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Date: 9 July 2019

Notice of meeting

Cabinet

Date: Wednesday, 17 July 2019

Time: 7.00 pm

Place: Goddard Room, Council Offices, Knowle Green, Staines-upon-Thames

The members of the Cabinet	Cabinet member areas of responsibility
I.T.E. Harvey (Leader)	Leader and Council Policy co-ordination
A.C. Harman (Deputy Leader)	Deputy Leader and Finance
M.M. Attewell	Community Wellbeing and Housing
R.O. Barratt	Environment and Compliance
J.R. Boughtflower	Corporate Management
O. Rybinski	Economic Development, Customer Service, Estates and Transport

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AGENDA

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- 1. Apologies for absence**
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 10**
To confirm the minutes of the meeting held on 19 June 2019 as a correct record.
- 3. Disclosures of Interest**
To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.
- 4. Infrastructure Feasibility Fund - Key Decision** **11 - 14**
Councillor O. Rybinski

To consider a request to set aside funds for infrastructure feasibility studies.
- 5. Housing Delivery Test Action Plan** **15 - 82**
Councillor I.T.E. Harvey

To consider the Housing Delivery Test Action Plan.
- 6. Public Space Protection Orders - Unauthorised Moorings** **83 - 102**
Councillor R.O. Barratt

To consider a proposal to make Public Space Protection Orders in the borough to prevent unauthorised moorings and to consult residents on the matter.
- 7. Annual Report 2018-19**
Councillor I.T.E. Harvey

To note the Council's Annual Report for 2018-19.
- 8. Leader's announcements**
To receive any announcements from the Leader.
- 9. Urgent items**
To consider any items which the Chairman considers as urgent.

10. Exempt Business

To move the exclusion of the Press/Public for the following item, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

11. Exempt report - White House Hostel Construction Budget - Key Decision **103 - 126**

Councillor I.T.E. Harvey

To consider an exempt report on the construction budget required for the White House Hostel development.

Reason for exemption

This report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006:

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure to the public would prejudice the financial position of the authority in the bidding procurement of contracts by allowing other parties to know the position of the Council. This in turn prejudices the Council by (i) distorting the procurement process and (ii) prejudicing the opportunity for the Council to place contracts for the prudent management of its financial affairs.

12. Exempt report - Property Letting A **127 - 130**
Councillor I.T.E. Harvey

To consider the proposed letting of a Council owned property which will generate an additional income for the Council.

Reason for exemption

This report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006):

Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the position of the authority during the negotiation of the terms of the letting of this property.

Minutes of Cabinet

19 June 2019

Present:

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination
Councillor A.C. Harman, Deputy Leader and Finance
Councillor R.O. Barratt, Environment and Compliance
Councillor J.R. Boughtflower, Corporate Management
Councillor O. Rybinski, Economic Development, Customer Service, Estates and Transport

Apologies:

Councillor M.M. Attewell, Community Wellbeing and Housing

Councillors in attendance:

Councillor C. Bateson
Councillor T. Lagden
Councillor R.J. Noble

2605 Minutes

The minutes of the Cabinet meeting held on 24 April 2019 were agreed as a correct record.

2606 Disclosures of Interest

There were none.

2607 Single-Use Plastics Policy and Strategy - Key Decision

Cabinet considered a proposal to adopt a Single-use Plastics Policy and Action Plan.

Alternative options considered and rejected by the Cabinet:

- Not adopting the Strategy and Policy.

Resolved to adopt the Spelthorne Borough Council Single-use Plastics Policy and Five Year Action Plan, and the associated Single-use Plastics Strategy for Surrey.

Reason for Decision:

- To demonstrate that Spelthorne Borough Council understands the urgent need to tackle avoidable plastic waste and is committed to being part of the solution.
- To embed and enact the common vision for Surrey and set a clear roadmap on how this shall be achieved in Spelthorne.

2608 Treasury Management Strategy Annual report

Cabinet considered the Treasury Management Annual Report 2018-19.

Resolved to note:

- a) the Treasury Outturn position for 2018-19, and
- b) the financial environment in global markets as detailed in the report.

2609 Revenue Monitoring Q4 - (January to March 2019) and outturn of previous year

Cabinet considered the 2018/19 Provisional Revenue Outturn Report.

Resolved to:

- a) Note the provisional revenue outturn for 2018/19, and
- b) Approve the revenue carry forwards for 2018/19 totalling £1,626,061.

2610 Capital Monitoring Q4 - (January to March 2019) and outturn of previous year

Cabinet considered the 2018/19 Provisional Capital Outturn Report

Resolved to:-

- a) Note the provisional capital outturn spend for 2018/19, and
- b) Approve the capital carry forward for 2018/19 totalling £17,474,900.

2611 Appointments to Outside Bodies

Cabinet considered the report on Appointments to Outside Bodies for 2019-20. The nominations to the outside bodies listed in the Appendix to the report were not yet available, so it was proposed that the decision on the appointments of representatives be delegated to the Leader and Deputy Leader.

Resolved to delegate the decision to appoint councillor representatives to the outside bodies listed at Appendix 1 to the report to the Leader, Councillor Ian Harvey and Deputy Leader, Councillor Tony Harman.

Reason for decision:

The annual appointment of representatives to Outside Bodies helps the Council fulfil its community engagement role.

2612 Leader's announcements

The Leader announced the following:-

Cllr Mary Madams was elected as the new Mayor for Spelthorne at the Annual Council Meeting held on Tuesday 21 May. Cllr Colin Barnard was elected as Deputy Mayor.

Heathrow is writing to residents and organisations to help identify those who have an interest in property or land which may be affected by the airport

expansion plans. This process is a legal requirement known as 'Land Referencing'.

Heathrow's first consultation showed just how much the planned expansion is likely to affect people's day to day lives.

The assumption that Spelthorne communities will not be newly impacted by the Heathrow expansion is wrong.

The impact from not only the third runway expansion, but also pre-third runway construction on our community, will affect all residents through the intensification of low flying aircraft, an increase of flights, noise pollution, heavy goods vehicle usage and environmental damage across our Borough.

Spelthorne Council is consulting on local green space, as we appreciate how important this is to communities in urban locations. We are proposing a new assessment system as the previous Protected Urban Open Space (PUOS) has been a local designation since 2001 but we have had a number of occasions where planning applications to develop sites have been lost at appeal meaning it is not always capable of protecting these spaces.

Spelthorne's formal response to Surrey's proposed 'Making Surrey Safer Plan', has been submitted expressing significant concern about proposed cuts to fire services in the Borough, which would result in reduced night-time cover. From when it was announced in 2017 that Staines and Sunbury fire stations were to be closed and replaced with a single station in Ashford, this Council has consistently argued for the current arrangement of two whole-time crews to be retained to protect our residents and businesses.

The Council has officially opened newly refurbished toilets at Shepperton Lock after working alongside the River Thames Task Group. The refurbishment work included the renewal of the floor and ceiling coverings and the addition of new cubicles, toilets, vanity units, taps, washroom accessories and baby changing facilities. Disabled facilities are also available.

The 2019 Staines 10K race took place on Sunday 12 May with a record number of 712 runners. The event is organised by Staines Strollers and Runnymede Runners, with support from Spelthorne Borough Council.

The tennis pavilion at Fordbridge Park in Ashford was officially opened on Wednesday 15 May. The tennis courts at Fordbridge Park on Kingston Road are now operated by Community Tennis Limited which run a full programme of tennis activities, for all abilities, from ages 2+.

Funding from Spelthorne Council, Surrey LTA, Bretts, and Heathrow has enabled the courts to be upgraded with floodlighting and a café pavilion serving drinks and snacks.

In the Queen's birthday honours list, Dennis Brock, 100 bell ringer from Sunbury has been awarded the British Empire Medal for services to the community in Sunbury on Thames.

Shepperton Village Parade and Fair was a great success on Saturday 8 June. The organisers did an absolutely fabulous job and the event attracted thousands of people.

2613 Urgent items

There were none.

NOTES:-

- (1) *Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [*] in the above Minutes.***
- (2) *Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) *Within five working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;***
- (4) *To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;***
- (5) *When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-***
 - Outline their reasons for requiring a review;***
 - Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***
 - Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***

- ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) ***The deadline of five working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 27 June 2019.***

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Cabinet**17 July 2019**

Title	Surrey Infrastructure Feasibility Study Fund		
Purpose of the report	To make a decision		
Report Author	Keith McGroary, Economic Development Manager		
Cabinet Member	Councillor Olivia Rybinski	Confidential	No
Corporate Priority	Economic Development		
Recommendations	<p>Cabinet agrees that:</p> <p>a) Spelthorne Borough Council participate in the Infrastructure Feasibility Study Fund for Surrey</p> <p>b) A one off sum of £210,000 for 2019/20 is committed to the Fund</p>		
Reason for Recommendation	<p>Councils across Surrey need to develop infrastructure feasibility studies so that effective bids can be made for full project funding from central government and the LEP. This fund will ensure there are dedicated resources to develop a robust pipeline of schemes to kick start infrastructure and regeneration within Spelthorne. Monies will be ring-fenced to the Fund, but full control will be retained by the Council in terms of spend.</p>		

1. Key issues

- 1.1 There is widespread concern that Surrey Boroughs and Districts are missing out on central government and LEP infrastructure funding due to a lack of appropriate feasibility studies (which are crucial in underpinning an effective funding bid). This means we are 'behind the curve' compared to other Councils. The issue has been recognised, and the Fund is being suggested as the most effective response. Investment in project development is needed at an early stage to develop a pipeline of 'on the shelf' projects able to apply for full project funding when bidding rounds become available. A dedicated fund within each borough is needed to ensure that resources are available and ring-fenced to support project development.
- 1.2 Each Borough and District plus the County Council are asking for agreement to set up an Infrastructure Feasibility Study Fund (IFSF) for Surrey and to invest sufficient funds to support progressing pre-feasibility / feasibility studies within each individual Borough.

2. Options analysis and proposal

- 2.1 There is concern that Councils are missing out on infrastructure funding through a lack of appropriate studies. The purpose of the IFSF is to:
- (a) Develop a pipeline of infrastructure projects to support economic growth within individual Councils across Surrey;
 - (b) Reduce the risk to scheme promoters which results in feasibility studies not being carried out;
 - (c) Support investment in project development at an early stage to develop a pipeline of projects able to apply for full project funding when bidding rounds become available;
 - (d) Provide a dedicated fund to ensure that resources are available and ring-fenced to support project development;
 - (e) Ensure that projects are in the best possible position to secure external funding due to good quality feasibility work being carried out, and having worked up proposals ready when funding opportunities come along;
 - (f) Ensure that Boroughs and Districts can apply for full project funding when bidding rounds become available. Other Counties have pipelines of well-developed schemes and hence are in a better position to apply for these competitive funds; and
 - (g) Develop projects that cross boundaries both within and outside Surrey, where it is appropriate and beneficial for Spelthorne to do so.
- 2.2 It is recommended that we put funding into the scheme for the reasons set out above. If we do not there is a real risk that we would fall further behind, especially if we do not take up the opportunity of funding and other Councils in Surrey do.

3. Financial implications

- 3.1 The fund would comprise monies from the Districts and Boroughs, Surrey County Council and EM3 LEP. If Spelthorne Council joins the fund we will be asked to commit an amount of money which will be ring fenced for the fund, but retained in our control. A centralised pot of funding will be set up containing the County Council and LEP contributions. It is suggested that the fund has a gearing ratio of 1:0.86. For every £1 which Spelthorne invest, we will receive to total of £1.86 from the IFSF pot for feasibility studies. Therefore, the suggested Council contribution of £210,000 would be increased to a value of £390,600 via the 'top up' from County and the LEP.
- 3.2 Spelthorne Council will be asked to submit an annual return detailing the amount of funding which we are ring-fencing for the fund, and which can be drawn on for infrastructure feasibility studies which we promote. This commitment will allow the County Council to recruit resources for carrying out the studies either by consultants or a dedicated in-house team. There will need to be an annual report to Cabinet setting out the sum of money we wish to put into the fund in future years (which will depend on our budgetary position).
- 3.3 The intention is that the Surrey Futures Steering Board will issue an invitation for proposals. Spelthorne Council, as project promotor, would complete an

Expression of Interest form for our proposed project(s). The forms would be assessed by the Board to determine if the project is likely to be feasible.

- 3.4 Projects which are considered likely to be feasible would progress to the pre-feasibility study stage, which would be funded through the IFSF. At this stage, we would be asked to commit our funding for the pre-feasibility study. The LEP and County Council will also put in funds with a gearing ratio of 1:0.86, and secure dedicated consultancy or in-house County Council staff to carry out the study. Spelthorne (as project promotor) will need to work jointly with the project team to carry out the work, and will be an active participant in the process. It is anticipated that the pre-feasibility study will cost between 5 and 10% of total project costs.
- 3.5 The pre-feasibility study will determine if the project is viable and feasible and whether it can progress to full feasibility study stage, which is anticipated to be around an additional 5% of total project costs. This will result in a rolled up total of 10-15% of project costs for the pre-feasibility and feasibility studies.
- 3.6 If projects are taken forward and full funding secured (e.g. from central government or the LEP) any feasibility funding that can be reinvested would be recycled in the same proportions that it was invested in the fund i.e. 54% back to Spelthorne and 46% back into the centralised pot. Cabinet should note that it may not be possible to recycle all pre-feasibility and feasibility funding; the IFSF model is currently assuming that approximately a third of the funding could be recycled.
- 3.7 The £210,000 funding which is being suggested to support this proposal would be taken from the underspend which occurred in the 2018-19 financial year. It is understood that there is no requirement for the monies to be spent in one financial year so unspent monies can be rolled forwards.
- 3.8 An example of how the fund would work is given below:

1. Set up the Infrastructure Feasibility Study Fund	
In 2019/20 SBC ring-fenced funding	£0.21m
In 2019/20 funding in centralised pot from SCC and LEPs	£3.00m
2. Issue invitation for proposals	
SBC complete form for example project Project cost is £3.10m. Form assessed and project is determined as feasible	
3. Pre-feasibility study	
Pre-feasibility study is scoped and will cost £0.234m	
SBC releases ring-fenced funding	£0.126m
Funding from centralised pot released for example project	£0.108m
Pre-feasibility study assessed and the project is still viable and feasible	
4. Full Feasibility study	
Full feasibility study will cost a further £0.156m	
SBC releases ring-fenced funding	£0.084m
Funding from centralised pot released for example project	£0.072m

5. Project successfully delivered	
SBC uses feasibility study and successfully applies to a central Government infrastructure fund. Full funding secured and project is taken forward and delivered	
6. Recycling of funds	
One third of the pre-feasibility and feasibility funding can be recycled	
Money repaid to SBC	£0.07m
Money repaid to centralised pot	£0.06m

4. Other considerations

- 4.1 One future funding opportunity will be the UK Shared Prosperity Fund (UKSPF). The focus of the fund will be on tackling inequality by raising productivity. At this stage the amount of funding and its allocation across the UK has not been announced. If the LEPs are successful in being allocated funding from the UKSPF, Surrey Districts and Boroughs will want to be in a position to apply for funding for projects.
- 4.2 A Master Plan will shortly be developed for Staines-upon-Thames to sit alongside the revised Local Plan. This is likely identify of a number of high value projects in the town that could clearly benefit from the infrastructure fund, as the completed feasibility studies may open opportunities to access funding from EM3 or central government. There may also be other emerging opportunities elsewhere in the borough.

