / 36%)** have therefore been included and are summarised as follows:
- **Allowance for Planning Appeals and other Legal Costs - £120k increase (to £200k in total):** The Council is increasing the specific allowance in the Planning budget to fund the expected increased pressure from planning appeals and other legal costs, arising from the lack of a 5-year housing land supply and developments with the Local Plan. Previously these costs have been absorbed into the service budget.
 - **Investment of £320k in the Planning Policy Committee:** as an initial measure to re-base the Committee's budget whilst a line-by-line budget review takes place. This will include strengthening Development Management and investment in delivering the new Enforcement policy: this policy was adopted in June last year in response to widespread councillor concern that improved enforcement was needed against breaches of the planning rules. Allocation of the additional investment will be reported to Committee, following consultation with the Chairs and Vice Chairs of this Committee and Planning Committee.
- Inflation and Land Charge income changes: allocation of £39k** to cover inflation on non-staff costs across the Committee and minor changes to income from third parties for providing Land Charges information (eg LLC1 information).
- 3.8 The increments and pay award allocation will be distributed from Corporate Items when it has been agreed by Strategy & Resources Committee and Full Council.
- 3.9 **Appendix A** is an extract from the MTFs for this Committee which details the pressures identified and details the overall budget position for the Committee.
- 3.10 **Appendix B** shows the detailed budget for this Committee, taking account of the changes set out in this report.

- 3.11 With the exception of the pressures set out above, the Committee's net budget remains unchanged overall from 2023/24. A number of staffing changes currently in progress will ultimately need to be reflected in an update to the staffing budget, along with the impact of the increased fees and charges set out in section 4, below. A full review of projected activity and income levels (particularly in light of economic uncertainty and high borrowing and construction costs) is under way.
- 3.12 Similarly, with uncertainty on national planning considerations, budgets for the Local Plan and other Planning Policy matters remain unchanged until likely spending requirements become clear.
- 3.13 The accumulation of £1.048m prior-year underspends for Planning Policy are ringfenced to continued policy work to provide further comfort that the overall Committee budget is sufficient.

4 Review of Fees and Charges

- 4.1 Charging for services forms a key part of the overall mechanism for financing local services. In simple terms income from fees and charges offsets the cost of the service. If income from charging does not fully offset costs, then the Council taxpayer must pay for the difference.
- 4.2 It is therefore important that charges are regularly reviewed and assessed to reflect the Council's corporate priorities and are increased annually to take account of inflation, demand and any other appropriate factors particular to individual charges. 2024/25 will be a challenging year with ongoing uncertainty relating to inflation and cost of living. This is exacerbated by the significant uncertainty with funding and policy from Central Government for 2025/26 and over the medium-term. The Spending Review and the provisional settlement has only provided us with surety for one year.
- 4.3 There are a number of charges that are set externally over which the Council has no control to alter. This restricts the Council's ability to raise additional income and therefore the fees and charges set by statute are not required to be approved by this Committee.
- 4.4 Fees and charges have been reviewed by service managers with support from Finance, taking into account factors such as the impact of increases on residents, anticipated demand, comparison with other Councils, previous levels of performance and inflation.

4.5 As a result, it is proposed that fees and charges are uplifted according to the following broad principles, with full detail set out in **Appendix C**. Fees and charges were discussed with Members at an all-Member workshop on the 19th December 2023, with these proposals reflecting the discussion:

