

Planning Policy Committee – 26th August 2021

Questions submitted under Standing Order 30

Questions from Councillor Elias

According to the Electoral Commission web site, the Oxted and Limpsfield Residents Group (OLRG) is a political party registered with the EC in March 2016 (registration number PP3978). Their Leader is listed as Ms Catherine Sayer.

OLRG has made their own representations to the Inspector concerning the Tandridge Local Plan, supported by their own professional advisers. Such representations were highly critical of the Tandridge Local Plan and are available on the council web site. The Local Plan Inspector considers OLRG a 'third party'.

OLRG's own web site continues to show a separate and detailed section criticising the Tandridge Local Plan in various respects.

In the interests of openness and transparency, could the Chairman of the Planning Policy Committee, Cllr Sayer, please answer the following questions:

- A. notwithstanding the fact that the Tandridge Local Plan is with the Inspector for a decision and is following due process, is OLRG now supportive of the submitted Tandridge Local Plan? If not, why not?
- B. if the answer to question (a) is yes, could the Local Plan Inspector please be advised by OLRG accordingly? If not, why not?
- C. if the answer to question (a) is yes, could the OLRG's web site please be updated to reflect this? If not, why not?
- D. as Leader or Chairman of OLRG, does Cllr Sayer consider it appropriate to declare an interest at Sub-Committee, Committee or Council whenever the subject of the Tandridge Local Plan is up for discussion? If not, why not?

Response from Councillor Sayer to Question A (notwithstanding the fact that the Tandridge Local Plan is with the Inspector for a decision and is following due process, is OLRG now supportive of the submitted Tandridge Local Plan? If not, why not?)

Firstly, Cllr Elias makes a point of the fact that the Oxted & Limpsfield Residents Group is registered as a political party. Just to explain, when we first decided to stand for election, that is when Jackie Wren stood in 2016, we wanted to be named on the ballot paper as the Oxted and Limpsfield Residents Group – that was because we'd been around for a number of years and hoped we had a good name that people would want to support as well as supporting Jackie. Under a quirk of electoral law, if you don't register as a party then you can only stand under the name "Independent." So, we took a decision to register as a party so we could stand as OLRG. If you look up the list of political parties, you'll see there are dozens of residents' associations registered as political parties that are also caught up in this quirk of electoral law. The fact that we are registered as a political party is an administrative detail – it has no bearing on our main objective which is to represent residents.

Turning to the Local Plan. We have been the administration for just 3 months now and we have inherited a number of difficult problems not the least of which is the Local Plan.

Almost two years after the Examination and after more than three million pounds has been spent, we have now been told that there will be a delay of at least three months with the traffic modelling and this is on top of other delays.

We may not have a lot of time, because the Inspector has said to the Council: "Should it appear to me by the end of August that achieving a sound Plan in a timely way is not a realistic prospect, I shall then consider whether I should conclude the Examination." That's five days away.

In view of this difficult situation, an alternative option has been thought of and we believe it would be a dereliction of duty not to put it forward.

Going back in time, right from the start of the Local Plan OLRG actively participated in the consultation process. The fact is that we and many others were hugely concerned by what was being proposed in the Regulation 18 because we believed that the evidence was flawed and so the Plan risked being found not sound – and that was a danger to the whole District.

We did our utmost to communicate our concerns at every consultation stage, taking professional advice and sending it to the Council.

You may remember, the first consultation was in late 2015 and in February 2016 we sent in a 91 page response supported by 11 Parish Councils, some in the north of the District, some in the South, and 7 community organisations. I have a copy of it here and it was put together with the professional help of a QC, an MRTPI planning consultant and a demographic analysis expert.

We did our best in this document to flag up the problems that we identified with the evidence base and the approach being taken in the Plan – and to suggest solutions. Our goal was to ensure that the evidence was as robust as possible so that there was a sustainable, realistic Plan that protected the local environment while also being acceptable to the Planning Inspectorate – in other words a sound Plan. We submitted similarly detailed documents at every subsequent consultation.

It is a shame that the administration at that time did not take on board our comments and suggestions and instead proceeded with the original Plan. Their decision to do so was one of the reasons we stood for election.

So, to summarise, it is almost two years since the Examination Hearings took place and the Inspector has raised questions over the Plan in terms of deliverability among other things.

Traffic modelling has continued. However, given the need to extend this work further and in case the Inspector is not minded to wait any longer, an alternative way forward with the current Plan has been proposed which we will be hearing about later in this meeting.

This has been done because we are acutely aware of how important it is to have a Local Plan in place. If we don't have one, the District will face the consequences of a much higher housing need figure and no five year housing land supply.

