

Local Plan progress options: Inspector response - ID16, ID19 and ID20

Planning Policy Committee Thursday, 10 March 2022

Report of: Interim Chief Planning Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The Council has been preparing a Local Plan ('Plan') which is undergoing examination by Planning Inspector, Mr Philip Lewis, on behalf of the Secretary of State. In accordance with the resolutions of the Planning Policy Committee and the meetings held on the 5th and 20th January 2022, correspondence was issued to the Inspector (TED50 and TED51) to provide information about the capacity of Junction 6 of the M25 and mitigation of capacity issues, and to seek a response from him on the options before the Council, in terms of how to progress its Plan. A response from the Inspector on these matters was received on 11 February 2022.

This report provides the Committee with a view regarding the Inspector's requirements and proposes next steps.

This report supports the Council's priority of:

- Creating the homes, infrastructure and environment we need – both now and in the future.
- Supporting economic recovery in Tandridge – from lockdown to growth that everyone benefits from.
- Becoming a greener, more sustainable District – tackling climate change.

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Recommendations to Committee:

That in accordance with its delegated powers, the Committee:

- A. notes the content of the report; and
- B. agrees the proposed next steps.

Reason for recommendation:

The correspondence received from the Inspector (ID20) sets out several actions which need to be taken in order to progress the examination. Members are reminded that the Government's date for all local planning authorities to have an adopted Local Plan in place is the end of December 2023.

Officers now need to assess the implications of the Inspector's letter which will include seeking clarity on several matters.

The recommendations ask that Members note the report and agree the proposed next steps.

Introduction and background

1. On 11 February 2022, the Council received correspondence ('ID20' attached at Appendix A) from the Planning Inspector, Mr Philip Lewis in response to the Council's letters to him TED50, agreed by the Committee at its meeting on 5 January 2022, and TED51, agreed by the Committee at the meeting held on 20 January 2022.
2. On 15 February 2022, the Chief Executive issued an acknowledgment to the Inspector ('TED53') which reaffirmed the Council's position to not withdraw the Plan.
3. The Council's correspondence did, also, commit to work through the Inspector's assessment of actions, timescales and next steps.

Correspondence ID20

4. The Inspector has set out some key considerations for the Council, to which he requests a response. At this stage, the Inspector has not found the Plan unsound. Instead, he requires that further work be carried out, some of which the Inspector has already outlined in his preliminary findings of December 2020, document reference ID16.
5. He has confirmed that the work regarding M25, Junction 6, is sufficient for the examination to proceed. However, further work regarding the junction is still needed.

6. Paragraph 7 of ID20 sets out the further information that the Inspector needs to “*determine whether and/or how the examination should progress...*” is:
- Junction 6 M25 mitigation
 - The deliverability / developability of Strategic Policy SGC01: South Godstone Garden Community, including an Action Area Plan and land assembly;
 - Recalculating the Objectively Assessed Housing Need (OAN);
 - Housing Land Supply (HLS), to include calculation of the 5-year HLS;
 - Provision for education facilities; and
 - Provision for Gypsies, Travellers and Travelling Showpeople.

Junction 6, M25 Mitigation

7. Paragraph 10 of ID20 sets out what the Inspector requires. Part of this work includes a breakdown of the broad estimated costs for the proposed mitigation works, including all fees, costs of obtaining any land outside of the control of National Highways, construction costs, any consenting costs and provision for contingency. He also requires a timetable for these works, including any land acquisition required. This piece of work would need to be prioritised. This work has significant outputs and interdependencies with other work, such as viability and infrastructure provision.
8. A risk is raised regarding the time this could take, anticipated to be approximately 6 months, but possibly longer. This work would take place through the resumed examination process. Any slippage could have ramifications for meeting the timetable.
9. In addition, one of the outputs of this work would be to satisfy the Inspector’s wish for clarity on the costs of the mitigation work and its ability to be funded. There is currently no funding stream secured and this work would need to secure the information requested by the Inspector in a timely manner. The level of funding needed, would be informed by the feasibility work.

The deliverability / developability of Strategic Policy SGC01: South Godstone Garden Community (paragraph 11 of ID20)

10. This element of work will require that the Council state where it has reached in initiating the preparation of an Area Action Plan (AAP), for the South Godstone Garden Community, as the policy delivery vehicle for the Garden Community. The Council’s response will inform the Inspector’s views on whether the South Godstone Garden Community is deliverable in the timeframe required by the Local Plan.
11. In terms of satisfying the Inspector about deliverability of the Local Plan, Officers consider the Council should also provide an update on land assembly for the Garden Community and any known progress made by the landowners, promoters and developers in this regard.

12. Officers feel it is essential to seek additional clarification from the Inspector regarding the extent to which he would need to see the AAP progressed and to be satisfied of deliverability.

Calculating the Objectively Assessed Housing Need (OAN)

13. The Council needs to "...recalculate the OAN...using the 2016 based household projections, and secondly having regard to the 2018 based household projections." (Paragraph 12 of ID20). Before doing so, the Council will need to seek clarity from the Inspector:
 - To understand the extent to which he feels the earlier 2016 work, prepared for and discussed through examination, needs to be recalculated and why; and
 - whether the Inspector feels there is any flexibility in the delivery of the Garden Community, especially considering the time which has passed since the examination in public sessions, concluded.
14. Recalculating the OAN is an aspect of work that will need to be prioritised in the short-term, due to the implication it has for wider aspects of the draft Local Plan and any modification processes.

