

# TANDRIDGE DISTRICT COUNCIL

## PLANNING POLICY COMMITTEE

Minutes and report to Council of the virtual meeting of the Committee held on the 20<sup>th</sup> January 2021 at 7.30pm

**PRESENT:** Councillors Jecks (Chair), Duck (Vice-Chair), Sayer (Vice-Chair), Black, Bloore, Botten, Dennis, Farr, Jones, Lockwood, Swann and Vickers

**ALSO PRESENT:** Councillors Blackwell, Bourne, Caulcott, Davies, Elias, Fitzgerald, Langton, Mills, Pursehouse, Steeds, C.White and N.White

### **243. MINUTES OF THE MEETING HELD ON THE 17TH NOVEMBER 2020**

These minutes were approved as a correct record.

### **244. PLANNING POLICY FINANCE REPORT - MONTH 8**

A report concerning the Committee's revenue budget and capital programme as at the end of November 2020 (month 8) was presented. A £202,000 underspend against the baseline budget of £1.338 million was projected. This represented a deterioration of £125,000 compared with the previous month and included a £400,000 underspend on the Local Plan (with some work now not expected to take place until 2021/22) offset by a £256,000 forecast reduction in planning fee income.

The Committee was advised that that, while the volume of planning applications had increased, there was a greater proportion of householder applications which generated less income. It was also confirmed that the partial suspension of the pre-planning advice service (the cessation of site visits and face to face meetings) was partly due to the need to alleviate staffing pressures.

***RESOLVED*** – that the Committee's forecast budget position for the year be noted.

### **245. LOCAL PLAN 2033 NEXT STEPS: INSPECTOR'S PRELIMINARY CONCLUSIONS AND ADVICE**

In December 2020, the Planning Inspector had issued his preliminary findings and feedback following the public examination of the Local Plan. This concluded with the following two options for the Council to consider:

- (i) pause the Examination and continue to attempt to resolve the issue of the provision of strategic infrastructure, the OAN, housing requirement and supply, including the Garden Community proposal and provision for Gypsies and Travellers to an agreed timescale. This will also require other changes to be made to the Plan, arising through addressing the Inspector's comments, including in relation to some allocations, yields and local infrastructure; or

- (ii) withdraw the Plan and commence the preparation of a new Plan as per current national planning policy.

A report was submitted which confirmed that the Local Plan Working Group (LPWG) had met on the 7<sup>th</sup> January 2021 to discuss these options. The meeting was attended by representatives of the Independent Group, Conservatives and Liberal Democrats. However, no member of the Independents and OLRG Alliance was present. That meeting concluded that the fundamental issue arising from the Inspector's feedback concerned the need to establish the capacity of Junction 6 of the M25 and that this matter had to be resolved before options (i) or (ii) could be determined. The LPWG had therefore recommended that high level strategic transport modelling be commissioned to address the Junction 6 capacity issue. The Group had also agreed that renewed efforts should be made to engage with Claire Coutinho MP and the Leader of the County Council to expedite an updated Statement of Common Ground with Highways England and Surrey Highways. This was in light of the Government's previous decision not to grant Housing Infrastructure Funding (HIF) to assist with a Junction 6 upgrade and the Inspector's conclusion that such works were fundamental to the implementation of the spatial strategy.

The report envisaged that, subject to the procurement process, transport specialists would undertake the above-mentioned high-level modelling at a cost of approximately £20,000, to be funded from the Local Plan budget. The Inspector would have to be formally advised of the intention to commission the modelling and his response would need to be considered before the matter proceeds. The report advised that, in any event, more comprehensive strategic modelling would need to be re-run later to specify if and what sites would influence the capacity of Junction 6. The report also stated that this further modelling was estimated to cost approximately £50,000 and could take over a year to complete (although, during the debate, reference was made to TED 38 [letter from Counsel to the inspector] which quoted a cost of £250,000).

During the debate, the implications of the Junction 6 issue for all future potential development in the District and surrounding areas was acknowledged. The need to maintain a sense of urgency and momentum in progressing dialogue with SCC and Highways England (via the MP) was highlighted, as was the inappropriateness of a small District Council having to resolve such significant strategic infrastructure challenges. It was also argued that the anticipated additional value of the high-level transport modelling, over and above any such work undertaken as part of the unsuccessful HIF bid, should be established.

