Tandridge District Council. Examination of ‘Our Local Plan:2033’

Inspector: Philip Lewis BA(Hons) MA MRTPi

Programme Officer: Chris Banks
Tel: 01903 783722, Mob:07817 322750, email: bankssolutionsuk@gmail.com

Louise Round
Chief Executive
Tandridge District Council

29 March 2019

Dear Ms Round

Examination of Tandridge District Council Our Local Plan:2033

I have been appointed by the Secretary of State to conduct the Examination of the Tandridge District Council ‘Our Local Plan: 2033’. I have commenced my preparation and have some initial questions and matters on which I require further information which are set out below. The response to these will help to inform me how the Examination should proceed and to better focus the Matters, Issues and Questions (MIQs) for the Hearings. As my preparation develops, I may have further questions.

From my reading to date, the main matters I am likely to be focusing on at the hearing sessions will be the legal compliance of the Plan, including the duty to cooperate; strategic matters, including the objectively assessed need for market and affordable housing, the strategy of the Plan and the Green Belt; the proposed garden community and other allocations and the development management policies.

On the basis of the limited availability of Council staff over the summer as provided to me via the Programme Officer, it is my intention that the Hearings will not commence until after the summer holiday period. I intend to issue the MIQs, Guidance Notes and a draft timetable in the early summer. In regard to the timetabling of the sessions, I may hold the Hearings in two sets. Firstly, legal compliance and strategic matters, then after a brief gap, moving onto the garden community proposal, the proposed allocations and development management policies.

The Council’s Proposed Changes to the Local Plan

The starting point of the Examination is that the Council has submitted a Plan which they consider to be sound and ready for examination. Consequently, my Examination relates to the Regulation 19 version of the Plan which was published
for consultation in July 2018. This of course is the version of the Plan representors have made their comments on.

The Examination takes place under the transitional arrangements, against national planning policy as set out in the National Planning Policy Framework 2012 (Framework 2012) and the Planning Practice Guidance (PPG) in place immediately prior to the publication of the revised Framework in July 2018.

I note that the Council has requested in the letter accompanying the submission of the Local Plan that it wishes to recommend a number of proposed Main Modifications as set out in the Schedule of Proposed Main Modifications (MD16). At this stage there are only two means by which changes can be made to the submitted Plan:

(1) *main modifications* recommended by the Inspector
(2) *additional modifications* made by the Council on adoption.

However, I can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.¹ Main modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential main modifications must be subject to consultation and in some cases further sustainability appraisal and Habitat Regulations Assessment might also be needed.

Additional modifications are those changes which do not materially affect the policies in the Plan². They can be made by the Council on adoption and are also sometimes referred to as ‘minor modifications.’³ The Council is accountable for any such additional modifications and they do not fall within the scope of the examination⁴. I should also point out that the Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. When a Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, a Council will need to update the adopted policies map to include all the changes proposed in the Plan.

---

¹ Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004
² S23(3)(b) of the PCPA 2004 “... if the additional modifications (taken together) do not materially affect the policies ...”
³ 3.4 of *Procedural Practice in the Examination of Local Plans* (June 2016)
⁴ 3.4 & 5.27 of *Procedural Practice in the Examination of Local Plans*
The Regulation 22 submission version of the Local Plan dated January 2019 includes a number of tracked changes to various policies and explanatory text, which the Council consider to be ‘minor modifications’. On first reading, I consider that a number of these changes are such that they would materially alter the Plan.

It would be helpful if the Council would revisit the ‘minor modifications’ and identify those which would materially affect the Policies of the Plan and provide an updated list of proposed main modifications which can be considered in the Examination. I would also like to see an updated list of the proposed additional modifications to check whether some, in my view, may constitute main modifications. These lists should be produced prior to the publication of my MIQs so that representors have the opportunity to comment upon them in their Hearing statements. Should I ultimately recommend that main modifications are necessary to make the Plan sound, they would need to be published formally for consultation in accordance with the Regulations following the Hearings.

Strategic Housing Market Assessment (SHMA)

I see that the SHMA is made up of a suite of technical papers which have been used to arrive at an Objectively Assessed Need (OAN) for the District as set out in the Publication version of the Local Plan. The SHMA documents were updated in 2018.

I note that the Council has included within the Examination library the document titled ‘Updating the Objectively Assessed Housing Needs of Tandridge’ dated December 2018. This document sets out an updated local needs assessment which takes into account the 2016 based household projections and concludes a different figure for the OAN than that set out in the Publication version of the Plan. The OAN figure derived using the 2016 based household projections postdates the other SHMA documents provided as part of the evidence base.

Notwithstanding that my Examination relates to the Publication version of the Plan, would you please confirm whether the Council proposes through the Hearings that the OAN should be derived using the 2016 based household projections? If this is the case, the SHMA documents should be updated accordingly and be made available to representors. In addition, is this a matter which gives rise to other proposed modifications, such as to paragraph 11.5 of the Plan?

On 20 February 2019, the Government produced its response to its recent technical consultation on updates to national planning policy and guidance. The consultation included comments on, and questions about, the use of the 2016-
based household projections. The Council should address these comments in any update of the SHMA documents.

**Five year supply of deliverable housing sites**

Whilst my Examination of the Plan is against the Framework 2012, after adoption of the Plan, the extent of the buffer to be applied in the context of the five year supply of deliverable housing sites will be defined as per paragraph 73 of the Framework 2019 in the light of the Housing Delivery Test. What implications would paragraph 73 have on the five year housing land supply position in Tandridge at that point assuming the Plan were adopted with the supply proposed?

**Vacant and Empty Homes**

In determining the housing supply, the Council is making an allowance of 20 vacant properties per annum to be brought back into use. I note that a rate of 2.84% for empty and second homes has been assumed when calculating the OAN. The Tandridge Housing Strategy 2019-2023 identifies as an action that an Empty Homes Strategy and targeted action plan would be developed. Has the Housing Strategy document been adopted by the Council and what progress has been made in the preparation of the targeted action plan? In addition, what evidence is there that returning 20 empty homes per annum is realistic and would this affect the assumptions made regarding the percentage of empty homes made in the OAN?

**Provision for Gypsies, Travellers and Travelling Showpeople**

The Tandridge District Council Gypsy and Traveller Accommodation Assessment is dated January 2017. This report refers to a number of planning applications which may have a bearing upon the supply of pitches and plots. It would be helpful if you could provide an update as to the current position in terms of supply of accommodation for Gypsies, Travellers and Travelling Showpeople. In preparing the updated information, consider whether it is likely to be necessary to allocate specific sites to deal with identified need in the Plan Period and if so, how the Plan proposes to address this? In addition, the report identifies housing need for people who may not meet the definition of ‘gypsies and travellers’ as set out in the Planning Policy for Traveller Sites. How does the Plan address such housing need?

I would be grateful for your response to these questions by 10 May 2019, after which I will be able to complete my MIQs. If that is not possible, please provide
me with a timetable for providing the updated SHMA and main modifications documents.

Please publish this letter on the Examination website.

Yours sincerely

Philip Lewis

INSPECTOR