

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. Thank you for your letter dated 21 January 2022 regarding the examination of the Tandridge District Council Our Local Plan: 2033 (the Plan), and submission of the technical assessment of potential interim mitigation measures for Junction 6 of the M25.
2. Progress of the examination has been awaiting a study of the capacity of Junction 6 of the M25 and assessment of mitigation measures, following the rejection of the Housing Infrastructure Fund bid. The technical assessment sets out a potential solution to the capacity issues at Junction 6 sufficient to enable the examination to proceed. I will go on to explain how that could happen should the Council choose to do so.
3. In terms of the other options for the examination suggested, I set out my views on amending the Plan so that it had a shorter plan period in my letter of 13 September 2021 (ID19). I shall not rehearse those here, but do not support the suggestion for the reasons that I have already stated. It may be that I recommend that the Plan is subject to an early review policy if that is necessary to make it sound, but given the point reached in the examination, I am not in the position to reach such a conclusion, so I discount that option too at this stage. This may however be an outcome of my examination in due course.
4. In my view, the options before us are that the examination of the submitted plan is progressed, or that the Plan is withdrawn and a new one prepared.

Continue the examination of the submitted Plan

5. Now that the work has been undertaken in respect of Junction 6 of the M25, I consider that it is feasible that an adopted Plan could be in place by December 2023 to meet the Government target. However, this is subject to my soundness concerns being addressed, and there is no certainty that an adopted Plan can be achieved.

6. I identified a number of matters in my preliminary conclusions and advice letter of 11 December 2020 (ID16) to which I need a response before I can reach firm recommendations on the soundness of the Plan. It is more than two years since the hearings closed and in addition to the technical assessment of Junction 6 of the M25, other evidence has emerged in respect of certain matters, which may have a bearing on the examination, and on which representors have not had the opportunity to comment. This is one of the problems involved in holding a very long examination.
7. There are a number of issues on which I need to reach a conclusion to determine whether and/or how the examination should progress thereafter. These are concerned with:
 - Junction 6 M25 mitigation;
 - The deliverability / developability of Strategic Policy SGC01: South Godstone Garden Community;
 - Calculating the 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;
8. I consider it necessary to hold further hearing sessions in respect of these issues, though it may be that the provision of pitches or plots for Gypsies and Travellers and Travelling Showpeople could be dealt with in writing at this stage (subsequent hearings may be necessary if any site allocations are proposed).
9. If the Council wishes to proceed on this basis, I would need additional information from you to inform the preparation of the Matters, Issues and Questions, (MIQs) for the further hearings, and to help representors in drafting statements. I set these out below.

Mitigation works for Junction 6 of the M25

10. Please provide:
 - A breakdown of the broad estimated costs for the proposed mitigation works. This should include all fees, costs of obtaining any land outside of the control of National Highways, construction costs, any consenting costs and provision for contingency.
 - A programme for the provision of the works to include any consenting and land acquisition, the intended date of them being completed and a justification for the timescales suggested.
 - A Statement of Common Ground (SOCG) between the Council, National Highways and Surrey County Council to confirm agreement that the

potential interim solution would address capacity issues at Junction 6, sufficient to allow the growth envisaged in the Plan to proceed without there being residual cumulative impacts of development which are severe¹.

- Clarification of how the costs of the proposed works would be met, how the Plan should be amended to secure this, and what effect, if any, they would have on the viability and delivery of the Plan and its proposals. You may wish to provide an updated viability assessment.

South Godstone Garden Community

11. Updated timescales for the preparation of the Area Action Plan and delivery of the proposed Garden Community scheme within the plan period and beyond.

Objectively Assessed Need (OAN)

12. I set out in ID16 advice on how the OAN should be calculated with the 2016 based household projections as the starting point as discussed at the hearings. I have also sought the views of the Council regarding the implications of the publication of the 2018 based household projections (ID14) with your response being set out in TED42. Firstly, would the Council please recalculate the OAN as per my advice using the 2016 based household projections, and secondly having regard to the 2018 based household projections. The Council and the Tandridge Housing Forum provided a useful SOCG on OAN which clarified the areas of agreement and disagreement. I would encourage the preparation of a further SOCG with representors in this regard.

Housing land supply

13. Please provide me with an up-to-date calculation of the housing land supply, using the completions since the plan base date and commitments taken from the latest available annual monitoring data, revised capacity for the proposed housing allocations, and having regard to my specific advice in respect of the different components of the housing land supply set out in ID16. Indicate whether the sites are considered to be deliverable or developable as per the National Planning Policy Framework (NPPF) 2012 definitions and provide evidence as appropriate (after adoption, the 5YHLS would be calculated against current national policy and definitions of deliverable and developable, and the Council may wish to consider the implications of that for demonstrating a 5YHLS). This is to assist me in establishing a residual requirement for the plan period taking into account completions and to confirm the overall supply available. Please do not provide further evidence to attempt to justify the figures which were set out in the submission Plan, such as in regard to Council House Building which we have already discussed, unless there has been a clear change in circumstances. Please also provide an updated housing trajectory.