- Consumer Price Inflation (CPI) is currently running at 3.9% and core CPI (excluding energy, food, alcohol and tobacco) is running at 5.1%. (November 2023). It is therefore proposed that the majority of discretionary fees are increased by an average of 5%.
- In order to move the Planning Applications and Advice (Development Management) budget towards full cost recovery, a 10% increase has been applied to Developer Pre-application fees.
- Reviewing the cost of providing Householder Pre-application fees shows that a 5% increase remains justifiable.
- Government has stated that the national fee increase (as set out below) “strikes the right balance between ensuring that costs are reasonable, with larger developers paying more than smaller businesses or householders, whilst providing additional fee income for local planning authorities to support the delivery of the planning application service.”² The Council’s proposal to increase fees for Developers by a higher percentage than Householders reflects the national position.
- For Land Charges, some of the proposed increases vary from the standard level as a result of fee changes based on cost analysis or benchmarking charges with other local authorities.
- It should be noted that from 6th December 2023, statutory Planning Application fees were increased by 35% for major developments and 25% for all other applications. In addition, an annual indexation of planning applications fees has been introduced, capped at 10%, from 1 April 2025. Accompanying the increase was a statement from Government as follows (quoting the same source as reference 2 above): [Fees are increased] “so that the planning application service is principally funded by the beneficiaries of planning gain – landowners and developers – rather than the taxpayer. To support greater financial sustainability, we also propose to introduce an annual adjustment of planning fees in line with inflation, so that they maintain their value year on year. Additionally, to discourage unauthorised development, we propose to double planning fees for retrospective applications.”
- As part of this change, the fee exemption for repeat applications (the ‘free-go’) has also been removed. An applicant will still be able to benefit from a ‘free-go’ if their application was withdrawn or refused in the preceding 12 months, subject to all other conditions for the free-go being met. The Planning Guarantee for non-major planning applications is also reduced from 26 to 16 weeks.

² <https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/technical-consultation-stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees>

- New fees are introduced for:
 - Planning Performance Agreements (Project Management across all stages of an application)
 - Biodiversity Net Gain (ensuring a development has a positive impact on the natural environment)
 - S106 Admin Fee
 - Street Naming and Numbering: Research fee
 - Land Charges: Pre search enquiry fee
 - Land Charges: Expedited searches

4.6 Additional income generated by the uplifts is retained within the Committee.

4.7 It should also be noted that the Secretary of State has committed to reviewing arrangements for Planning Performance Agreements across all Local Authorities. This review has not yet commenced, but may affect how the Council charges for PPAs in future:

“On accelerated planning services, which were confirmed in the Autumn Statement, these will build on the existing model of Planning Performance Agreements, which are struck between local authorities and developers, detailing how an application will be handled and what timescales will apply. While we know these agreements work well in some areas, it is also clear that they are used inconsistently – with many developers finding that the payments charged and the level of service offered vary significantly between authorities.

We will now look to regularise these arrangements – making sure that they are offered across England, that clear milestones have to be agreed, that fees are set at an appropriate level, and that those fees have to be refunded where milestones are missed. Given the complexity and necessary flexibility that comes with such applications, we will work closely with the sector as we design these arrangements before consulting in the new year.”³

5 Capital Programme

5.1 The proposed Capital Programme (Community Infrastructure Levy) for this Committee is shown at **Appendix D**. The programme covers a three-year period but will be reviewed and updated annually. The Appendix shows the current agreed programme, revisions to existing schemes and any new schemes added and the proposed programme after all revisions.

5.2 Included in the Appendix is a narrative description of the CIL programme. CIL is entirely funded the levy and the Committee’s role is to manage its allocation to individual schemes.

³ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-19/hcws161>

6 Consultation

- 6.1 In the January 2024 Council newsletters, residents and business have been asked for their comments on the Draft Budget approved by Strategy & Resources Committee on the 30th November 2023. Any comments received will be incorporated into the final budget presented to Full Council on the 8th February 2024.

Key implications

7. Comments of the Chief Finance Officer

- 7.1 With no clarity over Government funding from 2025/26 onward, our working assumption is that financial resources will continue to be constrained. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium-term.
- 7.2 It is a legal obligation that the Council sets a balanced budget for 2024/25. This relies on the identification of sufficient savings to meet spending pressures and any income reductions. Drawing on already low General Fund reserves to cover a shortfall in savings is not a sustainable option and would only be used as an absolute last resort. The Council needs to build, rather than draw on reserves to safeguard its medium-term financial stability.
- 7.3 The Section 151 Officer confirms that the proposed 2024/25 Budget and MTFS is based on reasonable assumptions, taking into account all known material, financial and business issues and risks and is confident that if the principles and recommendations set out in this report are adopted that a balanced budget can be set for 2024/25.