5. Timetable for implementation

- 5.1 Subject to Cabinet approval £210,000 will be set aside in a ring-fenced account in within one week of the date of the meeting.

Background papers: None

Appendices: None

Cabinet**17 July 2019**

Title	Housing Delivery Test Action Plan		
Purpose of the report	To make a decision		
Report Author	Esmé Spinks, Planning Development Manager		
Cabinet Member	Councillor Ian Harvey	Confidential	No
Corporate Priority	Housing		
Recommendations	<p>List all the recommendations you want the Cabinet to consider.</p> <p>To approve the Housing Delivery Test Action Plan.</p>		
Reason for Recommendation	To ensure that the Council delivers the number of housing units expected by central government.		

1. Key issues

- 1.1 The National Government is focused on increasing the supply of new homes across the country. In the 2017 Budget, the Government announced that it would enable the housing market to deliver 300,000 homes a year on average by the mid-2020s. This objective to increase the number of new homes, is reflected in the revised National Planning Policy Framework (NPPF), February 2019 and the introduction of the Housing Delivery Test (HDT).
- 1.2 The Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State on 19th February 2019. Spelthorne Borough Council scored 63%. As a result, the Council has produced a Housing Delivery Test Action Plan (HDTAP) to positively respond to the challenge of increasing its housing delivery. The Action Plan is attached as a background paper to this report. It analyses possible reasons for the under-delivery of new homes, assesses what action has already been taken to address this and sets out actions to improve housing delivery within the Borough.

- 1.3 The HDT calculation is given as:

$$\text{HDT} = \frac{\text{Total net homes delivered over a three year period}}{\text{Total number of homes required over three year period}}$$

In Spelthorne, the housing delivery figure of 63% is based on the following:

No of homes			Total Homes required	No. of homes delivered			Total Homes Delivered	HDT Test %	Consequence
2015-2016-	2016-2017	2017-2018		2015-2016	2016-2017	2017-2018			
483	487	424	1394	308	347	221	876	63%	Buffer

- 1.4 A total of 108 authorities across England are required to deliver a Housing Delivery Action Plan including seven within Surrey. These are: Elmbridge, Epsom and Ewell, Guildford, Mole Valley, Spelthorne, Tandridge and Waverley.
- 1.5 The HDT will be used to determine the buffer to apply in housing supply assessments and whether the presumption in favour of sustainable development should apply.
- 1.6 The HDT will be introduced in a phased approach over three years. Once fully implemented the HDT will have the following consequences:
- Where housing delivery over the previous three years has been less than 95% of the housing requirement, LPAs should prepare an action plan setting out the causes of under delivery and the intended actions to increase delivery;
 - Where delivery has been less than 85% of the housing requirement, a 20% buffer should be applied to the supply of deliverable sites for the purposes of housing delivery assessment;
 - Where delivery has been less than 75% of the housing requirement, the NPPFs presumption in favour of sustainable development will apply. A three year transitional period will operate from February 2019.
 - The presumption in favour of sustainable development will apply if the test result is less than:
 - 25% in November 2018
 - 45% in November 2019
 - 75% in November 2020.
- 1.7 An analysis of the 2018 results with the 2020 thresholds for Spelthorne demonstrates that the likely consequence will be a presumption in favour of development. When this occurs, the “tilted balance” applies. In such scenarios, the balance is skewed in favour of sustainable development and granting planning permission where there are no relevant planning policies or where they are out of date. This does not apply in areas of protection or assets of particular importance, including the Green Belt, areas at risk of flooding, Sites of Special Scientific Interest and listed buildings. In addition, the “tilted balance” does not apply where any adverse impacts of approving development would significantly and demonstrably outweigh the benefits when assessed

against the NPPF taken as a whole. It should be noted that the "tilted balance" applies where the local authority does not have a five year housing land supply, which is presently the case for Spelthorne. We now have to provide 724 dwellings per year. This includes a 20% buffer on top of the current 603 figure which we are required to add because there has been a significant under delivery of housing over the previous three years.

1.8 The HDTAP for Spelthorne considers the following:

Housing delivery analysis. This section looks at the causes of "under delivery" and identifies the local and national issues which influence housing delivery.

Actions taken. This section sets out the actions that the Council has already taken to increase housing delivery.

Actions required. The section considers future actions required to increase housing delivery within Spelthorne borough.

1.9 It is acknowledged that the delivery of new homes has a wider remit than just the Planning Development Management and Strategic Planning services. It requires actions to be undertaken by the Council's housing delivery programme via Knowle Green Estates Ltd and other Council services including Housing Options.

2. Options analysis and proposal

2.1 The MHCLG requires Spelthorne (as well as 107 other local authorities) to produce a HDTAP because our housing delivery over the previous three years has been less than 95% of the housing requirement. We will be required to produce a plan on an annual basis until our housing delivery meets or exceeds our housing requirement.

2.2 The Ministry of Housing, Communities and Local Government (MHCLG) requires the HDTAP to be submitted by 19 August 2019. This is a government requirement and there is no other option other than to produce an action plan. For this reason, no other alternatives have been provided for Cabinet.

3. Financial implications

3.1 There are resource implications associated with preparing the HDAP, which have been absorbed within the workload of the existing planning staff.

4. Other considerations

4.1 As part of the preparation of the HDTAP, the Planning Development Manager has liaised with Strategic Planning, the Housing Strategy Manager, Assets and Environmental Health.

5. Timetable for implementation

5.1 The HDTAP will be made publicly available. It is a working document and will be updated on an annual basis until our housing delivery meets or exceeds our housing requirement. The HDTAP is required to be submitted to the MHCLG by 19 August 2019.

Background papers:

Housing Delivery Test Action Test Plan and associated documents.

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Spelthorne Borough Council
Housing Delivery Test Action Plan
May 2019



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1. Introduction

Why Housing Delivery is important

- 1.1 There is wide publicity over the national housing crisis which we are experiencing in England. The lack of supply and pressure for new homes is felt most acutely in the South East of England. The Government is focused on increasing the supply of new homes across the country. In the 2017 Budget, the Government announced that it would enable the housing market to deliver 300,000 homes a year on average by the mid-2020s. This objective to increase the number of new homes is reflected in the revised National Planning Policy Framework (NPPF), February 2019 and the introduction of the Housing Delivery Test.
- 1.2 The Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State on 19 February 2019. Spelthorne Borough Council scored 63%. As a result, and in response to this, the Council has produced a Housing Delivery Action Plan to positively respond to the challenge of increasing its housing delivery. The Action Plan analyses the reasons for the under-delivery of new homes and sets out actions to improve housing delivery within the Borough.
- 1.3 The planning policy context to housing delivery contained in national and local plan policy is contained as Information Document 1 in Appendix 1.
- 1.4 An analysis of the housing delivery in Spelthorne is set out in Information Document 2 in Appendix 2. This includes the housing delivery test calculation for Spelthorne, housing land supply, need, delivery and trajectory and also planning performance.

2. The Action Plan Context

Aims of this Action Plan

- 2.1 This Action Plan is the Council's response to the challenge set out in the Government's National Planning Policy Framework to boost significantly the supply of homes and has five goals:
 - To examine the possible causes of the 'under delivery' of new homes in the Borough.
 - To explain what the Council has been doing so far to boost housing delivery.
 - To gather evidence on sites with planning permission (and sites under construction for housing development) to understand what barriers are preventing homes being built on these sites.

- To build relationships with developers, landowners and agents responsible for building homes on sites that have planning permission, allowing the Council to adopt the role of an enabler of much needed residential development ensuring housing permissions are built out as quickly as possible.
 - To set out what actions the Council can take to increase the rate and number of homes built in Spelthorne.
- 2.2 Building houses is often a complex process. Often there are other factors beyond the council's control which explain why sites for housing do not come forward for development. It requires a broader approach to be taken to increase the delivery of new homes and the use of other tools available which are beyond the traditional remit of the Local Planning Authority.
- 2.3 Table 1 sets out the Council's corporate documents which all play a role in the delivery of housing.

Table 1 Spelthorne's corporate documents

Corporate Document	Overlap with Action Plan
Spelthorne Core Strategy and Policies DPD Document, February 2009.	Housing Requirement Figure – 166 dwellings per annum superseded by housing need of 590 (+20% buffer) dwellings per annum (2014)
Replacement Local Plan	A replacement local plan is currently being prepared. The Local Development Scheme states that consultation on the preferred options following the issues and options will commence around October 2019. The final adoption is anticipated to be by the summer of 2021.
Corporate Plan 2016 -2019	Identifies four priorities: <ul style="list-style-type: none"> • Housing • Economic Development • Clean and Safe Environment • Financial Sustainability
The Capital Strategy, February 2019	The Capital Strategy is to “ <i>invest, create, and deliver</i> ”. The Council is: <ul style="list-style-type: none"> • investing in commercial property which will deliver an ongoing sustainable income stream to support development activity

Corporate Document	Overlap with Action Plan
	<ul style="list-style-type: none"> • creating new housing for residents and regenerating the borough's town centres • delivering the affordable homes which the market fails to provide and prioritising people who are on the Council's Housing Register.
<p>Spelthorne Housing Strategy 2014 – 2019</p> <p>N.B. Revised Housing Strategy 2015-2020 likely to be adopted by the end of 2019.</p>	<p>Strategic priorities 2014-2019:</p> <ul style="list-style-type: none"> • Increase the supply of new homes and improve the tenure mix especially the provision of more private rented accommodation. • Improve the quality of existing homes. • Prevent homelessness • Support residents to access affordable, well-managed market rent and social rented properties. • Prioritise social housing allocations to those who contribute.
<p>Housing Strategy Action Plan</p> <p>NB to be revised to reflect updated Spelthorne Housing Strategy</p>	<p>This identifies the action required to implement the strategic priorities in the Spelthorne Housing Strategy.</p>
<p>Homeless Strategy 2014 - 2019</p>	<p>This identifies eight strategic priorities:</p> <p>Adopt a corporate and partnership commitment to preventing homelessness.</p> <p>Develop and provide a comprehensive preventative housing options service including the single homeless.</p> <p>End the use of bed and breakfast accommodation for families.</p> <p>Facilitate the discharge of the homelessness duty into the private rented sector.</p> <p>Through the Housing Forum develop housing pathways for vulnerable groups.</p> <p>Develop a private sector offer through working with local landlords and through a SBC lettings</p>

Corporate Document	Overlap with Action Plan
	<p>agency that will acquire properties for the discharge of the duty and where necessary as temporary lets.</p> <p>In collaboration with Runnymede and Elmbridge Councils): Adopt a 'no second night out' for emergency accommodation.</p> <p>In partnership with the CAB prevent mortgage repossessions.</p>
Economic Development Strategy 2017	The Spelthorne Economic Strategy was adopted on 22/02/2017. The Economic Development Engagement Group endorsed the annual refresh of this strategy on 24/04/2019. It sets out the actions the Council will be taking over the next 4 years to further secure the sustainable growth of the local economy.

Assessment of under-delivery

- 2.4 Within this section, an assessment of the 'under delivery' of new homes in the Borough is considered which includes the local and national issues which influence housing delivery. A range of data and sources have been used to inform this analysis. As part of this process, the Council has engaged with stakeholders to improve its understanding of the issues effecting housing delivery. The analysis of the issues has been used to inform what actions the Council need to take to improve its housing delivery.

Implementation of Planning Permissions

- 2.5 Once planning permissions have been granted, local planning authorities have limited influence over deliverability. The timescales for implementing a planning permission is generally not considered to be a significant issue within the Borough. Under planning legislation, permission is required to start within three years from the date of the decision notice. Implementation generally occurs within the permission period. The NPPF advises at para. 76 that:

“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing,

local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start”.

- 2.6 However, there are some instances, where developers undertake the first stages of implementing a planning permission by carrying out the demolition of buildings on site and then delay the construction of the development. This happened, for example, at the former Centrica site in Staines-Upon-Thames.
- 2.7 Planning Officers have continued to build relationships with developers, landowners and agents and carry on a dialogue after planning permission is granted. They have taken a proactive approach on non-implemented planning permissions by contacting applicants/agents where planning permission had been granted for 5+ dwellings. Information was requested on the following:
- The date that development will commence on site.
 - A brief summary of your project delivery plan and timescales.
 - The reasons for any delays or particular obstacles to progress.
 - Any actions the Council could take to help you speed up the delivery of housing.
- 2.8 In addition, sites were identified where development is under way for 5+ dwellings and applicants were contacted to provide similar information to the four points identified above but with the first point being replaced with a query over:
- The current stage of development.
- 2.9 A summary of the sites in question and the responses received are contained in Table 22 Appendix 5 (sites under construction) and Table 23 Appendix 6 (sites with outstanding planning permission). There are several applications, especially where construction has not yet commenced, which did not receive a response from the applicant and/or agent on the information requested in the bullet points above. These related to a sites with a range of dwelling numbers, the maximum being 100 dwellings although a number contained less than 15 dwellings. On the sites under construction, a large number have either been completed or are anticipated to finish this year and will form part of Spelthorne's housing completions in the following years. A few of the responses received identified the reduction of the time taken to discharge conditions as a potential action to speed up the delivery of new homes, including pre-commencement conditions. This will be considered within the Action Plan below. Overall, no significant barriers to the delivery of the development were raised.

- 2.10 On the sites where development has not yet commenced, various reasons were cited. These include, the cost of implementing the permission, two sites being sold to another developer, one in the process of being sold and four are currently proposing alternative schemes. Three sites are either now under construction or have been completed. Two sites referred to the discharge of conditions with one of these commented over the time taken to deal with these. This will be considered in the Action Plan below.

Planning Decision Making Performance

- 2.11 The performance of decision making on planning applications is not considered to be a barrier to delivering new homes. Planning applications are being processed within the statutory timeframes. The performance for the Local Planning Authorities (LPAs) are measured on their performance based on the % of planning applications they determine within 8 or 13 weeks (or within an extension of time agreed with the applicant). For several years the targets have been as follows:

Majors – 60% within 13 weeks

Minors – 65% within 8 weeks

Others – 80% within 8 weeks

Major development is defined as:

More than 10 residential units, dwellings on a site with an area of 0.5 hectares or more, 1,000 sq. m or more of new commercial floorspace or sites with an area of more than 1 hectare.

Minor development is defined as:

Up to 9 residential units, up to 999 sq. m of new floorspace, changes of use

Others – mainly householder schemes

- 2.12 In the last financial year (April 2018 – March 2019) – Spelthorne met all three performance measures as shown in Table 2.

