

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 20th January 2022 at 7.45 pm.

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

ALSO PRESENT: Councillors Bloore*, Bourne*, Crane, Davies*, Dennis*, Gillman, Mills*, Moore*, Pursehouse*, Stamp*, Swann, N.White and Wren

APOLOGIES FOR ABSENCE: Councillor Black

*These Councillors joined the meeting via Zoom. Councillor Dennis, while a member of the Committee, therefore participated in a non-voting capacity

235. MINUTES OF THE MEETING HELD ON THE 5TH JANUARY 2022

These were approved as a correct record.

236. PLANNING POLICY COMMITTEE - 22/23 DRAFT BUDGET AND MEDIUM TERM FINANCIAL STRATEGY

A proposed draft 2022/23 revenue budget and Community Infrastructure Levy (CIL) capital programme was presented. This explained that, due to current capacity constraints, a pragmatic approach had been taken regarding the distribution of pressures and savings to achieve a balanced budget position for 2022/23, namely:

Tranche 1 – savings and pressures which were straightforward to allocate (no Tranche 1 savings had been allocated to the Planning Policy Committee – Appendix A refers).

Tranche 2 – those requiring more time to allocate correctly to each committee, including £367k of pressures (£193k of staffing increments and £174k of contract inflation). These were being held as 'corporate items' pending consideration during the next cycle of committee meetings.

Tranche 3 – the more complex cross-cutting savings not currently allocated would be distributed following the June cycle of committee meetings, although none applied to the Planning Policy Committee.

It was also recommended that responsibility for CIL matters be transferred to this Committee from Strategy & Resources. At present, while the Strategy & Resources Committee was responsible for the CIL allocation process, the CIL budget remained with Planning Policy. The recommendation was intended to streamline arrangements more effectively. It was confirmed that the role of the CIL Working Group would not be affected by this change of committee ownership.

In response to Members' questions, officers advised that:

- the digital transformation of the land charges function was nearing completion and clarification would be sought about whether the process had been fully funded by a government grant;
- the £40,000 budget for planning appeals was intended to provide for the cost of both:
 - engaging barristers to represent the Council at public inquiries; and
 - any costs awarded against the Council (the application for costs arising from the successful appeal against the refusal of planning permission for the development at Coulsdon Road, Caterham – TA/2019/1538 – had not been submitted to date);
- the charges for pre-application fees, relative to those levied by other authorities, would be reviewed (the question was raised in the context of the charge for small businesses);
- the Government's funding settlement for local authorities would only be for one year and the outlook thereafter was uncertain, given that significant reforms of local government finance (i.e. the 'fair funding review' and a business rates reset) were anticipated for 2023/24;
- the only element of Tranche 2 savings applicable to this Committee would be staffing increments (including the 1.25% increase in National Insurance costs) directly relating to planning staff.

RESOLVED – that

- A. the Committee's draft revenue budget for 2022/23 in the sum of £1.19m (as shown at Appendix A) be agreed, taking account of pressures allocated as part of Tranche 1;
- B. the Committee's Community Infrastructure Levy Final Capital Programme for 2022/23 in the sum of £1.7m (as shown in Appendix B) be agreed;
- C. it be noted that, due to timing and capacity constraints across the Council, c£0.4m of pressures could not be allocated in time for January and February committee cycle and, as such, will be allocated in three tranches as follows:
 - Tranche 1, which are directly attributable to this Committee, have been allocated as per Appendix A (for Planning Policy, there are only directly attributable pressures, no savings have been applied);
 - Tranche 2 will be brought to the March committee cycle for approval (the only element of Tranche 2 savings applicable to Planning Policy will be increments directly relating to planning staff, adjusted for any share of planning staff terms and conditions / pay review savings);
 - Tranche 3, which are savings, to be applied as part of the June committee cycle (however, this will not be attributed to Planning Policy)
- D. the subjective revenue budgets in Appendix C, including movements from 2020/21 to 2022/23 and an estimated movement to 2023/24, be noted.

