

TANDRIDGE DISTRICT COUNCIL

PLANNING POLICY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 25th November 2021 at 7.30pm.

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

ALSO PRESENT: Councillors Cooper, Davies, Elias, Lockwood* O'Driscoll and N.White

APOLOGIES FOR ABSENCE: Councillor Jones

* Councillor Lockwood participated by Zoom in a non-voting capacity

186. MINUTES OF THE MEETING HELD ON THE 23RD SEPTEMBER 2021

These minutes were approved and signed as a correct record.

187. QUESTIONS SUBMITTED UNDER STANDING ORDER 30

The Chair responded to questions from Councillor O'Driscoll (1) and Cooper (2).

Details of the questions and responses are provided at Appendix A to these minutes.

188. SURREY HILLS AONB BOUNDARY REVIEW

Heather Kerswell (Surrey Hills Independent Chair) and Rob Fairbanks (Surrey Hills Director) gave a presentation regarding the Surrey Hills Area of Outstanding Natural Beauty (AONB) expansion project. This informed Members about:

- the unique character of the Surrey Hills landscape
- the current boundaries of the AONB, Greenbelt and Areas of Great Landscape Value within Surrey
- the objectives of AONB management
- the demographic pressures upon the Surrey Hills and associated threats
- the basis of the Surrey Hills boundary review and the community engagement strategy aimed at contributing informed evidence to support the proposed expansion.

The presentation explained the intention to use a participative *'technology-based citizen science approach'* to gathering evidence of the need for additional areas to be included within the AONB. This process would be launched shortly and would be followed by a review of the evidence and engagement on the 'candidate areas'.

The presenters responded to Members' questions and referred to a best-case scenario whereby the boundary expansion could be approved by the Secretary of State without the need for a public inquiry. The community engagement strategy had been designed to enable such an outcome by seeking to generate a suitably robust evidence base.

The Chair thanked Heather and Rob for their informative presentation.

189. PLANNING TRANSFORMATION BUSINESS CASE

A report was presented with details of a proposed staffing restructure for the Development Management service which sought to achieve greater efficiencies by:

- streamlining the delivery of the service by grouping officers by function
- providing capacity to deal more effectively with fluctuations in demand without having to rely on temporary staff
- reducing the number of direct reports to the Head of Development Management and the Validation and Business Support Team Leader
- creating additional posts in areas where statistics have demonstrated a current lack of resilience

The estimated net increase in staffing costs amounted to £75,932 per annum. The report envisaged that £114,000 would be drawn down from the flexible use of capital receipts which would fund the cost of new structure for the first 18 months. Thereafter, the investment would need to be absorbed into the base budget. It was hoped that the re-introduction of the full-time pre-application service would create additional revenue to help offset the increased staffing costs.

The report also informed Members about staff training and development initiatives; systems and process changes; and actions to enhance engagement with Members.

During the debate, Members referred to the need to recruit and develop staff with good 'people management' and leadership skills. The importance of planning officers taking due regard of neighbourhood plans and the need for effective, timely community engagement on applications was also raised.

Arising from a discussion about the role of IT, the Chair commented that Members would appreciate the reinstatement of a system to provide early notification of planning applications for developments in their wards.

RESOLVED – that the proposed re-structure of the Development Management service, together with the additional staffing, as shown in the organisation chart at Appendix B to these minutes, be approved.

190. PLANNING QUARTER 2 (2021-22) PERFORMANCE REPORT

A Quarter 2 summary of performance against various indicators for the Development Management service had been published as a supplement to the main agenda pack. The interim Chief Planning Officer explained the challenges associated with producing quality and timely performance data. He confirmed his intention to review the current performance management regime and to present proposals for achieving a more effective / transparent recording and reporting process.

RESOLVED – that the Quarter 2 performance information be noted.

191. GATWICK AIRPORT DEVELOPMENT CONSENT ORDER (DCO) SECTION 42 CONSULTATION

Gatwick Airport Limited's (GAL) Section 42 (Planning Act 2008) public consultation on its preferred masterplan for the future use of the northern runway (currently used only for emergencies) was due to close on the 1st December 2021. This was the first stage in the process of GAL's pursuit of a Development Control Order (DCO) to bring the runway into routine operation.

