

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 26th August 2021 at 7.30pm.

PRESENT: Councillors Sayer (Chair), Farr (Vice-Chair), Black, Botten, Crane (substitute in place of Blackwell) Dennis, Duck, Jones, Lockwood, Prew and Steeds

ALSO PRESENT: Councillors Bloore, Caulcott, Connolly, Davies, Flower, Elias, Gaffney, Gillman, Gray, Groves, Mills, Morrow, North, O'Driscoll, Pursehouse, Ridge, Swann, C.White and N.White

APOLOGIES FOR ABSENCE: Councillors Blackwell

95. MINUTES OF THE MEETING HELD ON THE 24TH JUNE 2021

Councillor Prew, seconded by Councillor Duck, moved that the Item 43 of these minutes be amended in accordance with **Appendix A**. Upon being put to the vote, the amendment was lost.

The minutes (without any amendment) were therefore confirmed and signed by the Chair.

96. QUESTIONS SUBMITTED UNDER STANDING ORDER 30

The Chair responded to questions from Councillors Elias and Flower. The questions and responses are set out at **Appendix B**.

97. MOTION TO EXCLUDE THE PRESS AND PUBLIC

The Committee considered a motion to exclude the press and public from agenda items 6 ('Planning Service Transformation') and 7 ('Local Plan update – response to the Planning Inspector) on the grounds that:

- (i) they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (*Information relating to the financial or business affairs of any particular person, including the authority holding that information*); and
- (ii) for the items, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Following the debate, this matter was put to two separate votes, one regarding agenda item 6 and another for agenda item 7. The Committee voted in favour of both items being debated in public via the webcasting system. (At this point, the reports for both agenda items were made available for public view on the Council's website).

98. PLANNING SERVICE TRANSFORMATION

A report was presented regarding the findings of separate reviews undertaken by Gillian Macinnes of the Planning Advisory Service (PAS) concerning the Council's Development Management function and the Planning Committee. The report outlined the recommendations arising from both reviews and confirmed that a business case to support service improvements was being developed, based on the following four workstreams:

- structure
- resource
- systems and processes
- Member/Officer relations (to consider the PAS recommendations from the planning review)

Members were advised about temporary additional staffing resources which, in the meantime, had been put in place to deal with the current backlog of planning applications and to maintain services levels.

Gillian Macinnes addressed the Committee to explain the context of the reviews. She remained in the meeting to respond to Members' questions.

During the debate, Members highlighted the need for:

- Councillors to see the change programme and associated timelines and resourcing requirements;
- planning staff to be involved in the programme;
- IT issues to be addressed, including restoration of the e-mail notification system (this would be a high priority aspect of the first phase of the change programme);
- a peer review process to establish the case for permanent additional staffing resources for the development management function;
- restoration of a pre-application advice service; and
- the role of non-Committee members at Planning Committee meetings to be clarified.

The adequacy of the current Councillor call-in process for planning applications was discussed, together with the merits of establishing a forum where planning officers could brief Members about current applications and respond to questions.

The Committee thanked Gillian Macinnes for conducting the reviews and her subsequent reports and recommendations.

RESOLVED – that the update on the implementation of the findings from the Planning Advisory Service reviews be noted.

99. LOCAL PLAN UPDATE - RESPONSE TO THE PLANNING INSPECTOR

The Council had been due to update the Planning Inspector before the end of the month on progress made in response to his preliminary conclusions and advice (ID16) following the examination hearings in 2019. A report was submitted which:

- (i) explained that, for reasons beyond the Council's control, the required transport modelling reports for Junction 6 of the M25 would not be ready until later in the year;
- (ii) identified a (without prejudice) further option for the Inspector to consider; and
- (iii) appended a letter to be sent to the Inspector on the 27th August 2021 regarding (i) and (ii) above.

A revised version of the letter was tabled, including updated timescales for the transport modelling following a meeting on the 25th August 2021 between Officers and the Council's transport consultants and representatives of Highways England and Surrey County Council.

During the debate, Members discussed issues regarding allocated housing site yields with particular reference to TED 17 (response to the Inspector in October 2019 following his request for the Council to clarify its approach).

