

Planning Inspector's report on the examination of the Council's Local Plan

Planning Policy Committee Thursday, 21 March 2024

Report of: Deputy Chief Executive

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

The Inspector's Report on 'Our Local Plan 2033', which was requested following Full Council in October 2023, has been received by the Council. This marks the end of the Examination. The Inspector's Report recommends that the Plan should not be adopted due to issues of soundness. This report sets out the next steps for the Council with regards to the Local Plan.

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

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Recommendations to Committee (subject to ratification by Council)

That the following recommendations be made to Full Council:

- A. having due regard to the Inspector's recommendation set out in his report published on 20th February 2024, the Council confirms its intention to withdraw 'Our Local Plan 2033' after all the necessary regulatory requirements have been met;
- B. all of the existing evidence base for 'Our Local Plan 2033' be retained and republished on the Council's own webpage, until such time that it can be reviewed and updated, if necessary, as part of the preparation of a new Local Plan; and
- C. work begins on the preparation of a new Local Plan, which includes the following associated workstreams:
 - i. review and approve a new Local Development Scheme, which demonstrates a commitment to produce a sound Local Plan in a timely manner
 - ii. review, develop and update the evidence base to inform its proposals and policies
 - iii. review and approve the Statement of Community Involvement, to facilitate and ensure effective public engagement of residents, business, and town and parish councils.

Reason for recommendations:

The publication of the Inspector's Report places a legal duty on the Council to formally withdraw 'Our Local Plan 2033'. Equally, the Council is legally obliged to have an up-to-date Local Plan and must therefore commit to progressing a new Local Plan.

Introduction and background

- 1 The Council submitted 'Our Local Plan 2033' for Independent Examination in January 2019. The Inspector's Report was published on the 20 February 2024, bringing the Examination to a close. It can be found on the website at [Local Plan 2033 - Tandridge District Council](#). The Inspector's final recommendation was that the submitted plan should not be adopted due to soundness issues, which it would not be possible to redress through main modifications.

Local Plan Withdrawal

- 2 Following the receipt of the Inspector's Report, it is necessary for Members to make a formal decision. The Council is obligated to withdraw 'Our Local Plan 2033' in line with the Inspector's recommendation and in accordance with the Planning and Compulsory Purchase Act (2004).

- 3 Once a decision to withdraw 'Our Local Plan 2033' has been made, the following steps will need to be taken as soon as it is reasonably practicable, in line with Regulation 27 of the Town and Country Planning (Local Planning) Regulations (2012):
 - a. Make available a statement of fact on the Council website and locally advertised and notifications to be sent to all relevant parties; and
 - b. All documents, matters and statements relating to the Plan and its Examination to be removed from the Council website.
- 4 The evidence base for 'Our Local Plan 2033' will need to be removed from the Examination pages of the website. The evidence base studies are material considerations in the determination of planning applications, which TDC officers will continue to need to reference in future decisions. It is therefore recommended that it is all retained and re-published on a new webpage until such time that studies are reviewed and updated, where necessary, as part of the preparation of a new Local Plan. Members will be kept updated of any proposed changes to the evidence base at future committee meetings.
- 5 In the short-term, costs of preparing the Plan will cease. The only remaining costs not yet paid (but budgeted for) will be the costs of the Inspector's and Programme Officer's time.
- 6 The Development Plan will remain the existing adopted policy, i.e. Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limpsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans. As per Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions will continue to be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
- 7 The withdrawal of 'Our Local Plan 2033' also signals the end of the Council's involvement in the Garden Communities Funding programme. Homes England have written to advise the Council that the Godstone Garden Village project is no longer eligible to participate in the programme as the Plan has been found unsound.

First Homes

- 8 The withdrawal of 'Our Local Plan 2033' will trigger a requirement for First Homes within the District since it will no longer benefit from the transitional arrangements as set out in the First Homes Written Ministerial Statement of 24 May 2021.