COUNCIL DECISION
(subject to ratification by Council)

RECOMMENDED – that, subject to the additional underlined wording, the following clauses regarding CIL be transferred from the Strategy & Resources to the Planning Policy Committee’s terms of reference and powers ‘to resolve’:

- the determination of CIL allocation criteria and applications for CIL funding
- the setting of CIL budgets and the monitoring of CIL income, expenditure and disbursements to Parish Councils
- the power to resolve:
 - revisions to CIL allocation criteria; and
 - CIL allocations upon consideration of applications and associated representations.

237. LOCAL PLAN PROGRESS OPTIONS: INSPECTOR RESPONSE - ID16 AND ID19

A report was considered with options regarding the Local Plan. This was in light of the Inspector’s correspondence ID16 and ID19 and the fact that key information arising from DHA’s Junction 6 (M25) capacity study and mitigation opportunities was now available. As agreed at the previous meeting on the 5th January 2022, DHA’s traffic modelling analysis had been sent to the Inspector.

Regarding the paragraph in the report titled “Consultation”, Councillor Duck requested that the second sentence be removed or qualified. It was qualified to state that the meeting referred to had taken place on the 7th December 2021 and had concentrated on DHA Transport’s report on junction 6 (M25).

The options presented within the report were:

1. Withdraw the draft Local Plan and prepare a new plan

This option would result in the withdrawal of the Plan and commence the preparation of a new Plan as per current national planning policy. This option was raised by the Inspector in paragraph 63 of ID16 and at paragraph 22 of ID19. For the benefit of context, the same details and workplan etc applicable to this option would also apply if the Plan were found unsound.

2. Continue with the current plan and modifications process

The examination would be paused, and the Council would be required to undertake further work on matters to an agreed timescale, including the provision of strategic infrastructure, Objectively Assessed Housing Need (OAN); housing requirement and supply (including the Garden Village proposal); and provision for gypsies and travellers. The Inspector had identified several tasks in ID16 requiring completion before he could continue with the examination.

3. Continue with the current Local Plan and modifications process securing a 5-year Plan

As per Option 2, except that the Council would focus on a shorter adoption period in the knowledge that the Local Plan would need to be substantively reviewed after 5 years. It would continue to be prepared with the Local Plan period being 2013 to 2033 unless, at the point of review, it was determined the Plan should change.

4. Continue with a plan as set out in TED48

This option was originally presented to the Inspector as a “without prejudice”, alternative approach to progressing the Plan as set out in TED48. The intention of the option is different to Option 3 in that it changes the Plan period to fifteen years from 2013-2028 in accordance with paragraph 157 of the NPPF 2012, under which this Local Plan is being prepared. As with Option 3, it includes a 5-year review policy. However, where Option 3 would still consider the Garden Community as part of the Plan, Option 4 places no reliance on the Garden Community and would potentially require a new spatial strategy to be determined. The Local Plan would be focused on the allocated sites and would make best use of the remaining capacity of Junction 6 of M25.

For each option, the report contained indicative timescales and an analysis of risks, opportunities and caveats.

The report recommended that a response be issued to the Inspector attaching the options analysis referred to above and seeking a decision about how the Council should proceed.

Councillor Lockwood proposed that, regarding Annex 1 to the options analysis (table of work required by the inspector) the explanatory notes in the row for ‘Heritage Assessments for HSG06 and HSG12’ be amended (in the version to accompany the letter of response) to more closely reflect the wording of the Inspector’s comments in ID-16 (i.e. requesting assessments of the significance of the heritage assets for which there is potential for proposed housing allocations to cause harm etc). This was agreed.

Members discussed whether all four options should be identified as viable alternatives.

Councillor Prew, seconded by Councillor Elias, proposed that the response should identify Option 2 as the only option deemed viable by the Council. Upon being put to the vote, this amendment was lost.