Table 2 Planning DM Performance (April 2018 – March 2019)

Majors				Minors				Others			
Total	On Target	% on Target (i.e. 60%)	Govt. Target	Total	On Target	% on Target (i.e. 65%)	Govt. Target	Total	On Target	% on Target (i.e. 80%)	Govt. Target
30	29	97%	60%	161	143	89%	65%	523	502	96%	80%

2.13 The Government has recently also been assessing LPAs in terms of planning performance on the following criteria:

- The **speed** of determining applications for **major** development
- The **quality** of decisions made by the authority on applications for **major** development;
- The **speed** of determining applications for **non-major** development;
- The **quality** of decisions made by the authority on applications for **non-major** development.

2.14 With just a few minor exceptions, non-major equates to a combination of the “minor” and “other” categories referred to above.

2.15 The quality measurement is the number of appeals allowed as a percentage of the total number of applications received in the category. The threshold for quality on both categories is **10%** and the **lower** the figure, the better the performance. The threshold for speed is **60%** (majors) and **70%** (non-majors) and the **higher** the figure, the better the performance.

2.16 On those sites where planning permission was refused, the appeal performance is good. The Council's assessment against the Government's targets is set out in table 3:

Table 3 Spelthorne's assessment against Government targets

Measure and type of Application	2019 Threshold and assessment period	Spelthorne's Performance
Speed of major Development	60% (October 2017 to September 2019)	95%* (October 2017 to March 2019)
Quality of major Development	10% (April 2017 to March 2019)	3.8% April 2017 to March 2019)*
Speed of non-major Development	70% (October 2017 to September 2019)	93%* (October 2017 to March 2019)
Quality of non-major Development	10% (April 2017 to March 2019)	0.6% April 2017 to March 2019)*

- 2.17 In addition, it should be noted that to the year to March 2019, there were no applications allowed on appeal relating to the creation of additional dwellings.
- 2.18 These statistics demonstrate the soundness of decision making by Planning Development Management and that unsound decisions are not being made which would lead to unnecessary delays and costs to the delivery of new homes. However, close monitoring of the quality assessment for major applications is continuous due to the relatively small number of major applications received and the risk that the LPA could be the subject of Designation by Central Government. If this occurs, applicants may apply directly to the Planning Inspectorate for permission. The Planning Committee is updated regularly with reports on Planning Performance.

Capital Strategy

- 2.19 The Council's Capital Strategy, 2019, recognises the need to "Invest, Create and Deliver"; create new housing for residents and regenerate the Borough's town centres and deliver the affordable homes which the market fails to provide and to prioritise people who are on the Council's Housing Register.
- 2.20 In the 1990s, the Council used to provide traditional council housing. However in 1996, it was decided to transfer the council housing stock to what was then Spelthorne Housing Association and is now part of A2Dominion. The main reason for the transfer of properties at the time was the need to bring the properties up to an acceptable state of repair, which the Council could not afford at the time. Since then, the Council has not had a direct role in developing new homes; this has been carried out by A2Dominion and other Registered Providers, as well as private developers. Fluctuation in the delivery of new housing has been dictated by the economy and the availability of grant funding to subsidise affordable housing.
- 2.21 The Council's Housing Strategy 2014-19 contains five strategic priorities which contribute to achieving the overall vision of 'ensuring best quality homes in a thriving and sustainable community'. Additionally, the Council is required to have a Homelessness Strategy, which outlines the Council's approach to preventing homelessness.
- 2.22 In common with many other local authorities in the South East, Spelthorne has a growing demand for genuinely affordable housing and is facing a number of key challenges. These include:
- Increasing numbers on the Housing Register
 - Lack of availability of existing affordable housing
 - High rates of statutory homelessness
 - High use of emergency and temporary housing for homeless households
 - Increasing affordability issues
 - Lack of new-build affordable housing
 - The effect of our proximity to London
 - Heathrow expansion
 - Key worker accommodation

- 2.23 Further details on the key challenges are contained in Information Document 3 at Appendix 3.

3. Action Plan

- 3.1 This section sets out the actions that the Council has already taken to increase housing delivery and the future actions required to continue this work. The Council is fully committed to working proactively to deliver the homes that Spelthorne needs, including a range of housing types and affordable housing. The need for an up to date Local Plan is a corporate priority and will assist in boosting the borough's housing supply as well as responding to housing needs whilst balancing the objectives in the local plan, including green belt and environmental protection. It is acknowledged that the delivery of new homes has a wider remit than just the Planning Service and requires actions to be undertaken by other Council services including the Housing Service and the Asset and Property Management Services.

What the Council has already done

The New Local Plan

- 3.2 The second Regulation 18 consultation is scheduled to take place in October 2019. This is when consultation will focus on preferred options including proposed allocation sites. The overall approach is to provide housing development in a combination of intensifying development of Brownfield land, growth within Staines-upon-Thames and removing weakly performing sites from the Green Belt but with additional safeguards to take account of the public's views on loss of Green Belt.
- 3.3 It is estimated that the five year housing land supply in the Borough is 3204 units. Of the sites identified in the Strategic Land Availability Assessment (SLAA) 2018, over 1,500 units on the identified sites are expected to be delivered in Staines-upon-Thames, with around 1,000 to be delivered on publicly owned sites. In the medium term (6 to 10 years), publicly-owned sites could deliver another 450 units (with other sites not owned by Spelthorne bringing forward approximately 350). The SLAA 2019 is currently being updated and seeks to identify additional sites to contribute to the Borough's land supply. This will inform which sites are allocated for development in the Local Plan.

Council/Knowle Green Estates housing schemes

- 3.4 The Housing Strategy Action Plan identified areas aimed at increasing the supply of new homes and improving the tenure mix in the borough. One of

these was to develop a SBC housing company or Special Purpose vehicle for the purpose of developing new affordable housing homes for rent.

3.5 The Council's Capital Strategy states that it will help to deliver two key goals contained in the Corporate Plan:

- To deliver much-needed housing in order to help reduce homelessness locally, increase affordable provision and help meet the overall need for additional homes
- To regenerate our town centres so that we can contribute to the economic development of the Borough.

3.6 The Council formed its housing company, Knowle Green Estates (KGE), in 2016 to help to achieve these two key goals when Harper House in Ashford was acquired for emergency accommodation. KGE identified a need to promote the Council's own affordable housing schemes, and KGE is the vehicle used to deliver them to residents. There are a number of projects in the pipeline which will deliver some 20% of the Borough's assessed 5-year land supply requirement in the Local Plan (628 units to be delivered by the Council out of a required 3,218).

3.7 KGE performs several functions on behalf of Spelthorne Borough Council, as outlined in the table below.

Table 4 Knowle Green Estates

	Owned by	Developed by	Managed by
Investments	Council	n/a	KGE
Municipal	Council	Council/KGE	KGE
Residential	KGE	Council/KGE	KGE

3.8 To date, KGE has delivered the following:

Churchill Hall, Churchill Way, Sunbury on Thames

Planning Application no 16/02045/FUL

Three new rented dwellings

Approved 08/02/17

Completed and occupied 28/09/18

Former Bugle PH, 73 Upper Halliford Road, Shepperton

Planning Application no 17/01028/FUL

6 no. 2 bed and 2 no. 1 bed flats

Approved 23/08/17

Occupied February 2019

Ceaser Court (formerly Benwell House), Green Street, Sunbury on Thames

Planning Application nos. 17/01847/PDO, 18/00123/FUL and 18/00529/FUL

Conversion and extensions to provide a total of 57 units including 12 affordable units
22 x one bed, 35 x 2 bed
Approved 2018
To commence on 14/06/19
Anticipated completion 19/07/20

Improved Decision Making

- 3.9 The Planning DM service has undertaken a number of initiatives to improve decision making. These include:

Offering more pre-application discussions to ensure issues are addressed early.

The Council DM Planning Officers regularly undertake pre-application advice. In 2018 a total of 391 planning enquiries were dealt with. Early advice can help identify whether in principle a proposal is likely to be acceptable, the key planning issues and policies that need to be considered, where the applicant may need further specialist advice to help prepare the application and what changes may be needed to any draft proposals. Such advice can save an applicant time in preparing the application and also the time taken by the Council to make a decision on it. In the case of proposals with little prospect of approval early advice can avoid further abortive work. It can also quickly identify solutions to problems and therefore save costs. The improved pre-application service has a strong emphasis on front loading to reduce the time spent on decision making and use of planning conditions. There have been some pre-application enquiries which did not materialise as applications because the site was deemed to be unsuitable for housing. Some examples of development which were the subject of pre-application advice and which were amended and approved relatively quickly are: Venture House for six flats (15/01352/FUL), Rear of Imtech House for 26 flats (16/00196/FUL) and the former Bugle Public House for eight flats (17/01028/FUL).

Use of Planning Performance Agreements

The Council has introduced a new service offering planning performance agreements (PPAs) for major development proposals. This is one of the factors that might otherwise put them off putting in an application in the borough. However, it gives absolutely no guarantee that the application will be recommended for approval. The Planning DM service has received a positive take up on PPAs for larger schemes, for example, Shepperton Studios, with more currently being drafted. A PPA covers pre-application advice through to the planning decision being made. It sets out timescales within which meetings will take place and a report will be presented to the Planning Committee which gives the developer certainty around timeframes for a decision. They have enabled the DM planning officers to make use of expert advisors to assist on complex issues in the consideration of the planning application and formulating a well-reasoned recommendation.

Revised Web Site

The planning pages of the website have recently been updated. This will help residents, applicants and third parties obtain up to date information about all aspects of the Planning Service.

Increased presentations to Councillors on major planning applications

Presentations to members by on larger complex schemes, usually at the pre-application stage, have taken place a number of times over recent years. These enable Councillors to view the proposals at an early stage before they are made public, to ask questions and clarify issues and raise concerns, which need to be addressed. To avoid risk of pre-determination, Councillors do not give an opinion at the meetings. Recently, DM officers made, for the first time, a presentation to Councillors on a complex planning application (Shepperton Studios) after the Planning Committee agenda had been made public and before the meeting. This gave the Councillors an opportunity to receive a full explanation of proposals and a summary of the planning position, to ask questions and to seek clarification on issues but not to reach a decision.

The Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) was implemented on 01 April 2015. These contributions are used to fund local infrastructure in the Borough. The implementation of CIL has resulted in reducing the amount of time spent on negotiating Section 106 Agreements between the developers and the Local Planning Authority. In 2017 the Council employed a fulltime CIL officer who provides a dedicated resource for the implementation of CIL. Following discussions with neighbouring boroughs, the Council has purchased new dedicated CIL software (Exacom) which will improve the monitoring of CIL and s106 agreements.

Considering compulsory purchase powers to unlock suitable housing sites

The Cabinet agreed two reports relating to the use of Compulsory Purchase Powers (CPO) to assist with comprehensive redevelopment of sites within Staines – upon - Thames Town Centre. The first of these related to 116 – 120 High Street, which lies adjacent to the Charter Square development currently under construction. The second site was 15 London Road, known as the former Fireworks building, positioned next to the former Centrica site, which has planning permission for a mixed-use development with housing, offices and retail. The Cabinet agreed to the Council's willingness, in principle, to use compulsory purchase and / or appropriation powers in order to enable development of these two sites. It is hoped the resolution by Cabinet will lead to negotiations taking place between the land owners of the various sites but if this is not the case, the Council will look to pursue formal CPO action.

Using Brownfield Registers to grant permission in principle to previously developed land

Spelthorne published its Part 1 Brownfield Register in December 2018. This identifies all brownfield sites appropriate for residential development. In due course the register will be extended to include relevant sites that have been submitted through Spelthorne's Strategic Land Availability Assessment (SLAA) or appropriate sites which meet the criteria. We will also consider whether any

of the sites will be moved to Part 2 of the Brownfield Register which will effectively grant permission in principle. This will need further consideration and would be the subject of a prior consultation process.

Encouraging the development of small sites and higher site densities

The Council's adopted Core Strategy seeks to encourage high density housing in certain locations under policy HO5. Within Staines Town Centre, development should generally be above 75dph where it is demonstrated that the development complies with the design policy EN1, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel. With Staines-Upon-Thames, developments have already been approved at over 300 dph (phase 1A - former Majestic House Site). This is currently under construction.

Engaging regularly with key stakeholders

The Planning and Enforcement officers hold regular seminars with local resident associations and also planning agents who submit planning applications on a regular basis in Spelthorne. These provide an opportunity to provide advice on the issues facing the borough and of our policies and procedures and to listen to their concerns. One of the concerns related to our procedures on the discharge of planning conditions. We have been working hard to improve the total process and this is on-going. A further concern related to the length of time taken to discharge of contaminated land conditions. The Principal Environmental Health Officer has provided some training to Planning Officers and it is intended that a presentation is made to planning agents at a forthcoming planning seminar followed by a question and answer session to improve information flow.

Councillor Training on Planning Issues

Planning officers provide regular training seminars to all councillors. A full programme is delivered to councillors following the elections and regular updates are given throughout their four year terms. In addition, external specialists also provide guidance on particular topics. The training has covered the following areas:

- Planning in the Borough context and the role of the Planning Committee.
- Design in the Planning process
- Affordable housing
- High density/tall buildings
- Planning enforcement and appeals
- How to approach the determination of planning applications and pitfalls
- Green Belt
- Flooding

- Permitted Development and Use Classes Order
- Minerals
- Planning and transportation

Planning Officer Training

Planning and Enforcement Officers undertake regular training on planning issues in order to keep abreast of developments. This is, and will, continue to be an on-going and necessary requirement of their posts.

Simplifying conditions discharge phased on approved sites, and standardised conditions reviewed

A review of all planning conditions was undertaken in July 2018 by senior planning officers. This has resulted in the streamlining of conditions to ensure that they meet up to date guidance on the use of conditions and to safeguard against their use where other non-planning legislation would be more appropriately employed. Council Planning officers have worked with Environmental Health officers to achieve this, particularly with contaminated land, noise and extraction equipment.

Ensuring evidence on a particular site is informed by an understanding of viability

The Council's Local Plan requires all proposals of 15 dwellings or more and all sites in excess of 0.5 hectares include to provide 50% affordable housing. Where developments fall short of this requirement, an independent viability would be submitted and assessed on an open book basis. This is a complex area where specialist advice is required and planning officers and councillors have undergone training with further training planned this year.

4. Future Actions

- 4.1 The Council will continue to positively look for further opportunities to increase its housing delivery and will work closely with the relevant Council services and external organisations to achieve this.

Local Plan Progress

- 4.2 As part of the new Local Plan the Council will seek to boost housing supply and delivery. The new Local Plan will review and update existing policies acting as a barrier to delivery to help development come forward such as densities, design and parking.
- 4.3 The Strategic Land Availability Assessment is a key piece of evidence for the new Local Plan and will be updated annually to ensure that the position on land supply is up to date. The Council is in the process of updating the SLAA for 2019. In line with Planning Practice Guidance, officers are proactively identifying sites, including publicly owned land and brownfield land, for development to ensure that potential supply is exhausted. The Council has an open-ended call for sites on its website whereby landowners or site promoters

can submit potential development sites for consideration in the next iteration of the SLAA.

