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To: MEMBERS OF THE PLANNING POLICY COMMITTEE
Councillors Sayer (Chair), Farr (Vice-Chair), Black,
Blackwell, Botten, Dennis, Duck, Jones, Lockwood, Prew
and Steeds

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Substitute Councillors: Caulcott, Crane and Elias

C.C. All Other Members of the Council

15 September 2021

Dear Sir/Madam

PLANNING POLICY COMMITTEE THURSDAY, 23RD SEPTEMBER, 2021 AT 7.30 PM

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

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

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

Yours faithfully,

David Ford
Chief Executive

AGENDA

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

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

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or her staff prior to the meeting.

- 3. Minutes of the meeting held on the 26th August 2021 (Pages 3 - 14)**
To confirm as a correct record.
- 4. To deal with any questions submitted under Standing Order 30**

5. **Gatwick Airport Consultations - Governance Arrangements for TDC Responses**
(Pages 15 - 22)
6. **Planning Policy Quarter 1 21/22 Performance Report** (Pages 23 - 38)
7. **Planning Transformation Business Case - Interim Report** (Pages 39 - 46)
8. **Any other business which, in the opinion of the Chair, should be considered as a matter of urgency**

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 26th August 2021 at 7.30pm.

PRESENT: Councillors Sayer (Chair), Farr (Vice-Chair), Black, Botten, Crane (substitute in place of Blackwell) Dennis, Duck, Jones, Lockwood, Prew and Steeds

ALSO PRESENT: Councillors Bloore, Caulcott, Connolly, Davies, Flower, Elias, Gaffney, Gillman, Gray, Groves, Mills, Morrow, North, O'Driscoll, Pursehouse, Ridge, Swann, C.White and N.White

APOLOGIES FOR ABSENCE: Councillors Blackwell

95. MINUTES OF THE MEETING HELD ON THE 24TH JUNE 2021

Councillor Prew, seconded by Councillor Duck, moved that the Item 43 of these minutes be amended in accordance with **Appendix A**. Upon being put to the vote, the amendment was lost.

The minutes (without any amendment) were therefore confirmed and signed by the Chair.

96. QUESTIONS SUBMITTED UNDER STANDING ORDER 30

The Chair responded to questions from Councillors Elias and Flower. The questions and responses are set out at **Appendix B**.

97. MOTION TO EXCLUDE THE PRESS AND PUBLIC

The Committee considered a motion to exclude the press and public from agenda items 6 ('Planning Service Transformation') and 7 ('Local Plan update – response to the Planning Inspector) on the grounds that:

- (i) they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (*Information relating to the financial or business affairs of any particular person, including the authority holding that information*); and
- (ii) for the items, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Following the debate, this matter was put to two separate votes, one regarding agenda item 6 and another for agenda item 7. The Committee voted in favour of both items being debated in public via the webcasting system. (At this point, the reports for both agenda items were made available for public view on the Council's website).

98. PLANNING SERVICE TRANSFORMATION

A report was presented regarding the findings of separate reviews undertaken by Gillian Macinnes of the Planning Advisory Service (PAS) concerning the Council's Development Management function and the Planning Committee. The report outlined the recommendations arising from both reviews and confirmed that a business case to support service improvements was being developed, based on the following four workstreams:

- structure
- resource
- systems and processes
- Member/Officer relations (to consider the PAS recommendations from the planning review)

Members were advised about temporary additional staffing resources which, in the meantime, had been put in place to deal with the current backlog of planning applications and to maintain services levels.

Gillian Macinnes addressed the Committee to explain the context of the reviews. She remained in the meeting to respond to Members' questions.

During the debate, Members highlighted the need for:

- Councillors to see the change programme and associated timelines and resourcing requirements;
- planning staff to be involved in the programme;
- IT issues to be addressed, including restoration of the e-mail notification system (this would be a high priority aspect of the first phase of the change programme);
- a peer review process to establish the case for permanent additional staffing resources for the development management function;
- restoration of a pre-application advice service; and
- the role of non-Committee members at Planning Committee meetings to be clarified.

The adequacy of the current Councillor call-in process for planning applications was discussed, together with the merits of establishing a forum where planning officers could brief Members about current applications and respond to questions.

The Committee thanked Gillian Macinnes for conducting the reviews and her subsequent reports and recommendations.

RESOLVED – that the update on the implementation of the findings from the Planning Advisory Service reviews be noted.

99. LOCAL PLAN UPDATE - RESPONSE TO THE PLANNING INSPECTOR

The Council had been due to update the Planning Inspector before the end of the month on progress made in response to his preliminary conclusions and advice (ID16) following the examination hearings in 2019. A report was submitted which:

- (i) explained that, for reasons beyond the Council's control, the required transport modelling reports for Junction 6 of the M25 would not be ready until later in the year;
- (ii) identified a (without prejudice) further option for the Inspector to consider; and
- (iii) appended a letter to be sent to the Inspector on the 27th August 2021 regarding (i) and (ii) above.

A revised version of the letter was tabled, including updated timescales for the transport modelling following a meeting on the 25th August 2021 between Officers and the Council's transport consultants and representatives of Highways England and Surrey County Council.

During the debate, Members discussed issues regarding allocated housing site yields with particular reference to TED 17 (response to the Inspector in October 2019 following his request for the Council to clarify its approach).

Councillor Botten proposed that the second bullet point under the 'Alternative Option' sub-heading of the letter be amended to read:

[The alternative option would] ... "Include amended site policies that would make as many of the allocated sites as possible sound in accordance with your comments. We envisage that modifications might be made to site policies, addressing your comments in ID-16 paragraph 50-65, and including other site policy amendments agreed at the Examination Hearings. This would allow the allocated sites to come forward as soon as practically possible."

Councillor Prew, seconded by Councillor Black, proposed that two separate letters be sent to the Inspector, one regarding the update on transport modelling, and the other concerning the alternative option to incorporate Councillor Botten's revised wording above. Upon being put to the vote, the amendment was lost.

Councillor Farr seconded Councillor Botten's motion for a single letter to be sent to the Inspector with revised wording (as per the italicised text above) for the second bullet point under the 'Alternative Option' sub-heading. Upon being put to the vote, this was agreed.

RESOLVED – that the letter attached at **Appendix C** be sent to the Planning Inspector on the 27th August 2021.

Rising 10.35 pm

**Proposed amendments to item 43 of the minutes of the meeting held on 24.06.21
(moved by Councillor Prew)**

43. DECLARATIONS OF INTEREST

Non-pecuniary interests were declared as follows:

Councillor	Agenda Item	Nature of Interest
Dennis	9 – Caterham, Chaldon and Whyteleafe Neighbourhood Plan	Member of the Neighbourhood Plan Steering Group
Gaffney	9 – Caterham, Chaldon and Whyteleafe Neighbourhood Plan	Former member of the Neighbourhood Plan Steering Group
Flower	10 – Gatwick Airport Northern Runway Proposal	Employed by the Independent Pilots' Association, representing commercial pilots across the UK
N. White	10 – Gatwick Airport Northern Runway Proposal	President of the Campaign Against Gatwick Noise Emissions

Councillor Elias questioned whether the Chair and Councillors Farr and Lockwood should declare interests in agenda item 8 (Local Plan Update). This was because the Oxted & Limpsfield Residents' Group (of which Councillor Sayer was Chair), Godstone Parish Council (of which Councillor Farr was a Member) and Councillor Lockwood had submitted third party representations to the Planning Inspector during the 2019 'examination in public' of the Local Plan and had therefore pre-determined their views. He asked whether they were now conflicted and, if so, whether they should exclude themselves from future discussion about the Local Plan to avoid the potential for decisions to be challenged.

The Chair confirmed that she was happy to declare an interest but observed that the matter was now with the Inspector and subject to due process.

Councillor Farr confirmed that Godstone Parish Council had also made representations to the examination in respect of the proposed garden village development but he did not believe this compromised his position on the Planning Policy Committee when considering the Local Plan and saw no reason to exclude himself.

Councillor Lockwood considered that Members were entitled to have opinions about Council business while retaining an open mind when matters were being determined at committee meetings. She believed that her remit was to represent residents in her Ward and stated that her personal views about the Local Plan were immaterial.

Planning Policy Committee – 26th August 2021**Standing Order 30 questions and responses****Questions from Councillor Elias**

According to the Electoral Commission web site, the Oxted and Limpsfield Residents Group (OLRG) is a political party registered with the EC in March 2016 (registration number PP3978). Their Leader is listed as Ms Catherine Sayer.

