

Local Plan Options

Planning Policy Committee Thursday, 21 September 2023

Report of: Planning Policy Specialist

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

Following the Local Plan procedural meeting on the 27th July 2023, the Inspector has written to the Council to say that it is his view that it would not be possible to make the plan sound and that he would recommend non-adoption of the Plan. Two options were presented: (1) The Inspector writes a report concluding the Plan is unsound and that it is not adopted; (2) The Council withdraws the Local Plan. This report sets out the implications of each option in order that the Council can make a decision as to the appropriate course of action.

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

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Recommendation to Committee:

- A. That the Committee consider the pros, cons and risks of each of the two options for the emerging Local Plan, i.e. to request an Inspector's Report (option 1) or withdraw the emerging Local Plan (option 2); and
 - B. The Committee make a recommendation to Full Council on which option should be pursued by the Council.
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Reason for recommendation:

The Inspector has requested that a decision be made regarding the future way forward on the Local Plan by the end of September. As a significant decision for the future of the District, the Committee is being asked to take the decision to Full Council.

Introduction and background

- 1 The Council submitted its emerging Local Plan 2033 for examination by PINS in January 2019. Following examination hearings, the Planning Inspector wrote to the council in December 2020 (ID16), expressing concerns about his ability to find the Local Plan sound, based on several issues:
 - a. Capacity and safety at Junction 6 of the M25 and the implications this could have on the spatial strategy
 - b. Objectively Assessed Housing Needs
 - c. Housing Land Supply
 - d. School Places Forecasting
 - e. Gypsy, Travelling and Showpeople Accommodation Need
 - f. Site Allocations
 - g. Development Management Policies
- 2 The Council sought to resolve these issues and engaged with the Inspector throughout the process.
- 3 In June 2023, the Inspector wrote to the Council, asking for a procedural meeting to be held. The meeting's aim was to cover a way forward for resolving the soundness issues and adopting the Local Plan.
- 4 The procedural meeting was held on the 27th July 2023. Following the procedural meeting, the Inspector wrote to the Council (ID26) concluding that the Council's suggested way forward (TED-61) would only serve to protract the examination further and raise further procedural concerns. On that basis, the Inspector stated that it would not be possible to make the plan sound and that he would recommend non-adoption of the Plan. The letter set out two options:
 - a. Inspector writes a report of the examination concluding the Plan is unsound and that it is not adopted.
 - b. The Council withdraws the Plan prior to the Inspector making any such recommendations.
- 5 The Inspector requested that the Council should advise how it wishes to proceed by the end of September 2023, or if it is unable to respond by this date, advise when it will be in a position to respond.
- 6 This report sets out the implications of each option for consideration.

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Option 1: Inspectors Report

- 7 Under this option, the Inspector will prepare a full report on the emerging Local Plan. In his letter, the Inspector stated that the report will focus on the reasons why it is unsound following the format set out in the Procedure Guide for Local Plan Examinations.

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations#section-7-the-inspectors-report>

- 8 The Procedure Guide states that the report will present conclusions, backed by reasoned judgements on soundness and legal compliance of the plan. The Guide further states that:

'The focus on soundness and legal compliance means that, as far as possible, the Inspector's report will avoid summarising the cases of individual parties, referring to specific representations and representors, or describing what was said at hearing sessions. The report will not respond to every point or issue raised by those objecting to the plan, or refer to every policy and site allocation. Instead, it will explain concisely why the Inspector has arrived at his or her conclusions and recommendations.'

- 9 **Inspector's Report:** Since the conclusion of the initial hearings in 2019, a substantial amount of correspondence has been exchanged with the Inspector regarding the soundness of the Local Plan. If the report was prepared it will provide a consolidated summary of all of the soundness issues raised. This should provide a useful single reference resource to identify key lessons learnt and issues for a new Local Plan.
- 10 Without the report, decisionmakers and the development industry will be forced to rely on a series of historic documents on the examination website where the information may be buried and direction is not especially clear.
- 11 A fuller understanding of the reasons why the plan will be found unsound may assist with future plan making and decision-taking for a few years. However, it should be noted that the weight accorded to the Inspector's report will be challenged by various parties according to whether or not it supports their position. As such, it is likely to be a matter that is initially contested through the appeal process.
- 12 It will also be an easier document for the local community to access and will help them to clearly understand why the plan was unable to proceed.
- 13 However, it is important to remember that the contents of the Inspector's report will be final. In the event the Council does not agree with them or with how the Inspector has summarised the situation, there will be no opportunity for the Council to either respond or to engage further with the Inspector.

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- 14 **Costs:** It will be necessary to pay the Inspector for the preparation of his report. The current fees for the Inspector are £933 per day. It is estimated that the report is likely to take at least two weeks to prepare, which will result in a minimum cost of £9,330 for the council. Additional costs for the programme officer's time will also be incurred for that time period. A total cost of £12,000 is estimated to be associated with this option. This will be in addition to the outstanding costs of the Inspector's and Programme Officer's time. No other costs are associated with this option.
- 15 **Evidence Base:** The emerging Local Plan examination will not technically be concluded until the Inspector sends his final report to the council. Any documents published on the examination website will remain public and could be of use for other matters than the Local Plan until such time as the emerging Local Plan is formally withdrawn.
- 16 Once the report is received, should the council wish to retain and publish any of the existing evidence base for a new Local Plan on its website, it will need to be approved for publication individually through the standard corporate processes. This process will create the opportunity to review and update evidence base studies to align with best practice in terms of approach and reflect recent changes, for example, relating to local circumstances with respect to infrastructure requirements.
- 17 Given the likely minimal weight afforded to the Inspector's report in decision making, it will therefore be necessary to undertake further work and produce new evidence base studies in relation to identified issues to inform future planning decisions and appeals. As the Inspector's report will clearly identify soundness issues, there will be a clear steer for the scope of works for these new studies.
- 18 **Work planning:** It is unknown how long the Inspector will take to issue the report, but an initial estimate suggests that it would be no earlier than December 2023. This option offers space for reflection and work planning leading up to, and following, the receipt of the report.
- 19 Timing-wise, when the Inspector's report is received there may be more certainty about political direction at national level and more clarity regarding proposed changes to the planning system (including transition arrangements). In reality it is unlikely that Local Plan preparation could commence until 2024 at the earliest.