- 4.4 The SLAA will inform the policies on housing in the new Local Plan and acts as the starting point in determining which sites will be allocated. Moving forward the Council will work with stakeholders to ensure that suitable and available sites come forward at particular points in the plan period.

Knowle Green Estates

- 4.5 The current review of the Council's Local Plan has identified a need to create around 603 housing units each year over the next 15 years. As part of its Issues and Options Consultation in summer 2018, the Council consulted on four main ways to meet this significant requirement for new housing:
- Brownfield development
 - Green belt development
 - Staines development
 - Combination development
- 4.6 Following a Sustainability Appraisal, the professional opinion was that the fourth option (combination) should be taken forward, but with additional safeguards to take account of the public's views on loss of Green Belt. This has been agreed by Cabinet. Within this option, the focus will need to remain very much on realising the considerable latent potential of Staines-upon-Thames (but not to the absolute exclusion of housing development anywhere else in the borough). It is estimated that the five year housing land supply in the Borough is 3204 units. Of the sites identified in the Strategic Land Availability Assessment (SLAA) 2018, over 1,500 units on the identified sites are expected to be delivered in Staines-upon-Thames, with around 1,000 to be delivered on publicly owned sites. In the medium term (6 to 10 years), Publicly-owned sites could deliver another 450 units (with other sites not owned by Spelthorne bringing forward approximately 350).
- 4.7 The preferred approach is to focus on Staines-upon-Thames as the major residential opportunity area. A Masterplan will be developed as part of the new Local Plan which will focus in detail on where and how this new development can best be accommodated, in order to ensure we achieve a sustainable solution for the town.
- 4.8 The Council's landholdings within the town centre (including our recent strategic acquisitions) provide a clear opportunity to bring forward at least 1,420 units in the next 10 years, subject to planning permission. In the next five years, the level of investment that the Council aims to make is likely to be in the region of £300m. As the land owner, Spelthorne Council is confident that this level of residential development can be delivered whilst retaining sufficient car parking to sustain the town centre (though some sites may well be reconfigured to make more efficient use of the Spelthorne Council's land).

- 4.9 The SLAA has identified that, within the town centre, the Council is able to develop the following housing units as a minimum (within the immediate confines of the town centre):

Table 5 Minimum housing units to be developed by the Council/Knowle Green Estates

Site	Development Type	No. of Units	Timescale
Thameside House	Flatted	120	Years 1 - 5
Hanover House and Bridge Street car park	Flatted	75 ¹	Years 1 - 5
Riverside car park (subject to re-provision)	Flatted	100	Years 6 - 10
Elmsleigh Centre and adjoining land	Flatted	650	Years 6 - 15

- 4.10 The Council, as landowner is proposing to submit planning applications for a number of smaller residential developments which are summarised below:

Table 6 Smaller sites identified to develop by the Council/Knowle Green Estates

Site	Development Type	No. of Units	Submission of Planning Application
White House, Kingston Road, Staines	Flats	28	End 2021
White House, Kingston Road, Staines	Hostel	33	Received June 2019
Ceaser Court, Green Street, Sunbury, Phase 2	Flats	32	June 2019
Ashford Multi-Storey Car Park	Flats	50	January 2020
Ashford Hospital Car Park	Flats	108	June 2019
Harper House, Fordbridge Road	Short term emergency accommodation	20	June 2019

¹ Subject to Council strategy

4.11 Table 11 in Appendix 2 shows, in the final column, possible consequences in 2020 using 2018 results with 2020 thresholds. The consequence is shown to be a housing delivery test below the required 75%, leading to Spelthorne being required to produce an Action Plan. We will also have to apply a 20% buffer to our housing supply and consequently there will be a presumption in favour of sustainable development. However, the table below shows a projection of the number of homes required and the anticipated number of homes delivered by 2020.

Table 7 Spelthorne – Housing Delivery Test 2021 - Projected

No of home required			Total homes required	No of homes delivered			Total homes delivered	HDT Test %	Consequence
2017-2018	2018-2019	2019-2020		2017-2018	2018-2019	2019-2020			
424	599	603	1626	221	289	286 ²	796	49%	Action Plan + 20% Buffer + Presumption

² Estimated based on average of previous 3 years. Delivery is likely to be higher as over 1,000 units are currently under construction in the Borough. This is considered a minimum.

Table 8 Improving Decision Making

Action	Service	Date
To review the standard planning conditions.	Planning Development Management	Ongoing
To continue to review the discharge of planning conditions to speed up the process.	Planning Development Management	Ongoing
To consider imposing a condition providing that development must begin within a shorter timescale than the relevant default period, where this would expedite the development without threatening its deliverability or viability.	Planning Development Management	September 2019
To continue to improve planning performance on speed of decision making.	Planning Development Management	Ongoing
To continue to improve planning performance on quality of decision making.	Planning Development Management	Ongoing
To continue to provide ongoing Member training particularly in relation to housing delivery.	Planning Development Management	Ongoing
To continue to provide on-going planning officer training.	Planning Development Management	Ongoing
To implement a full programme of Idox measures to facilitate agile / paperless working in DM.	Planning Development Management	March 2020
To implement a full programme of Enterprise measures for DM staff to manage workloads and performance, improve the use of resources and efficiency / performance.	Planning Development Management	March 2020
To consider whether to prioritise / fast track housing planning applications	Planning Development Management	March 2020
To continue to develop and offer a proactive pre-application service to support the delivery of sustainable development.	Planning Development Management	March 2020

Table 9 Supporting Wider Housing Opportunities

Action	Service	Date
To continue dialogue with developers and landowners to build out rates and obtain information on barriers to deliver housing.	Planning	On-going
To work with site promoters and other stakeholders to deliver the Local Plan and allocations.	Strategic Planning	On-going
To continue to achieve the maximum amount of Affordable Housing.	Planning	On-going
The Council will continue to facilitate the delivery of affordable housing by developing Council owned sites Knowle Green Estates.	Assets	On-going
CIL and S106 agreements – To continue to improve processes and improve monitoring.	Strategic Planning	December 2019 and on-going

Next Steps

- 4.12 The future actions identified will be implemented and monitored over the next year by Planning DM, Strategic Planning, Assets and Housing Strategy. The housing delivery test results will be issued for each authority on a rolling annual basis. If Spelthorne does not meet the test in future years, Housing Delivery Test Action Plans will continue to be produced by Planning Development Management and formally approved by Cabinet.
- 4.13 The actions will be implemented by the responsible service. They will be updated as necessary and new actions will be added in response to any changes in Government policy, legislation and practice guidance.

- 4.14 It is proposed that an annual report will be presented to Cabinet which will advise on the progress of this Action Plan. In the interim, this Action Plan will be reported to the Planning Committee for information.
- 4.15 The Council welcomes any suggestions to improve the delivery of housing in Spelthorne
- 4.16 It is proposed that this plan will be made publicly available on the Council's website.

Information Document 1

1. Planning Policy Context

The Housing White Paper

- 1.1 The Government published the Housing White Paper 'Fixing our broken market' in February 2017 as a response to the national housing crisis. It set out the Government's plans to reform the housing market and boost the supply of new homes in England. The proposed measures covered planning for the right homes in the right places, how to build homes faster and how to diversify the housing market. Notably, it proposed to hold local authorities to account for the number of new homes delivered through the introduction of a new Housing Delivery Test. The test would show whether the number of homes being built is below the required number of homes needed in that area and would provide a mechanism for establishing the reasons why there has been under delivery.

Planning for the right homes in the right places: consultation proposals

- 1.2 In September 2017, the Government published the 'Planning for the right homes in the right places: consultation proposals'. This set out proposals to reform the planning system to increase the supply of new homes and increase the local authority capacity to manage growth. The proposals introduced a standard method for calculating local authorities' housing need. The standard method would identify the minimum number of homes expected to be planned for. This proposal marked a departure from previous government policy which required local authorities to prepare a Strategic Housing Market Assessment (SHMA) to identify their housing need figure and the types of housing needed in their area.

National Policy

- 1.3 The Government reinforced its objective to *significantly boost the supply of new homes* and making the local authority more accountable for delivery in their area by publishing the following:
 - A revised National Planning Policy Framework (NPPF) July 2018, amended in February 2019;
 - The Housing Delivery Test Measurement Rule Book, July 2018;
 - Updated Planning Practice Guidance (PPG), September 2018 amended in February 2019; and
 - The Housing Delivery Test: 2018 Measurement Technical note (February 2019).

- 1.4 The methodology for calculating the Housing Delivery Test is set out in the Housing Delivery Test Measurement Rule Book. It measures the number of net homes delivered against the number of homes required over a rolling three year period.
- 1.5 The Government is, therefore, committed to the improved delivery of more new homes nationally through their economic and housing growth agendas. To this end they have introduced a number of measures and reforms to the planning system intended to deliver more housing, improve housing affordability and remove barriers to development. Local planning authorities (LPAs) are challenged to be more proactive in increasing the speed and quantity of housing supply to meet the identified housing needs of their local area.

Local Plan Policy

- 1.6 The current Local Plan for Spelthorne comprises the following documents:
- Core Strategy & Policies DPD (adopted 2009)
 - Allocations DPD (adopted 2009)
 - Six policies from the 2001 Local Plan remain in force and still form part of the Development Plan for Spelthorne
 - South East Plan policy NRM11:Thames Basin Heaths
- 1.7 A replacement local plan is currently being prepared which will be the Spelthorne Local Plan 2020-2035. This Local Plan will set out the Council's vision and objectives for the area and include all development policies and allocations. Consultation on the Issues and Options paper took place in May and June 2018. The Local Development Scheme states that consultation on the Preferred Options following the Issues and Options will commence around October 2019. The final adoption is anticipated to be by the summer of 2021. The programme for preparing the local plan documents is attached as an appendix.
- 1.8 The new Local Plan must allocate sufficient land in appropriate locations for the Council to demonstrate how it will positively meet its housing and employment needs and secure land for infrastructure to support anticipated levels of growth. The Site Selection Methodology - February 2019 demonstrates the Council's approach to identifying suitable sites for development to meet the identified needs set out in the Local Plan.

Information Document 2

2. Housing Delivery Analysis

- 2.1 The Housing Delivery Test (HDT) has been introduced by the Government as a monitoring tool to demonstrate whether local areas are building enough homes to meet their housing need. The HDT, which was originally due to be introduced from November 2018 and was subsequently delayed until February 2019, compares the number of new homes delivered over the previous three years with the authority's housing requirement. In the case of Spelthorne, the housing requirement is the minimum annual local housing need figure (603 dwellings per annum as of February 2019). The calculation is given as:

$$HDT = \frac{\text{Total net homes delivered over a three year period}}{\text{Total number of homes required over three year period}}$$

- 2.2 The HDT will be used to determine the buffer to apply in housing supply assessments and whether the presumption in favour of sustainable development should apply. The National Planning Policy Framework 2018 (NPPF) and National Planning Policy Guidance (NPPG) introduced the 'Housing Delivery Test' (HDT) in a phased approach over three years. Once fully implemented the HDT will have the following consequences:
- Where housing delivery over the previous three years has been less than 95% of the housing requirement, LPAs should prepare an action plan setting out the causes of under delivery and the intended actions to increase delivery;
 - Where delivery has been less than 85% of the housing requirement, a 20% buffer should be applied to the supply of deliverable sites for the purposes of housing delivery assessment;
 - Where delivery has been less than 75% of the housing requirement, the NPPFs presumption in favour of sustainable development will apply. A three year transitional period will operate from February 2019.

2.3 The presumption in favour of sustainable development will apply if the test result is less than:

- 25% in November 2018
- 45% in November 2019
- 75% in November 2020.

2.4 In the first cohort, there were no council's below 25%.

2.5 Spelthorne has been identified (in November 2018 but formally announced in February 2019) as one of the 108 Local authorities where housing delivery over the previous three years has been less than 95% of the housing requirement. In Spelthorne the housing delivery figure is **63%**. This calculation is based on the data set out in Table 10.

Table 10 Spelthorne – Housing Delivery Test 2019

No of home required			Total homes required	No of homes delivered			Total homes delivered	HDT Test %	Consequence
2015-2017	2016-2017	2017-2018		2015-2016	2016-2017	2017-2018			
483	487	424	1394	308	347	221	876	63%	Buffer

- 2.6 As a consequence, Spelthorne is required to produce an Action Plan within a period of 6 months, by **19th August 2019**.
- 2.7 Spelthorne Borough Council (SBC) is responding to this challenge and has the ambition, recognised across its key strategic documents, to increase and accelerate the delivery of new housing across the district. The allocation of land to accommodate a minimum of 9045 new homes (603 dwellings per annum) is being made through the emerging Local Plan, scheduled for Adoption in 2021.
- 2.8 The NPPF advises that an Action Plan is:
- “A document produced by the local planning authority to reflect challenges and identify actions to address under-delivery against the housing requirement in the area. The document’s purpose is to detail the reasons for under-delivery and the steps the authority intends to take in mitigation and drive up delivery in the area. A good action plan will identify ways to reduce the risk of further under-delivery and set out the case for measures to maintain or improve levels of delivery”.*
- 2.9 The table on the following page sets out the position for all Surrey boroughs and districts. It can be seen that at present seven out of the eleven authorities are required to produce a housing delivery action plan. The final column uses the 2018 results with the 2020 thresholds. The possible consequences are based on the following:
- 95% = Action plan 85%
 - 85% = Action Plan + buffer
 - 75% = Action Plan + buffer + presumption in favour of development

Table 11 Surrey Local Authorities – Housing Delivery Test 2019

Local Authority	No of homes Required			Total Homes required	No. of homes delivered			Total Homes Delivered	HDT Test %	Current Consequence Feb 2019	Possible consequences in 2020 (using 2018 results with 2020 thresholds)
	2015-2017	2016-2017	2017-2018		2015-2016	2016-2017	2017-2018				
Elmbridge	225	362	443	1,030	240	267	130	637	62%	Buffer	75% - Action Plan + Buffer + Presumption
Epsom and Ewell	381	383	413	1,177	159	346	162	667	57%	Buffer	75% - Action Plan + Buffer + Presumption
Guildford	521	514	551	1,585	388	501	299	1,188	75%	Buffer	85% - Action Plan + Buffer
Mole Valley	353	358	318	1,030	158	207	423	788	77%	Buffer	85% - Action Plan + Buffer
Reigate and Banstead	460	460	460	1,380	535	517	594	1,646	119%	None	No Action
Runnymede	401	402	394	1,197	433	152	806	1,390	116%	None	No Action
Spelthorne	483	487	424	1,394	308	347	221	876	63%	Buffer	75% - Action Plan + Buffer + Presumption
Surrey Heath	191	198	247	635	263	221	321	804	127%	None	No Action
Tandridge	425	428	464	1,317	318	222	317	856	65%	Buffer	75% - Action Plan + Buffer + Presumption
Waverley	551	553	471	1,575	234	408	598	1,240	79%	Buffer	85% - Action Plan + Buffer
Woking	245	247	217	709	326	399	358	1,083	153%	None	No Action

- 2.10 Where there is a presumption in favour of development, the “tilted balance” applies where the balance is skewed in favour of sustainable development and granting planning permission except where the benefits are ‘significantly and demonstrably’ outweighed by the adverse impacts or where specific policies in the National Planning Policy Framework (NPPF) indicate otherwise. The “tilted balance” also applies where there is the absence of relevant up to date development plan policies or where the local authority does not have a five year housing land supply which is presently the case for Spelthorne.