OLRG has made their own representations to the Inspector concerning the Tandridge Local Plan, supported by their own professional advisers. Such representations were highly critical of the Tandridge Local Plan and are available on the council web site. The Local Plan Inspector considers OLRG a 'third party'.

OLRG's own web site continues to show a separate and detailed section criticising the Tandridge Local Plan in various respects.

In the interests of openness and transparency, could the Chairman of the Planning Policy Committee, Cllr Sayer, please answer the following questions:

- A. notwithstanding the fact that the Tandridge Local Plan is with the Inspector for a decision and is following due process, is OLRG now supportive of the submitted Tandridge Local Plan? If not, why not?
- B. if the answer to question (a) is yes, could the Local Plan Inspector please be advised by OLRG accordingly? If not, why not?
- C. if the answer to question (a) is yes, could the OLRG's web site please be updated to reflect this? If not, why not?
- D. as Leader or Chairman of OLRG, does Cllr Sayer consider it appropriate to declare an interest at Sub-Committee, Committee or Council whenever the subject of the Tandridge Local Plan is up for discussion? If not, why not?

Response from Councillor Sayer to Question A (notwithstanding the fact that the Tandridge Local Plan is with the Inspector for a decision and is following due process, is OLRG now supportive of the submitted Tandridge Local Plan? If not, why not?)

Firstly, Cllr Elias makes a point of the fact that the Oxted & Limpsfield Residents Group is registered as a political party. Just to explain, when we first decided to stand for election, that is when Jackie Wren stood in 2016, we wanted to be named on the ballot paper as the Oxted and Limpsfield Residents Group – that was because we'd been around for a number of years and hoped we had a good name that people would want to support as well as supporting Jackie. Under a quirk of electoral law, if you don't register as a party then you can only stand under the name "Independent." So, we took a decision to register as a party so we could stand as OLRG. If you look up the list of political parties, you'll see there are dozens of residents' associations registered as political parties that are also caught up in this quirk of electoral law. The fact that we are registered as a political party is an administrative detail – it has no bearing on our main objective which is to represent residents.

Turning to the Local Plan. We have been the administration for just 3 months now and we have inherited a number of difficult problems not the least of which is the Local Plan.

Almost two years after the Examination and after more than three million pounds has been spent, we have now been told that there will be a delay of at least three months with the traffic modelling and this is on top of other delays.

We may not have a lot of time, because the Inspector has said to the Council: "Should it appear to me by the end of August that achieving a sound Plan in a timely way is not a realistic prospect, I shall then consider whether I should conclude the Examination." That's five days away.

In view of this difficult situation, an alternative option has been thought of and we believe it would be a dereliction of duty not to put it forward.

Going back in time, right from the start of the Local Plan OLRG actively participated in the consultation process. The fact is that we and many others were hugely concerned by what was being proposed in the Regulation 18 because we believed that the evidence was flawed and so the Plan risked being found not sound – and that was a danger to the whole District.

We did our utmost to communicate our concerns at every consultation stage, taking professional advice and sending it to the Council.

You may remember, the first consultation was in late 2015 and in February 2016 we sent in a 91 page response supported by 11 Parish Councils, some in the north of the District, some in the South, and 7 community organisations. I have a copy of it here and it was put together with the professional help of a QC, an MRTPI planning consultant and a demographic analysis expert.

We did our best in this document to flag up the problems that we identified with the evidence base and the approach being taken in the Plan – and to suggest solutions. Our goal was to ensure that the evidence was as robust as possible so that there was a sustainable, realistic Plan that protected the local environment while also being acceptable to the Planning Inspectorate – in other words a sound Plan. We submitted similarly detailed documents at every subsequent consultation.

It is a shame that the administration at that time did not take on board our comments and suggestions and instead proceeded with the original Plan. Their decision to do so was one of the reasons we stood for election.

So, to summarise, it is almost two years since the Examination Hearings took place and the Inspector has raised questions over the Plan in terms of deliverability among other things.

Traffic modelling has continued. However, given the need to extend this work further and in case the Inspector is not minded to wait any longer, an alternative way forward with the current Plan has been proposed which we will be hearing about later in this meeting.

This has been done because we are acutely aware of how important it is to have a Local Plan in place. If we don't have one, the District will face the consequences of a much higher housing need figure and no five year housing land supply.

To be clear, we inherited this situation from the previous Administration – it was not of our making - and we are doing all we can to get through it, because that is in the best interests of the District and the residents we represent.

Supplementary question from Councillor Elias

The previous administration followed the professional advice of its senior officers and independent professional advisors regardless of various pressures and representations. Do you accept that the Council's planning policy staff have been undermined by your party's consistent and public criticism of the Local Plan submitted in January 2019 and by your micro-managing their efforts?

Response from Councillor Sayer to the supplementary question above

I don't accept that in any way at all. I've tried to set out what we've tried to do. We've been very concerned for a long time and we've tried to help. Members are supposed to take part in the Local Plan process and it's better to take a pro-active part when you're worried rather than no part at all.

Response from Councillor Sayer to Question B (If the answer to question A is yes, could the Local Plan Inspector please be advised by OLRG accordingly? If not, why not?)

I refer you to the answer I have just given. In addition, I would say this ... Councillor Elias has correctly recognised that the Local Plan is with the Inspector. However, he has not recognised that the Inspector's sole remit is the soundness of the Plan.

Whether or not OLRG or anyone else supports or does not support the Local Plan has no relevance to the four tests of soundness. Whether the Plan passes these four tests is for the Inspector to determine in accordance with the National Planning Policy Framework and relevant legislation.

In addition, the Programme Officer has stated that the Inspector does not wish to receive comments from anyone at this time. Cllr Elias's request for OLRG to communicate with the Inspector violates those specific instructions. OLRG has participated in the Local Plan process in accordance with all of the public consultation and examination rules, and we will continue to abide by those rules.

Response from Councillor Sayer to Question C (if the answer to question A is yes, could the OLRG's web site please be updated to reflect this? If not, why not?)

I refer you to the answers I have just given. The website will doubtless be updated with any new information as we get it.

Response from Councillor Sayer to Question D (as Leader or Chairman of OLRG, does Cllr Sayer consider it appropriate to declare an interest at Sub-Committee, Committee or Council whenever the subject of the Tandridge Local Plan is up for discussion? If not, why not?)

No, because the fact is that the Local Plan affects all Councillors and we all have an interest. Other Councillors took part as representors/objectors to the Local Plan and so too did Warlingham Parish Council, Caterham on the Hill Parish Council and Godstone Parish Council which all also include Tandridge District Councillors. It would be an administrative distraction for all these members to declare an interest every time the Local Plan is mentioned.

Other Councillors, such as Councillor Elias, did not take part in the Local Plan examination. It was their choice not to give views or to represent their areas but they still have an interest in the Plan. Indeed, the Planning Advisory Service Good Plan Making Guide emphasises the importance of councillor participation in the plan-making process, so we are supposed to be involved.

We don't have much time left and we all have an interest now in working together for the best interests of the District and everyone who lives here.

Supplementary question from Councillor Elias

There is a big difference between having a personal interest in a subject and being a member of an organisation or political party which has the purpose of influencing public opinion on a subject as important as the Local Plan. I would urge you to reconsider your position as other Members have declared interests in Neighbourhood Plans etc.

Response from Councillor Sayer to the supplementary question above

Surely, we all have an interest in the Local Plan; it would be a dereliction of our duty not to. I'm happy to say I've got an interest but I'm not going to say it every time ... I hope everyone here has an interest in it too.

Question from Councillor Flower

What is the broad nature of the exempt information that justifies excluding the public from the consideration of item 7 on the agenda, and why does [the Chair] think that maintaining the exemption and excluding the public outweighs the public interest in making the information public in light of the very considerable public interest in the Local Plan?

Response from Councillor Sayer

This Committee decides on this and not me. It may be that there can be a freer and more frank discussion under Part 2 which would be of benefit to the District. However, that must be balanced against the need for openness and transparency.

That is why it is for the Committee to decide. I should say here that the above also relates to item 6 on which a separate vote will be taken.

Supplementary question from Councillor Flower

Does the Chair accept that by putting the item on the agenda as being subject to a vote to move into Part 2, it raises the prospect of the proposal outweighing the public interest without a proper examination of the facts? Does the Chair accept that public interest requires, wherever possible, proper open public scrutiny of information and that in these cases the bar is very high and that none of the information in the reports is personalised and there is no legitimate reason why either item cannot be debated in public?

