HEARING STATEMENT

Matter 1: Procedural/legal requirements

MIQS questions addressed in this document;

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MIQS Question 1.1

[Part 1] Is there clear evidence that, in the preparation of the Plan, the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies on strategic matters and issues with cross-boundary impacts in accordance with section 33A of the Planning and Compulsory Purchase Act 2004, as amended [the 2004 Act]?

[Part 2] Is there clear evidence that the Council has done all it reasonably could to maximise the effectiveness of plan preparation by cooperating with all other relevant bodies, particularly in respect of addressing unmet housing need?

Response to Question 1.1 (Part 1)

The answer to matter 1; question 1.1 (part 1) is ‘no’, for the following reasons;

Rather than the evidence demonstrating that the Council engaged constructively, actively and on an ongoing basis in the preparation of the Local Plan (Planning Act 2004, subsections 33A(2)(a), 33A(3)(a)), it conversely demonstrates that engagement was undertaken in an ineffective and incomplete manner and could not be, and has not been, used to constructively inform the plan making process.

In December 2018 (following completion of the Regulation 19 consultation), Tandridge District Council (TDC) introduced a series of new documents concerning Duty to Cooperate (DtC), namely Statements of Common Ground with the following authorities;

- Crawley Borough Council
- Guildford Borough Council
- Mid Sussex District Council
- Mole Valley District Council
- Sevenoaks District Council
- Surrey County Council
- Wealdon District Council
- West Sussex County Council
These statements confirm that none of these authorities can help in meeting TDC’s unmet housing need.

Mid Sussex District Council (MSDC) indicate that the strategy proposed in the Plan does not go far enough to address the significant housing need and advises that TDC should be proactively seeking land which could be released from the Green Belt.

West Sussex County Council (WSCC) raise serious concerns regarding potentially severe highways impacts (specifically relating to Copthorne Roundabout and Felbridge Junction) associated with the proposed Garden Village.

The Statement of Common Ground with WSCC commits to producing feasibility work to assess whether highways improvements are possible and deliverable as well as confirming that funding will need to be sourced and agreed.

Surrey County Council (SCC) identify several concerns relating to infrastructure delivery and funding and TDC agree to review infrastructure requirements and amend where appropriate. SCC also proposed alterations to 17 individual policies.

A significant omission from the DtC evidence is the response of Coast to Capital (CtC). CtC are a key component of the ‘Tandridge District Infrastructure Delivery Plan (2018)’. This delivery plan identifies CtC as the source of funding for infrastructure delivery (through the Local Growth Fund and Regional Growth Fund), specifically relating to the Garden Village initiative.

In responding to the Regulation 19 consultation, CtC strongly criticise TDC’s approach; drawing attention to discussions with the Vice Chair of the Planning Policy Committee prior to the Regulation 19 consultation, during which CtC confirmed that they would not provide the funding for infrastructure identified in the ‘Tandridge District Infrastructure Delivery Plan (2018)’. The inclusion of CtC as a source of funding in the Regulation 19 consultation was therefore undertaken in the face of clear evidence that this funding was unavailable.

These examples illustrate a systemic failure by TDC even to attempt to identify and address the serious concerns raised by neighbouring authorities and prescribed bodies until after the Local Plan had been prepared, precluding any possibility that these concerns could be addressed in a constructive manner during the plan preparation process.

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1 Statement of Common Ground as agreed between Tandridge District Council and Mid Sussex District Council’ (December 2018) page 4, paragraph 2.5

2 Statement of Common Ground as agreed between Tandridge District Council and West Sussex County Council’ (November 2018) pages 4 and 5

3 Statement of Common Ground as agreed between Tandridge District Council and Surrey County Council’ (December 2018) page 4, paragraphs 3.2 – 3.4

4 response to ‘Our Local Plan: 2033 (Regulation 19)’ Comment ID: 581, dated 06.09.2018
Whilst TDC have proposed a number of modifications to the Local Plan (as submitted for examination), these modifications (if agreed) would only serve to address the soundness of the policies to which they relate; they would not serve to remedy the failure of TDC to adhere to the requirements of the Planning and Compulsory Purchase Act (2004) in their Duty to Cooperate.

No Statement of Common Ground has been presented for Reigate and Banstead Borough Council (RBBC), despite RBBC’s location as a directly neighbouring authority. An overview of meetings held with RBBC is included in Appendix A of the DtCSU, and this identifies that RBBC are unable to meet any of Tandridge’s unmet housing need.

