

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 20 June 2024 at 7:30pm.

PRESENT: Councillors Sayer (Chair), Chris Farr (Vice-Chair), Blackwell, Sue Farr, Fowler, Gray (Substitute) (In place of Jones), Lockwood, Prew, Spencer and Steeds

PRESENT (Virtually): Councillor Duggan

ALSO PRESENT: Councillors Allen, Gaffney and Nicholas White

ALSO PRESENT (Virtually): Councillors Pursehouse

APOLOGIES FOR ABSENCE: Councillor Jones

44. MINUTES OF THE MEETING HELD ON THE 21ST MARCH 2024

These minutes were confirmed and signed as a correct record.

45. MINUTES OF THE MEETING HELD ON THE 23RD MAY 2024

These minutes were confirmed and signed as a correct record.

46. 2023/24 BUDGET OUTTURN - PLANNING POLICY COMMITTEE

An analysis of actual net expenditure against the Committee's 2023/24 revenue and capital budgets was presented. The key headlines were:

- an overspend of £404k against the £1,338k revenue budget (an improvement of £129k since Month 9) mainly due to:
 - a £135k overspend on 'planning applications and advice', incorporating a £193k overspend on salaries (ongoing reliance on contract staff) and a £40k overspend on running costs, offset by a £98k surplus on planning application fees
 - a £113k overspend on enforcement (reflecting an ongoing reliance on contract staff)
 - a £190k overspend on planning appeals (the Director of Resources explained the rationale for the 2024/25 appeals budget being increased to £200k but acknowledged concerns that cost pressures could result in a further overspend)
 - a £21k overspend on the Gatwick DCO process
 - the above being offset by a net £57k underspend against the 'land charges and street naming and numbering' budget, mainly due to a Government grant and reduced corporate support service recharges

- the outturn position being supported by £34k use of planning reserves, i.e.
 - £27k from the Planning Policy & Local Plan Earmarked Reserve to fund the salary overspends associated with full year use of interims and seconded officers to manage the Planning Policy function
 - £7k from the Neighbourhood Plan Reserve to fund the overspend associated with the Tatsfield Neighbourhood Plan examination and ongoing progression of other Neighbourhood Plans
- capital programme slippage of £182k into 2024/25, due to rephasing of expected CIL contributions.

The report cautioned that the limited funding for Local Plan and Planning Policy matters in 2024/25 would require robust management. The maximum funding available for all Planning Policy matters in 2024/25 comprised the £1,021k Local Plan reserve and a £511k in-year budget. Because the Local Plan was likely to span multiple years, future use of the reserve would have to be carefully considered. The tight nature of the budget was reiterated by the Chair.

The Deputy Chief Executive commented on the current reliance on interim staff for senior Planning Policy and Development Management posts. She explained the challenges associated with recruiting permanent, in-house officers to fill key positions. However, to provide flexibility, some Development Management posts would continue to be filled by interims while longer term caseload projections were being assessed. The scope for more innovative approaches to the human resourcing of key services was discussed, including collaboration with neighbouring authorities.

RESOLVED – that the Committee’s revenue and capital budget positions as at Quarter 4 / Month 12 (March) 2023/24 be noted.

47. QUARTER 4 2023/24 KEY PERFORMANCE INDICATORS - PLANNING POLICY COMMITTEE

The Committee was informed about the planning performance information submitted to the Department for Levelling Up Housing and Communities (DLUHC) for the 4th quarter of 2023/24 (1st January to 31st March 2024) along with progress in reducing the backlog of planning applications.

Regarding the DLUHC statistics:

- the Government’s targets for determining planning applications within set periods of time had been exceeded
- for the latest available (two year) rolling reporting periods, 8.3% of the major applications and 2% of other applications were overturned at appeal (i.e. below the 10% threshold for potential government intervention).