Spelthorne’s Current Housing Land Supply Position

- 2.11 The Council’s housing target based on our local housing need is currently 603 dwellings per annum as of February 2019 and this comprises the basis for calculating the five-year supply of deliverable sites. In using the local housing need figure of 603 as the starting point for the calculation of a five year supply, it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough’s housing supply will be assessed in light of the Borough’s constraints which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment 2018 (SLAA) which identifies potential sites for future housing development over the plan period.
- 2.12 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we now have to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer “*where there has been significant under delivery of housing over the previous three years*”. We now must have regard to the Local Housing Need figure plus buffer of 724 (603 + 20% buffer) dwellings per annum and, on this basis, the Council has not been able to deliver a sufficient number of dwellings in recent years. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. The effect of this increased requirement is that the identified sites only represent some 4.4 years supply and accordingly the Council cannot, at present, demonstrate a five year supply of deliverable housing sites.
- 2.13 As a result, current decisions on planning applications for housing development need to be based on the “tilted balance” approach as set out in paragraph 11 of the NPPF (2018) as referred to above.
- 2.14 The need for housing has increased significantly since the adoption of the Core Strategy in 2009. The Council produced a Strategic Housing Market Assessment (SHMA) in 2015 identifying its housing need within the Housing Market Area that it shares with Runnymede. This identified a need for 552-757 dwellings per annum. The Government subsequently issued its ‘Planning for the Right Homes in the Right Places’ consultation in 2017 which set out the housing need for each local planning authority using the standard method. The Government finalised its guidance on the standard method for calculating

housing need in February 2019. Local Housing Need is currently 603 dwellings per annum in Spelthorne and will be used from February 2019 onwards. Table 12 sets out the Borough's net housing completions against its housing requirement.

Table 12 Local Housing Need & Delivery

	Completions (net)	Local Housing Need (Min.)	Source	Shortfall to Min. OAN
2013 – 14	191	166	Core Strategy 2009	+25
2014 – 15	265	166	Core Strategy 2009	+99
2015 – 16	308	166	Core Strategy 2009	+142
2016 – 17	347	552	SHMA 2015	-205
2017 – 18	250	552	SHMA 2015	-302
2018 - 19	289	590	LHN 2018	-301

Five Year Supply Position

Need 2019/20 = 2024/25 = (5 x 603) = 3015

Buffer at 20% = (3015 x 1.2) = 3618

Annual need including 20% buffer = 724

Projected Supply 2019/20 = 2024/25 = 3204

Housing supply (3094 / 708) = 4.4 years of supply or 88%

Spelthorne's Housing Performance

- 2.15 A large proportion of the existing housing stock was built between 1920 and 1970. A very high proportion is owner-occupied and comprises mainly detached, semi-detached and terraced housing. The 2011 Census indicates that approximately 12% of the stock is social housing managed by Registered Social Landlords (RSLs) with a similar amount of private rented accommodation. Some 3.5% of the stock is vacant. The Housing completions (net) by sector April 2009-March 2018 is set out in Appendix 4 Table 21.

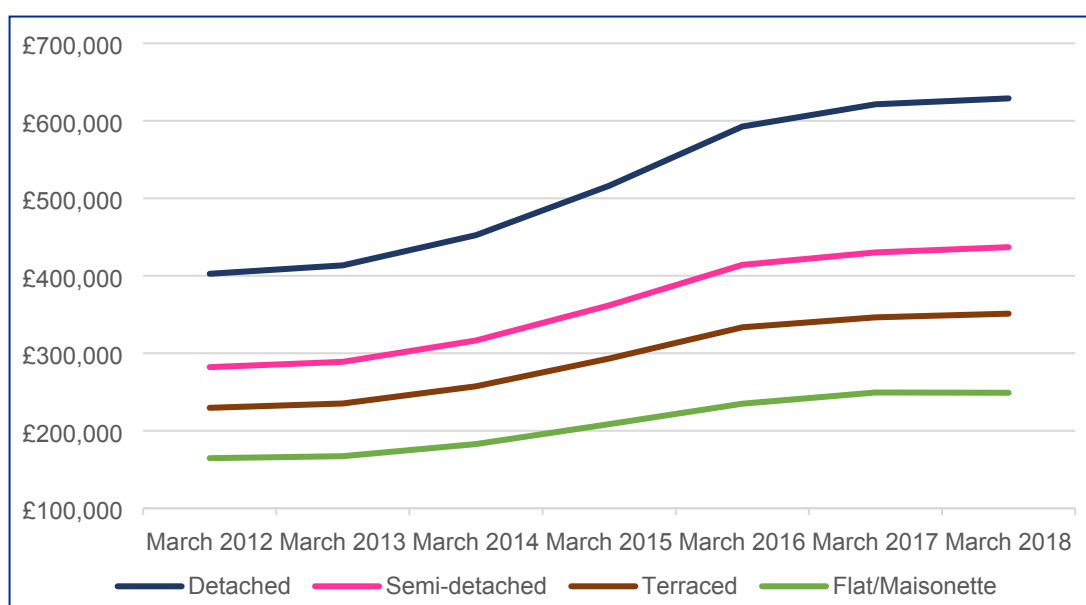
- 2.16 House prices have continued to fluctuate. Table 13 and Figure 1 illustrate changes in annual average (median) house prices over the last ten years according to latest available data. Data on house prices is derived from actual sale prices which can show significant variation over time, particularly when the total volume of sales is small. The information should therefore be seen only as a guide to relative movement in house prices by type.
- 2.17 All affordable housing for rent is managed by RSLs and for each scheme granted planning permission the Council initially has 100% nomination rights for first lets with 75% thereafter. One important contextual indicator relating to the achievement of affordable housing policies is the size and composition of the Housing Register. Since 2009 the Council has operated a Choice Based Lettings scheme which significantly extends the opportunities for families on the Housing Register.

Table 13 Average House Prices in Spelthorne by type of dwelling

Year	Type of Dwelling			
	Detached	Semi-detached	Terraced	Flat/Maisonette
March 2012	£402,564	£282,092	£229,587	£164,599
March 2013	£413,453	£288,940	£235,190	£167,183
March 2014	£452,436	£316,491	£257,380	£182,821
March 2015	£516,173	£361,784	£293,173	£208,525
March 2016	£592,566	£414,053	£333,480	£234,909
March 2017	£621,268	£430,119	£346,341	£249,377
March 2018	£628,911	£436,892	£351,105	£249,039
% change 2012-2018	56%	55%	53%	51%

Source: <http://landregistry.data.gov.uk/app/ukhpi/explore>

Figure 1 Average annual house prices in Spelthorne by type of dwelling



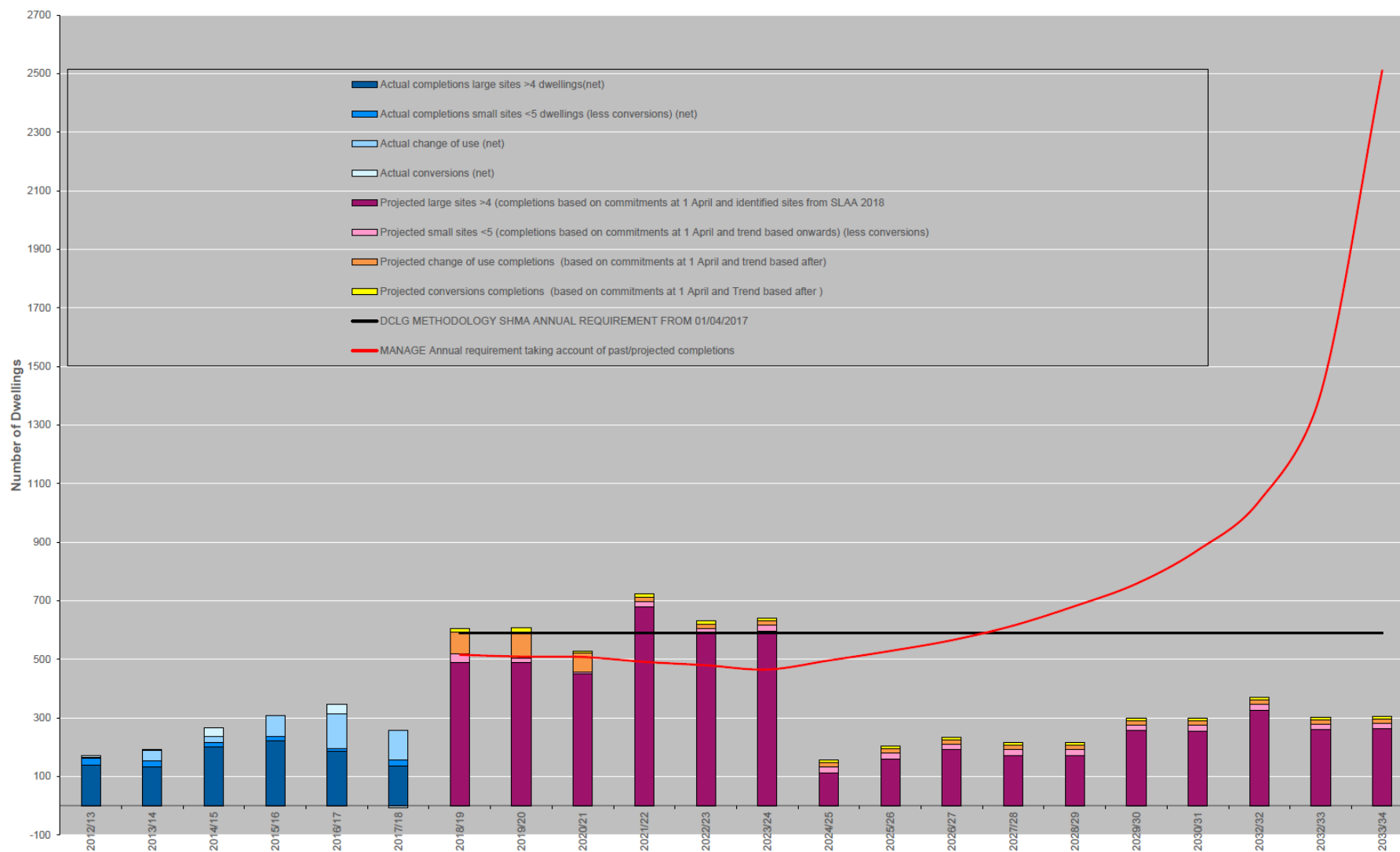
Projecting future provision

- 2.18 The housing trajectory (Table 14 and Figure 2) shows housing completions for the last seven years and anticipated delivery for the next 15 years to 2034. It combines information on past completions, existing planning permissions and identified housing sites from the Strategic Land Availability Assessment 2018 to illustrate projected housing supply going forward into the new Local Plan period.
- 2.19 Net completions for the previous seven years (including the reporting year) are recorded and broken down into four categories – conversions, change of use, small sites with fewer than 5 dwellings (net) and large sites of 5 or more dwellings (net). Data on housing completions by bedroom are set out in Table 16. Data for projected completions in future years is recorded on the same basis in Table 14.

Table 14 Draft Housing Trajectory Data 2018-2034

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2032/32	2032/33	2033/34
Actual Total completions (gross)	222	198	333	355	374	287																
Actual Total completions (net)	170	191	265	308	347	250	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Actual conversions (net)	6	2	29	1	34	-8																
Actual change of use (net)	1	37	20	71	118	102																
Actual completions small sites <5 dwellings (less conversions) (net)	24	20	14	14	8	22																
Actual completions large sites >4 dwellings(net)	139	132	202	222	187	134																
Annual Losses	52	7	68	47	27	37	49															
Under Construction at previous Year End (gross)	303	295	359	413	439	476	1010															
Difference between u/c and comps in each year	81	97	26	58	65	189																
Completions as a percentage of U/C	73.27	67.12	92.76	85.96	85.19	60.29																
Projected annual completions (net) all sources							606	607	529	722	630	640	157	203	235	215	216	300	299	370	303	306
Projected conversions completions (based on commitments at 1 April and Trend based after)							14	13	8	9	9	9	9	9	9	9	9	9	9	9	9	9
Projected change of use completions (based on commitments at 1 April and trend based after)							74	91	66	15	15	15	15	15	15	15	15	15	15	15	15	15
Projected small sites <5 (completions based on commitments at 1 April and trend based onwards) (less conversions)							29	15	5	20	20	20	20	20	20	20	20	20	20	20	20	20
Projected large sites >4 (completions based on commitments at 1 April and identified sites from SLAA 2018							488	489	450	678	586	596	113	159	191	171	172	256	255	326	259	262
DCLG METHODOLOGY SHMA ANNUAL REQUIREMENT FROM 01/04/2017							590	590	590	590	590	590	590	590	590	590	590	590	590	590	590	590
MANAGE Annual requirement taking account of past/projected completions							515	509	508	491	480	465	496	528	565	615	682	758	873	1040	1409	2511
SLAA TOTALS (Sites >4)								161	285	595	503	596	113	159	191	171	172	256	255	326	259	262

Figure 2 Draft Housing Trajectory 2018-2034



- 2.20 Anticipated completions for the year 2019/20 are based on the assumption that 60% of the 1,094 units under construction at the start of the year in Table 15 will be completed during the year. The remaining 40% would be completed over the next two years with 30% in year 2 and 10% in year 3. This is to allow time for dwellings on large sites to be completed and to ensure that regard is had to past performance so that the likely number of completions in the current year is not overestimated.
- 2.21 For the period from 2019/20 to 2033/34 the estimated net annual completions are based on the following components:
- Dwellings under construction (those not completed in 2018/19)
 - Dwellings with planning permission (unimplemented)
 - Estimates for dwellings provided by conversions, change of use and from small sites (fewer than 5 units net)
 - Sites of 5 or more dwellings identified in the SLAA 2018.
- 2.22 Given the past trends in the Borough's implementation rates of planning permissions, it has been assumed that most remaining unimplemented permissions will be completed over the next four year period from 2019. However, a small non-implementation factor of 5% has been applied on a precautionary basis to allow for permissions which expire.
- 2.23 The third component above, (estimates,) comprises three elements. The first, dwellings from conversions, is calculated from the average annual net provision over seven years for the conversion of existing residential development to smaller units, such as a single dwelling house converted to flats. The second element derives from the change of use from non-residential property to residential, such as a shop to a dwelling. Again the estimate is based on the annual average net provision over a seven year period. Traditionally this was always a small component of the overall total. However, the increase in large office to residential conversions as a consequence of the Government's relaxation of planning controls has significantly expanded this source of supply. It is not known how long this trend will continue, so whilst the trajectory takes account of known schemes, the longer term estimate for this source of dwelling supply remains cautious (less than 10 units per annum). Further work on this element is currently underway.
- 2.24 The third element relates to new build dwellings on sites delivering fewer than five dwellings (net). This is the threshold for sites considered to be too small to be reliably identified in the SLAA. Currently there is no evidence from completions data to suggest that this source of new housing is likely to decline over the plan period and the estimate of 20 units per annum based on the average annual net figure for the last seven years is included in the trajectory with no discount applied.
- 2.25 The fourth and final component of supply is that provided by the SLAA 2018. Every site of 5 or more dwellings listed in the study is assessed on a likely date

implementation based on the criteria of whether a site is developable and deliverable over the plan period broken down into three five year periods.