A proposed consultation response from the Council (Appendix A to the report) had been produced following input from the Gatwick DCO Working Group which had been established to support the ongoing process. The response highlighted various concerns identified during the review of the consultation material, including:

- whether the extensive ancillary development being proposed was legitimate associated development or whether separate planning applications should be submitted to the relevant authorities
- GAL's commitment to mitigating climate change and whether local impacts had been given sufficient consideration
- lack of detail regarding wider environmental mitigation measures
- doubts regarding the credibility of GAL's 'pre-pandemic' baseline data
- insufficient regard to the Future Airspace Strategy Implementation (FASI) and the Surrey Hills AONB review
- the adverse impact on road and rail networks
- timescales for road improvements
- false assumptions that housing for workers will be subsumed by the neighbouring Local Authorities
- shortcomings in the consultation process, including a lack of preliminary technical information to Local Authorities and issues with the mobile project office.

The Committee was recommended to approve the draft response, together with suggested terms of reference for the Working Group.

During the debate, Members reiterated the concerns identified by officers and argued that the consultation failed to fully acknowledge the likely impact of GAL's proposals upon Tandridge communities. It was agreed that the text concerning Chapter 14 (Noise and Vibration) would be amended to add 'Lingfield and Dormansland' (i.e. in addition to Burstow and Smallfield) to communities most likely to be adversely affected by the northern runway proposals.

RESOLVED – that

- A. subject to the text regarding Chapter 14 (Noise and Vibration) being extended to add 'Lingfield and Dormansland' to the villages that would be particularly impacted, the proposed response to Gatwick Airport Limited's Section 42 consultation be agreed; and
- B. the Terms of Reference for the for the Gatwick DCO Member and Officer Working Group, attached at Appendix C to these minutes, be agreed.

192. NATIONAL HIGHWAYS ROUTE STRATEGIES CONSULTATION 2021

National Highways (formerly Highways England) was consulting on route strategies for the Strategic Road Network which, in turn, would inform the development of the National Road Investment Strategy. A report was presented with a proposed response to the consultation which included issues associated with the capacity of Junction 6 of the M25 and the fact that, without investment, the junction would become a major infrastructure constraint.

The report acknowledged that the consultation provided an opportunity for the Council to contribute to the route strategy development process to help raise the profile of the Junction 6 issues.

During the debate, Officers undertook to liaise with Councillor O'Driscoll in due course regarding DHA Transport's latest analysis of the Junction 6 upgrade requirements for the westbound diverge / eastbound merge links. It was also agreed that the section of the draft consultation response entitled, "M23 and relationship with the M25" be extended regarding the potential impact of Gatwick Airport's northern runway projects, and reference to the A22.

RESOLVED – that, subject to amended text for the penultimate section, "M23 and relationship with the M25" (to expand upon the potential impact of Gatwick Airport's northern runway project and to refer to the A22) the proposed response to the National Highways route strategy consultation be agreed.

193. LOCAL PLAN UPDATE

The Chair reminded Members that the Local Plan Inspector was awaiting the Council's formal response regarding the Council's next steps for the Local Plan, following his correspondence in documents ID16 and ID19. The key question he had put to the Council was, in light of his comments, whether the Council wished to continue with the Local Plan, or to withdraw it. She referred to the work which traffic consultants (DHA) had been carrying out and, as discussed at the 26th August 2021 Committee meeting, how that was central to the Council being in a position to make the response.

Following on from the Member briefing on 11th November 2021 from DHL, along with the findings expected from them by mid-December subject to National Highways and Surrey County Council Highways sign off, the Chair anticipated that the Council should be in a position to make a formal response to the Inspector. Due to the time pressures and importance of making this decision, and in recognition of the Christmas period, the Chair suggested that a special Planning Policy Committee be held on either the 4th or 5th January 2022 to consider and agree the Council's formal response to the Inspector. This would be based on an officer report setting out the Council's options and the further information from DHA. The Committee supported this approach, provided that the required information from DHA was received in time.

194. ENVIRONMENT ACT - UPDATE

The Committee received a verbal update regarding the Environment Act which came into force on the 9th November 2021. This confirmed that Part 6 of the Act (Nature and Biodiversity) would have significant implications for planning authorities, including:

- a 10% biodiversity gain as a condition of planning permission (to be governed by subsequent regulations)
- requirements for nature recovery / species conservation / protected site strategies
- a general duty to conserve and enhance biodiversity

An officer briefing paper would be circulated to Members within the next few days.

