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Tandridge District Council

Local Plan - Progress Review

December 2016

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Introduction

- 1.1 Planning Officers Society Enterprises (POSe) has been invited to review the Council's (TDC's) progress towards submitting its Local Plan.
- 1.2 The Council asked that the review addresses the following questions.
 - the appropriateness of the overall approach being taken to the preparation of the plan, including the approach to analysis
 - the evidence base, in terms of its completeness, compliance with national policy and fitness for purpose, and how it has been used to shape the emerging plan
 - the consultation to date on the plan and the intentions for further community engagement,
 - the project plan and intended next steps
- 1.3 POSe is a not-for-profit consultancy working exclusively in the public sector. Keith Nicholson, an Associate of POSe, undertook the review. Keith has been critical friend advisor on Local Plans to many planning authorities across the country. He is a Project Officer for two POS Supported Learning Groups (SLGs) - the national Development Management and Localism SLG and the Local Plans (North) SLG. Keith undertook a review of TDC's Local Plan work programme on behalf of PAS in January/February 2015.
- 1.4 The exercise involved a 'desk' review of the Council's local plan documents published up to and including its 'Sites Consultation' report (4th November 2016). A workshop session was held in the Council offices on 9th November 2016 to provide the reviewer with a more detailed briefing, including an insight into the resources available to the Policy Team and the concerns of lead Members. The workshop was led by the reviewer and involved the Acting Vice-Chair of the Council's Planning Policy Committee plus the Chief Planning Officer, the Strategic Planning Manager and members of the Local Plan team.
- 1.5 The review of documents was limited by time and afforded only a broad impression of the evidence base and analysis work that lies behind the published documents. In consequence, the views expressed in this report cannot be regarded as either a critical assessment of the evidence base or a definitive legal opinion. Nevertheless, clients have found such reviews, undertaken by an experienced reviewer, useful in guiding the progress of local plans towards a successful Examination and final Adoption.

Approach to determining the Local Plan

- 1.6 The Council undertook a first stage (Regulation 18) consultation, between December 2015 and February 2016, on an 'Issues and Approaches' document. That document provided an insight into TDC's view of the issues facing the District and what it believed the Plan should contain to address these issues.
- 1.7 The list below summarises some of the key actions stemming from the analysis of comments received in response to this consultation.
 - The need to undertake a site-based consultation, prior to determining the preferred strategy to be included in the Local Plan.

- The need to consider current open spaces more fully and explore other typologies to include cemeteries and allotments;
 - The need to undertake further work and consultation to explore the idea of a new settlement or urban extension (Strategic Sites) as a reasonable alternative;
 - To consider whether there is a need to 'safeguard' land for beyond the plan-period.
- 1.8 A full record of comments received and a description of how the Council carried out the consultation is set out in a 'Statement of Consultation for the Local Plan: Issues and Approaches'
- 1.9 In the light of these findings, TDC decided to repeat the Regulation 18 stage with a 'Sites Consultation' document. This was launched on 4th November with a deadline for responses of 30th December. Participation in the consultation will be encouraged by a series of eight drop-in sessions with planning officers in attendance.
- 1.10 Taking a two-staged Regulation 18 approach is not unusual amongst local planning authorities but it does extend the local plan process. The new approach, combined with some very challenging staff resource pressures, prompted the need to revise the Local Development Scheme. The Scheme now (June 2016) indicates that the Local Plan will be adopted in the first quarter of 2019; a delay of just over 12 months.
- 1.11 The Council's decision to take a two-staged Regulation 18 approach reflects its wish to engage with communities on some alternative spatial options prior to it determining its preferred spatial strategy. This decision is commended. It will help TDC move towards a single Regulation 19 stage with greater confidence and less uncertainty. A further benefit has been to enable the Council to engage with people on the sensitive Green Belt review in a more measured way.