The backlog of outstanding planning applications past their target determination dates (with no agreed extensions of time) had reduced from 142 to 55 cases from 5th January to 24th May 2024. Officers aimed to deal with applications in chronological order and within the statutory time limit, but this was not always possible for reasons explained within the report. 22 of the 29 planning appeals determined during the quarter had been dismissed. Two enforcement appeals had been allowed and officers agreed to provide further details of both cases to Councillor Steeds.

The Committee praised the efforts of the Development Management Team during recent months in helping to improve the quality of the planning application service. While the 'quality of [planning] decisions' in the context of subsequent planning appeals was a Government metric, it was suggested that the following would also be helpful.

- the degree of success in defending cost claims; and
- the number of appeals upheld arising from Planning Committee decisions which were contrary to officer recommendations.

Officers confirmed that details of all Tandridge appeal determinations were circulated throughout the Development Management Team to help inform future decision making. Furthermore, appeal outcomes were added to site histories which became material considerations for assessing the merits of any subsequent planning applications.

RESOLVED – that the Quarter 4 (2023/24) performance indicators for the Planning Policy Committee be noted.

48. LOCAL DEVELOPMENT SCHEME

A proposed Local Development Scheme (LDS) was presented. The Chair stressed this was indicative only given the current uncertainty over future Government planning policy. This set out the Council's programme for preparing planning policy documents as part of the process for producing a new Local Plan. Progress against the milestones identified in the LDS would be tracked through the Authority Monitoring Report. However, the Levelling Up and Regeneration Act (LURA) 2023 (Section 15B) had introduced Local Plan timetables which, upon the enactment of the relevant secondary legislation, would replace Local Development Schemes. The LDS before the Committee had been developed to enable easy adaptation to the prospective new statutory requirements.

The high-level programme for the new Local Plan within the proposed LDS was:

- begin work – Q2 (2024/25)
- consultation – Q3 (2025/26)
- publication – Q1 (2026/27)
- submission to Secretary of State – Q3 (2026/27) with the subsequent timetable to be led by the Planning Inspectorate.

The covering report accepted that the above timetable was tight and would be subject to work progressing in a timely manner with the necessary staff resources being available. Any significant changes in policy direction or substantial deviations in the content of the draft plan could also delay production. The timetable could also be affected by any national policy changes following the General Election or the level of engagement from external stakeholders and consultees. These, and other risks, were included in the risk assessment schedule of the LDS.

RESOLVED – that the proposed new Local Development Scheme at Appendix A to the report be adopted.

49. HOUSING DELIVERY TEST ACTION PLAN

A Housing Delivery Test Action Plan (HDTAP) (May 2024) was presented.

As the Council's adopted development plan is over five years' old, the new HDTAP required 'Local Housing Need' to be established using the Government's (unconstrained) 'Standard Method'. It is also necessary for a 20% buffer to be added. This resulted in an annual housing need figure of 761 units.

The Chair commented that this was a highly unrealistic figure for the Council to be judged against, given that the District comprised 94% Green Belt with two National Landscapes and with key road transportation hubs already at capacity. Such constraints could, however, be taken into account as part of the current Local Plan making process when seeking to establish a housing requirement.

The proposed measures for improving housing delivery against the 'Standard Method' comprised:

- the continued use of the Interim Policy Statement for Housing Delivery for both the delivery of site-specific allocations and the policy criteria for determining planning applications
- Local Plan Review:
 - (i) production and adoption of a new Local Plan
 - (ii) HELAA update to identify land for housing
 - (iii) Duty to Cooperate engagement with neighbouring authorities and prescribed bodies
 - (iv) production of a transport assessment to assess network capacity and potential highway interventions
- keeping the brownfield land register up to date
- continuation of previous measures, e.g. the pre-application advice service, and bringing in Planning Performance Agreements.

It was confirmed that, where the granting of planning permission was subject to a S106 Agreement, the associated housing delivery would only count as part of the five-year housing land supply once the S106 had been signed (in the absence of a S106, delivery would count upon the determination of the application). In that respect, it was anticipated that TDC's actual housing land supply provision would shortly be increased to two and a half years by three sites for which planning permission had been granted and S106 Agreements were being negotiated.