Rising 9.31 pm

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Planning Policy Committee – 25th November 2021

Questions submitted under Standing Order 30

1. Question from Councillor O'Driscoll

I recently visited Coulsdon Lodge and local residents in Oakgrove outlined their concerns about the developer's destructive actions within the Coulsdon Lodge site and how they can appeal the Council's refusal of planning permission while residents cannot easily appeal the Inspector's decision should he make the wrong decision.

Mindful that the Inspector is yet to make a formal decision as this question was submitted, how can this Council support residents in situations similar to that faced by Oakgrove residents to ensure that if an inappropriate development is allowed by the Inspector there is a way to help them challenge an Inspector's decision?

Response from Councillor Sayer:

That's a good question and I think a lot of residents might ask it. The only way an Inspector's decision can be challenged is by a judicial review which involves fairly narrow grounds centring on whether the Inspector has made an error in law or been irrational, or if there has been a procedural error. And it has to be funded by residents, not by the Council. So, it's a high bar. It's just the way the system works and it would need central Government to alter it.

Regarding the first part of your question, I know Cliff Thurlow has been asked to review the circumstances of the Coulsdon Lodge site to see if there are grounds for the planning enforcement team to investigate.

2. Question from Councillor Cooper

The following is a calculation estimating the amount of CIL money likely to come to TDC over the next few years, based on CIL on residential houses being charged at £167.20 per square metre. (Noted that this goes up each year by RPI.)

For every 1000 homes built:

- some will be flats (predominantly two bed),
- a large percentage will be 3 or 4 bed houses,
- some will be larger houses (such as in Oxted).

Affordable housing does not attract CIL and currently 34% of housing is required to be affordable, but only on larger sites, unless of course you live in Oxted (gasholder where none was provided). Therefore, perhaps 30% of housing will be affordable as sites under 14 units will not provide any at all. Thus, some 30% of housing may not contribute to CIL, however, 70% will (ie 700 of the 1000 in total).

If we assume:

- An average two bed flat is 70 square metres and makes up 35% of the builds;
- The average three bed semi is 102 square metres and makes up 35% of the builds;
- The average four bed is 130 square metres and makes up 25% of the builds;
- A large house might be 200 square metres and makes up say 5% of the builds.

Thus, using the above:

Flats	$700 \times 35\% \times 70 \text{ sqM} \times \text{£}167.20 = \text{£}2,867,480$
Houses 3 bed	$700 \times 35\% \times 102 \text{ sqM} \times \text{£}167.20 = \text{£}4,178,328$
Houses 4 bed	$700 \times 25\% \times 130 \text{ sqM} \times 167.20 = \text{£}3,803,800$
Large houses	$700 \times 5\% \times 200 \text{ sqM} \times \text{£}167.20 = \text{£}1,170,040$

TOTALS £12,019,648 For every 1,000 homes built.

The Inspector has advised that the TDC Housing need is in excess of 450 homes per year, thus, given the above, TDC should be expecting £5,408,842 in CIL funding per year. Of this some 20% may go to Parish Councils. (25% to those with a Neighbourhood Plan but significantly less to those without one.)

Given the above calculation is based on very conservative figures, this would leave some £4,327,073 per year to allocate to CIL projects.

Therefore, in planning our future annual budgets, are we assuming something in excess of £4 million per year of CIL income?

Response from Councillor Sayer:

I was quite pleased to see this question because it's good to get some idea of figures. I think the answer is no, the Council can't assume in excess of £4m of annual CIL income because the basis of the calculations is different to the ones you've got.

CIL has to be based on a projection of dwellings that are going to be built, which is called the housing requirement.

The figure of 450 used in the calculation is not the housing requirement, it's the objectively assessed housing need – known as the OAN – and it's the unconstrained starting point figure and from that you have to factor in any constraints, e.g. Green Belt, infrastructure and Areas of Outstanding Natural Beauty to reach a housing requirement. The OAN is much greater than the current building rate which I think is around 250 homes per year, or the figure included in the submitted Local Plan, which is 303 homes per year. Both of these are significantly lower than the 450.