- 2.26 The data is illustrated in graphical form in Figure 2 showing by means of the columns, the actual and forecast completion rates. The trajectory illustrates the effect of taking into account the latest objectively assessed housing need figures published in the Government's proposed methodology. The horizontal black line therefore shows the requirement of 590 per annum. It shows that, given the current level of completions forecast for the plan period, the overall number of dwellings for the remainder of the plan period based on 590 will not be achieved. The red line shows the effect of completions each year on the overall plan requirement taking account of the dwellings completed each year to provide a residual figure. The need to review the Local Plan remains paramount.
- 2.27 It should be noted however that the Objectively Assessed Need (OAN) figure is untested and is not automatically a proxy for a final housing requirement in a Local Plan. The Council will have to consider the evidence carefully and take into account whether environmental and policy constraints, such as Green Belt, will have an impact on the final housing requirement. The OAN figure should not therefore be confused with a plan target. The number of dwellings completed, under construction and with outstanding planning permission at 31 March 2019 is shown in Table 15.

Table 15 Number of dwellings completed, under construction and with outstanding planning permission at 31 March 2019

	Conversion/ Change of Use	Small sites (less than 0.4ha)	Large sites (0.4ha or greater)	Total dwellings – all sites
Gross Completions (2018-2019)	157	99	54	310
Losses (2018-2019)	9	12	4	21
Net Completions	148	87	54	289
Units under construction	170	246	678	1094
Units not started on sites under construction	0	0	0	0
Units with outstanding planning permissions (net)	313	198	551	1062
Units pending Section 106 agreement (net)*	0	5	160	165
Total units outstanding	483	449	1,389	2,321

(Source: In house monitoring)

*This figure includes all sites pending S106 agreements which have not been concluded or formally withdrawn.

Table 16 Housing completions (net) by bedroom April 2009-March 2019

Year	Total Dwellings (Gross)					Losses (ii)					Net Completions					Running Total
	1 bed	2 bed	3 bed	4 bed	Total	1 bed	2 bed	3 bed	4 bed	Total	1 bed	2 bed	3 bed	4 bed	Total	
2009-2010	77	166	26	27	296	2	36	43	4	85	75	130	-17	23	211	211
2010-2011	70	112	19	11	212	3	21	43	6	73	67	91	-24	5	139	350
2011-2012	53	91	90	28	262	3	43	52	5	103	50	48	38	23	159	509
2012-2013	66	98	38	20	222	2	6	42	2	52	64	92	-4	18	170	679
2013-2014	66	98	19	15	198	2	2	1	2	7	64	96	18	13	191	870
2014-2015	79	172	48	34	333	42	8	8	10	68	37	164	40	24	265	1,135
2015-2016	89	166	71	29	355	2	6	31	8	47	87	160	40	21	308	1,443
2016-2017	98	189	50	37	374	6	11	8	2	27	92	178	42	35	347	1,790
2017-2018	108	111	36	32	287	8	12	6	11	37	100	99	30	21	250	2,040
2018-2019	164	92	33	21	310	3	4	8	6	21	161	88	25	15	289	2,329
2009-2019 (i)	870	1,295	430	254	2,849	73	149	242	56	520	797	1,146	188	198	2,329	

(i) Period covered by the Spelthorne Core Strategy and Policies DPD.

(ii) Losses of residential units (through redevelopment, conversion and to other uses) are accounted for in the year in which a development is commenced on the site.

Density

- 2.28 From 2009 to 2018 the average density for all completed schemes was 54 dwellings per hectare. It is inevitable that many small sites will fall below the preferred minimum density guideline of 35 dwellings per hectare (dph) set out in Policy HO5. However, the majority of completions have been built at more than 35dph and the number of dwellings completed at densities above 75 dph represents 44% of all completions in the year, a notable increase from last year's figure – see Table 17.

Table 17 Percentage of new dwellings on completed sites between 2009 and 2018 at different density ranges.

Year	Sites completed in year	Number of dwellings on completed sites	Average density of completed sites	% of dwellings completed at different density ranges		
				<35	35-75	>75
2009-2010	40	235	63	3%	67%	30%
2010-2011	38	272	64	7%	52%	41%
2011-2012	33	260	39	7%	89%	4%
2012-2013	38	146	44	18%	42%	40%
2013-2014	27	242	55	6%	44%	50%
2014-2015	42	307	65	18%	11%	71%
2015-2016	28	176	76	6%	42%	52%
2016-2017	46	440	51	19%	55%	26%
2017-2018	44	296	50	29%	27%	44%
Total	336	2,374	54			

Source: In house monitoring

Affordable housing

- 2.29 The overall provision of affordable housing has declined in recent years (Table 18). Schemes granted planning permission in 2018-2019 year have included a significantly lower proportion of affordable housing (Table 19). A complete schedule of housing completions by sector between April 2009-March 2018 which shows the number of private and affordable units is contained in Appendix 4 Table 21. There is an increasing trend for developers to seek to reduce on-site provision of affordable housing on the grounds of viability and /or to promote off-site provision or an in-lieu financial contribution. A number of larger schemes have recently been granted planning permission with significantly lower proportions of on-site provision than Policy HO3 seeks to achieve. In addition, the conversion of offices to residential under the “prior approval” regime has prevented the negotiation of affordable housing in a significant number of schemes.

2.30 Some £3.9m was been received in 2014/15 and 2017/18 in contributions in lieu of on-site affordable provision. The effectiveness of financial contributions in lieu of on-site provision will need to be closely monitored in the future to ensure that opportunities to increase the supply of affordable housing are maximised. A total of £1m was spent on the Crooked Billet development which secured all 29 units as affordable housing (incl. 9 units secured under the planning permission). In addition there a number of Council projects in the pipeline which will be partly funded from S106 money and these are referred to under the Action Plan Context and Action Plan below.

Table 18 Number of affordable homes provided per year since 2009

Year	Affordable dwellings completed (gross)	Affordable dwellings lost in year	Affordable dwellings completed (net)	Rent		Shared Ownership		Other/not specified	
				Gross units	%	Gross units	%	Gross units	%
2009-10	99	54	45	64	65	35	35	0	0
2010-11	96	44	52	84	87	12	13	0	0
2011-12	144	59	85	101	70	43	30	0	0
2012-13	63	20	43	51	81	12	19	0	0
2013-14	44	0	44	44	100	0	0	0	0
2014-15	16	43	-27	8	50	8	50	0	0
2015-16	138	14	124	82	59	56	41	0	0
2016-17	46	0	46	46	100	0	0	0	0
2017-18	9	0	9	5	55.5	4	44.5	0	0
2018-19	6	0	6	6	100	0	0	0	0
Total	661	234	427	491	77%	170	23%	0	0

Source: In house monitoring

Table 19 Affordable dwellings granted planning permission 2018-2019

	Number of sites	Total Dwellings (gross)	Affordable dwellings granted pp	Affordable dwellings as % of all dwellings granted pp
All schemes	69	998	47	4.7%
Schemes above 15 unit threshold as defined in Policy HO3	12	812	47	5.7%

Source: In house monitoring

- 2.31 The conversion of offices to residential under the “prior approval” regime has prevented the negotiation of affordable housing in a significant number of schemes. In the year to 31 March 2019, 12 applications for prior approval were granted, involving the loss of office floorspace with the provision of 256 dwellings, an increase from 161 dwellings in 2018 but with no affordable housing (Table 20).

Table 20 Prior approval applications granted April 2018-March 2019

Application No	Address	Date Approved	Number of dwellings	Commenced
18/00606/PDR	70 Church Road, Ashford	20/06/18	2x1 bed flats	Oct 2018
18/00739/PDR	20-22 High Street, Staines	17/07/18	1x1 bed flat	
18/00995/PDO	5-7 Clarence Street, Staines	22/08/18	5x1 bed flats	
18/00993/PDO	4 Church Street, Staines	21/08/18	2x1 bed flats	
18/01004/PDO	Units 3 & 4, The Summit Business Park, Hanworth Road, Sunbury	07/09/18	51x1 bed flats 45x2 bed flats 4x3 bed flats	
18/01136/PDO	Strata Technology Ltd, Strata House, Batavia Road, Sunbury	01/10/18	12x1 bed flats	
18/01267/PDO	West Wing, Council Offices, Knowle Green, Staines	17/10/18	8x1 bed flats 13x2 bed flats 4x3 bed flats	
18/01655/PDR	115 Feltham Road, Ashford	22/01/19	2x1 bed flats	
18/01672/PDO	Heliting House, 5-16 London Road, Staines	31/01/19	47x1 bed flats 6x2 bed flats	
18/01749/PDO	61-63 High Street, Staines	12/02/19	3x1 bed flats 2x2 bed flats	
19/00102/PDO	HM Revenue & Customs, Forum House, 14 Thames Street, Staines	27/02/19	35x1 bed flats 5x2 bed flats	
19/00063/PDO	6-8 Wolsey Road, Ashford	18/03/19	7x1 bed flats 2x2 bed flats	

The Brownfield Land Register

- 2.32 The National Planning Policy Framework (NPPF) requires councils to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. All sites included on the register have been provisionally assessed as meeting the NPPF definition of previously developed land.

2.33 To be included, sites must also meet the following:

- at least 0.25 hectares in size or capable of supporting at least five dwellings;
- "suitable" for residential development;
- the land is "available" for residential development; and
- residential development of the land is "achievable".

2.34 Spelthorne published its Part 1 Brownfield Register in December 2018. The Register provides up-to-date and consistent information on sites that are considered to be appropriate for residential development as long as they meet the criteria set out in Town and Country Planning (Brownfield Land Registry) Regulations 2017. Registers are in two parts, Part 1 comprises all brownfield sites appropriate for residential development and Part 2 those sites granted permission in principle.

2.35 The Part 1 Brownfield Land Register includes sites that have planning permission, or are allocations in the adopted Local Plan. In due course the register will be extended to include relevant sites that have been submitted through Spelthorne's Strategic Land Availability Assessment (SLAA) or appropriate sites which meet the criteria.

2.36 The Brownfield Land Register does not affect the status of sites that already have planning permission or are allocated in the adopted Local Plan for development. The inclusion of other sites on the register does not give them any formal status, or grant permission in principle, or in any sense infer that planning permission will be granted for development. The Brownfield Land Register will be subject to periodic review and through ongoing refinement further sites will be added whilst others may be removed.

The New Local Plan

2.37 The current review of the Council's Local Plan has identified a need to create around 603 housing units each year over the next 15 years. As part of its Issues and Options Consultation in the summer 2018, the Council consulted on four main ways to meet this significant requirement for new housing beyond those sites already identified in the SLAA:

- Brownfield development
- Green belt development
- Staines development
- Combination development

2.38 Following a Sustainability Appraisal and in light of the consultation outcome, the professional opinion was that the fourth option (combination) should be

taken forward, but with additional safeguards to take account of the public's views on loss of Green Belt. This was agreed by Cabinet in September 2018. Within this option, the focus will need to remain very much on realising the considerable latent potential of Staines-upon-Thames (but not to the absolute exclusion of housing development anywhere else in the borough).

- 2.39 The preferred approach is to focus on Staines-upon-Thames as the major residential opportunity area. A Masterplan will then be developed as part of the new Local Plan which will focus in detail on where and how this new development can best be accommodated, in order to ensure we achieve a sustainable solution for the town.

Information Document 3

3. Key challenges

Increasing numbers on the Housing Register: Over the past three years, the number of applicants on the Council's Housing Register has grown by 79%.

Lack of availability of existing affordable housing: In 2017/18 there were eleven applicants for every social housing vacancy.

High rates of statutory homelessness: There is an average of 116 households for whom we have a duty to provide accommodation per year, with one in five households approaching us due to the termination of a private sector tenancy.

High use of emergency and temporary housing for homeless households: The average occupancy of temporary accommodation at the end of each quarter in the four years to 2017/18 was 111 households. See Appendix 3 Table H4. For example, the average cost to the Council to accommodate one homeless household in emergency housing is approximately £6,500 per annum

Increasing affordability issues: ratio of the median house price to the median wage in the area evidences a year-on-year rise over the past four years, with Spelthorne outpacing the ratios for both the South East and England.

Lack of new-build affordable housing: The net increase of provision over the past four years has been just 152 units – an average of 38 per year.

- 3.1 The Capital Strategy also identifies the following issues affecting the housing market in Spelthorne.

The effect of our proximity to London

As well as the evident demand for affordable housing from local residents, there is also considerable pressure from London. The cost of housing in London is even higher than in Spelthorne, and London boroughs are actively placing homeless households from their boroughs into Spelthorne, as well as 'block booking' emergency accommodation facilities within Spelthorne for their homeless people, placing further demand on the already strained private sector.

Heathrow expansion

Another key issue that will have a significant impact on our community is the proposed third runway at Heathrow airport and the major expansion of works which are planned for Heathrow. Work on various parts of the airport and the surrounding infrastructure is likely to go on for a minimum of nine years. This will introduce further pressure as people working on the Heathrow expansion seek to be housed close to their workplace.

Key worker accommodation

Whilst housing affordability is a significant issue in general, it acutely affects key workers, who help to run the essential local services such as schools, hospitals, doctor's surgeries and fire stations. According to Government statistics released in 2016, the latest records available, the mean income for employed households within Spelthorne is £33,500. However, the starting salaries for essential local workers is much less. We know anecdotally that key worker staff are moving further and further away from Spelthorne into Hampshire and Berkshire and commuting to work. This means that when they look for their next promotion they are more likely to look in those areas; this is another factor leading to loss of workforce. Whilst some key workers are being recruited from London, one of the main factors which will keep them in Spelthorne is availability of affordable housing. The Council is seeking to tackle this through our housing company Knowle Green Estates Ltd and look at opportunities within allocated sites for the new Local Plan.

Subsidies

As affordable housing is provided at up to 80% of the market rate, subsidies are essential to make it viable. A private developer who pays market rate for land, finance, supplies and labour has to sell their properties at market rate to make a profit. When Spelthorne Council is acting as the developer, even if there is no profit, it is still difficult to deliver truly affordable housing. Housing for rent can pay for itself over a period of time because of the rental income which it generates. However, the Council needs to be in a position to forward fund such developments and the cost of finance for the acquisition, development and construction stages is prohibitive for councils unless they receive Government subsidy. This is similar to the way Housing Associations operate – having a market rate product to sell and rent, the surplus of which subsidises the affordable elements of their business. The bottom line is that, even with the Government grant funding available through Homes England, affordable housing developments need significant capital investment and cash flow to deliver.