RESOLVED – that the Housing Delivery Test Action Plan (HDTAP), May 2024, be agreed for publication.

50. AUTHORITY MONITORING REPORT 2023/24

The Localism Act 2011 (s.113) required planning authorities to publish such reports on an annual basis. This latest AMR was considered by the Committee which covered:

- the current Development Plan for the District
- the Interim Policy Statement for Housing Delivery
- the withdrawal of 'Our Local Plan 2033'
- the emerging Local Development Scheme
- Neighbourhood Plans
- the Duty to Co-operate
- performance against current Development Plan policies
- housing land supply
- self-build and custom housebuilding
- Community Infrastructure Levy

RESOLVED – that the Authority Monitoring Report 1st April 2023 to 31st March 2024 (Appendix A to the report) be approved for publication and be made available for public and stakeholder scrutiny on the Council's website.

51. PLANNING ENFORCEMENT POLICY

In June 2023, the Committee had agreed a Planning Enforcement policy for the District with the following four objectives:

- (i) to make the Council's planning enforcement function effective, timely and results driven;
- (ii) to provide a clear statement on behalf of the Council of how it wishes to see planning enforcement action prioritised, with particular respect to those breaches of planning control that have the potential to cause the greatest levels of harm to the environment and/or amenity of local residents;
- (iii) to ensure that the full panoply of enforcement powers are considered and used in achieving the objectives of this Policy; and
- (iv) to provide greater feedback and so transparency of the Council's planning enforcement function.

At that time, it was made clear that further work was required on some elements of the policy including resourcing, measures to achieve greater resilience and performance monitoring. As a result of that further work, a proposed updated policy was presented with refined priorities and more realistic timescales for initial site visits and the serving of statutory notices to reflect enforcement officer workloads. The updated policy also included changes in national planning policy.

The Deputy Chief Executive explained that providing a more effective enforcement service was a key corporate priority, including the potential for partnering with neighbouring authorities and other organisations. She agreed to follow up the invitation from the former Chief Planning Officer for Members to highlight enforcement cases of concern within their Wards. She would also pursue concerns expressed by Councillor Pursehouse regarding an ongoing case within his Ward.

During the debate, it was questioned whether the Council should aspire to a more pro-active enforcement approach to ensure compliance with certain planning conditions, such as the installation of sustainable drainage solutions. While the potential benefits of such a 'compliance officer' role were acknowledged, the Chair considered that the service would have to remain in a solely reactive role (in response to alleged planning breaches) for the foreseeable future, given the large number of serious enforcement breaches officers were being required to deal with. This prompted discussion about the need to restrict the imposition of planning conditions to those which met the six tests identified within the National Planning Policy Framework.

It was confirmed that the policy included a commitment to review and report upon the performance of the enforcement service (to the Committee) every six months, although this could be undertaken at any time if required.

RESOLVED – that the revised Planning Enforcement Policy, attached as Appendix A to the report, be adopted.

52. GATWICK UPDATE

Gatwick Airport Limited (GAL) wished to bring its northern 'standby' runway into routine operational use as part of its 'Northern Runway Project' (NRP) which would significantly increase passenger traffic. This had been the subject of GAL's Development Consent Order (DCO) application to the Planning Inspectorate which was undergoing a six-month examination (27th February to 27th August) led by a panel of three inspectors (the Examining Authority) appointed by the Secretary of State. The Examining Authority would then have three months within which to make a recommendation to the Secretary of State who, in turn, would have to determine the matter by February 2025.

A report was submitted to inform Members about the progress of the Examination and how officers, in collaboration with colleagues from other relevant authorities, were engaging in the process. The objective was to present a clear indication of what would amount to unacceptable development and the need, should consent be granted, for enforceable conditions to help offset the adverse impact of the NRP.

Representations made by the Joint Local Authorities (JLA) legal partnership included a request for more accurate baseline data from GAL, together with more robust impact assessments. The JLA had proposed an 'Environmentally Managed Growth' (EMG) approach whereby any increase in passenger numbers would require GAL to meet mitigation targets. The scope and detail of the s106 Agreement were yet to be determined.