Response from Councillor Sayer to the supplementary question above

I don't accept that by putting the items on the agenda makes it look as though they shouldn't be debated. This is a stage 2 process ... it needs to come to the Committee to decide whether either item should remain public or be considered privately. All we can do is take a vote. This is stage 2 of the process to decide ourselves, on balance, one way or the other.

I am keen on openness and transparency ... we need to be certain before putting anything into Part 2.

APPENDIX C**APPENDIX C**27th August 2021

Dear Inspector,

I am writing to inform you that the Council has received a further update from our consultants stating that the traffic modelling reports for the M25 Junction 6 will not now be ready until November at the earliest. The reasons for this latest delay are set out below. Understandably, this is extremely unwelcome news and I ask that you consider the mitigating factors I have set out in this letter.

Having considered the latest position, if you are minded to continue the Examination, then the Council will continue working with our external consultants and with Highways England and Surrey County Council to achieve a solution as early as possible.

In light of your comments regarding the end of August in ID18 we would also like to introduce, without prejudice, what may be a pragmatic alternative option that could potentially move the Plan forward. This option is set out in the second part of my letter.

Update on Transport Modelling

As you are aware, the Council's consultants DHA have been working with Surrey County Council and Highways England to initially develop an interim scheme for Junction 6. As previously communicated to you, this has resulted in the successful identification of a scheme which would improve capacity at the junction, and which is positive in terms of a safety assessment.

However, carrying out this work has revealed two other issues which could not have been foreseen by any of the parties when we embarked upon this approach.

- The strategic model used has produced some anomalous figures which both the Council's consultants and Highways England query. For example, some flows through the junction are higher without the Local Plan development included than with it.
- Highways England is concerned that while the gyratory at the improved junction performs satisfactorily, the interim upgrades to the merge/diverge arrangements on the slip roads will be adequate for only a finite amount of development and may not accommodate all Local Plan growth.

Clearly these are problematical points. To address these issues with Surrey County Council and Highways England we are proposing the following actions:

- The Council's consultants will carry out manual assignment of traffic flows, agreeing each step of the methodology with Highways England. This will provide more transparent and reliable results which will demonstrate how much development can be accommodated in the junction and the slip roads before the interim scheme and merge/diverge upgrades are required.
- Longer term the Council recognizes the need for a more substantial upgrade to Junction 6 and to raise this strategic issue.

Inevitably the first action set out above will result in a further delay. An initial assessment of the timescale by our consultants is set out below.

The key milestones allow for Surrey County Council / Highways England review time but are subject to agreement with those bodies: -

- Project Steering Group meeting to agree principles of assessment methodology – w/c 23rd August (completed);
- Full assessment methodology issued to HE and SCC – w/c 6th September, followed by 10 working day review period;
- Draft trip distribution/assignment issued to HE and SCC – w/c 4th October, followed by 10 working day review period;
- Completion of junction capacity and merge/diverge assessments and issue of Technical Note – w/c 25th October, followed by 10 working day review period;
- Project Steering Group meeting to discuss findings and implications – w/c 15th November;
- Completion of Stage 1 Road Safety Audit and Designer's and Overseeing Organisation's responses – by w/c 13th December.
- Review of Road Safety Audit by Highways England (c 3 weeks).

I am conscious that this further delay will be unwelcome and that you may consider it unacceptable. However, I ask you to give it serious consideration, for the following reasons.

Firstly, the Government's requirement for councils to have a plan in place by 2023 will not be met if the Local Plan fails. In effect the Council would have to start again on plan preparation, with the outstanding issue of strategic highways constraints unresolved and consequent impacts on the important objective of housing provision, particularly in an area of South East England with strong national policy and environmental constraints, to say nothing of the lack of a five-year housing land supply. The fact that 94% of Tandridge is classified as Green Belt puts an obvious constraint on development.

The second is a recognition of the amount of positive joint working and commitment, as well as resources, put into developing a suitable interim scheme to date. In effect we believe that it is possible to identify how much development can be brought forward before junction and slip

upgrades are required, which will assist in the achievement of the Government's objectives described above.

I am aware that you have raised other issues concerning the soundness of the Local Plan, but this strategic infrastructure issue appears to be key and I would welcome your thoughts.

Alternative Option – Presented Without Prejudice

The emergence of this alternative option was prompted by the ongoing delay to the traffic modelling and your comments in ID18 regarding the August timeframe. The alternative option would:

- Amend the Plan period so that the revised Plan period would be over fifteen years, from 2013-2028.
- Include amended site policies that would make as many of the allocated sites as possible sound in accordance with your comments. We envisage that modifications might be made to site policies, addressing your comments in ID-16 paragraph 50-65, and including other site policy amendments agreed at the Examination Hearings. This would allow the allocated sites to come forward as soon as practically possible.
- Introduce a five-year review policy. We believe that shortening the Plan period and adding a five year review policy are both necessary in order to indicate the Council's commitment to continuing to explore all strategic options, including joint working, while also not undermining the adopted Plan. The introduction of a five year review policy would also be consistent with comments you and others made during the Examination Hearings.
- Structure the Plan to facilitate possible future joint working on strategic matters while also retaining continuity at the local development management level. The delay to the Council's Local Plan means that the the window of opportunity for joint working with neighbouring authorities is re-opening and so it is important that the Plan does not preclude possible future joint working at a strategic level.
- Address any remaining questions/concerns you might have in the context of the revised Plan.

We conclude by reiterating that should you be minded to wait for the traffic modelling then we will continue to work with the consultants and partners to deliver in accordance with the amended schedule. We also welcome any questions or comments you may have regarding the alternative option.

Yours sincerely,

David Ford

Chief Executive

Gatwick Airport Consultations - Governance Arrangements for TDC Responses

Planning Policy Committee Thursday, 23 September 2021

Report of: Chief Executive

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

Gatwick Airport Limited ('GAL') has started the process of preparing an application for a Development Consent Order ('DCO'), a type of planning consent that is granted by the Secretary of State, to be able to use the existing emergency runway for departures.

This report is to update Committee Members on the progress to date with the DCO process and to also set out options for the governance arrangements for submitting responses on behalf of the Council in the DCO process.

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 Sarah Little
slittle@tandridge.gov.uk –

Recommendations to Committee:

That:

- A. the contents of this report regarding the progress made to date in the DCO process be noted;
- B. the response to GAL's 12-week consultation be taken to the November Planning Policy Committee to be agreed and submitted;
- C. authority be delegated to the Chief Executive and / or the Chief Planning Officer, in consultation with Group Leaders, to respond to future consultations and other forms of engagement from relevant stakeholders at various stages of the DCO process, so that such responses can be considered at the appropriate level and actioned in an agile way.

Reason for recommendation:

The implications of the proposals to bring the existing standby runway (northern runway) into routine use alongside the main runway are significant. As a consultative body and host authority, the Council is required to engage and participate in the DCO process within the statutory timescales set. Due to the anticipated timescales against which Gatwick will be running their DCO process, without the requested delegation in place, this could result in the Council's inability to respond.

Introduction and background

- 1.1 In July 2019, GAL published their latest masterplan. The masterplan outlined three scenarios for future growth:
 - Scenario 1: Where Gatwick remains a single runway operation with intensified use of the existing main runway
 - Scenario 2: Where the existing standby runway is used routinely together with the main runway
 - Scenario 3: Where land is continued to be safeguarded for an additional runway to the south of the airport
- 1.2 Intensification of the main runway (Scenario 1) began following the submission and approval of Permitted Development to create a Rapid Exit Taxiway from the main runway. GAL announced their intention to actively pursue Scenario 2, bringing the existing standby runway (northern runway) into routine use alongside the main runway.