The recommendation of the report was that its content be noted. However, the Committee considered that this should be amended to enable the Committee to formally agree the actions recommended at the LPWG meeting on the 7<sup>th</sup> January 2021. The purpose of this amendment was to reinforce the fact that Working Groups have no executive powers and that actions agreed at Working Group meetings should be referred to the parent Committee.

**RESOLVED** – that the recommendations of the Local Plan Working Group on the 7<sup>th</sup> January 2020 be agreed, namely that:

- (i) no decision on the two options presented by the Inspector, in his letter dated 11<sup>th</sup> December 2020, can currently be made;
- (ii) subject to further correspondence with the Inspector, high level strategic transport modelling be commissioned regarding the capacity of Junction 6 of the M25 to help inform the Council's decision; and
- (i) in parallel with the modelling referred to in (ii) above, Claire Coutinho MP and the Leader of the County Council be approached to expedite an updated Statement of Common Ground with Highways England and Surrey Highways.

## 246. QUESTIONS SUBMITTED UNDER STANDING ORDER 30

Two questions had been submitted by Councillor Sayer. The first question was:

*“I am concerned about how the statutory planning function of the Council will be maintained, given the cuts that are shown in the budget papers for this Committee. The service is already very stretched owing to the Council’s change programme Customer First, which led to both a reduction in the number of planning staff and also the loss of a number of experienced planning officers.*

*Now, we see that one senior planning officer post is being deleted and two other posts are being downgraded. Planning officers already have an unacceptable workload before these cuts and putting extra pressure on them will be stressful for officers and, despite their best efforts, is likely to result in a less efficient service with no resilience.*

*In addition, these cuts mean that the Council will be employing temporary staff on a need basis. This continues the previous unsatisfactory approach of using temporary staff, which provides no continuity or accountability and gives a greater risk of inconsistent decision making and potential cost awards against the Council. Temporary staff will not be able to develop the required in depth knowledge of the area and the Council’s planning policies.*

*I also note that it is proposed that appeals will be subsumed into the mainstream planning budget. There will be no separate budget to deal with appeals and that will mean there is no focus on them. My worry is that this increases the risk of the Council having costs awarded against it at appeal. One adverse cost award could potentially wipe out any savings made.*

*Planning is not only a statutory function of this Council but one that is heavily relied on by residents to protect their environment against inappropriate development.*

*How can the planning service maintain an acceptable level of service with these cuts and what assurance can be provided that the Council will be able to deliver the required statutory function in future?”*

The Chief Planning Officer responded as follows:

*“In response to the reduction in overall funding, all Committees have been asked to find savings to ensure a balanced budget can be put forward for the 21/22 financial year. The Planning Policy Committee has had to find its share of those savings, and as its budget is relatively small, scope to implement savings is reduced compared to others, leaving fewer areas which could bear the reduction. Had savings not been identified, equivalent savings would have to have been identified across other service areas. This approach was explained in the budget setting workshop for the Planning Policy Committee on 20th October 2020, when the opportunity was provided to discuss each saving. At that meeting, the broad approach for making the required savings was also set out – and it was proposed that they would be found through reviewing vacant posts, reducing the budget for consultants and external counsel, and streamlining publicity arrangements for the local plan. These areas of saving, for which no significant challenge was raised at the workshop, then formed the basis of the draft budget which was discussed at the Strategy & Resources Committee on 16th December 2020 and is now being presented.*

*However, I have an update to one element of the budget setting report by changing the recommended savings in respect of the M4 post. This has been done to reflect concerns around the planning service and ongoing pressures on the development management team. Following discussion with the finance team, it is now recommended that the M4 post is not deleted and remains part of the establishment structure for 21/22. The downgrading of the other posts would still be implemented.*

*The use of agency staff is also referred to, and lack of accountability and continuity. These issues, and the impact that a heavy reliance on contractors has had on the service over the past 2/3 years, are recognised. As previously stated, a team of permanent officers is now in place, and any use of contractors or agency staff would be on a strictly defined and limited basis to carry out a specific task or provide cover for prolonged staff absence. This would apply across both strategy and development management teams, and any appointments would be made in consultation with the HR panel to provide oversight. It remains, however, an important component of managing change and responding quickly to spikes in workload, which particularly affect the fast paced world of development management. The key is that any use of external support is well managed and monitored. There is also scope within this broad approach to resourcing for pooling or sharing resources with other Councils, and these opportunities will be explored where they arise.*