- 9 First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. The First Homes scheme allows first time buyers to buy a home as their main residence for 30-50% less than its market value. Going forward, First Homes will need to account for at least 25% of all affordable housing units delivered by developers secured through S106 planning obligations. The Council will need to consider how it will apply First Homes within the District, for example, whether local eligibility criteria will be set and the level of discount that should be applied.
- 10 The introduction of First Homes will place an additional burden on the Council's planning, housing and legal teams. It will be necessary to ensure that an appropriate mix of affordable units is negotiated that satisfies the needs of the District as well as the requirements for First Homes. There is also the administrative burden of implementing, managing and monitoring delivery and future sales, as it falls on the Council to check eligibility, approve sales and issue certificates of compliance.

A New Local Plan

- 11 Local Authorities are required by law (Planning and Compulsory Purchase Act 2004) to prepare a development plan for their administrative area and national planning policy sets out that the planning system should be planned. It will therefore be important to prepare a new Local Plan in a timely fashion. Ensuring a new Local Plan is prepared will allow the people of the District to shape its future.
- 12 As part of the preparation of a new Local Plan, it will be necessary to review the existing evidence base to determine where the evidence needs to be updated, added to, or replaced.
- 13 Equally it will be necessary to prepare a new Local Development Scheme, which set out the overall programme for a new Local Plan, as well as to review the Statement of Community Involvement, which will guide future engagement with regards to the Local Plan.
- 14 The Levelling Up and Regeneration Act (LURA, 2023) is bringing in significant changes to the plan-making process. The LURA plan-making regime will come into force for all Local Plans submitted for Independent Examination after 30th June 2025. There is insufficient time available to prepare a new Local Plan under the existing plan making system based on the current published timeframe. Therefore, any new Local Plan is likely to need to be prepared and examined under the new system.

- 15 At the time of drafting this report (March 2024), the full details of the new plan making system are unknown, including a timetable of when secondary legislation will be enacted to bring about all the changes detailed in the LURA. Therefore, it is likely there will be an element of delay before a new Local Plan can be adopted. Nevertheless, the Council will be able to progress key tasks to enable a new Local Plan to be quickly progressed once the new planning system is introduced.
- 16 The cost of producing a new Local Plan is currently uncertain, as it will depend on a number of factors, some of which are outside of the control of the Council. It will depend on the actions that Council takes, the challenges that it faces and the rate of implementation of the proposed changes to the planning system which have been detailed by National Government, such as around speeding up plan production and the introduction of National Development Management Policies, which may reduce the scope of a Local Plan. Any proposed work will be scoped out, which will include, at minimum, the purpose of the proposed project, objectives, resources, budget and timeline. This information will then be brought to the Committee for approval.

Interim Guidance

- 17 The Council has in place the Interim Policy Statement for Housing Delivery which is a material consideration in decision making. Officers are looking at what other interim policies and / or guidance can be put in place in advance of the adoption of a new Local Plan.
- 18 The drafting of such interim guidance should not delay the production of a new Local Plan. Further detail of future interim policies and guidance will be brought before Members in due course.

Key implications

Comments of the Chief Finance Officer

Although the costs of the new Local Plan are evolving, the approach proposed in paragraph 16, is supported by the Section 151 Officer provided the expenditures are undertaken within the existing approved Local Plan expenditure envelope and they demonstrably deliver value for money for the Council.

Comments of the Head of Legal Services

Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2012 allows for the Local Plan to be withdrawn provided that as soon as is reasonably practical, a statement of the fact is published on Council website, the relevant consultation bodies are informed and all documents relating to the Plan except the statement are no longer made available.

The proposal set out in this report is to begin preparing for the development of a new Local Plan for the District. It is recognised that the timing is unfortunate as the process and procedures of the new local plan system remain to be defined by Central Government. In order to progress a local plan, it will be necessary to produce a draft, have evidence to support what is proposed, undertake a meaningful consultation and have the proposal independently examined at a public examination before 30th June 2025. Otherwise, a new Plan would have to come forward under any new system.

Equality

An Equality Impact Assessment was completed for the submission plan. Obviously with the withdrawal of 'Our Local Plan 2033', the 'impacts' (positive and negative) will not materialise. The preparation of a new Local Plan would need to be informed by a new Equality Impact Assessment.

Climate change

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

Appendices

None

Background papers

None

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