Any CIL estimate must also deduct the following:

- *The number of affordable housing units, as these do not attract CIL. I think you mentioned them but I am not sure that's included in the final calculation. Also, other social housing relief which can be different to affordable housing as it includes retirement housing with quite large communal areas – and that, I'm told, accounts for 25% of the total CIL, so reduces the estimate by a quarter.*
- *Next point, CIL is a net figure, so a deduction has to be made for any existing buildings either converted or demolished which have a lawful use.*
- *Then, there is self-build relief, which takes it down again.*
- *Parish Council allowances you've mentioned can be up to 25% for those with a Neighbourhood Plan, but 20% otherwise.*
- *Then, I am also told there is a bad debt provision deduction and a 5% administration deduction which is charged by the Council.*

So, at the end of all those adjustments, it's quite a different picture.

The Council has all the figures, year on year, since CIL started and income averages around 1 million per year. Now if we build more it might go up slightly, but it's not going to rocket.

In any case, as I'm sure you know, we have to be careful when predicting CIL income because a lot can happen during the course of a planning application to alter the CIL liability. I mean things can be found on site and arguments can be made to bring it down.

Jeremy Fisher would be very happy to explain the CIL figures to any Councillors at any time, so please do get in touch with him if you want to know more.

Supplementary Question from Councillor Cooper

I'm surprised the average annual CIL income is as low as £1million. How accurate is that?

Response from Councillor Sayer:

That's taken from the income we've received in the year so far. So, you are looking forward to what we'll build ... a lot of that depends on how things go in future regarding the Local Plan. 303 homes per year is the housing requirement within the Plan, which is a little more than what we have been building ... [but] annual CIL income will only be £1.2 million, even with that increase.

3. Question from Councillor Cooper

At the recent presentation on Junction 6 improvements, it was stated that extra lanes both going into and out of the roundabout along with an extra gyratory lane, would cost in the region of £5 million. Clearly, my CIL calculation [*in question 2 above*] is over estimating the amount we would actually receive, but if we were to meet the 450 [*objectively assessed housing need*] homes per annum, we'll get the £4 million CIL income, so why aren't we doing something?

Many councillors have indicated great concern about Junction 6 being above capacity. Therefore, will this Council use the likely CIL income generated by house building to fund the necessary improvements to Junction 6, for the benefit of all TDC residents?

Response from Councillor Sayer:

Well that's a big question I guess this Committee is going to have to answer in the future. I cannot imagine us having the £4m, or I hope we don't because it will mean we've met an incredibly high housing need which, given the constraints in this District, I think it would be wrong to do and in fact the Inspector has also said he doesn't think that figure should be met. He's put the figure out there for the OAN ... on the 2016 projections (and we've had 2018 projections since then which have brought the figure down) its 450 to 495, but he said we shouldn't meet it, or he doesn't expect us to meet it given the constraints there are in this District.

So whatever the figure is, CIL is supposed to be used to help mitigate the impact of development on communities and to pay for much needed infrastructure improvements. We have a CIL Working Group that's carefully worked out priorities for the use of our CIL. Things like flooding and education, and funding national highway improvements is not in that list of agreed priorities, so you know we're going to have to look at that again if that's what we want to use it for.

If we use it to pay for Junction 6 improvements, as far as I can see that means no CIL funding for school expansions, health centres, local road improvements, sports facilities or any other infrastructure you can think of that will directly benefit our communities. So you're putting it into a national road that benefits some Tandridge residents who use it, but also a lot of other people who don't live in the District.

We did sign off £1.6m of CIL spending recently, which I'm told leaves only £1.4m available right now - and we know there's going to be a request for a single school extension which, I think, is Chaldon, Peter and Paul, coming in quite soon, that's going to be £1.2m. The other items on the Infrastructure Delivery Plan far outweigh the expected CIL income, so many of those projects on the list are already not going to get funds allocated to them because we haven't got enough.

So the reports from the traffic consultants, DHA, and the Council's original Housing Infrastructure Fund bid, which didn't go through, both indicate that many millions will be required to fully expand the capacity at Junction 6. So committing the Council to Junction 6 improvements is more than capable, I would say, of consuming every penny of CIL contribution for the foreseeable future.