8. Comments of the Head of Legal Services

- 8.1 Section 151 of the Local Government Act 1972 places a general duty on local authorities to make arrangements for 'the proper administration of their financial affairs'. The Local Government Act 2003 places a duty on the Council's Chief Finance Officer to advise on the robustness of the proposed budget and the adequacy of reserves.
- 8.2 The report updates Members with the MTFS for this Committee. This is a matter that informs the budget process, is consistent with sound financial management and the Council's obligation under section 151 of the Local Government Act 1972 for the Council to adopt and monitor a MTFS. Members have a duty to seek to ensure that the Council acts lawfully and produce a balanced budget. Members must not come to a decision which no reasonable authority could come to; balancing the nature, quality, and level of services which they consider should be provided against the costs of providing such services.

- 8.3 The report provides information about risks associated with the MTFS and the budget. This is, again, consistent with the Council's statutory obligation to make proper arrangements for the management of its financial affairs. It is also consistent with the Council's obligation under the Accounts and Audit Regulations 2015 to have a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk. The maintenance and consideration of information about risk, such as is provided in the report, is part of the way in which the Council fulfils this duty.
- 8.4 Section 28 of the Local Government Act 2003 imposes a duty on the Council to monitor its budgets throughout the financial year, using the same figures for reserves as were used in any original budget calculations. The Council must take necessary appropriate action to deal with any deterioration in the financial position revealed by the review.
- 8.5 The Council is a best value authority within the meaning of section 1 of the Local Government Act 1999. As such the Council is required under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (the best value duty) which includes a duty to consult. Having a MTFS therefore contributes to achieving this legal duty.
- 8.6 The Council is required to obtain approval by Full Council of its MTFS.

9. Equality implications

- 9.1 The Council has specific responsibilities under the Equality Act 2010 and Public Sector Equality Duty. Part of this is to ensure that the potential effects of decisions on those protected by the equalities legislation are considered prior to any decision being made.
- 9.2 Section 149 of the Equality Act 2010, provides that a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA;
 - advance equality of opportunity between persons who share a relevant protected characteristic (as defined by the EA) and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.3 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.
- 9.4 Members should have due regard to the public-sector equality duty when making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome.
- 9.5 Officers have reviewed proposed budget changes against the initial equalities screening and have nothing to report.

10. Climate Change implications

- 10.1 There are no direct impacts on environmental aspects in this budget report. Climate change implications will be assessed as part of any changes to Service provision through the business case process.

Appendices

- Appendix A – Summary of Budget Pressures
- Appendix B – Subjective Detailed Budget Analysis
- Appendix C – Proposed Fees and Charges
- Appendix D – Proposed Capital Programme
- Appendix E - Glossary

Background papers

Strategy and Resources Committee – 30th November 2023 – 2024/25 Draft Budget and Future Tandridge Programme Update

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APPENDIX A - PLANNING POLICY BUDGET PRESSURES

		2024/25 £000	2025/26 £000	2026/27 £000	Total £000
Brought forward budget		1,338	1,817	1,856	
Pressures					
		Pressures			
Theme	Description	2024/25 £000	2025/26 £000	2026/27 £000	Total £000
Service Pressures	Increasing the budget for appeals and other legal costs to provide additional contingency. This is based on doubling the current appeals budget with additional allocations for legal costs, and will be subject to continual scenario planning.	120			120
Service Pressures	Investment of £320k in the Planning Policy Committee: as an initial measure to re-base the Committee's budget whilst a line-by-line budget review takes place. This will include strengthening Development Management and Investment in delivering the new Enforcement policy: this policy was adopted in June last year in response to widespread Councillor concern that improved enforcement was needed against breaches of the planning rules.	320			320
Inflation & Land Charge income changes	To cover inflation on non-staff costs across the Committee and changes to income from third parties for providing Land Charges information (eg LLC1 information).	39	39	39	117
Total Pressures		479	39	39	557
Net movement for Committee budget		479	39	39	557
Indicative Budget Requirement		1,817	1,856	1,895	

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Appendix B – Planning Policy Committee - Revenue Budget Subjective Analysis

