

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 18th January 2024 at 7:30pm.

PRESENT: Councillors Sayer (Chair), Chris Farr (Vice-Chair), Blackwell, Booth, Sue Farr, Gray (in place of Botten), Alun Jones, Moore and Prew

PRESENT (Virtually): Councillor Steeds

ALSO PRESENT: Councillor Nicholas White

ALSO PRESENT (Virtually): Councillor Windsor

APOLOGIES FOR ABSENCE: Councillors Botten and Robinson

At the beginning of the meeting, the Chair confirmed that Item 14 (Oxted Quarry Discussion) had been withdrawn from the agenda.

211. MINUTES OF THE MEETING HELD ON THE 16TH NOVEMBER 2023

These minutes were confirmed and signed as a correct record.

212. CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK

Information was presented about the implications for Tandridge regarding recent revisions (December 2023) to the NPPF, with commentary on specific paragraphs within Sections:

- 1 Introduction
- 2/3 Sustainable Development / Plan Making
- 5/6 Supply of Homes / Economy
- 8 Communities
- 12-15 Design / Green Belt / Climate Change & Flooding / Natural Environment.

Information was also provided about:

- the Secretary of State's speech and written ministerial statement on 19th December 2023 which accompanied publication of the revised NFFF; and
- the Government's responses to feedback to its consultation (December 2022 to March 2023) on updating the NPPF, including original proposals which had not been implemented.

The Chair drew attention to the implications of paragraph 61 of the new NPPF (Section 5), namely that the outcome of a housing needs assessment (to be based on the 'standard method') would only form an advisory starting point for deriving a housing requirement within a Local Plan.

RESOLVED – that the recent changes to Government policy and guidance be noted.

213. CHANGES TO GOVERNMENT PLANNING POLICY ON TRAVELLER SITES

This policy had been updated in December 2023 with a revised definition for Gypsies & Travellers. Members were advised that, in line with a Court of Appeal decision in October 2022 (Smith v. Secretary of State for Levelling Up, Housing and Communities) the new definition reverted to defining Gypsies & Travellers as all those of a travelling background, not just those currently travelling, i.e.:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

In determining whether persons fell within the revised definition, the glossary to the updated policy stated, *“consideration should be given to whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of life; and whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”*

The Committee was also informed that a new Gypsies & Traveller Accommodation Needs Assessment of the District was underway. This would reflect the revised statutory definition and would also assess the accommodation needs of Travelling Showpeople. Officers acknowledged that work to meet identified accommodation needs would commence in the near future (i.e. in advance of the next Local Plan) and that the production of an 'interim housing position statement' for Gypsies, Travellers and Travelling Showpeople was being considered. It was clarified that the three pieces of work would be funded from existing budgetary provision for the Local Plan process.

RESOLVED – that the new definition of gypsies and travellers (made in the Government’s December 2023 update of the Planning Policy for Travellers) be noted.

214. BIODIVERSITY NET GAIN UPDATE

A report was presented which updated the Committee about preparations for the introduction of BNG regulations, together with commentary about the scope for exceeding the mandatory 10% BNG requirement and the likely supply of off-site biodiversity units (via both the public and private sectors) to offset losses arising from development. The report confirmed that:

- finalised Government guidance for the implementation of BNG was still awaited;
- work was underway to establish internal processes and guidance notes;
- a draft validation checklist for BNG requirements had been produced;

- other immediate priority tasks included guidance for developers and landowners; training for Members & Officers; and producing a cost calculator for BNG monitoring;
- partnership work with Surrey County Council was ongoing and other Surrey Boroughs / Districts and local Parish Councils would be engaged to seek a joined up approach to BNG and wider nature recovery;
- the costs of monitoring and enforcing biodiversity gains, both on and off-site, could be recovered via Section 106 Agreements (such costs and associated charges would have to be reviewed regularly and processes would have to be managed effectively to maximise cost recovery and minimise risk).

The report also advised that officers were engaging local landowners and other interested parties regarding the potential for establishing habitat banks for the private sale of off-site biodiversity units for allocation to developers as and when required.

It was confirmed that Officers were still committed to submitting further reports to future meetings regarding the viability of:

- exceeding the mandatory 10% BNG requirement (the Chief Planning acknowledged that a 10%+ requirement could have an adverse impact upon the capacity to deliver 100% affordable housing schemes and that a flexible approach to BNG obligations may need to be taken); and
- undertaking a District wide baseline habitat assessment and habitat bank study.

The minutes of the previous Committee meeting (159) envisaged that such reports would be provided for the 18th January and 21st March 2024 respectively. However, given other competing planning policy requirements, the submission of those reports would now be delayed.

The potential advantages of a joined-up approach with the other three East Surrey authorities regarding BNG were discussed, especially in the context of pursuing BNG requirements in excess of the mandatory 10%.

RESOLVED – that the report be noted.

215. GATWICK DCO PROCESS

A report was submitted to update Members about Gatwick Airport Limited's (GAL) Development Consent Order (DCO) application to the Planning Inspectorate (PINS) for its Northern Runway Project. The report highlighted the Council's participation in the process, including as part of the Joint Authority Consortium (JAC).