Option 2: Council Withdraws the Local Plan

- 20 Under this option, the Council would make a decision to withdraw the emerging Local Plan and no further work on the Examination would be undertaken by the Inspector. The Council would not receive an Inspector's Report. Most councils withdraw their plans when the Inspector has indicated that the plan cannot be made sound. Withdrawal may also leave more options open to the Council regarding future direction for a Local Plan because there is no definitive Inspector's report.

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- 21 **Inspector's Report:** Although the Council will not receive an Inspector's report, it will still be possible to identify key lessons learnt and issues to address for a new local plan. However, these will need to be compiled / inferred by officers from the correspondence exchanged with the Inspector. There will not be a single consolidated document for stakeholders to reference. There will also be less clarity for the community as to why the Local Plan cannot proceed.
- 22 **Costs:** No costs will be incurred from the Inspector writing his report and associated Programme Officer work. This could be a saving of £12,000.
- 23 **Evidence base:** If the emerging Local Plan is withdrawn, the examination will have effectively ended. Therefore, the examination website, including the emerging Local Plan and supporting evidence base, will need to be immediately removed in line with regulations. Should the council wish to retain and publish any of the existing evidence base for a new Local Plan on its website, it will need to be approved for publication individually through the standard corporate processes.
- 24 This process will create the opportunity to review and update evidence base studies to align with best practice in terms of approach and reflect recent changes, for example, relating to local circumstances with respect to infrastructure requirements.
- 25 As for option 1, it will be necessary to undertake further work and produce new evidence base studies in relation to identified soundness issues to inform future planning decisions and appeals. Without an Inspector's report, it will be for officers to infer the key issues to be addressed in the scope of works for these new evidence base studies.
- 26 **Work planning:** A formal decision to withdraw the emerging Local Plan will provide a level of certainty and clarity for the local community, developers and other stakeholders regarding the planning policy framework for development and growth in Tandridge. For decision taking and plan making purposes, including neighbourhood planning, it will be clear that at the local level reference should be to the adopted Local Plan.
- 27 However, without an Inspector's report there will be less clarity regarding key issues identified through the Examination and their future consideration with respect to future growth in Tandridge in general or in relation to specific sites.
- 28 Work could immediately begin on a new Local Plan although in reality this is likely to be unable to commence until there is more certainty about political direction at national level and the proposed changes to the planning system (including transition arrangements). It is unlikely that Local Plan preparation could commence until 2024 at the earliest.

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Summary

29 The table below summarises the pros and cons of the two options.

Option 1 – Inspector’s Report

Theme	Pros	Cons
Inspector’s report	Consolidated summary of issues – single reference source	Weight accorded to report likely to be challenged at appeal
	Fuller understanding of soundness issues to inform future plan making and decision taking	
	Community will be able to better understand why the plan cannot progress	
Costs		Estimated cost of £12,000 for Inspector’s and Programme Officer’s time
Evidence base	Report will provide clear steer for scope of works for additional evidence base studies to address soundness issues	Existing evidence base will be extant until report is issued, short-term delay to opportunity to review and update evidence base studies
Work planning	Convenience of Inspector’s report - will be helpful to decision takers and plan makers in the long-term	
	Report will provide clear steer on the issues that will need to be address through a new Local Plan – useful for future work planning	

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Theme	Pros	Cons
	Time / space for reflection and work planning for new Local Plan while awaiting the Inspector's report	
	May be greater clarity at proposed changes to the planning system (including transition arrangements) later this year. If this aligns with receipt of report, it will allow for more efficient work planning	

Option 2 – Council Withdraws the Local Plan

Theme	Pros	Cons
Inspector's report	Lack of consolidated summary – single reference source	Officers will have to spend additional time compiling / inferring soundness issues
		Lesser understanding of soundness issues to inform future plan making
		Community will be less able to understand why the plan cannot progress
Costs	No costs will be incurred from the Inspector, representing a saving of £12,000	
Evidence base	Immediate opportunity to review and update evidence base studies	Less clarity re scope of works for additional evidence base studies to address soundness issues

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Theme	Pros	Cons
Work planning	Immediate clarity for developers, neighbouring authorities and stakeholders regarding the local policy framework	Less clarity for plan makers and decision takers regarding key issues for future growth and potential sites
	Work on a new Local Plan could begin immediately (albeit that potential reform may delay the start in practice)	Less clarity on previous soundness issues to inform future work planning on a new Local Plan
		Less clarity on the proposed changes to the planning system (including transition arrangements) at the outset of the work planning period

Key implications

Comments of the Chief Finance Officer

The financial implications of each option are set out in the body of the report. In the event that the Inspector's Report option is chosen, the costs would be met from the existing budget for the Local Plan. Future spending on Planning Policy matters will need to be reviewed alongside the emerging budget for 2024/25 and the Council's Medium Term Financial Strategy.

Comments of the Head of Legal Services

In reaching a decision in this matter, it is important that Members are content that they have identified and evaluated the full range of likely impacts of each available option, associated cost implications and identified and carefully considered all of the relevant factors. In arriving at a decision Members must believe that it is in the best interests for the District.

Equality

There are no equality impacts associated with this report.

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Climate change

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

Appendices

None

Background papers

None

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