¹ NPPF 2012 paragraph 32

Provision for Gypsies, Travellers and Travelling Showpeople

14. Please provide me with an update on the provision of pitches and plots for Gypsies, Travellers and Travelling Showpeople, to include the status of current planning applications before the Council (and intended determination dates) and any planning appeals.

Education provision

15. As I set out in ID16 please provide me with an assessment of the need for the proposed school sites in the context of the existing provision and capacity of primary schools in Tandridge, and forecast growth in need arising through the Plan period.

Other matters

16. I have also sought some further work from you through ID16 relating to the proposed allocations and development management policies. Please confirm when you will respond to these matters. It may be necessary to hold some further hearing sessions in respect of some of these issues too, and to discuss other discrete matters, such as any proposed Gypsy and Traveller site allocations, prior to completing the preparation of Main Modifications (MMs). Any further proposed allocations should however be subject to consultation prior to being considered at any further hearing to ensure fairness.

Subsequent stages of the examination

17. After the further hearings I would write to you to set out my views on whether the examination should progress, and if so, how that should occur. As I set out above, that may include further consultation and hearing sessions.
18. Subsequent to this, the next stage would be formal consultation on the MMs necessary to make the Plan sound. Further changes to the Policies Map should also be subject to consultation, along with an updated Sustainability Appraisal and Habitats Regulations Assessment.
19. The MMs consultation would be followed by me finalising my report to the Council, after which I would provide my report, formally ending the examination. The Council would then consider my report and adopt the Plan.

Withdrawing the Plan

20. I turn now to my thoughts on the withdrawal of the Plan. The submitted Plan covers the period to 2033, and so would look ahead about 10 years from adoption. There is a legal requirement for Local Plan Policies to be reviewed to assess whether they need updating at least once every five years², and they should then be updated as necessary. As the Plan is being examined under the transitional arrangements set out in paragraph 220 of the revised NPPF,

² Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

there is likely to be some inconsistency with current national policy upon adoption, with implications for the need to review policies, and for the application of paragraph 11 d) of the Revised NPPF in development management. Consistent with current national policy, the housing land supply would revert to being assessed against local housing need after 5 years in the circumstances set out in paragraph 74 and footnote 39 of the NPPF.

21. Should I find the Plan sound this may be subject to its prompt review. The Council may wish to consider whether its resources would be better deployed on a Plan with a longer timeframe and one which would be consistent with current national policy, and not requiring a prompt review. The preparation of a new Plan may also align better with the plan making of neighbours as the examination of plans submitted in the same 'round' as Tandridge finish. The Government is of course working on reforming the planning system and the outcome, implications or any transitional arrangements relating to plans in preparation are at present unknown.
22. The examination of the submitted Plan is still ongoing. Whilst I may conclude that the Plan can be amended so that it is capable of being found sound, I may however conclude that it is not and recommend that it is withdrawn. I may also conclude that further provision of housing may be needed, or that the Plan should be subject to immediate review. Whilst the examination may proceed, there remains uncertainty.
23. Although the Council has made considerable investment to date in preparing the Plan, much of the work undertaken would be helpful in the preparation of a new plan, which could be produced more quickly as a result of the existing evidence base, than starting completely a fresh.
24. As I've set out above, the Council has a significant amount of work to do, further hearings are necessary and there is the need for further consultation. At this stage I cannot be sure what my conclusions will be. The examination has already been running for 3 years, and at the earliest reasonable estimate it could be Spring 2023 before the Plan is adopted. A 5-year duration for an examination is extraordinary and much can change over that time. Consequently, carrying on is not a straightforward option. However, I will leave it with the Council to decide whether it would rather carry on with the examination or withdraw the plan.

Conclusion

25. Throughout the examination, I have sought to be pragmatic, taking the view that should the Plan be capable of being made sound, I should invite the Council to undertake the work necessary to do so. The provision of the technical assessment data for Junction 6 of the M25 allows the examination to progress once more. However, the examination has been under way for over three years and if it continues, I expect it to be concluded by December 2023,

as per the Governments deadline for all authorities to have up to date local plans in place. This is feasible in the time available, but would require the full commitment of the Council to achieving this. It is essential that we agree a project plan and the key milestones necessary.

26. To perpetuate the examination beyond the end of 2023 would not be in the interests of the proper planning of the area and would serve to cause unnecessary uncertainty for local people and those involved in the development process in the District. Consequently, if the examination is to progress to its conclusion, I expect to agree a strict timetable with you and will require monthly updates on progress. I should make it clear that if progress falters and it appears that it is not reasonably possible to make the submitted Plan both legally compliant and sound, including where a lack of appreciable progress is being made, I would prepare a report which sets out the reasons why, and recommend that the Plan is withdrawn.
27. I look forward to your prompt response as to how the Council wishes the examination to proceed. If the Council chooses to progress the Plan, I would want to achieve early agreement as to the work needed, provision of resources, and a detailed program for it being done so as to provide certainty.
28. I am not seeking a response to this letter from any other parties and will not receive any comments on it. Nevertheless, I am happy to provide any necessary clarification to the Council via the Programme Officer. The Council should make this letter available to all interested parties by adding it to the Examination website.

Yours sincerely

Philip Lewis

INSPECTOR