- 1.3 Gatwick had proposed to undertake a more detailed consultation with local authorities, lasting several months, from March 2020 as part of the preapplication stage of the DCO. However, in March 2020 Gatwick announced that the DCO process would pause and the consultation would be delayed owing to the Covid-19 pandemic. GAL restarted their work on progressing the DCO in Spring 2021.
- 1.4 To progress with the proposal for Scenario 2, GAL will need to apply for a DCO in order to obtain planning permission. This is a rigorous statutory planning process which is overseen by the Planning Inspectorate (PINS).
- 1.5 The DCO process has six stages: pre-application, acceptance, pre-examination, examination, decision and post-decision. The diagram in Appendix A sets out a summary of the process together with key timescales and the means by which the public and others become involved.
- 1.6 Under the terms of the DCO, the local authorities in which the administrative boundary the application falls are termed 'host' authorities. The Council is identified as a host authority and as such, has a statutory role in the DCO process.
- 1.7 From the information provided by GAL, the anticipated key stages and dates of the DCO process are set out below.
 - Section 42 Statutory Consultation (Sept 2021)
 - DCO application submission to PINS (Jul 2022)
 - Acceptance of the application by PINS (Aug 2022)
 - Pre-examination preparation (Sept 2022 – Jan 2023)
 - Examination conducted by PINS (Jan – Jul 2023)
 - Secretary of State review (June – Sept 2023)
 - Earliest decision by the Secretary of State (Jan 2024)
- 1.8 Due to the pace at which GAL and PINS will be expecting responses, it is unlikely that responses will be able to align with the committee cycle. This raises concern around the resources of both officers and Members in the Council's ability to respond accordingly.

Consultation and Future Representations

- 2.1 To participate in the DCO process, the Council will be required to make representations during the pre-examination and examination phases to ensure relevant impacts of development are addressed. This will include, but is not limited to:
 - Attendance of and input to Topic Working Groups convened by GAL
 - Making representations on the Environmental Impact Assessment (EIA) Scoping Report
 - Preparing and submission of responses as part of the pre-examination consultation

- Attendance at meetings convened by PINS during pre-examination stage
 - Preparation and submission of the 'Local Impact Report' to PINS
 - Input into Statements of Common Ground
 - Preparation and submission of representations to PINS during examination
 - Responses to PINS written questions
 - Attendance of hearings during examination phase
- 2.2 GAL recently published their plans for a 12-week public (Section 42) consultation on the Northern Runway plans. The consultation will run from 9 September 2021 to 1 December 2021 with materials available at www.gatwickairport.com/futureplans
- 2.3 It is intended for the consultation response to be submitted to November Planning Policy Committee to be agreed and submitted as part of the consultation.
- 2.4 As part of the DCO process, submissions of reports and representations may need to be made within short timescales after the closure of the Section 42 public consultation. Many of these timescales may be very short (typically 14 or 28 days). In addition, much of the work will be of a technical nature requiring professional knowledge and understanding of planning and environmental matters.

Other options considered

- 3.1 To establish a Gatwick Working Group for selected members to attend and consider future responses. This would allow for an objective and transparent decision-making process for representations to be submitted to GAL on behalf of the Council. However, due to the short timeframe to provide a response to the public consultation and to establish the arrangement of a Gatwick Working Group, this option would not be considered favourable at this time.
- 3.2 Notwithstanding this, should Members wish to establish a Gatwick Working Group for future representations in the DCO process then this could be arranged.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications arising from this report. However, any action that is identified as needing to be taken must have the cost implications considered. The impact of any additional cost pressures will be shown in the monthly budget monitoring reports

Comments of the Head of Legal Services

Although there are no direct legal implications arising from the recommendations within this report, the Planning Act 2008 (as amended) and subordinate legislation) provides that a streamlined process for nationally significant infrastructure projects (i.e. airport development) should be followed. The intention of the legislation includes making the process faster. It is important that any consultation is accompanied by a commensurate level of supporting information and this should be made available to all consultees at the earliest.

Paragraph 5 of the National Planning Policy Framework 2021 states that whilst the Framework does not contain any specific policies for nationally significant infrastructure projects, National Policy Statements do form part of the overall framework of national planning policy and may be a material consideration in preparing plans and making decisions on planning applications.

The DCO process is separate to the statutory framework where local planning authorities determine planning applications. As a host authority in the DCO process, it is recommended that Members should agree to delegate a wide range of matters as the Council will not want to inadvertently miss the opportunity to contribute due to short lead times for responses.

Human Resources

Officers will endeavour to provide further information prior to the meeting regarding anticipated staffing resources which would need to be allocated for preparing consultation responses on behalf of the Council.

Equality

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

Climate change

The implications of increased air traffic from Gatwick does have environmental implications. This is one of the main concerns for the Council and residents and will be an area where the Council will be vigilant in its responses. However, for this report, which is focused on the governance arrangements for the Council's engagement in the DCO process, there are no direct climate change implications.

Appendices

Appendix A – The DCO Application Process

Background papers

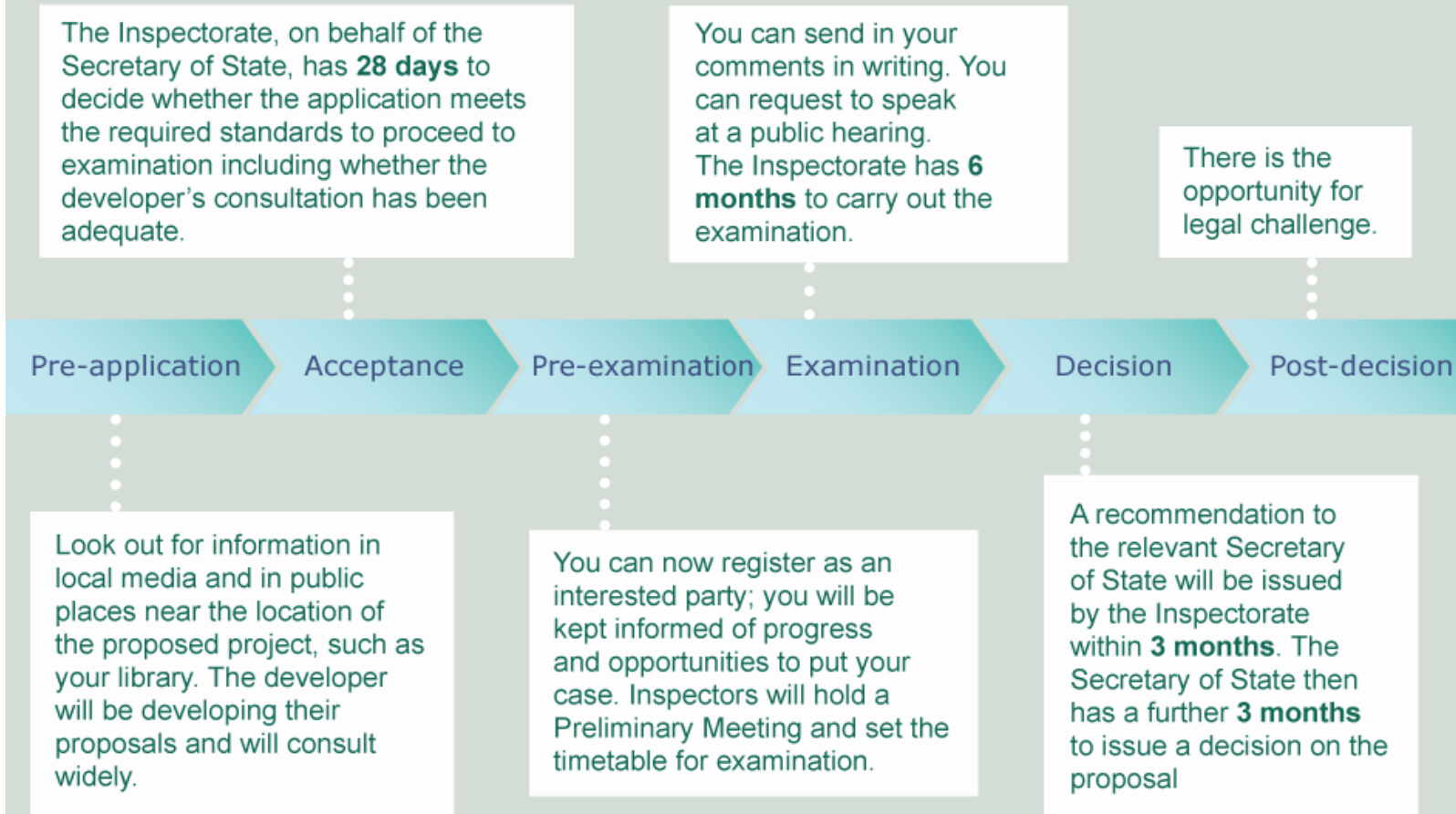
None

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Appendix A – The DCO Application Process

The application process.
The six steps



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Planning Policy Quarter 1 21/22 Performance Report

Planning Policy Committee Thursday, 23 September 2021

Report of: Chief Executive

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

- The appendices to this report contain data on the Committee's key performance indicators and risks for Quarter 1 2021/22, to enable the Committee to monitor how the Council is delivering the services for which it is responsible.
- Improvements to performance data collection remain ongoing. Given this, the performance charts have been removed as they do not represent comparable data. Therefore text updates have been provided in Appendix A.
- There are several red risks in the committee risk register, which on one hand reflect the current picture regarding the strategic elements of planning policy (e.g. Local Plan), and on the other, the drivers for the Council's improvement works that are being scoped for Development Management.