It was agreed that the letter should be amended to express the Council’s view that the Inspector should discount Option 1 (the information would still be retained in the accompanying options analysis) because it would:

- not be financially viable for the Council due to the substantial costs involved and the significant strain it would impose on the Council’s limited resources;
- significantly increase the risk of speculative planning applications and appeals; and
- present extensive risks and challenges to residents and businesses throughout the District.

RESOLVED – that authority be delegated to the Chief Planning Officer, in consultation with the Chair and Vice Chair of the Committee, to issue a response to the Planning Inspector in accordance with the agreed amendments referred to above.

238. REVISED RESPONSE TO MID SUSSEX DISTRICT COUNCIL'S CONSULTATION ON MODIFICATIONS TO ITS SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

A suggested response to this consultation was proposed to the Committee on the 5th January 2022. At that meeting, it was agreed that an alternative response be prepared by local Members and Officers for consideration on the 20th January 2022. A revised response had been drafted accordingly and was presented to the Committee for consideration. This was agreed, together with a proposal from Councillor Dennis that a copy be sent to the Planning Inspector examining the Tandridge Local Plan.

RESOLVED – that:

- A. the Council's response to Mid Sussex District Council's consultation be as per Appendix D; and
- B. a copy of the response be sent to the Planning Inspector examining the Tandridge Local Plan.

Rising 8.54 pm

Appendix A – 2022/23 Revenue Budget Movements, including pressures allocated as part of Tranche 1

PLANNING POLICY

	2022/23 £000	2023/24 £000	Total £000	
Brought forward budget	1,185	1,190		
Pressures				
Theme	Description	Pressure		
		2022/23 £000	2023/24 £000	Total £000
Service Demands	Allowance for planning appeals	40	40	80
Service Demands - subtotal		40	40	80
Fees and Charges	Risk to pre-application income budget	15	0	15
Fees and Charges	Additional planning fee income	(50)	0	(50)
Fees and Charges - subtotal		(35)	0	(35)
Total Pressures		5	40	45
Net movement for committee budget		5	40	45
Indicative Budget Requirement	1,190	1,230		

Note: for 2023/24 Pressures are indicative only at this stage. These will be reviewed as part of the annual budget setting cycle for 2023/24

Appendix B – Community Infrastructure Levy Capital Schemes

CAPITAL PROGRAMME 2021/22 TO 2024/25 - Planning Policy

COMMITTEE SCHEMES	Current Programme 2021/22 £	Estimated Programme 2022/23 £	Estimated Programme 2023/24 £	Estimated Programme 2024/25 £	Total Programme 2021-25 £
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Planning Policy

Current Continuing Programme					
Capital Contributions from CIL	1,017,000	330,000	0		1,347,000
Total Current Continuing Programme	1,017,000	330,000	0	0	1,347,000

Revisions and New Bids					
Capital Contributions from CIL		1,337,400	500,000		1,837,400
Total Revisions and New Bids	0	1,337,400	500,000	0	1,837,400

Proposed Programme					
Capital Contributions from CIL*	1,017,000	1,667,400	500,000	0	3,184,400
Total Proposed Programme	1,017,000	1,667,400	500,000	0	3,184,400

* The full amount of CIL funding for 2022/23 is £2,617,400, however £950,00 is funding the Croydon Road Regeneration project which is shown as a separate scheme in Strategy & Resources Committee.

Appendix C - Subjective Revenue Budgets from 2020/21 to 2023/24

	2020/21		2021/22	2022/23	2023/24
	Annual Budget	Outturn	Annual Budget	Annual Budget ¹	Estimate ²
	£k	£k	£k	£k	£k
Planning Applications & Advice	167	428	661	361	361
Planning Strategy & Policy Guidance	368	330	294	294	294
Appeals	0	0	0	40	80
Enforcement	173	101	50	224	224
Tree Preservation & Advice	1	1	0	92	92
Local Development Plan - Evidence	621	(82)	174	174	174
Transfer to/from Neighbourhood Plan Reserve	8	28	8	8	8
Covid-19 - Sales, Fees and Charges Reimbursement		(97)			
Land Charges and Street Naming ³			(3)	(3)	(3)
Planning Policy - General Fund	1,338	709	1,185	1,190	1,230
Community Infrastructure Levy (CIL) ⁴	0	0	0	0	0
Planning Policy	1,338	709	1,185	1,190	1,230

