

TANDRIDGE DISTRICT COUNCIL

PLANNING POLICY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 16th November 2023 at 7:30pm.

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

ALSO PRESENT: Councillors Crane, Gillman and Nicholas White

APOLOGIES FOR ABSENCE: Councillors Alun Jones and Robinson

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

These minutes were confirmed and signed as a correct record.

159. UPDATE ON BIODIVERSITY AND NATURE RECOVERY IN TANDRIDGE

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

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

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

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

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

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

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

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

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

RESOLVED – that:

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

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

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

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

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

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

RESOLVED – that the report be noted.

161. A22 AND A264 CORRIDOR FEASIBILITY STUDY

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

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

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

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

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

R E S O L V E D – that the report be noted.

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

The Chief Planning Officer confirmed that:

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

A considerable amount of work regarding GAL's DCO application would need to be undertaken during the next few months.

It was confirmed that Ekosgen's report would be circulated to Members following an officer review.

163. CIL WORKING GROUP – 26TH OCTOBER 2023

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

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

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

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

Information was presented about:

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

The analysis confirmed that steady progress was being made, although the need to reduce reliance on "extension of time" agreements was recognised.

It was also confirmed that efforts were being made to recruit new, permanent enforcement staff to fill current vacancies.

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

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

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

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

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

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

Rising 8.50 pm