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

Contact officer William Mace - Programme Management Officer
wmace@tandridge.gov.uk

Recommendation to Committee:

That the Quarter 1 2021/22 performance and risks for the Planning Policy Committee be noted.

Reason for recommendation:

To support the Committee to monitor and manage its performance and risks.

1. Introduction and background

- 1.1. Performance and risk reports are presented to each policy committee at the end of each quarter. The reports include a covering report and an appendix with individual performance charts and commentary for each performance indicator, and the committee’s risk register.
- 1.2. As mentioned in the last performance report, processes for extracting performance indicator data are still in development, as we migrate to a new software system. This work is ongoing and will now be captured within the project to improve the development management service, following a PAS review. Subsequently the data reported in Appendix A may be subject to change.
- 1.3. At the last meeting of this committee,¹ the Council outlined its plans to improve its development management service, following the PAS review, which includes performance and risk management within its scope.

2. Notes on performance and risk data

- 2.1. See Appendix A and Appendix B for the Quarter 1 (2021/22) performance information and risk register respectively.
- 2.2. Wherever possible the most recent data has been included in the appendices, regardless of whether it technically falls into the reported quarter. However, due to the committee report timelines, there may be occasions where data is not available in time for the committee report. In these cases, the data will be provided in the next scheduled report.
- 2.3. The Council uses the following risk management scoring matrix:

Likelihood	Very Likely	4	4	8	12	16
	Likely	3	3	6	9	12
	Possible	2	2	4	6	8
	Unlikely	1	1	2	3	4
			1	2	3	4
			Low	Medium	High	Very High
			Impact			

¹ Meeting details available online:

<https://tandridge.moderngov.co.uk/ie/ListDocuments.aspx?CId=148&MId=1079&Ver=4> [Last accessed 03/09/21].

3. Quarter headlines

3.1. Performance

3.1.1. As part of the Planning improvement works, and system reporting updates, performance data in graph form has not been available for this Quarter. The data collection methods are being reviewed at present, current information and that provided in the future will likely use different methods to those used for previous reports. Therefore the data provided for this quarter in graph form would not be comparable with that presented in the past reports. Hence as these works are still ongoing at present, text updates have been provided in Appendix A.

3.1.2. See Appendix A for more details.

3.2. Risk

3.2.1. There are 11 risks in the register with a red rating:

- Lack of five year housing land supply, including gypsy and traveller land.
- Local plan is found unsound by the Inspector.
- Lack of capacity in Planning Department negatively impacts performance and delivery of service, such as determining applications in statutory timeframes and managing complaints and FOIs
- Failure to determine a Planning application within the statutory period.
- Significant increase in number of Complaints and FOIs in Planning.
- Challenges regarding capacity of M25 J6 and the need to agree and deliver a medium-long term mitigation scheme.
- Consultations by Gatwick Airport Limited in relation to its application for Development Consent Order for second (northern) runway.
- Local Plan needs further evidence, topic papers or main modifications prior to considering it sound, dependent on how Council chooses to progress the plan following receipt of Inspector's letter.
- Lack of capacity in Strategy team delays progress in planning policy workstreams.
- Budget constraints in defending Public Inquiry appeals
- Inability to explore and exploit potential efficiency gains of new IT systems due to lack of capacity.

- 3.2.2. Several of the risks above relate to the Council's Local Plan, which remains in examination. The Plan has been further delayed due to ongoing complexities of M25 J6 and the transport modelling. As councillors will be aware, the modelling is necessary to enable the Council to respond to the Inspector and his concerns regarding the capacity of the junction.
- 3.2.3. The Council recently contacted the Inspector to advise him of the delays and to offer a without prejudice alternative approach to progressing Plan, for the benefit of the examination and the status of the Plan. We await his response. Members of the Planning Policy Committee are being kept up to date.
- 3.2.4. See Appendix B for further details.

4. Key implications

4.1. Comments of the Chief Finance Officer

There are no direct finance implications arising from this report. However, there are 11 risks with a red rating which represents significant risk to the Council and could lead to additional resources and cost implications if they come to pass. These risks will need to be monitored closely ensuring they are mitigated to the largest extent possible.

The impact of any additional cost pressures will be shown in the monthly budget monitoring reports. It is still possible that the impact of Covid-19 will add additional costs to projects and delay the speed of implementation.

The key risks, their likelihood, impact and mitigation are identified in the Risk Register at Appendix B with each risk allocated to a risk owner.

4.2. Comments of the Head of Legal Services

There are no direct legal implications arising from this report. The monitoring process enables the Committee to remain aware of issues and risks. There is no statutory duty to report regularly on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Regular reports on Council performance help to demonstrate best value and compliance with the statutory duty.

Local planning authorities' performance is assessed on the speed and quality of their decisions on major and non-major applications. Where an authority is designated as underperforming, applicants have had the option of submitting their applications for major and non-major development (and connected applications) directly to the Planning Inspectorate (which acts on behalf of the Secretary of State) for determination. Failure to meet the specified Government targets could lead to the Council being so designated.

4.3. Other corporate implications

4.3.1. Not applicable.

4.4. Equality

4.4.1. This report contains no proposals that would disadvantage any particular minority groups.

4.5. Climate change

4.5.1. This report contains no proposals that would impact on the Council's commitment to climate change.

5. Appendices

5.1. Appendix 'A' – Performance

5.2. Appendix 'B' - Risk Register

6. Background papers

6.1. None.

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APPENDIX A – Planning Policy Performance Charts

PL1 - Processing of planning applications as measured against targets (for 'major' application types)

Performance Summary

- Within the reporting Quarter, 9 major applications were validated. Within the quarter, one was determined, one withdrawn and 7 remain undetermined. Of those 7 undetermined, two are outside of their statutory determination period due to a delay in Validation.
- As previously advised, a report of major applications received and determined within a quarter is unrealistic given their determination period of 13 weeks. This quarter is 12 weeks +6 days. This issue will be addressed as part of the improvement works.

PL2 - Processing of planning applications as measured against targets (for 'minor' application types)

Performance Summary

- Within this quarter, 84 Minor applications were received. A total of 30 were determined (36%), 7 were withdrawn (8%), and 47 are undetermined (56%).
- Deducting Withdrawn applications, determined Minors performance was 39% which is below target.
- This is due to resource and capacity issues, alongside staff sickness.
- Temporary staff have been retained and an additional Principal officer since recruited.
- Target: 65% (2021/22)

APPENDIX A – Planning Policy Performance Charts

PL3 - Processing of planning applications as measured against targets (for 'other' application types)

Performance Summary

- Within this quarter, we received 568 'Other' applications.
- A total of 436 received a decision. 51 are not yet determined and 81 were withdrawn.
- Of the 436 determined, 359 were determined within 8 weeks.
- Of the 487 live applications, 90% were determined within 8 weeks.
- We extended the contract of the temporary Planning Officer for a further 6 months which means that we currently have 4 Officers handling Householder applications, lawful development certificates, and permitted development enquiries.
- Target: 80% (2021/22)

PL4 – Percentage of applications determined within 26 weeks

Performance Summary

- Data is not available for this indicator at present.
- Target: 97%.

APPENDIX A – Planning Policy Performance Charts

PL5 - Percentage of appeals dismissed against the Council's refusal of planning permission

Performance Summary

- Within this quarter, a total of 20 appeals were determined. Of those;
 - 12 were dismissed,
 - 6 were allowed,
 - 1 was withdrawn, and
 - 1 was a split decision.
- Deducting the withdrawn and split decisions, 67% were dismissed and 33% were allowed.

Target: 65% (2021/22)

PL5.1
31

PL5.1 - Percentage of Major applications allowed at appeal as a percentage of the total number of major applications determined in the two years up to 2 quarters before the currently reported quarter

Performance Summary

- Two major planning applications were appealed within this Quarter.
- One was a non-determination appeal that was dismissed by the Planning Inspectorate.
- One was a refused scheme that was allowed by the Planning Inspectorate.