Service	2023/24 Current Budget £k	2024/25 Proposed Budgets			Total £k	Movement Year-on- year £k	Estimate for 2025/26 £k
		Pay £k	Non-Pay £k	Income £k			
Planning Strategy & Policy Guidance	511	141	411	(40)	511	0	550
Enforcement	239	224	15	0	239	0	239
Planning Applications and Advice	391	1,370	389	(1,368)	391	(0)	391
Appeals and other Legal Costs	80	0	200	0	200	120	200
Tree Preservation & Advice	100	100	0	0	100	0	100
Community Infrastructure Levy	2	86	927	(1,016)	(3)	(5)	(3)
Land Charges	23	0	187	(123)	64	41	64
Street Naming & Numbering	(8)	0	20	(25)	(5)	3	(5)
Planning Service - Additional Investment	0	320	0	0	320	320	320
Planning	1,338	2,241	2,149	(2,572)	1,817	479	1,856

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Fees and Charges	Statutory / Discretionary	Current Charges 2023/24	Proposed Charges 2024/25	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2024/25 (inc. rounding)	Any VAT excluded in these figures			
		£ Inc VAT	£ Inc VAT	£	%	Budgeted Income 2023/24	Forecast 2023/24 (based on Act / 6mth FC data)	Proposed Budget 2024/25	
						£	£	£	
Planning Fees									
Planning Application Fees (set nationally)	Statutory	Varies	Varies	N/A	N/A	650,100	702,466	915,313	
Charges for Pre-application (written report only) Householders - existing resident	Discretionary	130.00	136.50	6.50	5.0%				
Charges for Pre-application (meeting & written report) Householders - prospective resident	Discretionary	275.00	289.00	14.00	5.1%	25,000	17,778	18,667	
Charges for Pre-application (meeting & written report) - Minor Development (1-4)	Discretionary	1,100.00	1,210.00	110.00	10.0%				
Charges for Pre-application (meeting & written report) - Minor Development (5-9)	Discretionary	2,200.00	2,420.00	220.00	10.0%				
Charges for Pre-application (meeting & written report) - Major Development (10-49)	Discretionary	4,250.00	4,675.00	425.00	10.0%				
Charges for Pre-application (meeting & written report) - Major Development (50+)	Discretionary	4,250.00	4,675.00	425.00	10.0%				
Minor/Major Development additional meeting	Discretionary	60% of original fee					64,800	118,959	124,907
Minor/Major Development additional site visit	Discretionary	300.00	330.00	30.00	10.0%				
Tree Pre App Advice Fees - initial visit including 1 hour of officers time	Discretionary	175.00	184.00	9.00	5.1%				
Per additional hour for additional time and meetings	Discretionary	75.00	79.00	4.00	5.3%				
High Hedges	Discretionary	840.00	882.00	42.00	5.0%				
Planning Performance Agreement *NEW FEE*	Discretionary	N/A	Bespoke	N/A	N/A	0	50,000	165,000	
Community Infrastructure Levy (CIL)*									
Convenience Retail (per Square Meter)	Discretionary	148.54	159.41	10.87	7.3%	685,000	685,000	1,015,749	
Residential (per Square Meter)	Discretionary	178.24	191.30	13.06	7.3%				
S106 Admin fee *NEW FEE*									
Development up to 1 hectare - Fixed Fee only (charged on all developments)	Discretionary	N/A	514.00	N/A	N/A				
Development between 1-5 hectares (Total Charge = Fixed Fee + £385.50 per hectare, maximum of 4)	Discretionary	N/A	385.50	N/A	N/A	0	0	10,000	
Development of >5 hectares (Total Charges = Fixed Fee + 4 x £385.50 + £257 per hectare thereafter)	Discretionary	N/A	257.00	N/A	N/A				
Biodiversity Net Gain (BNG) *NEW FEE*									
	Discretionary	N/A	TBC	N/A	N/A	0	0	0	
Street Naming & Numbering									
Change existing street name (accepted or not) - applicant buys sign(s) if change accepted	Discretionary	770.00	808.50	38.50	5.0%				
New property numbering - 1st property	Discretionary	110.00	115.50	5.50	5.0%				
New property numbering - additional properties	Discretionary	55.00	58.00	3.00	5.5%				
Property renumbering - 1st property	Discretionary	165.00	173.50	8.50	5.2%				
Property renumbering - additional properties	Discretionary	55.00	58.00	3.00	5.5%				
Changing a property name where there is an unchanged number	Discretionary	55.00	58.00	3.00	5.5%				
Changing a property name where there is no number - only applies to unnumbered properties	Discretionary	110.00	115.50	5.50	5.0%				
Adding/changing a block name for new developments	Discretionary	275.00	289.00	14.00	5.1%	9,000	14,000	14,700	
Adding/changing a block name for existing developments	Discretionary	1,000.00	1,050.00	50.00	5.0%				
Confirmation/checking of property address	Discretionary	11.00	11.50	0.50	4.5%				
Research fee *NEW FEE*	Discretionary	N/A	100.00	N/A	N/A				
New Street	Discretionary	550.00	577.50	27.50	5.0%				
Naming a footpath	Discretionary	500.00	525.00	25.00	5.0%				
Changing the name of a footpath	Discretionary	700.00	735.00	35.00	5.0%				
Land Charges									
Expedited HMLR questions	Discretionary	32.00	33.60	1.60	5.0%				
CON29	Discretionary	205.00	216.10	11.10	5.4%				
Commercial CON29	Discretionary	250.00	261.00	11.00	4.4%				
Additional Parcels (up to a Max of 5)	Discretionary	35.00	33.00	-2.00	-5.7%				
Part 2 Questions (CON 290)	Discretionary	28.40	30.00	1.60	5.6%				
Solicitors own Questions	Discretionary	65.00	66.00	1.00	1.5%	125,300	104,585	123,000	
Refresher Searches	Discretionary	66.00	69.00	3.00	4.5%				
Section 106 service (no Budget)	Discretionary	30.00	31.50	1.50	5.0%				
3.10 CIL questions	Discretionary	25.00	30.00	5.00	20.0%				
Pre search enquiry fee *NEW FEE*	Discretionary	30.00	30.00	0.00	0.0%				
Expedited Searches *NEW FEE*	Discretionary	32.00	33.60	1.60	5.0%				
Total Budgeted Income - Planning Policy						1,559,200	1,692,788	2,387,336	
						Excluding CIL -->	874,200	1,007,788	1,371,587