Note 1: The Annual budget will be represented, to the committee in March 2022, when the Corporate Items Pressures have been distributed

Note 2: These include the indicative pressures the committee

Note 3: Land Charges and Street Naming has been transferred to Planning Policy from Strategy and Resources

Note 4: Community Infrastructure Levy – The mechanism is to collect all of the levies through revenue (Est £1.8m) and transfer the levy to reserves less the administrative costs.

Revised draft Tandridge District Council response to proposed modifications to Mid Sussex District Council's Site Allocation Development Plan Document

We continue to have significant concerns about the traffic impacts that the proposed site allocations in East Grinstead, specifically SA19 and SA20, will have on the A22 Star Junction, and Felbridge roads more generally and do not feel that the main modifications process has responded to these known issues, sufficiently. The Star Junction has existing issues which are known to be severe and bringing sites forward in that immediate area can only add to the severity of the transport issues. Accordingly, significant improvements to the Star Junction are needed. This must also be considered in the context of the Garden Community proposed through our emerging Local Plan, which would be located at South Godstone and the general growth set out in our Plan which will increase traffic levels at the junctions referenced throughout this response.

We would like to remind MSDC of the work TDC/MSDC/WSCC and SCC jointly undertook regarding our unsuccessful HIF bid. This included a bid for monies to upgrade the Felbridge junction and MSDC are very aware of the significant obstacle this junction presents for both districts. As such, we are unsure why the profile and significance of the matter does not appear to have been suitably acknowledged.

Policy SA35 relates to the Safeguarding of Land for Strategic Housing Requirements. We refer to our comments made at Reg 19 in relation to policy SA35 and continue to support the thrust of the policy on joint working over the future identification of safeguarded land for improvements at junctions in the A22 and A264 corridors, and that development should not prejudice the delivery of these proposals. The TDC position is that the significance of issues at the junctions mentioned, must be more clearly borne out in the policies of the MSDC Site Allocations Plan. Policies should provide necessary assurances to both residents of Tandridge, and the local areas affected in Mid Sussex, that these junctions will either be mitigated, or sites considered to be undeliverable in the absence of necessary mitigation. We note that in the proposed Modifications no mention is made of our request in our Reg 19 response that:

'We would expect a mitigation option to have been agreed by all parties before the commencement of any development in the vicinity, so that we can be ensured that the impact will be mitigated and contributions towards the highways improvements are sought. As such, that wording to this effect is included within the policies (SA19 and SA20) as a main modification.'

We regard this as extremely important and without it our concerns remain as these sites could come forward with no overall solution to the pre-existing severe Star Junction issues. We recognise that, as the Inspector dealing with the Hill Place Farm appeal made clear, developer funding can only be used to mitigate the impact of their development and not to remedy pre-existing issues with the junction. Thus, if the sites come forward, the developers have the legal high-ground in only implementing mitigation for the incremental vehicle movements. Due to the already overloaded Star Junction this is likely to lead to re-routing, thereby adding significant burden to unsuitable rural roads. Our district acutely understands the impacts of rerouting on the highway network and the A22 and other rural roads are frequently used as alternative routes for high levels of traffic in the event of issues on the M25 and M23. Yet, no regard appears to have been taken to the impacts of this on the struggling Star and Felbridge junctions.

