

Caterham, Chaldon and Whyteleafe Neighbourhood Plan

Planning Policy Committee Thursday, 24 June 2021

Report of: Chief Planning Officer

Purpose: To set out the results of the referendum on the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and make a recommendation to the Committee on whether the Neighbourhood Plan should be formally made (adopted).

Publication status: Unrestricted

Wards affected: Chaldon, Portley, Queen's Park, Valley, Westway, Whyteleafe

Executive summary:

- In September 2019, the Committee agreed for the Caterham Chaldon and Whyteleafe Neighbourhood Plan (CCWNP) to progress to referendum, following its successful examination. Because of the COVID 19 pandemic, unavoidable delay to the referendum occurred. However, on May 6 2021, the CCW NP underwent a successful referendum and received a vote of 87% in favour of the Plan.
 - The Committee is now asked to 'make' (adopt) the plan as part of the Tandridge Development Plan, giving it full weight in relevant planning decisions.
 - Formalising this NP as part of the development plan will help to shape the CCW area in a way which has been led and supported by the local community. In addition, it will also increase the neighbourhood proportion of Community Infrastructure Levy (CIL) to be paid to the affected parishes from 15% to 25%.
-

This report supports the Council's priority of:

- Creating the homes, infrastructure and environment we need
- Supporting economic recovery in Tandridge; and
- Becoming a greener, more sustainable District

Contact officers: Marie Killip: Strategy Specialist
mkillip@tandridge.gov.uk

Anna Cronin: Neighbourhood Planning Specialist
acronin@tandridge.gov.uk

Recommendation to Committee:

That, in accordance with its delegated powers, the Committee “make” (adopt) the Caterham, Chaldon and Whyteleafe Neighbourhood Plan to become part of the Tandridge District Council Development Plan.

Reason for recommendation:

The CCWNP is a result of the hard work and dedication of the local community that want to ensure a more locally led approach to planning, the environment and development in their area. The CCWNP has now completed all formal stages and has been successful at local referendum. The provisions of the Planning and Compulsory Purchase Act 2004 (as amended) require the local planning authority to “make” (adopt) the plan within 8 weeks of the referendum.

1.0 Introduction and background

- 1.1 Under the Localism Act 2011, parish councils or neighbourhood forums are given powers to prepare their own plan which include policies that are given the same weight as a Local Plan when determining planning applications. The parishes of Caterham on the Hill, Caterham Valley, Chaldon and Whyteleafe were designated a Neighbourhood Plan Area on 18 July 2012. Since this date the Parish Councils, working together have been preparing their neighbourhood plan.
- 1.2 In May 2019, CCWNP steering group submitted their Neighbourhood Plan to the Council, as the Local Planning Authority. The Local Planning Authority, under Regulation 16, undertook a six-week statutory consultation on the neighbourhood plan. The consultation commenced on Friday 19 July and ran until 5pm on Monday 2 September 2019.
- 1.3 The Council then sent the Submission version of the CCW Neighbourhood Plan, along with the representations from Regulation 16 and other supporting documentation, to an Independent Examiner for examination to ensure that the plan met the “basic conditions” prescribed in legislation. The Examiner’s Report was received on 10 August 2020 and was reported to this Committee in September 2020.
- 1.4 The Examiner’s Report recommended that the CCW Neighbourhood Plan should proceed to Referendum, subject to the Plan being amended in line with his recommended modifications, which were required to ensure that the Plan met the “basic conditions.”
- 1.5 The changes set out in the Examiner’s Report were made as agreed by this Committee on 24 September 2020, and the amended plan documents, decision statement setting out the changes made, and the reasons for them, were published on the Council’s website.
- 1.6 National regulations put into place as a result of the COVID 19 pandemic meant that the referendum was unavoidably delayed until Thursday 6 May 2021.