There is no discussion relating to RBBC’s response to the original Regulation 18 consultation which confirmed that RBBC was anticipating a deficit of approximately 180 homes per annum over the period 2016-2027 against their Objectively Assessed Need (OAN). RBBC identified that they wished to engage with TDC to establish whether they might be able to accommodate any of RBBC’s unmet housing need.

There is no discussion relating to RBBC’s response to the ‘Local Plan – Sites Consultation’. These comments addressed infrastructure, flooding, transport and the Duty to Cooperate.

No Statement of Common Ground has been presented for the London Borough of Croydon Council (LBCC), despite LBCC’s location as a neighbouring authority. An overview of meetings held with LBCC is included in Appendix A of the DtCSU, and this identifies that LBCC are unable to meet any of Tandridge’s unmet housing need.

There is no discussion relating to LBCC’s response to the original Regulation 18 consultation, which confirmed that Croydon was anticipating a deficit of approximately 11,000 homes over their plan period 2016 – 2036 and requested that Croydon wished to join any discussions under Duty to Cooperate regarding unmet housing need.

The omission of evidence relating to any outcome for consultation with RBBC and LBCC is a significant issue, especially considering the comments made by both authorities to earlier stages of the consultation process.

The National Planning Practice Guidance (PPG) states that in examination of a Local Plan, the examining Inspector will “assess the outcomes of co-operation and not just whether local planning authorities have approached others”. In relation to RBBC and LBCC, there are no documented outcomes to assess.

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8 paragraph: 010 Reference ID: 9-010-20140306
Proposed changes

1.1.1 There are no changes that can be proposed to remediate the failure by TDC to observe their obligations under Duty to Cooperate.

Response to Question 1.1 (Part 2)

1.2.0 The answer to matter 1; question 1.1 (part 2) is ‘no’, for the following reasons;

1.2.1 The response to part 1.2 is closely linked to the response to part 1.1. Rather than clear evidence that the Council has done all it reasonably could to maximise the effectiveness of plan preparation by cooperating with all other relevant bodies, particularly in respect of addressing unmet housing need, there is instead clear evidence that TDC failed to adequately cooperate with relevant bodies to the detriment of the plan’s evidence base.

1.2.2 Tandridge District Council (TDC) failed to reach consultation outcomes with 8 authorities (set out in paragraph 1.1 of this document) until after the completion of the Regulation 19 consultation. TDC additionally failed to reach any documented outcome with London Borough of Croydon Council (LBCC) and Reigate and Banstead Borough Council (RBBC).

1.2.3 The first clear evidence that TDC’s unmet housing need could not be delivered elsewhere (either by neighbouring authorities or within the wider Housing Market Area) was therefore not presented until after the completion of the Regulation 19 consultation. It is impossible to conclude that TDC have done all they reasonably could to maximise the effectiveness of plan preparation (by cooperating with all other relevant bodies), when the plan was prepared in the absence of this evidence from consultees.

1.2.4 Throughout the plan making process, TDC fail to identify the housing delivery deficit in neighbouring authority areas (or the wider Housing Market Area). Based on the responses provided by LBCC and RBBC during Regulation 18 (discussed in paragraphs 1.12 and 1.15 of this document), there is evidence of a significant deficit in housing delivery.

1.2.5 By failing to identify and document the unmet housing need in neighbouring authorities, TDC avoided the question of whether this deficit may have a role to play in establishing whether very special circumstances exist for the release of sites from the Green Belt. The Green Belt assessment makes no reference to whether this unmet housing need may be considered an influencing factor in the assessment. The test for whether TDC could do more to help with unmet housing need from neighbouring authorities is therefore incomplete.
1.2.6 The significant issues raised in the Statements of Common Ground (discussed in paragraphs 1.4 - 1.7 of this document) after completion of the plan making process; the specific concerns raised by Coast to Capital in their response to Regulation 19 (discussed in paragraphs 1.8 and 1.9 of this document) after completion of the plan making process; and the failure to document the outcome of consultation with LBCC and RBBC, all demonstrate that TBC failed to maximise the effectiveness of plan preparation by failing to understand significant concerns, requirements and limitations until after plan preparation had been completed.

Proposed changes

1.2.7 There are no changes that can be proposed to remediate the failure by TDC to observe their obligations under Duty to Cooperate.