Members expressed concern about the likely impact of the NRP upon local communities and praised the efforts of officers from Tandridge and the wider JLA (and its legal team) for holding GAL to account.

RESOLVED – that the report be noted.

53. NEIGHBOURHOOD PLANS UPDATE

The Committee considered a report which summarised the progress of Neighbourhood Plan making throughout the District and recommended that the Tatsfield Neighbourhood Plan be formally 'made'.

The key officer updates were:

- Burstow – the group was considering its next steps following responses to its Regulation 14 consultation.
- Caterham, Chaldon & Whyteleafe – support had been received from AECOM to review the Plan (with a view to adding new policies) and a Housing Needs Assessment was underway. The Council would be commenting on an early draft of a revised Plan and screen it for Habitat Regulation and Strategic Environmental Assessments (HRAs / SRAs).
- Dormansland – a draft Plan had been submitted to the Council for officer feedback and was being screened for HRAs / SRAs.
- Godstone – work had resumed with support from AECOM. A draft Plan had been submitted to the Council for officer feedback and was being screened for HRAs / SRAs.
- Outwood – the Parish Council had decided that its objectives would be best met by drafting aspirational policies outside the Neighbourhood Plan process. This was supported by officers given the small size of the Parish and the protection afforded by the Green Belt and National Trust land ownership.
- Warlingham and Oxted – the Parish Councils were considering whether a Neighbourhood Plan would be an effective means of meeting their objectives.

Member comments included:

- Crowhurst – the Parish Council had submitted a draft Plan to TDC in October 2018, but no officer response had been received. In view of the time that had elapsed, the Plan would need updating before fresh attempts were made to progress it.
- Tandridge – work had been suspended, pending the anticipated availability of Government grants after the General Election.

As far as Tatsfield was concerned, its Plan had proceeded to a referendum on 2nd May 2024 when 90.3% of voters agreed with the question, “*Do you want Tandridge District Council to use the Neighbourhood Plan for Tatsfield to help it decide planning applications in the neighbourhood area?*” The Committee was now invited to formally 'make' the Plan on behalf of the Council, subject to some minor post-referendum amendments, mainly to address typos and grammatical errors.

Councillor Allen, as the local Ward Member, thanked all concerned for their valuable contributions, including efforts to overcome the disruption of the Covid pandemic.

RESOLVED – that:

- A. progress on Neighbourhood Plans be noted;
- B. the Tatsfield Neighbourhood Plan: Final be formally ‘made’, incorporating it as part of the Statutory Development Plan for Tandridge; and
- C. the minor modifications proposed to the ‘Made’ Tatsfield Neighbourhood Plan including typos, spelling and grammatical errors (set out within Appendix A to the report) be noted.

54. HIGH WEALD AONB MANAGEMENT PLAN 2024-29

Officers had collaborated through the High Weald AONB Joint Authority Committee (JAC) to review and update the 2019-2024 Management Plan. Partner organisations comprised 15 County / Borough / District Councils (including Tandridge) who were authorised to act by the High Weald Management Board. The Plan sought to maintain a policy framework for the conservation and management of the High Weald for the next five years, with detailed guidance to inform planning policies and decisions.

The Committee was informed about the public consultation process which underpinned the review, with input by the above authorities and Parish Councils within the AONB (now redefined as a ‘National Landscape’) boundary; various public bodies; local interest groups and individual members of the public. The Plan had also been the subject of Strategic Environmental and Habitat Regulations Assessments.

Adoption by all partnership Local Authorities by the end of June 2024 would allow the Management Plan and its supporting documents to be submitted to the Secretary of State for approval. The Management Plan would then become the formal policy of all members of the partnership.

In response to a Member question, it was confirmed that TDC had paid its annual subscription to the JAC for the coming year.

RESOLVED – that the High Weald AONB Management Plan 2024-2029, attached at Appendix A to the report, be adopted.

Rising 9.23 pm