

Tandridge District Council. Examination of 'Our Local Plan:2033'

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Mr David Ford

Chief Executive

Tandridge District Council

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Dear Mr Ford

Examination of the Tandridge District Council Our Local Plan: 2033

1. As I set out in my letter of 31 March 2023, I am writing in response to your letter dated 24 March 2023 in respect of the examination of the Tandridge District Council Our Local Plan: 2033. I have issued this letter after the period of sensitivity for the local elections.
2. As I set out in my previous letter, the examination was paused to attempt to address the significant soundness concerns that I set out in my post hearings letter of December 2020 (ID16) and remains so. However, despite the agreement of a programme of works (TED55), there was not sufficient progress made to enable me to hold the further hearings which were pencilled in for November 2022. The Council has been considering how it may progress the local plan, and has decided that it would not be prudent to spend more money for the time being on work which may become redundant owing to potential changes to national planning policy.
3. I have been clear in previous correspondence that further work is necessary for the examination to continue, and that this work is necessary for me to conclude whether or not it would be possible to make the Plan sound by making main modifications to it, and if I were to find that the Plan could be made sound, what main modifications would be necessary. Whilst you say that the examination is at an advanced stage, it would be fair to say that considerable work would still be needed to progress the Plan to adoption, if I were to conclude that it could be made sound.
4. You will be aware that the instructions of the Secretary of State to Examining Inspectors not to send letters or reports which conclude that local plans are unsound and incapable of being made so, and/or which advise councils that local plans should be withdrawn, have now been removed. In her letter to PINS of 6 March 2023, the Chief Planner at the Department for Levelling Up, Housing and Communities reiterated that the Department still expects Inspectors to deal with examinations pragmatically continuing to focus on addressing shortcomings in

plans to ensure plans can be adopted and communities can benefit from up-to-date local plans.

5. The Plan as submitted is unsound for the reasons that I have already set out, and the Council has not commissioned the work necessary to address my soundness concerns. In these circumstances, I have not been able to see how the Plan could be made sound. Furthermore, with the passage of time, the submitted Plan and evidence base has become increasingly dated, which has further implications for the examination. In these circumstances it is open to me to write to you setting out the findings of the examination and to bring it to a close.
6. However, the Council has set out its suggestions for progressing the local plan to adoption in your letter of 24 March 2023, by amending the Plan so that it would be 'shortened and modified'. Despite the position reached in the examination, I will give your suggestions further consideration after which I will decide whether or not the examination should proceed.
7. As I have set out before, the starting point for my examination is that the Council had submitted a Plan which it considered to be sound and ready for examination. At this stage changes can only be made to the submitted Plan by main modifications recommended by the Inspector or additional modifications made by the Council on adoption. Although there are areas of the submitted plan which I find unsound, there are others which are sound, and I do not have the power to recommend changes to those parts of the Plan. Consequently, such matters cannot be removed from the Plan. If the Council no longer wishes to include such sound parts of the Plan in an adopted plan, the only recourse is to withdraw the Plan.
8. Whilst the Government is considering possible changes to its national planning policy as set out in the National Planning Policy Framework (NPPF), national policy has not yet been changed, and the examination continues against the version of the NPPF published by the Government in 2012 as per the transitional arrangements set out in paragraph 220 of the current NPPF. The Government is presently considering the consultation responses to its proposed changes to the NPPF, and it remains unclear as to what the implications, if any, would be of changes to the NPPF for the examination of the Plan.
9. As a next step for the examination, I shall hold a procedural meeting with the Council to discuss options for the examination. It is not the purpose of a procedural meeting to discuss the soundness of the Plan, but only to discuss the procedural options for the Plan with the Council. Consequently, I will not invite representors to participate in the meeting, though it will be open to observe. I will contact you via the Programme Officer to arrange the meeting, which I intend will be towards the end of June. However, in the meanwhile, the examination remains paused.

10. It would be helpful to me in preparing for the procedural meeting if the Council could provide a document which details your suggestions for progressing the examination. In the document, please indicate how you wish to amend the Plan and why, this should include why your suggested changes are necessary for soundness. I will provide an agenda for the procedural meeting nearer the time of the meeting.

11. On receipt of this letter, the Council should make it available to all interested parties by adding it to the examination website. However, I am not seeking, nor envisage accepting, any responses to this letter from any other parties to the examination at this stage. I will set out when representors will be able to next input into the examination after the procedural meeting.

Yours sincerely

Philip Lewis

INSPECTOR