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APPENDIX D - Capital Programme 2023/24 TO 2026/27 - Planning Policy (CIL)

COMMITTEE SCHEMES	Current Programme 2023/24 £	Estimated Programme 2024/25 £	Estimated Programme 2025/26 £	Estimated Programme 2026/27 £	Total Programme 2023-27 £
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Planning Policy

Current Continuing Programme					
Capital Contributions from CIL	500,000	2,848,700	0		3,348,700
Total Current Continuing Programme	500,000	2,848,700	0	0	3,348,700

Revisions and New Bids					
Capital Contributions from CIL		(1,229,400)	1,150,000	2,863,900	2,784,500
Total Revisions and New Bids	0	(1,229,400)	1,150,000	2,863,900	2,784,500

Proposed Programme					
Capital Contributions from CIL	500,000	1,619,300	1,150,000	2,863,900	6,133,200
Total Proposed Programme	500,000	1,619,300	1,150,000	2,863,900	6,133,200

CAPITAL PROJECT SUMMARY - PLANNING POLICY

Title of Scheme	Capital Contributions from CIL
Description of Scheme	Contributions from Community Infrastructure Levy monies to third parties for works of a capital nature.
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Community Infrastructure Levy monies are allocated to schemes for work of a capital nature. Schemes include Burstow Road Safety Scheme, Warlingham Green Improvement Project, Warlingham Sport Club Renovation, Blanchmans Farm all weather disabled trackway, Smallfield Flood Alleviation, Master Park Pavilion, De Stafford School 3G Pitch.

