

Godstone Parish Council

(incorporating the Villages of Godstone, South Godstone and Blindley Heath)

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[Start]

TANDRIDGE DISTRICT COUNCIL LOCAL PLAN CONSULTATION – GODSTONE PARISH COUNCIL SUBMISSION STATEMENT

During the Tandridge District Council (TDC) Garden Village consultation it became obvious that Godstone Ward was the likely destination of a huge housing development. By evaluating comments made in the consultation and gauging resident's opinion of the then Garden Village sites Godstone Parish Council (GPC) discussed and unanimously voted in favour of fighting this vast overdevelopment on behalf of the whole ward. Following a number of meetings, the decision was agreed to instruct expert advice as this ensures our objections are presented in a more effective way. Fortunately, through prudent action by the council over a number of years there were funds available for both this, together with the works carried out after the traveller incursions. It is of course unfortunate that public funds are used to fight actions that are being pushed forward and also defended by TDC using more public funds, but the Parish council strongly believes it is acting in support of the overwhelming majority of residents in the parish.

Our planning expert Mr. Ian Ellis BA MRTPI has produced the GPC representation to TDC which runs to 60 pages. This document will be available both on the consultation and on own websites but meanwhile what follows is a very abridged version hopefully giving parishioners an indication of the amount of work undertaken

Because it was considered there was so much incorrect detail in the plan GPC have submitted that the Plan should be withdrawn and reconsidered not just modified. Our representation also requests we attend any Government enquiry as the Plan is not legally compliant and this issue needs to be explained, discussed and tested. For this we engaged a planning Barrister to work alongside Ian Ellis. Discussions were held with Mr. Scott Lyness, a specialist planning barrister, who worked with Ian Ellis in preparing our regulation 19 response. Scott will represent the Parish council at any Government enquiry and will question TDC in detail on the documents produced and the conclusions they reached. Scott will expose to the inspector the flaws in the TDC plan requiring TDC to justify what they have produced is totally evidence based.

During the Draft Local Plan 2033 Regulation 19 consultation TDC suggested people use their portal so what listed below are GPC portal responses, and as there was not enough response area allowed in the portal our 60 page response was fully submitted via email.

The following from our portal response summarise how we answered just the portal questions without the supporting detailed facts and reasons that we used in our full response. Hopefully these give parishioners an indication of the amount of work undertaken on their behalf.

Modifications – Legal Compliance

Consultation Statement - *Are you proposing a modification(s) to make the Local Plan legally compliant and/or to strengthen its compliance?*

GPC submission - No - the Plan should be withdrawn and reconsidered

Proposed Modifications – Legal Compliance

Consultation Statement - *Please set out your suggested modification(s) below*

GPC submission – Not applicable

If your representation is proposing a modification(s), do you consider it necessary to participate in the examination in public?

GPC submission - This representation is not proposing a modification

Reasons for Attending the Examination in Public - Legal Compliance

Consultation Statement - *If you wish to participate in the examination in public, please outline why you consider this to be necessary:*

GPC submission - The Plan is not legally compliant and this issue needs to be explained, discussed and tested at the Examination.

Tests for Soundness

Consultation Statement - *Is the Local Plan positively prepared?*

GPC submission - No

Consultation Statement - *Is the Local Plan justified?*

GPC submission - No

Consultation Statement - *Is the Local Plan effective?*

GPC submission - No

Consultation Statement - *Is the Local Plan consistent with national policy?*

GPC submission - No

Consultation Statement - *Thinking about the tests of soundness, do you consider the Local Plan to be sound?*

GPC submission - No, it is unsound

Consultation Statement - *Please state why you consider the Local Plan to be unsound, including references to relevant legislation, policies and/ or regulations.*

GPC submission - The failure to discharge the duty to Cooperate test cannot be made good and the Regulation 19 Plan cannot therefore be reconciled with section 33A of the 2004 Act. If the Inspector agrees and is not satisfied that the duty has been complied with, he/she must recommend non-adoption of the document (section 20 (7A)). In the event of a failure to comply with duty to co-operate, the Inspector has no power to make recommendations that would make the plan sound (section 20(7)(B) and (C)).

Modifications – Soundness

Consultation Statement - *Are you proposing modification(s) to make the Local Plan sound, or to strengthen its soundness?*

GPC submission - No - the plan is too unsound to be modified and the scale of modifications would be too great to be considered without a further Regulation 19 consultation.

Proposed Modifications – Soundness

GPC submission - Not applicable - the Plan is fundamentally flawed.

Independent Examination – Soundness

Consultation Statement - *If your representation is proposing a modification(s), do you consider it necessary to participate in the examination in public?*

GPC submission - This representation is not proposing a modification

Consultation Statement - *Reasons for Attending the Examination in Public:*

GPC submission – Soundness

Consultation Statement - *If you wish to participate in the examination in public, please outline why you consider this to be necessary:*

GPC submission - To explain why the plan is unsound and address the issues set out in the other representations on behalf of GPC.

Duty to Cooperate

Consultation Statement - *Do you consider the Local Plan to have met/ the requirement of the Duty to Cooperate in accordance with section 110 of the Localism Act 2011 and section 33A of the Planning and Compulsory Purchase Act 2004?*

GPC submission - No The Duty to Cooperate is about the process of cooperating, rather than a requirement to agree on strategic issues but there is no evidence of meaningful cooperation.

Consultation Statement - *Please give details of why you consider the Local Plan has not met the requirements of the Duty to Cooperate?*

GPC submission:

4.1 The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It is also explained in National Planning Practice Guidance. It places a legal duty on local planning authorities and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

4.2 The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. The submitted Duty to Cooperate Statement clear shows that lip service has been paid to the discharge of this duty and is not fit to discharge the duty.

4.3 The submitted Duty to Cooperate Statement fails to demonstrate how the local planning authority has complied with and properly fulfilled the duty. The process adopted post August 2017 is sketchy and insufficient to warrant independent examination of this Local Plan. It is submitted that the local planning authority has not properly complied with the duty and thus the Local Plan should not proceed further in examination.

4.4 The absence of full and effective cooperation does not produce effective and deliverable policies on strategic cross boundary matters.

Independent Examination – Duty to Cooperate

Consultation Statement - *Do you consider it necessary to participate in the examination in public?*

GPC submission – Yes

Consultation Statement - *Reasons for attending the examination in public:*

GPC submission - Duty to Cooperate. To explain further why the duty to cooperate has not been met and to ensure the Examining Inspector has a full understanding of the issue.

[Ends]