APPENDIX A – Planning Policy Performance Charts

PL5.2 - Percentage of Minor and Other applications allowed at appeal as a percentage of the total number of major applications determined in the two years up to 2 quarters before the currently reported quarter.

Performance Summary

- During this quarter there were 17 Minor/Other appeals, of which 5 were allowed, 11 were dismissed and 1 was a split decision.
- Deducting the split decision, 31% of the 16 live appeals were allowed.
- Target: 10% (2021/22)

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PL6 - Percentage of enforcement enquiries inspected within timescales set out in Council's Enforcement policy

Performance Summary

- During this Quarter, 121 Enforcement cases were opened, of which 27% (33) were visited within target date.
- Within this quarter, a permanent Senior Enforcement Officer has joined the team. The Enforcement officers now comprise; 1 x Principal, 2 x Senior and 1 x Assistant.

Target: 85% (2021/22)

APPENDIX A – Planning Policy Performance Charts

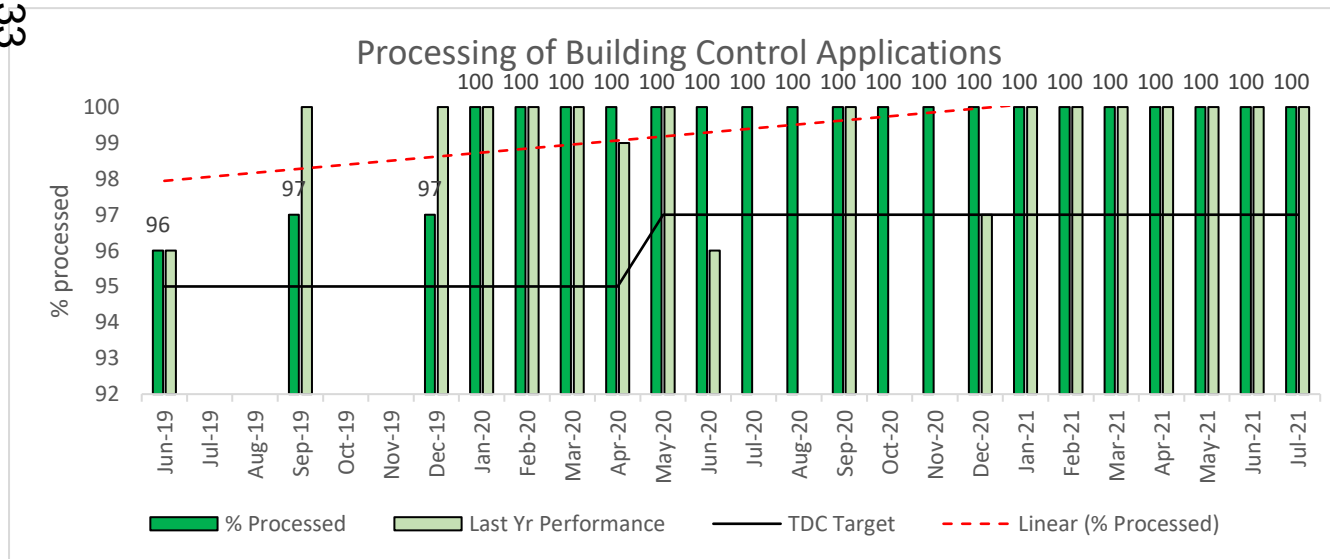
PL7 - Percentage of enforcement enquiries to have reached 'decision point' within 8 weeks

Performance Summary

- Of the 121 enforcement cases received in this quarter, 3 have reached a decision and were within their target decision date
- Target: 80% (2021/22)

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PL8 - Processing of building control applications within statutory timescales



Performance Summary

- The team continues to process 100% of their Full Plans applications within statutory timeframes.
- A Full Plans application is one type of application under which you can apply for Building Regulations, the other is a Building Notice.
- The partnership board receives a full set of KPIs. Their next meeting is September.
- Target 97% (2021/22)

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Ref:	Risk cause and event	Risk consequences	Risk Owner	L	I	RAG	Mitigating actions and responsibility	Status update	On Corporate register
1	Lack of five year housing land supply, including gypsy and traveller land	<ul style="list-style-type: none"> * Inability to meet government's standard methodology figure * Potential to lose control of where development takes place with risk to amount of affordable housing and minimum infrastructure. * Travellers could be granted permission within the greenbelt. *Increase in pressure to identify and support sites to accommodate traveller and show people sites outside of plan-making. * Ability to demonstrate compliance with Equalities Act regarding provision for travellers and showpeople. 	Head of Strategy	4	4	16	<ul style="list-style-type: none"> * Prepare a robust housing trajectory, through the Local Plan. * Apply an appropriate buffer to the housing supply to provide for flexibility through the Local Plan . * Allocate sites for housing and gypsy and travellers. * Adopt the Local Plan. * Monitor and maintain planning permissions. * Approve planning applications against the development plan. * Ongoing discussion with the Inspector via the Programme Officer. * Defend appeals. * Monitor appeal outcomes and seek legal advice as appropriate. 	<ul style="list-style-type: none"> * AMR and Housing Delivery Test Action Plan updated. * No update since previous committee, linked to progress of Local Plan. 	
2	Local plan is found unsound by the Inspector	<ul style="list-style-type: none"> * Impact on ability to reject inappropriate planning applications. * Unable to lobby and deliver infrastructure that meets the needs of local residents, public sector partners and businesses for the whole District. * More challenge to develop policies and working with others to support the building of affordable homes. * Inability to meet statutory requirement and risk of statutory intervention. * Unable to review Community Infrastructure Levy. * Additional costs associated with developing a new Plan. * Reputational damage. 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Dialogue maintained with the inspector following receipt of preliminary conclusions. * Continue to assess CIL bids to help support infrastructure delivery where possible. * Members to be made aware of any risks associated with responses / hearing sessions to the Inspector. * Ensure responses to the Inspector are submitted in a timely manner. * Work with statutory bodies where appropriate to ensure no objection. * Maintain and defend the strategy set out in the submitted Our Local Plan. * Consider legal advice appropriately. * Use consultants and experts in their field where appropriate to defend the Council's Local Plan. * Undertake additional evidence and main modifications as required by the Inspector. * Continue to have discussions with the Inspector via the Programme Officer. * Keep members updated. 	<ul style="list-style-type: none"> * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Early consideration of budgets and implications have been commenced. However these options cannot be concluded until transport modelling completed (relating to Junction 6), results were initially expected end of May 21, however these have been delayed due to the complexity of modelling and involvement of third parties. The results of the modelling are needed before further options can be considered. * Senior officers and relevant Councillors and committee members are being kept updated. 	Yes
3	Lack of capacity in Planning Department negatively impacts performance and delivery of service, such as determining applications in statutory timeframes and managing complaints and FOIs	<ul style="list-style-type: none"> * Inability to provide statutory services to a sufficient standard / quality / timeframe and reporting of poor performance. * Inability to provide non-statutory services which are valued because of prioritisation of providing statutory services. * Negative impact on staff health and wellbeing. * Risk of staff departure due to ongoing uncertainty and no continuity of planning officers, reliance of temps * Potential risks of costs claims, complaints and legal challenges. * Reputational damage. * Increase in complaints and FOIs adding further pressure to officer time required to respond/investigate * Costs claims and time impact of providing a defence; risk of award of costs against the Council 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Peer-review of development management department undertaken by Planning Advisory Service (PAS). * Local enterprise partnership supporting the Council's Community Infrastructure Levy (CIL) work. * Recruitment of temporary staff. * Continuing suspension of non-statutory services to enable focus on statutory services. * Maintain cross checking of reports and decision notices. * Maintain specialist (legal, policy and regulatory) input in decision taking. * IT have made changes to internal systems to pull through time sensitive applications. 	<ul style="list-style-type: none"> * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. The Chief Executive is currently progressing recruitment to this post. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report. * Previous risk 9 on the Planning Policy risk register regarding incorrectly determining applications combined with this risk following Planning DLT 12/7/21. * Risk agreed by the Executive Team to be included on the Corporate Risk Register. * Executive team are reviewing the draft PAS report ahead of briefing Members. 	Yes