Appendix E - Glossary of Terms

Term	Definition
Balanced Budget	Budget pressures fully offset by budget savings and funding changes.
Contingency	Funding held to meet known risks within the budget, offering assurance that the overall budget is deliverable. Contingencies are held corporately and only distributed if Committees cannot meet emerging risks from within their own budgets.
Pressure	Known budgeted expenditure increases and income reductions due to the following: <ul style="list-style-type: none"> • Growth factors – e.g. demographic, inflation and/or increased demand for services; • Full year effects – to take account of changes to expenditure or income which have taken effect in-year and need to be accounted for in future years as they are of an ongoing nature, e.g. ongoing changes to car parking income due to the pandemic; and/or • Other increases in expenditure or reduction in income as a result of strategic, governance, funding or policy changes e.g. additions to the organisational structure or additional service activities undertaken and not budgeted for as they occur after the budget is set and have ongoing implications.
Reserves: General Fund balance	Money set aside for emergencies or to cover any unexpected costs that cannot be met within budget or by contingencies.
Reserves: Earmarked Reserves	Funds set aside by Council for a particular purpose, such as buying or repairing equipment or the maintenance of public parks or buildings or equalising over time a particular income stream.
Saving	Known budgeted expenditure reductions and income increases which result due to the following: <ul style="list-style-type: none"> • Containing additional costs of Inflationary increases in contracts or pay; • Driving forward efficiencies in the provision of existing services i.e. providing services in an improved way to deliver better value for money; • The delivery of new or additional services; and/or Optimising sources of income.
TOMDG	Target Operating Model Development group – a governance group within the Future Tandridge Programme. This group sets the direction for the service reviews and agrees the principles that will drive the organisational change.

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Review of delegation of powers to the Planning Policy Committee

Planning Policy Committee Thursday, 18 January 2024

Report of: Head of Legal & Democratic Services (Monitoring Officer)

Purpose: To enable the Committee to make a recommendation to Full Council.

Publication status: Open

Wards affected: All

Executive summary:

Following an Officer review of the scheme of delegation to Committees, this report proposes three amendments regarding this Committee's powers to recommend / resolve.

This report supports the Council's priority of: Building a better Council

Contact officer Vince Sharp Democratic and Electoral Services Officer
vsharp@tandridge.gov.uk

Recommendations:

It be recommended to Council that:

- A. the following additional item be added to the list of matters reserved for this Committee to recommend to Full Council:

"publication of draft Local Plans under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012"

- B. the following amendments be made to the list of matters reserved for this Committee to resolve:
1. item (ii):

Preparation and review of Local Development Documents, *subject to the publication of draft Local Plans (under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) having to be recommended to Full Council*
 2. item (vii):

The seeking of Deemed Planning Consents *planning permission by, or on behalf of, the Council*
- C. the proposed replacement wording in B2 above for the seeking of Deemed Planning Consents (i.e. to read, "*The seeking of planning permission by, or on behalf of, the Council*") be also made to the corresponding clauses within the 'To Resolve' sections of the delegation schemes for the Community Services, Housing and Strategy & Resources Committees.
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Background

1. Arrangements for the delegation of powers to Committees are set out in Part E of the Council's constitution, including, for each Committee:
 - (i) terms of reference
 - (ii) matters reserved for the Committee to recommend to Full Council
 - (iii) matters reserved for the Committee to resolve
2. Officers are empowered to determine matters not reserved for Full Council or Committees in (ii) and (iii) above.
3. At its meeting on the 30th November 2023, the Strategy & Resources Committee agreed an action for the Council's scheme of delegation to Committees to be reviewed during this this cycle of meetings (Minute 189 (23/24)). This was prompted by a matter which highlighted the fact that certain financial thresholds had not been revised for several years and that uplifts may be required to take account of inflation.
4. Consequently, Officers have reviewed the delegation scheme and identified potential amendments for relevant Committees to consider. The suggested revisions include uplifting financial thresholds as referred to in 3 above (which will be reported to the Strategy & Resources Committee), together with other amendments.