Evidence Base

- 1.12 The evidence used to substantiate the Council's judgement on candidate development sites/areas is recorded in a series of study documents published alongside the 'Sites Consultation' document. The document list is comprehensive and appears complete.
- 1.13 The 'Sites Consultation' is also supported by the following documents:
- Spatial Approaches Topic Paper 2016;
 - Tandridge Landscape Capacity and Sensitivity Study (October 2016);
 - Site Based Ecology Assessments Volume 1 and 2 (September 2016);
 - Green Belt Assessment (Part 2): Areas for Further Investigation 2016; and
 - Housing and Economic Land Availability Assessment (HELAA) - October 2016.
- 1.14 These documents report studies recently completed or updated and appear to have drawn upon widely-respected methodologies. Only two principal studies have not been updated in 2016 - the Strategic Housing Market Assessment (SHMA, 2015) and the Economic Needs Study (2015). This makes good sense. Neither study informs the judgement about site suitability and it will be extremely important to base the draft Local Plan (Regulation 19) on contemporary information about the housing and economic needs of the district.
- 1.15 One particularly note-worthy supporting document is the Spatial Approaches Topic Paper. This paper sets out how the evidence was applied; explains the Council's thinking about the suitability of individual and strategic sites; and, finally, explains the application of government policy to settlements in the Green Belt. It provides an excellent context for both the main consultation document itself and the sensitive Green Belt Assessment.

Public Engagement

- 1.16 Over the course of the 'Issues and Approaches' consultation, 5,202 comments were received, from 3,171 individuals and interested parties. The Council's software package (Objective) has helped the team analyse these responses. Although 20% of responses were made within the 'Objective' format, the remainder were submitted in email or letter format. These had to be entered manually into the 'Objective' system.
- 1.17 This number of comments, coupled with a highly educated and articulate population, suggests that Council does not have difficulty engaging with local communities. However, in such circumstances, the Council's resolve to engage with 'hard-to-reach' groups should assume even greater importance lest their interests are masked by more articulated representations.
- 1.18 The Council has used a wide range of conventional methods and channels to help spread the word about the local plan consultation. In addition, where appropriate, TDC has shared information via *streetlife* and *twitter* to explain how people could get involved and to respond to discussion threads to dispel myths, clarify facts and refer people to where further information could be obtained.

Duty to Cooperate

- 1.19 The Duty to Cooperate (DtC) is a mechanism by which larger than local (strategic) issues are investigated and taken into account at the local level in the preparation of Local Plans. On occasions, agreement to a common approach between neighbouring authorities is essential in meeting housing, employment and infrastructure needs.
- 1.20 Demonstrating how the duty has been met, throughout the preparation of a Local Plan, is one of the first tests of soundness. A significant number of authorities have failed this test and had to return to an earlier stage in the process before re-submitting their local plan for examination some-time later.
- 1.21 The policy team has committed considerable resources to exercising this duty and has illustrated its commitment in comprehensive records of discussions and agreements. That said, the most difficult decisions (about the delivery of unmet housing, employment and other needs) are yet to be confronted. These discussions cannot commence until the Council has determined its preferred strategy.

The Remaining Programme

- 1.22 A Draft Local Plan (Regulation 19) is scheduled to be published in October 2017 with the formal Submission of the Local Plan due to follow in January 2018.
- 1.23 Project planning tools have been used by the Strategic Planning Manager to understand and maintain control of the multitude of tasks necessary to complete the programme on time. There appears to be no significant omissions from the current Project Plan.
- 1.24 Officers are confident that the Council is in a position to fund the completion of the local plan within current budgets and report that the necessary resources are being made available.

Risks to Programme

- 1.25 When plan-making, local planning authorities should positively seek opportunities to meet the development needs of their area unless specific policies in the National Planning Policy Framework (NPPF) indicate development should be restricted. Footnote 9 to paragraph 14 lists sites designated as Green Belt as one of these 'restricted' exceptions. For development control purposes, National

Planning Policy Guidance (NPPG) sets out a general presumption against inappropriate development in the Green Belt unless an applicant can, in very special circumstances, demonstrate that the benefits of the development clearly outweigh the harm caused to the Green Belt.

(<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/9-protecting-green-belt-land/>)