Councillor Botten proposed that the second bullet point under the 'Alternative Option' sub-heading of the letter be amended to read:

[The alternative option would] ... "Include amended site policies that would make as many of the allocated sites as possible sound in accordance with your comments. We envisage that modifications might be made to site policies, addressing your comments in ID-16 paragraph 50-65, and including other site policy amendments agreed at the Examination Hearings. This would allow the allocated sites to come forward as soon as practically possible."

Councillor Prew, seconded by Councillor Black, proposed that two separate letters be sent to the Inspector, one regarding the update on transport modelling, and the other concerning the alternative option to incorporate Councillor Botten's revised wording above. Upon being put to the vote, the amendment was lost.

Councillor Farr seconded Councillor Botten's motion for a single letter to be sent to the Inspector with revised wording (as per the italicised text above) for the second bullet point under the 'Alternative Option' sub-heading. Upon being put to the vote, this was agreed.

RESOLVED – that the letter attached at **Appendix C** be sent to the Planning Inspector on the 27th August 2021.

Rising 10.35 pm

**Proposed amendments to item 43 of the minutes of the meeting held on 24.06.21
(moved by Councillor Prew)**

DECLARATIONS OF INTEREST

Non-pecuniary interests were declared as follows:

Councillor	Agenda Item	Nature of Interest
Dennis	9 – Caterham, Chaldon and Whyteleafe Neighbourhood Plan	Member of the Neighbourhood Plan Steering Group
Gaffney	9 – Caterham, Chaldon and Whyteleafe Neighbourhood Plan	Former member of the Neighbourhood Plan Steering Group
Flower	10 – Gatwick Airport Northern Runway Proposal	Employed by the Independent Pilots' Association, representing commercial pilots across the UK
N. White	10 – Gatwick Airport Northern Runway Proposal	President of the Campaign Against Gatwick Noise Emissions

Councillor Elias questioned whether the Chair and Councillors Farr and Lockwood should declare interests in agenda item 8 (Local Plan Update). This was because as they had the Oxted & Limpsfield Residents' Group (of which Councillor Sayer was Chair), Godstone Parish Council (of which Councillor Farr was a Member) and Councillor Lockwood had submitted third party representations to the Planning Inspector during the 2019 'examination in public' of the Local Plan and had therefore pre-determined their views. He asked whether they were now conflicted and, if so, whether they should exclude themselves from future discussion about the Local Plan to avoid the potential for decisions to be challenged.

The Chair confirmed that she was happy to declare an interest that she had made representations to the examination hearings but observed that the matter was now with the Inspector and subject to due process.

Councillor Farr confirmed that Godstone Parish Council (of which he was an elected Member) had also made representations to the examination in respect of the proposed garden village development but he did not believe this compromised his position on the Planning Policy Committee when considering the Local Plan and saw no reason to exclude himself.

Councillor Lockwood considered that Members were entitled to have opinions about Council business while retaining an open mind when matters were being determined at committee meetings. She believed that her remit was to represent residents in her Ward and stated that her personal views about the Local Plan were immaterial.

Planning Policy Committee – 26th August 2021

Standing Order 30 questions and responses

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.

27th August 2021

Dear Inspector,

I am writing to inform you that the Council has received a further update from our consultants stating that the traffic modelling reports for the M25 Junction 6 will not now be ready until November at the earliest. The reasons for this latest delay are set out below. Understandably, this is extremely unwelcome news and I ask that you consider the mitigating factors I have set out in this letter.

Having considered the latest position, if you are minded to continue the Examination, then the Council will continue working with our external consultants and with Highways England and Surrey County Council to achieve a solution as early as possible.

In light of your comments regarding the end of August in ID18 we would also like to introduce, without prejudice, what may be a pragmatic alternative option that could potentially move the Plan forward. This option is set out in the second part of my letter.

Update on Transport Modelling

As you are aware, the Council's consultants DHA have been working with Surrey County Council and Highways England to initially develop an interim scheme for Junction 6. As previously communicated to you, this has resulted in the successful identification of a scheme which would improve capacity at the junction, and which is positive in terms of a safety assessment.

However, carrying out this work has revealed two other issues which could not have been foreseen by any of the parties when we embarked upon this approach.