Housing Land Supply (HLS), to include calculation of the 5-year HLS

15. Preparation of an assessment of current Housing Land Supply (HLS) is an annual requirement for the Monitoring Report and Housing Delivery Test Action Plan.
16. This information will be factored into a new supply calculation and trajectory. Any new trajectory will also need to be informed by new site information and increased yields. New site information includes the findings of infrastructure work, or the heritage assessments the Council has been requested to undertake on HSG06 (Land at Salmons Lane) and HSG12 (Land at the Old Cottage, Station Road, Lingfield) and may result in altered yields.

Provision for Gypsies, Travellers and Travelling Show people

17. The Inspector has requested an update on the provision of pitches and plots for the travelling community and showpeople, along with the status of planning applications and appeals etc. This can be collated and provided to the Inspector readily, then updated accordingly as part of the modifications process.
18. In addition, the Inspector requested that we look at the further provision of pitches and plots and early work on this was commenced.

Provision for education facilities

19. Engagement with Surrey County Council as the education authority, will be necessary to provide the Inspector with the information he has requested on the most up to date position on schooling need.

Other matters already identified in the Inspector's report ID16

20. Following the examination, and where officers had knowledge of a need to modify certain policies, work was commenced but has yet to be sent to the Inspector.
21. There are other aspects of work which have not been undertaken such as heritage assessments and the delivery of improvements to the A22/A264 Felbridge junction.

Project plan, staffing and finance

22. In paragraph 26 of ID20, the Inspector says that he expects to agree a strict timetable of the necessary work with the Council and will require monthly updates on progress which will have to be adhered to if the Plan is to progress. In order to ensure the Council can fully consider the implications of the requirements set out by the Inspector a detailed project plan is currently being prepared with the input of strategy, finance and overseen by the Interim Chief Planning Officer.
23. Table 1 shows the existing Local Plan Funding that is available to 31 March 2024, including an allocation of staff costs.

Table 1	Financial Year			Total £'000s
	2021/22 £'000s	2022/23 £'000s	2023/24 £'000s	
Funding envelope for Local Plan	748	452	452	1,652

Fall-back positions

24. To ensure the Council acts with prudence and in the interests of the District, it is recommended that fall back positions be considered.

Next Steps

25. On reflection of the content of this report and the need to act expeditiously in order to avoid losing time within the Inspector's time table, it is intended that the following steps be taken:
- That Officers, via the Chief Executive and Programme Officer, seek clarification from the Inspector on matters identified in this report, as well as any others which arise;
 - Following receipt of clarification from the Inspector, a formal response to his letter of 11 February 2022 regarding the Council's progress/programme, be prepared and issued via the Chief Executive and Programme Officer in consultation with the Chair and Vice Chair and finance regarding the budget for the work. There is merit to move this on and not to postpone it until the next Committee Meeting on 23rd June 2022. It is noted that the Council will be in the 'period of sensitivity' (what has often been referred to in the past as 'purdah') shortly and particular care should be taken in the three weeks before polling day. However, the main purpose of the Council's response is to equip the Inspector with the information he has requested at the earliest opportunity. It is unlikely that such information would be construed as being, party political or otherwise controversial in the context of the local election.
26. It is recognised that Members may have many questions regarding the future progress of the Local Plan and the work involved. As such it is also proposed, that a question and answer session be arranged before the purdah period commences for Members, with Officers of the Strategy Team and finance, the Interim Chief Planning Officer, and the Chief Executive, to facilitate an open and technical discussion around the facets of progressing the Local Plan, to enable them to be more informed

Conclusion

27. This report has set out initial steps being taken to identify if and how the Council can meet the challenge to conclude the examination of the Local Plan by December 2023.
28. The Committee are asked to note the content of this report and agree the next steps to be taken.

Consultation

A draft of this report has been circulated to relevant Officers, as well as the Chair and Vice Chair of the Committee in accordance with the Council's Committee procedures. While early internal discussions regarding the actions identified by the Inspector between Officers have commenced, no further consultation has taken place.

Key implications

Comments of the Chief Finance Officer

Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded.

With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade.

This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.

The measures recommended are supported by the Section 151 Officer provided they are undertaken within the existing approved Local Plan expenditure envelope (as described in paragraph 23) and they demonstrably deliver value for money for the Council.

In conjunction with Planning Policy, the costs will continue to be planned and monitored within the envelope.

Comments of the Head of Legal Services

It is a statutory requirement for the Council to have a Local Plan in place and ensure it is relevant. The statutory provisions under which a Local Plan is made are within the Planning and Compulsory Purchase Act 2004 (as amended) and regulations made under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Environment and Assessment of Plans and Programme Regulations 2004.

The National Planning Policy Framework (NPPF) and Planning Practise Guidance (PPG) contains guidance that must be met to enable a Council to approve a Local Plan, including the 'tests of soundness' that Local Plans are assessed against. A Local Plan must be justified, effective, positively prepared and consistent with national policy.

This report identifies some of the next stages that are required in progressing the Plan. It gives Members a flavour of the issues that need to be addressed and the work required but this is not in any way an exhaustive list. In order to address the Inspector's concerns, a timetable listing the priorities and deadlines should be set out.

The principal risk is that should progress not be made to respond to the Inspector's comments in his correspondence, the Inspector will find the Council's Plan unsound. The Council therefore needs to be seen to make timely progress.

Equality

While the draft Local Plan seeks to, and is required to address equality matters, there are no direct equality issues stemming from this report.

Climate change

There are no direct Climate implications stemming from this report.

Appendices

Appendix A – letter dated 7th February 2022 (ID20) from the Planning Inspector, Mr Philip Lewis

Background papers

None

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