APPENDIX B - Planning Policy Risk Register

4	Failure to determine a Planning application within the statutory period	<ul style="list-style-type: none"> * Risk of non-determination appeals and decisions not made locally * Risk of costs claims being awarded. * Reputational damage. * Unable to fully deliver a statutory function of the Council. 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Additional permanent resources being recruited. * Additional temporary staff recruited. * This area of work is closely monitored. 	<ul style="list-style-type: none"> * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.
5	Significant increase in number of Complaints and FOIs in Planning	<ul style="list-style-type: none"> * No designated officer has capacity in existing team to manage Complaints/FOIs. * Taking staff in Planning away from their planning duties. * Impact on Statutory service and causing delays in Validation. * Unprecedented backlogs. * Applications not being determined in time. * Negative impact on Member / Officer relations. 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Member training on Planning as part of induction programme. * FOI admin team send regular reminders for overdue FOIs, and overdue FOIs are reported corporately. 	<ul style="list-style-type: none"> * Linked to resources - additional staff are being recruited and improvement project will also address this issue. * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.
15	Challenges regarding capacity of M25 J6 and the need to agree and deliver a medium-long term mitigation scheme.	<ul style="list-style-type: none"> * Implications for Development Management colleagues when determining planning applications. e.g. cumulative impact of smaller sites on road pressures and questions around ability to respond to applications appropriately based on the capacity information * Inability to provide housing need to an acceptable level. * No financial or strategic support from central government if capacity situation not worked up and agreed. * Inability to adopt an up to date Local Plan in the absence of a solution. * Capacity issues at Junction 6 have wider strategic implications for future development in the neighbouring districts, not just Tandridge. * Complex partnership working, due to multiple organisations involved, with responsibility for different parts of the road network. This make progress slow. * Uncertainty around whether an agreement regarding outputs of transport modelling work, or the proposed scheme, can be achieved. * Delays could result in the Planning Inspector finding the emerging Local Plan unsound. Issues would remain, impacting on the district's residents and economy, and would still need to be addressed 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * M25 J6 transport modelling to identify how much capacity in existing design of junction and how much LP growth can be accommodated. * Ongoing work to identify and deliver interim scheme in the short to medium-term. * Seek to raise profile through Highways England's Route Strategy consultation, with the aim of it being identified in DfT's Road Investment Strategy. * Seek to raise profile and gain support through ongoing dialogue and engagement, including with Transport for South East and Coast to Capital LEP. This will explore options for how Councillors can be involved in lobbying tec. * Monitor and maintain planning permissions. * Monitor appeal outcomes and seek legal advice as appropriate. * Maintain ongoing open and collaborative discussions between consultants, Highways England and SCC, seeking the agreement of key organisations at key stages. * Ongoing correspondence with the Planning Inspector demonstrating our commitment and positive working relationships with Highways England and SCC. 	<ul style="list-style-type: none"> * Ongoing joint working with transport consultants, Highways England and SCC on transport modelling to identify an interim scheme. The results of the modelling are needed before further options can be considered. * Contact third party organisations to raise profile of Junction 6 of the M25.

16	Consultations by Gatwick Airport Limited in relation to its application for Development Consent Order for second (northern) runway.	*Implications of the northern runway proposals for the district, particularly from an environmental perspective. *Post section 42 consultations and responses to Inspector questions likely to have quick turn-around times. Potential resourcing issues given other work commitments and lack of ability to control/manage workload. *Consultations likely to require input from officers across the authority. Potential for a disjointed approach and lack of clear lead. This also raises issues with sufficient resourcing. *Tight timescales could impinge on councillors' opportunity to give/comment on the proposed response due consideration and to provide input. This may also prevent suitable committee meetings being arranged. *Lack of appropriate expertise in some topic areas may limit how we respond or could lead to additional costs and/or not being able to respond to in the best way.	Chief Executive	4	4	16	* Form Gatwick Project Board for relevant officers within Tandridge. A forum to manage, discuss, draw together and formulate proposed responses. * Securing expertise through joint working with other relevant local authorities. * Proposed governance structure for post section 42 consultation responses to enable a timely response and PPC member involvement. * Membership/involvement in pan authority groups at various levels including the Gatwick Officer Group. Forum to discuss cross-boundary implications and share knowledge on proposals for northern runway. * Present proposed section 42 response at PPC.	* Form a Gatwick Project Board for relevant officers in the organisation. * Continue to attend Gatwick Officer Group. * Present Governance structure for post section 42 consultation responses to PPC.
6	Local Plan needs further evidence, topic papers or main modifications prior to considering it sound, dependent on how Council chooses to progress the plan following receipt of Inspector's letter	* Changes the policies within the submitted plan. * Despite being a transitional plan under the NPPF 2012, will likely need to reflect some updated national policies where Inspector feels its appropriate to do so. * Requires additional finance. * Staff to carry out the changes, although not currently resourced to do so.	Head of Strategy	4	3	12	* Prepare additional evidence where required by the Inspector. * Respond to the Inspectors questions in a timely manner. * Prepare main modifications and provide these to the Inspector when requested. * Retain staffing levels to accommodate need for additional work and on reflection of timetable of works to be pursued. * Organise hearings or Inspector led consultations if required. * Continue to utilise counsel where necessary. * Ensure the Council understand the main modifications process and that the Inspector remains the leader in all examination matters. * Liaise with the inspector via the Programme Officer as and when needed. * Forecast and monitor budget.	* Risk wording amended in light of inspector's letters.
7	Lack of capacity in Strategy team delays progress in planning policy workstreams	* Delays to progression of corporate projects and workstreams (e.g. the Local Plan, flood alleviation etc.).	Chief Executive	4	3	12	* Review appropriate levels of resourcing following Council's decision on how to progress with the Local Plan.	* Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.
8	Budget constraints in defending Public Inquiry appeals	* Reputational damage. * Impact on Council's budget. * Going over budget due to being unable to predict number of Public Inquiries per annum. * Potential high cost awards if Council does not invest in strong Counsel defence.	Chief Executive	3	4	12	* Reviewing budget for Counsel. * Seek Legal advice before determination on complex / major schemes before determination to ensure robustness in case. * This area of work is closely monitored.	* Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.
10	Inability to explore and exploit potential efficiency gains of new IT systems due to lack of capacity	* Strain on development management team capacity. * Unable to improve processing times for applications. * Transition between old and new IT system problematic and processes lost/changed * Very manual and time consuming process while errors/issues are investigated and corrected	Head of Planning	3	4	12	* Head of Planning updating relevant colleagues in IT. * Regular meetings between Planning and IT.	* Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.

APPENDIX B - Planning Policy Risk Register

11	Failure to determine a Building Control application within the statutory period	* Unable to meet Partnership key performance indicators. * Reputational damage.	Building Control Manager	2	4	8	* Highly trained staff able to work flexibly on different tasks.	* Team continue to process 100% of applications on time in April 2021.	
10	Inability to re-launch planning pre-app service due to lack of resources	* Reputational impact as developers value this service. * Less efficient processing of applications given issues cannot be discussed in advance.	Chief Executive	3	2	6	* Partial-re-opening of residential pre-app (with constraints) now live. Limits on caseloads for Officers to ensure priority application work is not disrupted. * Assessing cases on individual basis and applying an exemption to suspension if justified	* Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report. * Partial opening of service now live.	
13	Lack of appointment to the Infrastructure Delivery post within the Strategy Team undermines CIL processes	* The complexity of the financial frameworks and funding assembly for the project bids for CIL funding has been underestimated. Therefore lack of Specialist role could lead to delays and/or errors.	Team Leader Strategy	3	2	6	* A new module for monitoring CIL bids is in the process of being designed. * Additional officer has begun training to assist lead CIL officer with the monitoring aspect to free the lead officer up for more complex work.	* New risk added, and agreed at DLT 12/07/21.	
14	Risk of the building control partnership dissolving	* Increased costs to the Council due to lack of economies of scale. * Service disruption whilst new arrange is sought. * New building control database required. * Staff may choose to work for another authority.	Chief Executive	1	4	4	* Quarterly partnership board meetings. * Planning leadership team meetings. * Regular communications in place with relevant heads of service at partner authorities. * Allocated Finance business partner. * Performance monitoring in place (for Board and TDC). * Partnership authorities committed to reviewing the current inter-authority agreement.	* New risk added 10/08/2021. * Review of inter-authority agreement underway.	
12	Reduction in planning applications and associated CIL income	* Lack of infrastructure funding. * Have to administer CIL without additional income. * Reputational impact of not being able to deliver infrastructure.	Head of Strategy	1	2	2	* Continue to administer CIL. * Regular communications between relevant officers in Planning and CIL administration.	* Risk will be removed from the register, as the trends indicate rising numbers of applications, rather than reducing numbers.	