- The strategic model used has produced some anomalous figures which both the Council's consultants and Highways England query. For example, some flows through the junction are higher without the Local Plan development included than with it.
- Highways England is concerned that while the gyratory at the improved junction performs satisfactorily, the interim upgrades to the merge/diverge arrangements on the slip roads will be adequate for only a finite amount of development and may not accommodate all Local Plan growth.

Clearly these are problematical points. To address these issues with Surrey County Council and Highways England we are proposing the following actions:

- The Council's consultants will carry out manual assignment of traffic flows, agreeing each step of the methodology with Highways England. This will provide more transparent and reliable results which will demonstrate how much development can be accommodated in the junction and the slip roads before the interim scheme and merge/diverge upgrades are required.
- Longer term the Council recognizes the need for a more substantial upgrade to Junction 6 and to raise this strategic issue.

Inevitably the first action set out above will result in a further delay. An initial assessment of the timescale by our consultants is set out below.

The key milestones allow for Surrey County Council / Highways England review time but are subject to agreement with those bodies: -

- Project Steering Group meeting to agree principles of assessment methodology – w/c 23rd August (completed);
- Full assessment methodology issued to HE and SCC – w/c 6th September, followed by 10 working day review period;
- Draft trip distribution/assignment issued to HE and SCC – w/c 4th October, followed by 10 working day review period;
- Completion of junction capacity and merge/diverge assessments and issue of Technical Note – w/c 25th October, followed by 10 working day review period;
- Project Steering Group meeting to discuss findings and implications – w/c 15th November;
- Completion of Stage 1 Road Safety Audit and Designer's and Overseeing Organisation's responses – by w/c 13th December.
- Review of Road Safety Audit by Highways England (c 3 weeks).

I am conscious that this further delay will be unwelcome and that you may consider it unacceptable. However, I ask you to give it serious consideration, for the following reasons.

Firstly, the Government's requirement for councils to have a plan in place by 2023 will not be met if the Local Plan fails. In effect the Council would have to start again on plan preparation, with the outstanding issue of strategic highways constraints unresolved and consequent impacts on the important objective of housing provision, particularly in an area of South East England with strong national policy and environmental constraints, to say nothing of the lack of a five-year housing land supply. The fact that 94% of Tandridge is classified as Green Belt puts an obvious constraint on development.

The second is a recognition of the amount of positive joint working and commitment, as well as resources, put into developing a suitable interim scheme to date. In effect we believe that it is possible to identify how much development can be brought forward before junction and slip upgrades are required, which will assist in the achievement of the Government's objectives described above.

I am aware that you have raised other issues concerning the soundness of the Local Plan, but this strategic infrastructure issue appears to be key and I would welcome your thoughts.

Alternative Option – Presented Without Prejudice

The emergence of this alternative option was prompted by the ongoing delay to the traffic modelling and your comments in ID18 regarding the August timeframe. The alternative option would:

- Amend the Plan period so that the revised Plan period would be over fifteen years, from 2013-2028.
- Include amended site policies that would make as many of the allocated sites as possible sound in accordance with your comments. We envisage that modifications might be made to site policies, addressing your comments in ID-16 paragraph 50-65, and including other site policy amendments agreed at the Examination Hearings. This would allow the allocated sites to come forward as soon as practically possible.
- Introduce a five-year review policy. We believe that shortening the Plan period and adding a five year review policy are both necessary in order to indicate the Council's commitment to continuing to explore all strategic options, including joint working, while also not undermining the adopted Plan. The introduction of a five year review policy would also be consistent with comments you and others made during the Examination Hearings.
- Structure the Plan to facilitate possible future joint working on strategic matters while also retaining continuity at the local development management level. The delay to the Council's Local Plan means that the the window of opportunity for joint working with neighbouring authorities is re-opening and so it is important that the Plan does not preclude possible future joint working at a strategic level.
- Address any remaining questions/concerns you might have in the context of the revised Plan.

We conclude by reiterating that should you be minded to wait for the traffic modelling then we will continue to work with the consultants and partners to deliver in accordance with the amended schedule. We also welcome any questions or comments you may have regarding the alternative option.

Yours sincerely,

David Ford

Chief Executive