GAL had published revised proposals on 13th December 2023 which were the subject of a further public consultation ending on the 21st January 2024. It was anticipated that, following consideration of responses, GAL would submit its revised proposals in February 2024 for PINS to determine whether the changes would be made to the DCO application prior to examination. The report included confirmation that:

- (i) the JAC was considering a possible joint response to GAL's revised proposals, with the exception of Crawley Borough Council which would make an individual submission;
- (ii) Surrey County Council was working in partnership with Tandridge, Mole Valley and Reigate & Banstead Councils to draft a Joint Local Impact Report (this would include separate sections regarding impacts upon the District, informed by TDC's noise and air quality specialists);
- (iii) TDC's legal team would be responding to GAL's first draft and subsequent iterations of the Section 106 Agreement and would be a signatory to the final version;
- (iv) PINS, as the 'Examining Authority' had issued a 'Rule 6 Letter' on 5th January 2024 detailing how the application would be examined, including information about a preliminary meeting on 27th February 2024; an indicative examination timetable with associated deadlines for submitting relevant documents; and its initial assessment of principal issues.

The Chief Planning Officer agreed to seek clarification from Surrey Highways about the extent to which 'traffic and transportation' (identified as one of the 'principal issues' referred to in (iv) above) would include coverage of local road networks.

Councillor Nicholas White drew attention to an email from CAGNE (Communities Against Gatwick Noise and Emissions) sent to Councillor Sayer earlier in the day, requesting that the Council mirrors its representations to the PINS by 7th February. Given that most Councillors were not privy to the email or the issues for which CAGNE was seeking support, the Committee decided to delegate consideration of the matter to the Chief Planning Officer in consultation with Committee members.

RESOLVED – that:

- A. progress on the workstreams be noted;
- B. GAL's revised proposals and new consultation period be noted; and
- C. authority be delegated to the Chief Planning Officer, in consultation with Members of the Committee, to determine whether the Council should mirror some, or all, of CAGNE's representations to PINS as per its e-mail to Councillor Sayer dated 18th January 2024.

216. PLANNING PERFORMANCE REPORT

The Committee considered a report with key planning performance indicators for the third quarter of 2023/24 (1st October – 31st December 2023) as collected by the Department of Levelling Up Housing and Communities (DLUHC). The KPI outturns were in line with DLUHC's required performance levels for planning applications and demonstrated a continuous improvement in the delivery of the planning service.

A broader performance update on the work of the planning service was also provided. This confirmed that further progress had been made throughout Quarter 3 to reduce the backlog of planning applications, including a successful grant application to DLUHC's Planning Skills Delivery Fund.

In response to questions from Members, the Chief Planning Officer explained:

- (i) ongoing efforts to recruit planning staff; and
- (ii) the Government's '*quality of decision-making*' KPI which measured the number of major planning application appeals allowed, expressed as a percentage of the total number of major decisions in a rolling two-year period (the required standard was 10% or below, failure against which risked being placed in special measures).

The Chair expressed the view that (ii) above should not deter the Council from contesting applications at appeal when necessary and that a robust approach should be maintained in resisting inappropriate development.

RESOLVED – that the Quarter 3 (2023/24) performance indicators for the Planning Policy Committee be noted.

217. PLANNING POLICY COMMITTEE - 2024/25 PROPOSED GENERAL FUND BUDGET AND MEDIUM-TERM FINANCIAL STRATEGY

A proposed 2024/25 revenue budget and capital programme for the Planning Policy Committee was presented. This comprised:

- a revenue budget of £1.817m (an increase of £479k above that for 2023/24 which reflected the need to rebase the budget in light of ongoing financial pressures, including the need for increased provision for appeals/legal costs; strengthening the development management / planning enforcement functions; covering inflation on non-staff costs; and changes to Land Charges income);
- proposed fees and charges; and
- a (Community Infrastructure Levy) capital programme of £1.6m for 2024/25.

Paragraph 1.10 of the accompanying report confirmed the principles upon which the overall Council budget (due to be considered by the Strategy & Resources Committee on 30th January and Full Council on 8th February) were being prepared, including a balanced revenue budget without a call on general fund reserves.

RESOLVED – that:

- A. the proposed Planning Policy Committee's revenue budget for 2024/25 of £1.817m, as shown in Appendix A to the report, taking account of pressures allocated to the Committee be agreed, and it be noted that further allocations will be made to distribute an amount equal to increments and the agreed Council pay award, subject to approval by Strategy & Resources Committee and Council;
- B. the Planning Policy Committee's fees and charges for 2024/25, as shown in Appendix C to the report, be agreed;

- C. the Planning Policy Committee's (Community Infrastructure Levy) Capital Programme for 2024/25 being the sum of £1.6m as shown in Appendix D to the report be agreed, subject to approval by Strategy & Resources Committee and Full Council; and
- D. the Subjective Revenue Budgets in Appendix B to the report, setting out movements from 2023/24 to 2024/25 and an estimated movement to 2025/26, be noted.

218. REVIEW OF DELEGATION OF POWERS TO THE PLANNING POLICY COMMITTEE

Proposed amendments to the Committee's scheme of delegation, with an associated recommendation regarding the delegation schemes for the other three policy committees, were presented.

COUNCIL DECISION (subject to ratification by Council)

RECOMMENDED – that:

- A. the following additional item be added to the list of matters reserved for the Planning Policy Committee to recommend to Full Council:

“publication of draft Local Plans under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012”

- B. the following amendments be made to the list of matters reserved for the Planning Policy Committee to resolve:

- 1. item (ii):

Preparation and review of Local Development Documents, *subject to the publication of draft Local Plans (under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) having to be recommended to Full Council*

- 2. item (vii):

The seeking of Deemed Planning Consents *planning permission by, or on behalf of, the Council*

- C. the proposed replacement wording in B2 above for the seeking of Deemed Planning Consents (i.e. to read, *“The seeking of planning permission by, or on behalf of, the Council”*) be also made to the corresponding clauses within the ‘To Resolve’ sections of the delegation schemes for the Community Services, Housing and Strategy & Resources Committees.