5. The proposed revisions exclusive to the Planning Policy Committee are as per recommendations A and B1 above. At present, this Committee can 'resolve' that a proposed Local Plan be published prior to submission to the Secretary of State (the Committee made such a resolution in July 2018 in respect of 'Our Local Plan 2033'). The revisions would require such publications to be ratified by Full Council in future, meaning this Committee could only 'recommend' the relevant actions.
6. The other recommended amendment concerns the following clause which is repeated in the 'to resolve' sections of all four Policy Committees' delegation schemes:

"The seeking of deemed planning consent"

7. This clause has been included within the scheme of delegation for many years. Its original intention is not entirely clear but is believed to relate to planning applications submitted by, on behalf of, the Council. Arising from discussions with the Chief Planning Officer, amended wording is proposed to make the clause more explicit, i.e. *"The seeking of planning permission by, or on behalf of, the Council."*
8. Since November 2021, the Planning Committee has been empowered to determine all planning applications submitted for its consideration. Prior to that, Council applications could only be recommended to Full Council. It seems appropriate for the actual submission of Council applications to be approved by the relevant Committee in the first instance.
9. Recommendation C would enable the corresponding *"seeking of deemed planning consent"* clauses to be amended within the delegation schemes for the Community Services, Housing and Strategy & Resources Committees.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications arising from this report. The 30th January 2024 Strategy & Resources Committee will consider revisions to the Council's financial thresholds as referred to in 3 above.

Comments of the Head of Legal Services

There are no specific legal implications arising from this report. The changes proposed in this report help to strengthen the terms and reference for this Committee.

Appendices

Appendix A – a full copy of the terms of reference and delegation of powers to the Planning Policy Committee, with the proposed amendments shown with track changes.

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DELEGATION ARRANGEMENTS FOR THE PLANNING POLICY COMMITTEE
proposed amendments shown with track changes**1. TERMS OF REFERENCE**

- A. To be responsible for influencing and controlling development, use of land and the administration of Community Infrastructure Levy funds, including:
- (i) Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.
 - (ii) Administration of Building Control regulations.
 - (iii) Transport issues.
 - (iv) The determination of Community Infrastructure Levy (CIL) allocation criteria and applications for CIL funding.
 - (v) The setting of CIL budgets and the monitoring of CIL income, expenditure and disbursements to Parish Councils.
- B. Prepare and annually review a Committee Service Plan.
- C. Subject to the agreement of the Chief Executive and in consultation with Members in accordance with Standing Order 46 of Part B of the Constitution, to deal exclusively with any matter that also falls within the terms of reference of another Policy Committee / other Policy Committees and to resolve such matters unless reserved for determination by Full Council.

2. TO RECOMMEND

- (i) New policies or changes in policy within the remit of the Committee which would require resources beyond those allocated to the Committee.
- (ii) Financial programmes for overall revenue and capital expenditure as part of the annual budget preparation process.
- (iii) Publication of draft Local Plans under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (iv) Adoption of Development Plan Documents.
- (v) Changes to the Committee's Terms of Reference.
- (vi) Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. TO RESOLVE

- (i) New policies or changes in policy within the remit of the Committee which can be accommodated within the Committee's overall allocation of resources.

- (ii) Preparation and review of Local Development Documents, subject to the publication of draft Local Plans (under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) having to be recommended to Full Council.
- (iii) Adoption of Neighbourhood Development Plans.
- (iv) Adoption of Supplementary Planning Documents.
- (v) Confirmation of Conservation Area designations.
- (vi) Responses to consultations from the government, other authorities, external agencies and other bodies, including transportation related consultations, where they would have a significant impact on the delivery of the Local Plan or on the District's environment.
- (vii) The seeking of ~~Deemed Planning Consents~~ *planning permission by, or on behalf of, the Council.*
- (viii) Approving Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders.
- (ix) Rents and charges for services, accommodation and land
- (x) Revisions to CIL allocation criteria.
- (xi) CIL allocations upon consideration of applications and associated representations.

4. DELEGATION TO OFFICERS

1. To the Chief Executive and other MT Members the power to implement Council/Committee policies and deal with the day-to-day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.
2. To the Chief Executive, the power to agree an application for a Neighbourhood Area to be designated (in cases where the Chief Executive is minded to refuse such an application, the matter will be referred to the Committee for determination).
3. To the Chief Executive (subject to the Chair of the Committee being advised of the actions concerned) the power to agree amendments to the Local Validation Requirements and associated documents; and to publish these on the Council's website.
4. The Officers named in 1. above have the power in turn to delegate to other officers of their choice, the power to deal on their behalf and in their name with any of the above functions. Such delegation shall be in writing and signed by the relevant MT Member and may contain such limitations or be subject to such conditions as that Officer shall decide.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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