

Local Plan Update: Response to the Planning Inspector

Planning Policy Committee Thursday, 26 August 2021

Report of: Chief Executive

Purpose: To note the letter from the Chief Executive to be sent to the Planning Inspector on 27 August

Publication status:

Restricted – not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, "*information relating to the financial or business affairs of any particular person (including the authority holding that information*"

Wards affected: All

Executive summary:

- The Council is due to update the Planning Inspector before the end of August 2021 on progress made in relation to the issues he raised in ID16. Unfortunately, for reasons beyond the Council's control, the traffic modelling reports for the M25 Junction 6 will now not be ready until later this year. The reasons for the delay and suggested next steps are set out in the letter to be sent to the Planning Inspector at Appendix A.
 - Mindful of the potential consequences of a further delay and the ongoing challenges to the Council to deliver a sound Local Plan, the letter also puts forward, without prejudice, an alternative option for the Planning Inspector to consider if he is minded not to continue with the examination.
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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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Recommendation to Committee:

That the Committee notes the intention of the Chief Executive to send the letter attached at Appendix A of this report to the Planning Inspector on 27 August 2021.

Reason for recommendation:

The letter to the Planning Inspector is to note but it is important that Members of this Committee are appraised of the implications and the potential for an alternative option to be considered if the Inspector were not minded to consider any further extension.

Introduction and background

1. An update on the Local Plan: 2033 was provided to this Committee at its meeting on 24 June 2021. Following public examination, in December 2020 the preliminary findings and feedback ('ID16') of the Planning Inspector were published. The central challenge to the deliverability of the Local Plan relates to capacity and mitigation issues at Junction 6 of the M25 and whether these issues can be overcome, or such that renders the Plan undeliverable and therefore unsound.
2. The Planning Inspector is expecting an update from the Council on the outstanding issues he raised in ID16. This update from the Chief Executive is attached in the letter at Appendix A of this report. Unfortunately, further traffic modelling work is required which will result in a further delay. The mitigating circumstances for this delay and the actions being taken are set out in the letter. It is hoped that the Planning Inspector will give due consideration to the points made in relation to the traffic modelling.
3. Given the further delay, in the event that the Planning Inspector will not continue with the examination, an alternative option is set out in the letter for him to consider. This is offered as a constructive suggestion given the challenges the Council is facing in trying to deliver a sound Local Plan. The alternative option, submitted without prejudice, suggests the following:
 - amending the Plan period to 2013-2028
 - to include in the plan amended site policies that would make as many of the allocated sites as possible sound in accordance with the Inspector's comments and
 - introduce a 5-year review policy.

Further details are provided in the letter.

4. Following this Committee meeting, the intention is to send the letter to the Planning Inspector on 27 August.

Key implications

Comments of the Chief Finance Officer

A provision for the Local Plan has been made in the 2021/22 budget. If further investment is required this will need to be determined through a business case. However, given the current and future financial constraints of the Council, and in the absence of a business case, it is important that the current budgetary provision is not exceeded.

Comments of the Head of Legal Services

Preparation of a local plan is a statutory responsibility of every Local Planning Authority. Local plans are prepared within the framework set out in the Planning and Compulsory Purchase Act 2004 ('the Act'), as amended by the Localism Act 2011. Once adopted, the Local Plan will become part of the statutory Development Plan. Section 38(6) of the Act requires planning decisions to be made in accordance with the Local Plan unless material considerations indicate otherwise.

If the Inspector considers that the Local Plan has not been prepared in accordance within the legislative framework, then the Inspector may direct the Council to start the process again. Exceptionally, under s21(9)(a) of the Act, the Secretary of State has the power to direct a local planning authority to withdraw its submitted plan. This report and the proposed response to the Inspector's letter (ID16) provides a pragmatic approach.

Equality

None

Climate change

None

Appendices:

Appendix A – Letter dated 27 August 2021 from the Chief Executive to be sent to the Planning Inspector

Background papers

None

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