*In terms of the appeals function, the proposal relates only to the procurement of external legal advice, which for development management only relates to a very small proportion of appeal cases. Most appeal cases are managed in-house by planning officers with administrative support. Such advice will continue to be sought as necessary, so the risks will not change. Cost claims raised as part of an appeal relate primarily to the conduct of the Council throughout the application process, so minimising that risk is embedded in processes already – this includes refusing applications without sufficient evidence to do so (often of a technical nature). Otherwise, these budget proposals do not affect the way in which the appeals function operates within the team. Appeals are already managed within the team and overseen by the Head of Planning.*

*Officers and Members both aim for the Council to provide the best planning service to residents and to use decision and policy making powers to drive up the quality of the built environment in the District and to protect the natural environment. However, this has to be done within the significant budgetary constraints that the Council is facing.”*

Councillor Sayer responded by explaining that, at the workshop on the 20<sup>th</sup> October 2020, she had made it clear that no further reductions to planning budgets should be made. She welcomed the retention of the M4 post but stated that the down-grading of two other posts was worrying, especially in view of the pressures associated with the Local Plan process. She therefore asked whether the strategy team needed boosting rather than being downgraded.

The Chief Planning Officer stated that the downgrading of the two vacant posts would be by one scale point. She did not believe this would have an adverse impact on the recruitment process which would now commence as soon as possible. Consideration would also be given to the need for maternity cover for the strategy team.

Councillor Sayer’s second question was:

*“I am concerned that the proposed 2021/22 budget does not reflect the reality of the Council’s position over the Local Plan and the implications of the Inspector’s preliminary findings with regard to either option, set out in his letter of 11<sup>th</sup> December.*

*The Council has submitted a number of documents to the Local Plan Inspector as part of its evidence base, which include cost estimates for work required to complete its Local Plan. Nowhere can I find the costs of any of these requirements factored into the 2021/22 Draft Budget and Medium Term Financial Strategy (MTFS) to 2023/24.*

*How and when will a realistic estimate of all of the costs of the Local Plan work (either option) be taken into account in the 2021/22 budget and for following years?"*

The Chief Planning Officer responded as follows:

*"The issues raised are recognised but are a consequence of timing and all budget setting in front of Councillors of all Committees represents a point in time. For most Committees, this remains clear and reflects the year ahead. In the case of the Planning Policy Committee, we are in a slightly different position. Budget setting has been ongoing for a number of months, pre-dating the receipt of the Inspector's letter in mid-December. The draft budget therefore makes provision for the progression of the Local Plan in 21/22 as it was anticipated to be with a base budget figure of £290,000. This remains a comprehensive budget but may need to be reviewed at such time the Council makes its decision on how the Local Plan should be progressed. This approach has been agreed by the S151 officer who recognises the necessity of review once the Council has determined its position. For now, this budget represents the most accurate information available and does not attempt to pre-empt any decisions the Council may make on its Local Plan. It is simply not possible, nor appropriate to reflect the future position.*

*As the Committee will know, the Local Plan is a moving feast and responsive to the work which needs to be done as the plan, its strategy and the process evolves. As such, there is a reactionary aspect of the Local Plan budget that must estimate additional work which may be needed to develop and support the plan, or which is requested/necessitated by the Inspector.*

*Furthermore, any underspend from the 2020/21 Local Plan budget will be set aside into an earmarked reserve and carried forward in the following year. Any further requirement would need to be justified through the submission of a business case and assessed accordingly in terms of affordability and in line with procurement processes. Expenditure will be reviewed and refined as timeframes for any work become clearer, as the year progresses, and following any decisions made by this Committee on the progression the plan. At present, it is not possible to provide clearer estimates of costs or when these will be incurred and it is recommended, with the support of the S151 officer, that this budget be accepted as presented, under the recognition that a review will be needed when more information is available."*

Councillor Sayer responded by arguing that the £290,000 budgetary provision for the Local Plan was unrealistic because the TED 38 document submitted to the Inspector already identified the need for transport modelling costing approximately £250,000 plus officer time, with other substantial Local Plan costs still to be factored in. She asked how Councillors could be expected to support a budget that seems unrealistic and incomplete.

The Chief Planning Officer explained that the Council was not yet committed to these costs; they were estimates at this stage and still dependent on other factors. As work progresses, the situation would continue to be reviewed and the need for possible further funding would have to be addressed. At this stage, it was not possible to be more precise about other potential costs or when they would be incurred, mainly because a decision has not yet been taken about which of the two options identified by the inspector should be pursued.