Planning Transformation Business Case - Interim Report

Planning Policy Committee Thursday, 23 September 2021

Report of: Chief Executive

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

Following the review by the Planning Advisory Service (PAS) the Council has agreed the need for a transformation programme to be commenced with the aim of building a high performing, resilient and reputationally strong Planning Service.

As outlined in the Planning Service Transformation report that was presented to the special Planning Policy Committee on the 26 August 2021, this interim report sets out the first phase of the Transformation Project.

This report also outlines the key workstreams that will feed into the final business case together with an overview of the work which has already commenced.

The final business case will be brought to the November Planning Policy Committee.

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

Contact officer Jayne Roberts - jroberts@tandridge.gov.uk -

Recommendation to Committee:

That this interim report be noted.

Reason for recommendation:

To support the development of the business case with the aim of ensuring the best possible outcomes in terms of structure, staffing, resilience, value for money and Councillor/Officer engagement.

1.0 Key workstreams

1.1 Structure

- 1.1.1 An activity spreadsheet has been developed which will be completed by all Officers of the Development Management (DM) team. The outcomes from this piece of work will inform decision making regarding the re-alignment of the team structure, job titles, reporting lines, capacity and resilience.
- 1.1.2 A benchmarking exercise using the government performance metric comparing Local Authorities of a similar size with comparable constraints and staffing numbers is currently underway and will form part of the business case that will be brought to this Committee on 25th November 2021.

1.2 Resource

- 1.2.1 The process of validating planning applications has been identified as an area of concern in the PAS report. To address the issues raised a health check of the validation process will be undertaken by an experienced validation team leader from a neighbouring local authority. Dependant on the outcome of the health check a training programme will be put in place and overseen by an external provider.
- 1.2.2 Results from the activity analysis see 1.1 will highlight areas where internal cross skilling and training is required. Any single points of failure that are identified will be dealt with as a priority.
- 1.2.3 To progress the training and development of Officers a clear career path will be introduced. The re-introduction of career grades together with apprenticeships and graduate programmes will be considered subject to guidance from the HR Business Lead for Planning.
- 1.2.4 Further training in Salesforce, together with a training video and/or accompanying training notes will take place to assist Officers involved in running reports in Salesforce. This will assist them to monitor their respective workloads.
- 1.2.5 Regular attendance of the Surrey Validation Group Meetings by a member of the Validation team needs to be re-introduced. This forum informs best practice, provides networking opportunities, updates on Policy changes and bench marking exercises.
- 1.2.6 Complaints have been made against the Planning department during the last quarter. It is recommended that all DM officers attend a complaint handling training course and a dealing with difficult people training course if they have not already done so.

1.3 Systems and Processes

- 1.3.1 A peer review of our existing planning performance reporting will take place shortly. Any required changes to the format of our reports will be undertaken as a priority.
- 1.3.2 An IT issues log has been set up together with an in-box where Officers of the DM team submit requests for upgrades and improvements. A weekly meeting is held with the IT team to review and resolve issues.
- 1.3.3 The Civica (document storage system) is being upgraded to the latest version later in the year. We will be working with the IT team to improve the interface between Civica, the Planning Portal and Salesforce.
- 1.3.4 A re-platforming of the Planning Portal is currently underway with the first workshops for local authorities taking place at the end of October 2021. In the meantime, a meeting has been organised with the Planning Portal team to discuss improvements to the Planning Portal Service and how we can maximise them.
- 1.3.5 A platform review of our Geographical Information System has recently taken place with a view to streamlining and upgrading our existing GIS software.

1.3.6 Improvements to the web site have been agreed with the IT team as follows:

- The ability to register for email notifications for planning applications in a specific parish/ward/post code will be reinstated.
- Work is underway to enable the generation of a weekly list by an adjustable date option and download into a pdf document on our web site.
- Additional wording will be added to highlight where the planning history related to a planning application can be viewed.
- Work has begun on re-instating the date in the "comments until" box on the search planning application web page.

2.0 Member/Officer Relations

2.1 Agreed actions to date are as follows: -

- Gilian MacInnes started to develop the Planning Protocol but was unable to complete it due to time constraints. A workshop will be set up to progress the development of the Planning Protocol comprising of Officers and Members.
- The DM team are all now available to take calls between 9 and 10am every working day. The time frame will be extended when Officer's caseloads decrease.
- Government Live Tables on Planning Application Statistics will be included in the standard performance and risk report to be reported on a quarterly basis to PPC.
- Planning Enforcement statistics will also be included in the standard performance and risk report to be reported on a quarterly basis to PPC.
- An Informal Planning Forum will be introduced. A Planning Officer with previous experience of Informal Planning Forums will lead on this work stream.

3.0 Associated Risks

Risk	Mitigation
Failure to implement changes arising from the report where there are legal implications.	Engage fully with the Legal department and follow any Legal advice they provide.
Failure to follow correct procedures relating to HR policies.	Engage fully with the HR Business Partner and follow any advice she provides.
Risk of project running over the timeline that has been set incurring extra costs.	Closely monitor costings and timelines of the work streams to mitigate the risk of running over budget. Fully explore potential cost savings as part of this project.
Rejection of the proposed Business Case by the Planning Policy Committee	Keep Councillors fully informed on the progress of the project and ensure the agreed criteria of the project are met.

Risk	Mitigation
Project/programme work puts strain on DM BAU work leading to underperformance.	Ensure Officers only get involved in the programme works if absolutely necessary.
Staff resigning due to the improvement works.	Involve Officers in the process and provide progress updates to staff as the business case is developed.
Staff resigning due to improvements in the service not taking place.	Any recommendations from the business case need to be taken forward on completion of this project through a programme management plan.
Lack of resource to prepare Supplementary Planning Policy Documents resulting in a lack of supporting local policies to inform planning application decisions.	Provision of extra resource for the Planning Policy team to enable this work to be carried out.

4.0 Consultation

- 4.1 This interim report, including the proposed actions and work streams that are currently being progressed, have been carried out in consultation with the Chairs of the Planning Applications and Planning Policy Committee together with suggestions put forward by Cllr Duck.

5.0 Potential costings

- 5.1 Details of how potential costings will be arrived at/calculated will be developed as part of the business case during Phase 1. The costings below are indicative and subject to the findings of the work streams currently underway to determine where extra resources are required.

Health Check and Training for the Validation Team – to be confirmed

Extra staffing 1 x Principal Planner (M4) including on costs £62,000 per annum

2 x Planning Officers (M1) £39,000 per annum x 2 = £78,000 per annum
= Total staffing costs £140,000 ongoing additional cost

- 5.2 The funding for any extra resources identified in the business case are subject to the agreement of the Chief Executive, Section 151 Officer and Members.

Key implications

Comments of the Chief Finance Officer

Significant work is underway to improve the functioning of the Planning Service but there is much work still to do.

In recognition of the additional resource needed to implement the changes necessary the Planning Policy Committee is being excluded from having to find any savings towards the budget gap for the 2022/23 budget process. The Committee will also be able to put forward its proposals for growth items in their budget.

The Council may be able to fund the cost of the transformation work needed via the flexible use of capital receipts. The Secretary of State for Communities and Local Government issued guidance in March 2016, giving local authorities greater freedoms with how capital receipts can be used to finance expenditure. This Direction allows for the following expenditure to be treated as capital:

“expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public-sector delivery partners.”

To comply with the direction the Council must prepare, publish and maintain a flexible use of capital receipts strategy. The strategy for 2021/22 will be updated during the year and taken to Council for approval. It is likely that at least part of the planning transformation work will be funded via this route.

Comments of the Head of Legal Services

There are risks associated with a planning service not meeting Government thresholds for decision making. If performance falls below the thresholds, then the Council can be designated by Government and have local decision making powers directed to the Planning Inspectorate. The Council clearly does not wish to reach that position. This paper reports that a series of enhancements are underway, and which will start to achieve tangible improvements in service delivery. More transformation work will be required over and above those set out in this report, but the foundations are being put in place for creating a stronger planning team fit to deliver the Council's ambitions. Achieving this ambition will inevitably require investment in resources and infrastructure as part of the Council's transformation project.

Corporate implications

Any corporate implications relating to the Planning Transformation Business Case will be taken to Planning Policy Committee on the 25th November 2021 as part of the final report.

Equality

This report contains no proposals that would disadvantage any minority groups.

Climate change

This report contains no proposals that would impact on the council's commitment to climate change.

Appendices

None

Background papers

None

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