2.0 Referendum Result and Next Steps

- 2.1 The question which was asked at referendum was: *“Do you want Tandridge District Council to use the Neighbourhood Plan for Caterham, Chaldon and Whyteleafe to help it decide planning applications in the neighbourhood area?”*
- 2.2 In order for a NP to proceed to adoption, it must obtain 50% or more, votes in favour. Having received an 87% “Yes” vote on an electorate turnout of 38% (6923 votes in favour to 1020 against) the NP can now proceed to adoption.
- 2.3 The Committee are therefore requested, in accordance with their delegated powers, to “make” (adopt) the CCWNP to become part of the Council’s Development Plan. This will give the Neighbourhood Plan full weight in relevant planning decisions.
- 2.4 The adoption of the CCW Neighbourhood Plan also increases the neighbourhood proportion of CIL, which will increase from 15% to 25%.
- 2.5 Once approval has been granted, Officers will write to all those who asked to be notified of progress on the plan including statutory consultees and inform them of the Committee’s decision and where the plan can be viewed. An Adoption Statement (Appendix A) will also be published as required by regulations. The website will be amended to update the status of the neighbourhood plan and include a finalised policy map.

3.0 Budget

- 3.1 The preparation of the CCWNP has mainly been funded by the parishes, including through neighbourhood planning grants to the steering group. The Council has provided officer support, paid for the examination, referendum and covered other statutory costs, as required.
- 3.2 The scale of the CCWNP did mean that examination costs (£30,372.00 excluding VAT) were higher than those which would normally be incurred for single parish neighbourhood plan and in excess of the grant the Council received (£20,000). Unfortunately, the grants are not proportionate to the size of area covered in a neighbourhood plan and there is no additional grant given for larger/multiple parish plans. As such this did result in an overspend to the 20/21 neighbourhood planning budget.

4.0 Other options considered

- 4.1 The provisions of the Planning and Compulsory Purchase Act 2004 (as amended) require the local planning authority to “make” (adopt) the plan within 8 weeks of the successful referendum. There are no other options.

5.0 Consultation

- 5.1 The preparation of the CCW Neighbourhood Plan involved extensive consultation, both statutory and non-statutory, and the referendum, in which any person on the electoral register in the neighbourhood area could vote, formed the final element in this process. There has been no further consultation on this report.

Key implications

Comments of the Chief Finance Officer

The Council's resources are under considerable pressure and it is vital that all expenditure is monitored and kept within the set budgets. The Neighbourhood plan revenue costs exceeded the grant money allocated leaving the excess to be funded from underspends within the Council's existing budgets. In future any Neighbourhood plan costs must be contained within the existing budgets and grant money allocated.

There are no Capital expenditure implications within this report.

Comments of the Head of Legal Services

Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan, unless (under Para. 38A(6)) this would breach or would otherwise be incompatible with an EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

In this case the Neighbourhood Plan is compatible with EU obligation and Convention rights, and as such the recommendation is put forward in the report to make the Plan.

Assets

The NP contains policies which affect a number of the Council's assets, particularly parks and green spaces. The Assets team were fully consulted on the NP and their representations were considered by the Examiner. In addition, the Council's recent Open Spaces Strategy takes the NP into account. It is not considered that the NP in its final form places unreasonable constraints upon the Council's use of its assets.

Equality

No immediate implications as Neighbourhood Plan policies relate to land use and development and do not distinguish as to applicant/end user/occupant.

Climate change

The Neighbourhood Plan has been independently examined to assess, amongst other factors, whether it contributes to sustainable development. The Examiner found that with his recommended modifications (now made) it will do so.

The plan contains specific policies for environmentally sustainable design of new development and for the protection of designated Local Green Space which, by its nature, will contribute to carbon reduction and mitigation of heat and flooding effects in the plan area. It also supports local centres and social, educational and health facilities, thus contributing to some extent to reducing the need to travel.

Appendices

Appendix 'A' - Draft Adoption Statement

Background papers

None

----- end of report -----