## 247. PLANNING POLICY COMMITTEE 2021/22 DRAFT BUDGET

A report was presented to enable the Committee to consider its draft revenue budget, charges for services and a capital programme for 2021/22. This had been informed by the Member workshops during the previous autumn and the current Medium Term Financial Plan. The report outlined key budget principles, commentary about the Council's planning function, headline saving proposals, and details of salary costs relevant to the Committee.

Councillor Botten moved that the proposed revenue budget be rejected on the grounds of inadequate resourcing of the planning enforcement function and unacceptable pressures upon senior officers due to inadequate staffing levels. Councillors speaking in support of this motion also expressed the view that the Local Plan budget should include provision for additional major costs that were bound to be incurred, regardless of which of the two options identified by the inspector would be pursued. Upon being put to the vote, the motion was agreed.

The recommendations within the report concerning fees and charges and the Committee's capital programme were supported.

***RESOLVED*** – that:

- A. the Committee's proposed revenue budget for 2021/22, at Appendix B to the report, be rejected;
- B. the fees and charges for 2021/22, at Appendix A to these minutes, be agreed; and
- C. subject to further consideration by the Strategy & Resources Committee on the 2nd February 2021 as part of the Council wide budget setting process (to be ratified by Full Council on 11th February 2021), the Committee's capital programme for 2021/22 be in the sum of £733,000, as shown at Appendix B to these minutes.

Rising 9.50 pm

## Appendix A - Fees and Charges

Planning Committee - Fees and Charges	Gross Charges (Incl VAT if applicable) Current Charges 2020-21	Proposed Gross Charges (incl VAT if applicable) 2021-22	Percentage Increase 2021-22 %	Budgeted Income 2020-21 £	Actual YTD at Sept20 £	Expected Outturn 2020-21 £	Proposed Budget 2021-22 £
<b>Planning Fees</b>							
Planning Application Fees ( set nationally)	Varied List		0.0%	584,600	193,937	387,874	584,600
Charges for Formal Member Presentations	£6,000		0.0%	6,000	0	0	0
Planning Conditions (set nationally)	£97		0.0%	6,500	323	6,500	6,500
Charges for Pre-application Meeting (Non Residential)	From £168 to £1440	£171 to £1469	2.0%	79,800	15,631	35,000	79,800
Charges for Pre-application Meeting (Householders)	£120	£122	2.0%	25,000	8,826	20,000	25,000
<b>Community Infrastructure Levy (CIL)</b>			0.0%	1,800,000	213,018	1,800,000	1,800,000
Convenience Retail	£103 per Sq Meter						
Residential	£123 per Sq Meter						
Sundry Income				7,000	0	7,000	7,000
<b>Total Fees and Charges</b>				<b>2,508,900</b>	<b>431,735</b>	<b>2,256,374</b>	<b>2,502,900</b>

## Appendix B

### CAPITAL PROGRAMME 2020/21 TO 2023/24 - Planning

COMMITTEE SCHEMES	Current Programme 2020/21 £	Estimated Programme 2021/22 £	Estimated Programme 2022/23 £	Estimated Programme e2023/24 £	Total Programme 2020-24 £
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#### Planning

Current Continuing Programme					
Capital Contributions from CIL	0	0	0	0	0
<b>Total Current Continuing Programme</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Revisions and New Bids					
Capital Contributions from CIL	299,000	733,000	330,000	0	1,362,000
<b>Total Revisions and New Bids</b>	<b>299,000</b>	<b>733,000</b>	<b>330,000</b>	<b>0</b>	<b>1,362,000</b>

Proposed Programme					
Capital Contributions from CIL	299,000	733,000	330,000	0	1,362,000
<b>Total Proposed Programme</b>	<b>299,000</b>	<b>733,000</b>	<b>330,000</b>	<b>0</b>	<b>1,362,000</b>

### CAPITAL PROJECT APPRAISAL - PLANNING

Title of Scheme	Capital Contributions from CIL
<b>Description of Scheme</b>	Contribution from Community Infrastructure Levy monies to third parties for works of a capital nature
<b>Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)</b>	Community Infrastructure Levy monies are allocated to schemes for work of a capital nature, for example the Council has awarded £500,000 towards Master Park Pavilion.