That would mean no other improvements could be made anywhere in Tandridge if all the CIL contributions go towards paying for what is a national highways route and national infrastructure which happens to be located in Tandridge.

Last thing I'd say is as well as the CIL option, funding for improvements to Junction 6 could come from the Government's Strategic Housing Infrastructure Fund which the Council is still waiting to hear about. There's also a possibility of funding coming out of the National Route Strategies which the Council is currently participating in, together with Surrey County Council Highways. Later in this meeting, the Committee will review the Council's response to the National Highways route strategies consultation in which the Council is proposing to raise the issue of Junction 6. I don't know if that answers your question, but you know it's a difficult balance.

Supplementary Question from Councillor Cooper

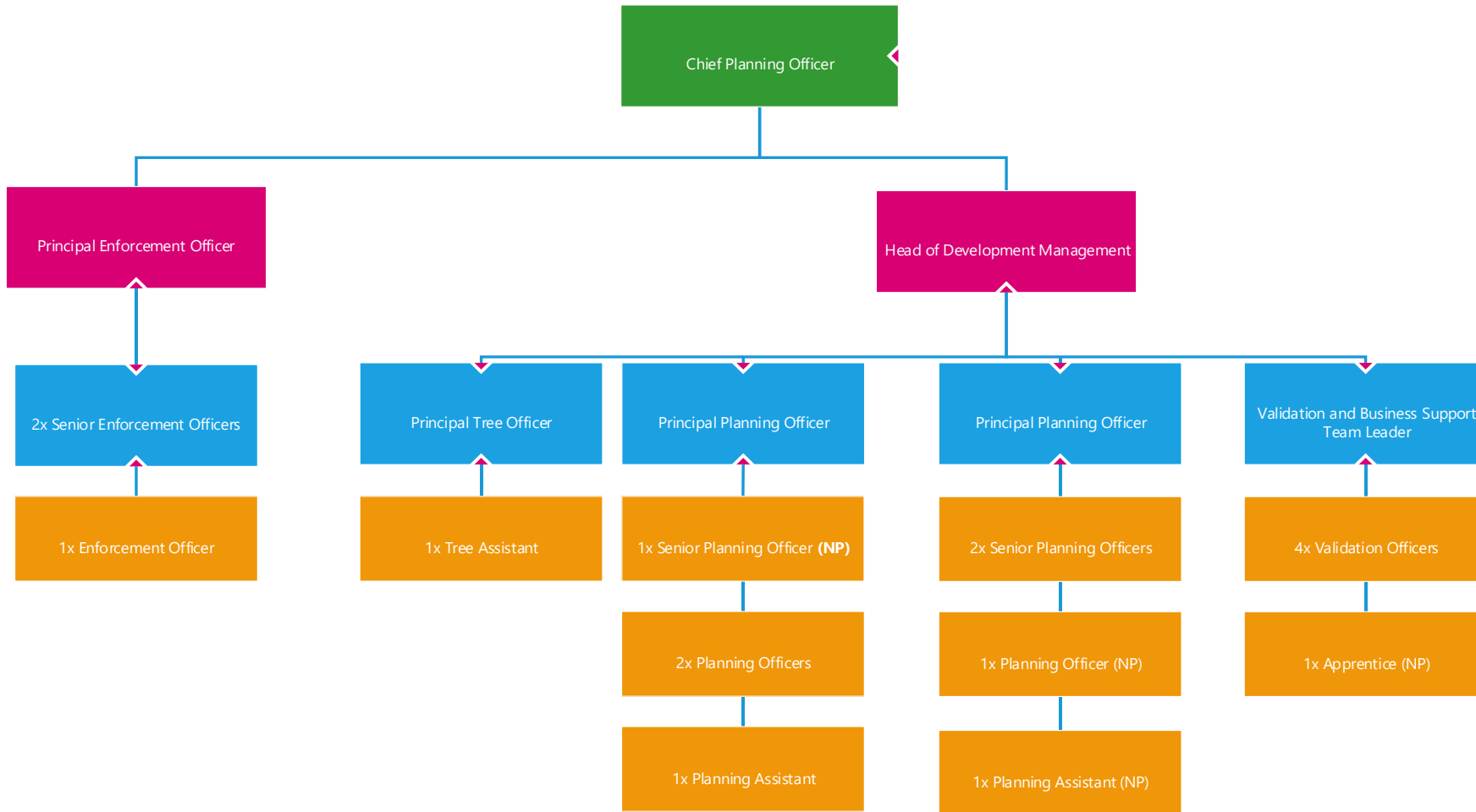
I agree it's a difficult balance. However, we're not talking about the highway itself, we're talking about access to it by residents of this District. It's not just about the motorway. People need to travel ... this is infrastructure. We ought to be investing in highways infrastructure if we're going to build more houses. What do you think?

