

Local Plan Update

Planning Policy Committee – 24 November 2022

Report of: Interim Chief Planning Officer
Cliff Thurlow

Purpose: To note

Publication status: Open

Wards affected: All

Executive summary:

In September 2022, the Council decided not to proceed for the time being with commissioning further work on the emerging Local Plan, pending clarification of future government policy. It was agreed that letters be sent to the Chief Planner at the Department of Levelling Up, Housing and Communities (DLUHC) and to the Inspector examining the Council's Local Plan.

This report supports the Council's priority of:

Creating the homes, infrastructure and environment we need but prudently managing financial resources.

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Recommendation to Committee:

That the report be noted.

Introduction and background

1. In July 2022, a letter was sent by the former Secretary of State at the Department for Levelling Up, Housing and Communities to the Chief Executive of the Planning Inspectorate ('PINS') advising that, until further notice, PINS should not determine that local plans are unsound and / or suggest that local plans should be withdrawn.
2. This letter introduced a significant degree of uncertainty regarding the plan making process. In particular, it raised the prospect of major policy changes regarding housing delivery targets and the scope for releasing land from the Green Belt.

3. The Local Plan Inspector requires a significant amount of further work to be carried out, costing an estimated £1.3m, to enable the soundness of the emerging Local Plan to be further considered, with no guarantee of this resulting in the Plan being declared sound.
4. Given the severe financial constraints the Council is under and the risk that changes to national planning policy would make the work redundant, it was considered fiscally prudent to await clarification from the Government on future policy. The Chief Executive wrote a letter to the Chief Planner at DHLUC asking for clarification whether changes to national planning policy were to be expected. That clarification has not yet been received by the Council.
5. Following this Committee of 22nd September, the Council also sent a letter to the Inspector examining the emerging Local Plan explaining its position and that it would not, for the time being, be sending monthly updates on progress on the Local Plan work.
6. The Inspector has not yet responded to the Council's letter and has said he is waiting for the Secretary of State's letter to PINS to be withdrawn before he can set out a substantive response.
7. The Council has also clarified to the Inspector that it has not halted all work on the emerging Local Plan but has decided that it would not be prudent to spend more money for the time being commissioning work which may become redundant owing to potential changes to National Planning Policy.
8. Although the Council is not sending regular monthly updates to the Inspector, Officers have continued to discuss with National Highways and Surrey County Council how necessary improvements to junction 6 of the M25 may be funded.
9. After further consideration by these bodies, the Council has been informed that the total cost of the required improvements is likely to be at least £54m.
10. Regarding the emerging Local Plan proposals for Gypsy and Traveller sites, the Council is aware of the recent Court of Appeal judgment on the 31st October 2022 (**Lisa Smith v SSLUHC [2022] EWHC**) regarding the interpretation of the Planning Policy for Traveller Sites ('PPTS') and the application of that policy to gypsies and travellers who have ceased to pursue nomadic lifestyles because of age or infirmity. The Court of Appeal found the PPTS to be discriminatory.
11. The Court of Appeal was very clear in its judgment that it could not quash national planning policy. This will now be a matter for the Secretary of State for DHLUC who may decide instead to ask the Supreme Court to redetermine the Court of Appeal's judgment. Therefore, at the moment, Officers consider that it would be speculative to make any assumptions about what central government's response to the Court of Appeal judgment may be and the timescale for a clear direction of travel with respect to the provisions of the PPTS to emerge.

12. The Council has read and noted the judgment and will keep the matter under close review so that any previous assessment of gypsy / traveller site needs for our Local Plan can be updated to accommodate any forthcoming changes there may be in the PPTS.

Key implications

Comments of the Chief Finance Officer

The Chief Finance Officer's comments on the decision not to proceed for the time being with commissioning further work on the emerging Local Plan, pending clarification of future government policy, were set out in the report to Planning Policy Committee on 22nd September 2022. The comments remain unchanged - that the Council must take decisions based on what represents best value for money at this point and based on a clear understanding of future planning requirements. Without that clarity, avoiding any further financial commitment on activities that may no longer align with Government policy appears to be the most financially prudent course of action.

Comments of the Head of Legal Services

There are no legal issues associated with this report. The report simply provides Members with an update on the work to support the delivery of the Local Plan.

Equality

Duty under the Equalities Act 2010

In assessing this proposal, the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Background papers

None