- 1.26 That said, the Government continues to come under pressure to allow house building in the green belt to address the growing scale of unmet housing need in the south east of England and it may yet risk the wrath of Home Counties communities by relaxing GB policy. At the very least, appeal inspectors, if asked to consider development on sites that TDC has identified as not serving any Green Belt purpose (Amber sites, Category 2 in the 'Sites Consultation' document) may give some weight to this emerging evidence.
- 1.27 **Recommendation.** For these reasons, TDC should to maintain its effort to complete the Local Plan, as soon as possible so that it can retain control over development and show it has explored every opportunity to meet local housing need. Only in this way can it continue to resist successfully unacceptable development and deflect the wider pressures elsewhere.
- 1.28 During period of high staff turnover, the analysis of evidence data may have to be carried out by several different officers over an extended period of time. This can lead to inconsistencies. **Recommendation.** Where this has occurred, each affected piece of analysis work should be revisited by a single member of staff with instructions to identify and make good any inconsistencies.
- 1.29 Not only must the Council derive its Preferred Strategy from the evidence (including the responses to the Regulation 18 consultations) but it must test the strategy and all reasonable alternatives against planning policy considerations, statutory appraisals and the DtC. Completing this work in time to commence the Regulation 19 consultation in October 2017 is an enormous challenge ... for Members as well as the policy team.
- 1.30 The Council will need to choose the Preferred Strategy in the first few months of 2017 if it is to be exposed to the necessary tests before the autumn. Were the proposed housing land supply trajectory to show a shortfall in meeting the OAN, some key Members are likely to become heavily engaged in DtC negotiations with neighbouring authorities about the distribution of any unmet housing need. **Recommendation.** A detailed programme of meetings for Members should be drawn up (and endorsed) before the end of 2016. Cancelling meetings is always preferable to arranging them at short notice.
- 1.31 Development proposals for a third Strategic Site (at Redhill Aerodrome) are emerging and may gain support during the current consultation period. Although the site is identified in the Housing & Employment Land Availability Assessment (HELAA), it has not been evaluated to the same degree as the two other two strategic sites identified in the Sites Consultation document (Blindley Heath and South Godstone).
- 1.32 Irrespective of whether or not the Council supports its allocation, the Council could face a legal challenge from one or more disappointed strategic site owners on the grounds that not all alternatives have been exposed to analysis and evaluation on a comparative basis. **Recommendation.** Consideration should be given to taking legal advice as to whether or not it is safe to proceed to submission without undertaking a further Regulation 18 consultation on the three Strategic Sites alone. Alternatively, the Council might proceed to submission by allocating land to meet only the first (say) 10 years' housing need, coupled with a commitment to an early review of the Local Plan. A revised Local Plan would be submitted when suitability and deliverability studies have been completed (and exposed to consultation) on all three Strategic Sites to determine which should be allocated to meet housing need beyond Year 10.
- 1.33 One of the bigger threats to a timely transition between the Regulation 18 and 19 and between the Regulation 19 and 22 stages is the prospect of staff resources being overwhelmed by the number and

complexity of consultation responses. **Recommendation.** The Council should actively promote the use of the 'Objective' format ... and deter the use of email and letter ... for capturing responses to the Regulation 19 consultation.

- 1.34 Social media is assuming an ever-increasing role in local plan consultation strategies.

Recommendation. The Council should continue to keep abreast of the experience of other authorities over the coming months. The following links may inspire future initiatives:

<https://www.consultationinstitute.org/importance-social-media-public-consultation/>
<http://cfba.org.uk/using-social-media-in-consultation-evaluation-projects-with-young-people/>

- 1.35 The Government is considering its position on the Local Plan process. It is expected soon to announce, by way of a White Paper, proposals to refine Regulations and Guidance in the hope of achieving a faster and cheaper process. **Recommendation.** This may not have an impact on the remaining stages of the Tandridge Local Plan. However, officers must keep abreast of these announcements if the Council is to avoid any un-necessary work and take advantage of any easing of the process burden.
- 1.36 All work programmes can be disrupted by risk factors. It is the speed by which an authority responds that determines 'success'. Giving thought, in advance, to how the Council might respond to unwelcome events can improve significantly the organisation's ability to act quickly. **Recommendation.** A register of risks should be drawn up that identifies appropriate avoidance and mitigation measures to deal with each of the risks identified above; together with any more general risks that may apply to TDC. A generic risk register has been supplied separately.

Conclusions

- 1.37 The overall approach being taken to prepare the Local Plan is appropriate.
- 1.38 From a cursory over-view, the evidence base (when complete) is likely to provide a robust justification for the emerging Local Plan.
- 1.39 Community engagement arrangements, subject to some minor adjustments, should satisfy the Tests of Soundness.
- 1.40 There is nothing to suggest that the project plan, with minor adjustments, will not continue to provide a robust management tool for the remaining stages of the local plan process.
- 1.41 Consideration should be given to identifying all the risks associated with the project and, for each, preparing mitigation measures and contingency plans.

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