Response from Councillor Sayer:

The £5 million quoted by DHA is for an interim mitigation scheme that could accommodate a proportion of Local Plan growth. That junction has been operating at over capacity for a number of years, so that proportion won't be huge. It would require five years' worth of CIL income when we couldn't fund anything else. We could be dealing with a bottomless pit ... the HIF bid was for £52 million. We'd have no funding for local infrastructure.

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Proposed Development Management Structure



(NP) = New Post

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Gatwick DCO Member and Officer Group – terms of reference

Purpose

The Development Consent Order (DCO) has a number of significant and Potential impacts for the District and an essential role of the Group is to ensure knowledge is shared and discussion had around the complexities of the DCO and technical aspects as needed. These discussions will assist Officers to prepare responses which will reflect the view of the Council and for the wider communities of the District, with the valuable input of elected Members and at a pace which can better meet the swiftness at which Gatwick are progressing their DCO.

Objectives

- To provide an opportunity for open Member/Officer discussion on relevant DCO matters;
- Keep Members updated on relevant cross-boundary/wider Gatwick area matters;
- To discuss the Council's responses and seek Member input to the proposals for a northern runway at Gatwick Airport, at relevant points of Gatwick led consultation; and
- To identify any needs or opportunities for additional Member involvement such as via GATCOM, or through lobbying etc.

Membership and Group Remit

Officers

The group will be officer led and chaired by the Chief Planning Officer, with another officer sub-chairing and supporting where needed. Over the course of the project, different personnel from the wider planning discipline (Development Management and Planning Policy) will need to have more presence at meetings, depending on what aspect of the DCO is being dealt with and the stage which it is at. This will be determined by the Chief Planning Officer.

Members

In accordance with the resolution of the Planning Policy Committee held on 23 September 2021, Member representatives on the group are agreed by Group Leaders and, on inception of the group, these are:

- Councillor Christ Botten
- Councillor Phil Flower
- Councillor Mick Gillman
- Councillor Liz Lockwood
- Councillor Judy Moore

Due to the nature of the DCO process, how it will change over time and the technical aspects of the project, the group's membership is open to change, subject to agreement with Group Leaders. This can ensure that the wide-ranging knowledge and expertise amongst our Members can be used most effectively, at appropriate stages, for the benefit of the Council's responses to Gatwick.

Decision Making

Also, in accordance with the resolution of the Planning Policy Committee held on 23 September 2021, authority is delegated to the Chief Executive and / or the Chief Planning Officer, in consultation with this group, to respond to future consultations and other forms of engagement from relevant stakeholders at various stages of the DCO process. This decision was taken to ensure that responses can be considered at the appropriate level and actioned in an agile way. Furthermore, this group is not a formal sub-committee and works on a discussion and consultative basis but has no decision-making powers. The group can, however, refer matters to the Planning Policy Committee should it be necessary and where timing in the process allows. Such referrals to committee will be determined in discussion with the Chief Executive/Chief Planning Officer as the delegated decision maker.

Frequency of meetings

The group will meet as needed in response to the ebb and flow of the Gatwick DCO process. No set frequency for meetings has been set and dates of meeting will be reactive to the process and the timetables which are not under the control of the Council.

Circulation of documents

Officers will circulate an agenda as soon as practicably possible ahead of meetings. Notes of the meeting will be taken and distributed as soon after the meeting as officers are able. Notes of the meetings will also be circulated to Group Leaders to ensure they are kept updated on the discussions which take place.

Due to the fluid nature of the process, it will not always be possible, or necessary, to circulate technical documents ahead of a meeting. As such, Officers and Members will determine what and how to share information amongst the group on an ad hoc basis.