Engagement with Stakeholders

The Spelthorne Issues and Options Consultation Paper took place in May and June 2018 and the consultation response document has been published. A large range of stakeholders were engaged as part of the consultation process including landowners, developers, utility providers and statutory consultees. The Local Development Scheme timetable shows the next stage of consultation on preferred options is anticipated to take place during October and November 2019 with a final round of consultation expected to take place in summer 2010.

Alongside the Issues and Options consultation paper a number of pieces of evidence were published including the Green Belt Assessment Stage one. The Strategic Planning Team met with a significant number of landowners ahead of the publication of this document to make them aware of the key findings related to their site. The team will continue to engage with all stakeholders throughout the production of the Local Plan, including regular contact with landowners and

their agents to ensure the sites that will be allocated will be delivered when anticipated.

Rail access to Heathrow

To date, the government is advancing two new major rail schemes (Western Rail to Heathrow and Southern Rail to Heathrow) to significantly transform rail access to and from Heathrow. The government plans to partly involve the private sector in its financing, delivery and maintenance. It aims to improve access to Heathrow from the south, reduce rail journey times, ease road and passenger congestion, create additional connections, generate economic growth and new jobs and provide an alternative form of transport for passengers, especially people who travel to the airport by car.

Alternatively, the Council has submitted a £375m light rail scheme to Heathrow to the Department of Transport (DfT) as part of its call for ideas on third party funded projects.

Appendix 4

Table 21 Housing completions (net) by sector April 2009-March 2018

	Total Dwellings (Gross)				Losses (ii)				Net Completions				
Year (Apr-Mar)	Private	RSL	Public	Total	Private	RSL	Public	Total	Private	RSL	Public	Total	Running Total
2009-2010	197	99	0	296	29	56	0	85	168	43	0	211	211
2010-2011	116	96	0	212	29	44	0	73	87	52	0	139	350
2011-2012	118	144	0	262	43	60	0	103	75	84	0	159	509
2012-2013	159	63	0	222	32	20	0	52	127	43	0	170	679
2013-2014	154	44	0	198	7	0	0	7	147	44	0	191	870
2014-2015	317	16	0	333	25	43	0	68	292	-27	0	265	1,135
2015-2016	217	138	0	355	33	14	0	47	184	124	0	308	1,443
2016-2017	328	46	0	374	27	0	0	27	301	46	0	347	1,790
2017-2018	278	9	0	287	37	0	0	37	241	9	0	250	2,040
2009-2018(i)	1,884	655	0	2,539	262	237	0	499	1,622	418	0	2,040	

(i) Period covered by the Spelthorne Core Strategy and Policies DPD.

(ii) Losses of residential units (through redevelopment, conversion and to other uses) are accounted for in the year in which a development is commenced on the site.

Appendix 5

Table 22 Sites under construction at 31 March 2019

Application No	PA Type	Address	Date PP granted	Scheme Gross Total	Scheme Net Total	Date commenced	Number of units completed to date	Comment
14/01347	FUL	Sunlink One, 1-3 Station Road Sunbury	24/11/14	33	33	Nov-15	0	March 2019: Site still under construction.
15/01498	FUL	430 Staines Road West Ashford	04/01/16	6	5	Aug-18	0	No response received.
16/00196	FUL	Land to r/o Imtech House, 33-35 Woodthorpe Road Ashford	07/06/16	26	26	Nov-17	0	June 2019 – Development is close to completion. No delays to construction.

Application No	PA Type	Address	Date PP granted	Scheme Gross Total	Scheme Net Total	Date commenced	Number of units completed to date	Comment
09/00566	OUT	Former Majestic House site (Charter Square Phase I) High St Staines	07/06/16	260	260	Sep-17	0	June 2019: Site under construction. Work is well advanced on Phase 1A with the delivery of 260 residential units and commercial space scheduled for completion in Spring 2020.
16/01130	FUL	Shapla Restaurant Russell Rd Shepperton	07/10/16	5	4	Feb-19	0	May 2019: Anticipated completion: end of October 2019. Building was delayed initially due to change in build loan provider and exploring the potential of a bigger build. Increased delays due to response times by the Council. Actions the Council could take to speed up delivery of housing: Apply consideration to improving efficiency (unspecified). (Officer note: applications to discharge conditions and CIL paperwork initially incomplete but have now been resolved).

Application No	PA Type	Address	Date PP granted	Scheme Gross Total	Scheme Net Total	Date commenced	Number of units completed to date	Comment
17/00353	FUL	HSBC, 47-49 (2nd floor) Church Rd Ashford	03/07/17	8	6	Mar-18	0	May 2019: Site still under construction. Anticipated completion date: Sept/Oct 2019
17/01028	FUL	The Bugle Returns Public House, 173 Upper Halliford Road Shepperton	25/08/17	8	8	Feb-18	0	May 2019: Site now occupied (after 31/03/19).
17/01274	FUL	Brooklands College Church Rd Ashford	20/12/17	357	357	Mar-18	0	May 2019: Social housing component should be delivered within the next year. Anticipated completion of various blocks throughout 2019/2020/2021 with the whole site being complete by Winter 2021.
17/01847	PDO	Benwell House	15/01/18	33	33	Nov-18	0	May 2019: Conversion work due to take approx. 57 weeks.

Application No	PA Type	Address	Date PP granted	Scheme Gross Total	Scheme Net Total	Date commenced	Number of units completed to date	Comment
17/01143	FUL	Staines Town Hall Market Square, Staines	09/02/18	13	13	Nov-18	0	No response received June 2019 – Works recently commenced on site
18/00048	PDO	Old Police Station, 2 London Rd, Staines	06/03/18	14	14	Jun-18	0	March 2019: site nearing completion
18/00094	RVC	Bridge House Bridge St, Staines	08/05/18	9	9	Jan-19	0	No response received
18/00529	FUL	Benwell House Green St Sunbury	26/07/18	24	24	Nov-18	0	May 2019: Waiting for site investigation pre-commencement conditions to be discharged. Actions the Council could take to help speed up delivery of housing: Improve the time taken for getting contamination/ground condition related conditions approved.

Application No	PA Type	Address	Date PP granted	Scheme Gross Total	Scheme Net Total	Date commenced	Number of units completed to date	Comment
18/00953	FUL	Halliford Studios Ltd Manygate Lane Shepperton	08/11/18	24	24	Aug-18	0	May 2019: Site still under construction. Anticipated completion date of all plots: end Feb/May 2020. At present no issues have been identified to delay completion, although there is currently an enforcement issue on the site concerning the boundary wall and the appeal decision has taken longer than anticipated. The relocation of the sub-station has delayed commencement of Plot 1, although good progress has been made with UK Power Network. Action the Council could take to help speed up delivery of housing: Improve the time in agreeing the ground contamination details under the discharge of the pre-commencement planning conditions.
18/01228	FUL	Ashford Depot Poplar Rd Ashford	02/01/19	37	37	Jan-19	0	No response received

Application No	PA Type	Address	Date PP granted	Scheme Gross Total	Scheme Net Total	Date commenced	Number of units completed to date	Comment
18/01293	RVC	7-11 Manygate Lane Shepperton	04/01/19	22	19	Jan-18	16	March 2019: site nearing completion
18/01623	RVC	Imtech House, 33-35 Woodthorpe Road Ashford	04/02/19	50	50	Sep-18	0	May 2019: Completion date anticipated July 2019. Progress has been slow due to delays in planning application approval, building control requirements not being considered in original planning permission and utility provider requirements.
17/01923	FUL	Charter Square (Phase II) High St Staines	15/02/19	104	104	Feb-19	0	Anticipated commencement on site this summer.
18/01026	FUL	62 Church Rd Ashford	21/09/18	5	3	Apr-19		March 2019: Site still under construction

Appendix 6

Table 23 Sites with outstanding planning permission at 31 March 2019

Application No	PA Type	Address	Date PP granted	Site Area	Scheme Gross Total	Scheme Net Total	Comment
16/01883	PDO	Ellington House, 3 Station Approach Ashford	19/12/2016	0.01	8	8	No response received
16/01900	FUL	381-385 Staines Road West Ashford	13/02/2017	0.26	12	10	No response received
17/00560	FUL	55 Woodthorpe Road Ashford	29/08/2017	0.16	9	9	May 2019: The cost of implementing the approved permission has put the feasibility of the project into question. Considering other options for developing the site.

Application No	PA Type	Address	Date PP granted	Site Area	Scheme Gross Total	Scheme Net Total	Comment
17/00782	FUL	Headline House Stanwell Road Ashford	22/09/2017	0.09	10	10	May 2019: Commencement date unknown. Waiting for conditions to be discharged. Actions the Council could take to speed up delivery of housing: Process discharge of conditions in a timely manner – delay with contaminated land condition.
17/00366	FUL	Monkey Puzzle House. 69-71 Windmill Road Sunbury	26/09/2017	0.17	14	14	June 2019: Reviewing the housing market position.
16/01158	FUL	17 – 51 London Road Staines	30/10/2017	1.09	253	253	May 2019: Site Sold to Berkeley Homes. Planning application for 474 units refused by Planning Committee in November 2018. An appeal has been lodged and this is due to be heard in November 2019. A revised planning application is due to be considered by the Planning Committee in June 2019.
16/01591	FUL	Hithermoor Farm, 6 Farm Way Stanwell Moor	07/11/2017	0.86	23	23	No response received.

Application No	PA Type	Address	Date PP granted	Site Area	Scheme Gross Total	Scheme Net Total	Comment
17/01400	FUL	Inglewood Hall Green Street Sunbury	10/11/2017	0.20	6	6	No response received.
17/01634	FUL	42 High St Shepperton	09/02/2018	0.01	6	6	May 2019: Developer proposing some amendments to current permission. Unable to confirm any delivery timescales until amendments have been approved. Still in use as an office.
17/01920	FUL	Land to r/o 7-9 Woodthorpe Road & 5 Station Road/Woodthorpe Road Ashford	23/02/2018	0.04	5	5	No response received.
17/00640	FUL	524-538 London Rd Ashford	04/05/2018	0.39	58	55	No response received.
18/00321	FUL	Dolphin House, 140 Windmill Road Sunbury	31/05/2018	0.09	7	7	May 2019: According to the developer the site is now complete.

Application No	PA Type	Address	Date PP granted	Site Area	Scheme Gross Total	Scheme Net Total	Comment
17/01365	OUT	Renshaw Industrial Estate Mill mead Staines	27/07/2018	0.86	275	275	June 2019 – Reserved Matters to be submitted but there is no date yet. Comments on the new link road to the south.
18/00836	FUL	20 Bridge St Staines	30/07/2018	0.01	8	8	No response received.
18/00995	PDO	5 – 7 Clarence Street Staines	22/08/2018	0.01	5	5	No response received.
18/00691	FUL	Jobi Short Lane Stanwell	07/09/2018	0.05	5	4	No response received.
18/01004	PDO	Units 3 & 4, The Summit Business Park Hanworth Rd Sunbury	07/09/2018	0.92	100	100	No response received.
18/01026	FUL	62 Church Rd Ashford	21/09/2018	0.04	5	3	May 2019: Development now under construction

Application No	PA Type	Address	Date PP granted	Site Area	Scheme Gross Total	Scheme Net Total	Comment
18/01136	PDO	Strata Technology Ltd, Strata House Batavia Road Sunbury	01/10/2018	0.08	12	12	May 2019: Site sold. Current application 19/00612/PDO with different applicant and agent pending consideration.
18/01267	PDO	West Wing, Council Offices Knowle Green Staines	22/10/2018	0.06	25	25	No response received.
18/01464	FUL	62 Kingston Road Staines	30/01/2019	0.05	6	5	No response received.
18/01672	PDO	Heliting House, 5- 16 London Rd Staines	31/01/2019	0.04	53	53	May 2019: Preparation of the building has begun and the main contract work is scheduled to start 1 July 2019. Completion anticipated end of July 2020.
18/01424	FUL	The Old Post Office, 1 Knapp Rd Ashford	07/02/2019	0.16	14	14	May 2019: The owner of the site is currently in the process of selling the site to a housebuilder and relocating his business. It is anticipated that the site sale should be finalised in the next 6 months. Work on the site is likely to start in about 9 months once all the conditions have been discharged.

Application No	PA Type	Address	Date PP granted	Site Area	Scheme Gross Total	Scheme Net Total	Comment
18/01749	PDO	61-63 High St Staines	12/02/2019	0.07	5	5	No response received.
19/00102	PDO	HM Revenue & Customs, Forum House, 14 Thames Street Staines	27/02/2019	0.05	40	40	No response received.
18/01282	FUL	103 London Road Staines	07/03/2019	0.08	9	9	No response received.
18/01533	FUL	Two Rivers Pub and Restaurant, 43 Church Street Staines	08/03/2019	0.14	11	11	Spelthorne is currently processing an application for a non-material minor amendment.
19/00063	PDO	6-8 Wolsey Road Ashford	18/03/2019	0.01	9	9	No response received.
18/01000	FUL	Jewson's Moor Lane Staines	PENDING S106	0.59	36	36	No response received.

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Cabinet**17 July 2019**

Title	Consultation on new powers to prevent unauthorised Mooring – Proposed Public Space Protection Order		
Purpose of the report	To make a decision		
Report Author	Michael Graham, Head of Corporate Governance Jackie Taylor, Group Head of Neighbourhood Services		
Cabinet Member	Councillor Richard Barratt	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	<p>That members support the proposed consultation on approaches to manage mooring without consent</p> <p>That the results of the initial stakeholder consultation are reported back to Cabinet once the consultation period has closed to agree next steps.</p>		
Reason for Recommendation	<p>To engage with the community on a proposed change to enforcement on the River Thames.</p> <p>To work on partnership with other councils to achieve a consistent approach to mooring enforcement in this area.</p>		

1. Key issues

- 1.1 This report seeks approval to commence stakeholder consultation on a range of options to seek a long term solution to manage the ongoing issues of mooring without consent as outlined in the report.
- 1.2 Spelthorne, Elmbridge and Runnymede Borough Councils are considering options along a specified area of the River Thames due to the unreasonable and persistent nature of mooring without consent which is having a detrimental effect on those living in the locality.
- 1.3 Spelthorne BC has established a River Thames Task Group which is charged with overseeing improvements along the River for the better economic, environmental and social well-being of residents, businesses and visitors. Consulting with other agencies and the public and introducing this type of initiative is part of the Task Group's work. The Task Group (which is non-political and has community representation) is Chaired by Cllr Mrs Vivienne Leighton.

2. Background

- 2.1 In recent years, there has been an increase in the number of boats moored without permission along the River Thames. With an increase in house prices some people are seeking a cheaper solution to housing and buy live aboard

boats as their permanent residences. There is also a community of regular river users who go about their lives on the river as a way of life.

- 2.2 The problem has grown recently with increased enforcement in Kingston and Richmond displacing boats into Surrey, and an increase in the number of complaints received in all three Surrey boroughs. Further displacement is anticipated in future years as regular mooring areas and marinas within London are developed.
- 2.3 The Surrey boroughs have also noted an increase in associated anti-social behaviour in some areas where moorings have been established.