To be clear, we inherited this situation from the previous Administration – it was not of our making - and we are doing all we can to get through it, because that is in the best interests of the District and the residents we represent.

Supplementary question from Councillor Elias

The previous administration followed the professional advice of its senior officers and independent professional advisors regardless of various pressures and representations. Do you accept that the Council's planning policy staff have been undermined by your party's consistent and public criticism of the Local Plan submitted in January 2019 and by your micro-managing their efforts?

Response from Councillor Sayer to the supplementary question above

I don't accept that in any way at all. I've tried to set out what we've tried to do. We've been very concerned for a long time and we've tried to help. Members are supposed to take part in the Local Plan process and it's better to take a pro-active part when you're worried rather than no part at all.

Response from Councillor Sayer to Question B (If the answer to question A is yes, could the Local Plan Inspector please be advised by OLRG accordingly? If not, why not?)

I refer you to the answer I have just given. In addition, I would say this ... Councillor Elias has correctly recognised that the Local Plan is with the Inspector. However, he has not recognised that the Inspector's sole remit is the soundness of the Plan.

Whether or not OLRG or anyone else supports or does not support the Local Plan has no relevance to the four tests of soundness. Whether the Plan passes these four tests is for the Inspector to determine in accordance with the National Planning Policy Framework and relevant legislation.

In addition, the Programme Officer has stated that the Inspector does not wish to receive comments from anyone at this time. Cllr Elias's request for OLRG to communicate with the Inspector violates those specific instructions. OLRG has participated in the Local Plan process in accordance with all of the public consultation and examination rules, and we will continue to abide by those rules.

Response from Councillor Sayer to Question C (if the answer to question A is yes, could the OLRG's web site please be updated to reflect this? If not, why not?)

I refer you to the answers I have just given. The website will doubtless be updated with any new information as we get it.

Response from Councillor Sayer to Question D (as Leader or Chairman of OLRG, does Cllr Sayer consider it appropriate to declare an interest at Sub-Committee, Committee or Council whenever the subject of the Tandridge Local Plan is up for discussion? If not, why not?)

No, because the fact is that the Local Plan affects all Councillors and we all have an interest. Other Councillors took part as representors/objectors to the Local Plan and so too did Warlingham Parish Council, Caterham on the Hill Parish Council and Godstone Parish Council which all also include Tandridge District Councillors. It would be an administrative distraction for all these members to declare an interest every time the Local Plan is mentioned.

Other Councillors, such as Councillor Elias, did not take part in the Local Plan examination. It was their choice not to give views or to represent their areas but they still have an interest in the Plan. Indeed, the Planning Advisory Service Good Plan Making Guide emphasises the importance of councillor participation in the plan-making process, so we are supposed to be involved.

We don't have much time left and we all have an interest now in working together for the best interests of the District and everyone who lives here.

Supplementary question from Councillor Elias

There is a big difference between having a personal interest in a subject and being a member of an organisation or political party which has the purpose of influencing public opinion on a subject as important as the Local Plan. I would urge you to reconsider your position as other Members have declared interests in Neighbourhood Plans etc.

Response from Councillor Sayer to the supplementary question above

Surely, we all have an interest in the Local Plan; it would be a dereliction of our duty not to. I'm happy to say I've got an interest but I'm not going to say it every time ... I hope everyone here has an interest in it too.

Question from Councillor Flower

What is the broad nature of the exempt information that justifies excluding the public from the consideration of item 7 on the agenda, and why does [the Chair] think that maintaining the exemption and excluding the public outweighs the public interest in making the information public in light of the very considerable public interest in the Local Plan?

Response from Councillor Sayer

This Committee decides on this and not me. It may be that there can be a freer and more frank discussion under Part 2 which would be of benefit to the District. However, that must be balanced against the need for openness and transparency.

That is why it is for the Committee to decide. I should say here that the above also relates to item 6 on which a separate vote will be taken.

Supplementary question from Councillor Flower

Does the Chair accept that by putting the item on the agenda as being subject to a vote to move into Part 2, it raises the prospect of the proposal outweighing the public interest without a proper examination of the facts? Does the Chair accept that public interest requires, wherever possible, proper open public scrutiny of information and that in these cases the bar is very high and that none of the information in the reports is personalised and there is no legitimate reason why either item cannot be debated in public?

Response from Councillor Sayer to the supplementary question above

I don't accept that by putting the items on the agenda makes it look as though they shouldn't be debated. This is a stage 2 process ... it needs to come to the Committee to decide whether either item should remain public or be considered privately. All we can do is take a vote. This is stage 2 of the process to decide ourselves, on balance, one way or the other.

I am keen on openness and transparency ... we need to be certain before putting anything into Part 2.