West Sussex County Council, in their response to the DPD at the Regulation 18 stage (page 999 https://www.midsussex.gov.uk/media/4704/req18_summaryreport.pdf) and as reiterated in their Regulation 19 response (page 215 https://www.midsussex.gov.uk/media/5860/evidence-base_redacted.pdf), noted that no scheme has been identified and also the possibility that the necessary significant junction improvements required at the Star Junction will not be delivered. Accordingly, they suggested an alteration but this has also not been incorporated.

We have included the relevant paragraph from their Regulation 18 response below.

“There is currently no scheme identified to improve the Felbridge junction that achieves all objectives and that all parties consider to be deliverable. Therefore, in the absence of evidence to the contrary, the County Council consider that the Site Allocations DPD should also acknowledge the possibility that improvements may not be deliverable at the Felbridge junction. If improvements are not deliverable, the Mid Sussex Transport Study indicates that the likely impacts of development are increasing delays and/or traffic re-routing via less suitable routes which may require mitigation measures such as traffic calming. Therefore, the County Council request that **para 3.16 is amended** to acknowledge that if highway improvements are not deliverable, then alternative transport strategy approaches, such as demand management or a major scheme, may need to be introduced to address pre-existing congestion and mitigate the cumulative impacts of development on the highway network.”

We also question whether the delivery of these sites is justified as the Plan seeks to over allocate against the established needs for the area. The DPD's residual need has been updated (effective from 21 April 21) and has been reduced from 1280 to 797 homes. So the plan is required to provide 797 homes but is allocating 1704. Such constraints to the sites referenced provide sufficient justification for their removal. We consider that the removal of both SA19 and SA20 would also lessen the cumulative impact upon the already severe highways network and upon infrastructure within our district. While we accept that this is not a simple matter, if removal is not possible, then properly robust policies on the commitment to mitigation and improvements, should be implemented.

SA 19 Land South of Crawley Down Road, Felbridge

We reiterate our previous Reg 19 comments regarding the identification of this site as part of East Grinstead settlement but its description as an extension to Felbridge.

“Tandridge notes that site SA19 has been identified as being within the proposed built-up boundary of East Grinstead and as such has the same settlement category (Category 1). However, it is also being described as an extension to Felbridge, with its vehicular access off Crawley Down Road and policy requirements setting out that the any proposals maximise connectivity with Felbridge. It is also noted that, at present, the built-up boundary narrows to a thin line between the main built up area of East Grinstead and development to the south of Crawley Down Road but this boundary is being amended to include an area of land located between this site allocation and the main built-up area of East Grinstead. Notwithstanding this it is noted that policy DP13 of the Mid Sussex Development Plan 2014-2031 seeks to prevent the coalescence of settlements which harms the separate identity and amenity of settlements and the maintenance of this undeveloped gap reinforces the fact that they are separate settlements.”

Our Settlement Hierarchy (2015 and 2018 Addendum) identifies Felbridge as a Tier 3 Rural Settlement which demonstrates a basic level of provision. However, it also recognises the relationship with out-of-district settlements, noting that residents rely on East Grinstead for services such as healthcare facilities, secondary schools and a train station. In arriving at our Preferred Strategy we considered a number of different approaches, including an approach with development focused on our Tier 3 settlements. Our Sustainability Appraisal concluded that such an approach would be unsustainable, with limited gains when compared to the impact on the environment and the settlements themselves. Tandridge's approach therefore does not include directing development towards this settlement."

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District.

We welcome the inclusion of the Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.

SA20 Land south and west of Imberhorne Upper School. Imberhorne Lane, East Grinstead

We continue to support proposals for health and education provision related to this site as set out in our Reg 19 representations.

We also support the proposed Minor Modification regarding monitoring of the use and management of the proposed SANG.

Highways and Access – see comment above regarding the inclusion of wording that a mitigation scheme should be agreed before the commencement of any development on the site. We regard this as extremely important and its current omission as deeply regrettable in terms of impact on communities within Tandridge District

We welcome the inclusion of the proposed Minor Modification which makes it clear that development impacts should be mitigated "to the satisfaction of both" Surrey and West Sussex County Council Highway Authorities.