River Thames mooring

- 2.4 The Environment Agency (EA) is the navigation authority for the non-tidal River Thames from Cricklade in Wiltshire to the tidal boundary at Teddington in Middlesex, passing through the Boroughs of Spelthorne, Elmbridge and Runnymede. The EA have the responsibility to manage the waterway and ensure that it can be used safely by as many people as possible.
- 2.5 The EA and other landowners provide sort stay or public visitor mooring sites to encourage passing boats to stop for short periods to enjoy the peace of the waterside and use local amenities, these can prove very popular especially in town centres or close to transport links.
- 2.6 Some sites along the Thames have taken the decision to charge, either for mooring at any time, or after an initial free period. Signage will usually show the charges payable and by mooring the boater agrees to pay them. Spelthorne does not charge for any site within the borough.
- 2.7 There are also areas where moorings are offered for 24 hours only, with no return in 48 hours. No fees currently apply and there is evidence that the moorings are misused with some vessels regularly staying well in excess of the allowed time. Many of these vessels appear to be repeat offenders taking up space which could have been used by genuine leisure cruisers. This effects the ability of the boroughs to develop better visitor experiences for River users.
- 2.8 There are also many less formal areas along the Thames (e.g. farm land) where boats can moor however most of this land is private, and boats are encouraged not to moor on private land where no mooring signs are often displayed. In these informal areas there is now more evidence of greater trespass.
- 2.9 Within the Public Right of Navigation there is deemed a right for boat owners to stop on land, subject to the necessary landowners consent, for a reasonable period. This follows the Environment Agency's policy that 24 hours is considered a reasonable time within normal navigation unless signage states otherwise. Boats are entitled to stay for longer however, provided they have the landowner's consent to do so. This Right of Navigation guideline is to assist boat owners who may find River conditions unsuitable for the continuation of their trip and for reasons of safety need to moor up before continuing their journey when River conditions improve.
- 2.10 For boats who wish to moor for longer periods, or permanent mooring bases, owners must have a proper base mooring (i.e. somewhere to put your boat when you are not cruising, such as a marina berth). Owners who wish to live

aboard a boat as a permanent residence need to have an approved residential mooring

- 2.11 All vessels on Environment Agency waterways must be registered. A vessel includes not only boats such as narrowboats, cruisers and barges, but also unpowered house boats, canoes and rowing skiffs.

3. Evidence and experience

- 3.1 Each of the 3 Boroughs, while different in scale have been facing increasing problem associated with unauthorised moorings as summarised below:

Spelthorne

- 3.2 Mooring enforcement is carried out by the Joint Enforcement Team (JET) in Neighbourhood Services. The team are primarily concerned with enforcing the moorings alongside our parks and open spaces.
- 3.3 The team has noted an increase in boats overstaying at moorings provided at its parks and open spaces, in particular those at Lady Lynsey's Lawn, Kings Lawn and at Shepperton Lock. They have also noticed an increase in boats mooring in non-designated sites particularly along Thameside, Laleham and Flowerpot Green Sunbury both sites owned and managed by the Council.
- 3.4 In 2018 the team completed 58 periods of mooring enforcement and issued a total of 54 overstaying warning letters. In addition they dealt with two boats at Staines Bridge by way of a Community Protection Warning Letter and subsequently a Community Protection Notice (CPN) due to Anti-Social Behaviour comprising of fly-tipping, littering, using a chemical toilet in full view of the passing public. One of the boats moved after the warning the second upon the issue of the CPN. The team has also issued notices to six boats under the Refuse Amenities Act 1978 to abandoned or suspected abandoned vessels on Council run sites and this culminated in one vessel being removed and disposed of at expense to the Council.
- 3.5 Other than moorings, the team receive weekly complaints from residents, park users and the Council Grounds Maintenance teams about the amount of rubbish being left at the mooring sites.

Elmbridge

- 3.6 Elmbridge has in the region of 50 to 80 boats moored along the River Thames without consent between the boundary with the London Borough of Kingston at Surbiton / Thames Ditton and Weybridge where the River leaves the Borough. As of this Spring, only a handful of these boats are currently moored on EBC land (Cigarette Island) and the remainder on a mixture of private and public landowners.
- 3.7 In some areas, i.e. Cherry Orchard Gardens, Molesey, a large community of boats have built up, and regular refuse collection has had to be introduced to manage the refuse generated from the Boats. This was recently featured on the BBC1 show, Inside out (11 Feb 2019).
- 3.8 The Borough has recorded 89 complaints, the main issues being
Mooring without consent (74)
Rubbish left by boats (15)

Health and safety (9)

Navigation of the river (8)

Pollution (9)

- 3.9 Surrey Police (Elmbridge) have also recorded 20 incidents involving illegally moored boats during 2018. Incidents include anti-social behaviour, burglary and altercations between boat users and local residents.
- 3.10 A dedicated web page has been produced and updated regularly with partners to inform residents and ward councillors of the action being taken.

Runnymede

- 3.11 Runnymede has noted an increase in boats overstaying at moorings provided at its parks and open spaces, in particular those at Chertsey Meads and at Chertsey Bridge Ground. There is concern that as displacement from other moorings takes place areas of river bank at Runnymede Pleasure Grounds and areas of Runnymede Borough Council owned land between Staines Bridge and the borough boundary at Runnymede Meadows may become vulnerable to an increased amount of unauthorised mooring.
- 3.12 In 2018, Runnymede issued the EA guidance and a warning letter to approximately 20 vessels. Runnymede had three persistent over stayers that were referred to the Council's legal team for action. One of the three matters required a pre-action letter and then moved on. Claims for possession of property (trespass) were issued against the two other over stayers in November 2018. One of the applications was against an unnamed defendant mooring at Chertsey Bridge who moved on just before the hearing date. The Council were granted an Order for Possession in December 2018 against the other over stayer at Chertsey Meads; however the boat remains on site due to enforcement issues. This demonstrates the difficulties in moving over stayers using current legal tools. The Council are now considering private tow companies to move the over stayer or possibly an application for an injunction against the trespasser or issuing a CPN.
- 3.13 Complaints have been received from individual park users, the Chertsey Meads Management Liaison Group and from local businesses regarding over stayers at both Chertsey sites. The complaints have been general in nature and relate mainly to the loss of amenity in denying other legitimate River users space and a loss of visual amenity, particularly at Chertsey Meads which is a natural countryside site.

4. Homelessness

- 4.1 Boroughs and districts, as local housing authorities, have responsibilities to persons who are homeless or threatened with homelessness. The Housing Act 1996 (Part VII), as amended, provides the legal framework under which Councils operate. A person is homeless if they have no accommodation in the UK or elsewhere which is available for their occupation and which that person has a legal right to occupy. A person is also homeless if they have accommodation but cannot secure entry to it, or the accommodation is a moveable structure, vehicle or vessel designed or adapted for human habitation (such as a houseboat) and there is nowhere that they are entitled or permitted to place it and reside in it.

- 4.2 As such, there appear to be two main scenarios where homelessness might arise from houseboats which are moored without consent. The first is where action is taken to end the mooring and the owner / renter / operator of the boat is required to move and there is no available mooring where they can relocate. The second scenario would involve homelessness arising from any “bare-licensees” (i.e. people who are staying on the boat with the consent of the owner / operator) having that consent withdrawn, possibly as a result of any enforcement action being taken.
- 4.3 The statutory guidance issued by the Home Office on anti-social behaviour powers was updated in December 2017 and makes it clear that PSPOs (should these be considered) should not be used to target people based solely on the fact that some is homeless or rough sleeping and that councils should therefore consider carefully the nature of any PSPO that may impact on homeless people and rough sleepers. The guidance also indicates that councils should also consider consulting with national or local homeless charities when considering restrictions or requirements which may impact on homeless people and rough sleepers.
- 4.4 The Council’s Housing Service has no recent record of approaches from owners or occupiers of houseboats in relation to actual or threatened homelessness from houseboats on local waterways and is not aware of any expressed housing need (in terms of those occupying said boats being on the Council’s Housing Register). However, without contacting the individual boat dwellers to carry out some form of assessment of housing need, it is difficult to state definitively what the impact of a potential PSPO would be in terms of duties on the local housing authority. It may be that some individuals would be able to access alternative accommodation without assistance, some boat owners may be able to secure legal moorings elsewhere and others may move to other unlawful moorings. On the other hand, some of the affected individuals may require assistance from the Council to help prevent or relief their homelessness, through the development of personal housing action plans as well as, in some cases, the Council having to arrange temporary accommodation for certain individuals who are homeless, eligible for assistance and in priority need.
- 4.5 As such, as it may be prudent for some form of assessment to be carried out to quantify the likely impact of a PSPO in terms of the housing circumstances of those occupying the boats in question, before introducing such an order. It would also be good practice to consult with local homelessness charities to solicit their views on the matter as part of the wider consultation.

5. Environment Agency powers

- 5.1 The Environment Agency undertakes regular boat registration checks including unauthorised moored boats. All boats are required to have valid registration including boat safety certification and insurance. If boats are found not to comply, then the Environment Agency will seek to enforce and will prosecute. The EA will seek to take action against any owner of any vessel which has sunk and has failed to be removed.
- 5.2 The EA regularly undertakes joint enforcement action with Boroughs and Districts. In November 2018, the EA removed and destroyed 8 wrecks along the Thames in Molesey and will look to recover the cost of carrying out this operation from the boat owners, thereby protecting the income received from

boats registration charges and government for other aspects of the navigation service they provide.

- 5.3 The EA also towed away a further 12 boats. These are being held at a secure location for collection by their owners but will not be released unless the boats are properly registered (which requires them to have passed a Boat Safety Scheme examination and be insured) and have a bona fide mooring to go to, or are taken out of the River. The EA will also be invoicing the owners for the cost of the removal operation.
- 5.4 In addition, the EA checked a further 75 boats in the Molesey to Sunbury area. Of these, 16 were not registered and are now subject to enforcement action which could result in prosecution; 16 more were issued with 'Directions to Move' notices as they are moored to EA land without consent. This makes it a legal requirement for them to remove their boat or face further enforcement action.
- 5.5 The EA also served 'wreck' notices on 2 more sunken boats, giving the owners notice that if they do not remove them within a reasonable period of time, the EA will do so and recover costs from the owners.
- 5.6 The 75 boat registration checks were carried bringing the total carried out across the River since the start of October to 1088, of which 111 have resulted in enforcement notices being served. This is in addition to the checks carried out as part of routine patrols and specific operations since the early part of the year and equates to a further £55,000 of boat registration income which will now be collected by the EA and reinvested in the River.
- 5.7 The Environment Agency (EA) will also seek to take action against any incidents of pollution in the river that are reported to them. If residents witness any dumping of waste into the River this can be reported to the EA on their hotline 0800 807060 and the EA will investigate.

6. Current legal powers

- 6.1 The River has a complex range of land owners, and the law only allows the owners of the land that the boats are moored on to take action against an unauthorised mooring. Land owners could include the Environment Agency, utility companies such as Thames Water or local councils. At this point the landowner could consider applying to the Court for a possession order, or other powers under their jurisdiction, to compel the boat owners to move their vessels. The sanctions for repeated trespass offences are increasingly stringent, so (notwithstanding the difficulties reported by Runnymede BC with the case at Chertsey Meads), this can be an effective method for dealing with this issue and is the Environment Agency's recommended approach.
- 6.2 Councils currently have no powers to move boats which are not moored on Council owned land. Therefore local authorities need to work with other agencies to try and resolve this issue. Spelthorne, Elmbridge and Runnymede councils are all working closely with the Environment Agency (EA) who are taking action against a number of unauthorised moored boats on their land and some high profile repeat offenders.
- 6.3 Councils have also considered application for injunctions and have had some success with Community Protection Notices (where grounds can be evidenced).

- 6.4 Spelthorne has the benefit of parks byelaws which cover some of the mooring sites along our bank. These create a local offence and we have been able to prosecute some cases of overstaying. However the time involved with visiting the sites to monitor them and gather the evidence for overstaying is considered time consuming and expensive.
- 6.5 These existing powers all have limitations and frequently the practical result is that the boat in question moves to an adjacent piece of land, and the process starts over again causing frustration for residents and increased costs and time for councils or other landowners.

7. Planning

- 7.1 The Local Plan evidence (in particular the Gypsy and Traveller Accommodation and Assessment 2018) has not identified a need for houseboat dwellers. The need for all types of affordable housing is contained within the Spelthorne and Runnymede Strategic Housing Market Assessment. We seek to meet these needs through the existing local policies, new Local Plan and wider corporate commitments.
- 7.2 Elmbridge report that as part of the review of Development Management policies, Officers will review Policy DM13 Riverside development and uses and consider introducing specific criteria on mooring and floating structures similar to Richmond's Policy LP-19. However, this review and adoption will not be completed until late 2020/early 2021. In Spelthorne, the Strategic Planning team are drafting policies for our new Local Plan and are also reviewing Richmond's Policy LP-19 and considering whether there is sufficient evidence to include similar criteria in the River Thames policy.
- 7.3 If those mooring boats have erected structures along the river bank that require planning permission such as fences or small structures, it will be possible to take enforcement action to remove these structures. However, it will not cover the removal of the boats themselves, just the structures on the river bank.

8. Displacement

- 8.1 As has been witnessed from the enforcement activity in Kingston and Richmond displacing boats further along the river, the same is likely to happen should one of Elmbridge, Runnymede or Spelthorne seek additional powers to enforce unauthorised moorings such as a Public Spaces Protection Order.
- 8.2 While Runnymede clearly has less instances of unauthorised moorings at present, it is highly likely that the problems current faced on other stretches of the Thames will be displaced into neighbouring Boroughs. For this reason it is proposed that all 3 Boroughs work in partnership to bring about new powers at the same time and in a coordinated fashion.
- 8.3 At the present time none of the existing measures have proven effective in managing the issues of mooring without consent, and so it is proposed to commence an early stage of public consultation with key agencies who have a stake in the use and enjoyment of the River Thames, namely:
- Local Councillors
 - Environment Agency

- Local Friends Groups
- River User Groups
- Surrey County Council
- Surrey Police
- National Trust,
- RPG Trust
- Chertsey Meads Management Group
- National Bargee and Traveller Association
- National or local homeless charities
- Network Rail
- Thames Landscape Strategy

8.4 It is proposed that a simple engagement will take place this summer with the above stakeholders and seek a view, given the background issues highlighted above, which of the below solutions they believe would be proportionate and appropriate to manage this issue. A further report will be brought back to members with the outcomes of this consultation later in the municipal year.

9. Options

9.1 There appear to be four options at this time which are discussed below.

- (a) Consult on a Public Space Protection Order – this is the preferred option at this time.
- (b) Undertake a Review of Byelaws
- (c) Implement a managed moorings project
- (d) Do nothing

10. Public Space Protection Order

10.1 Evidence collated so far by all Boroughs suggests that a PSPO could be considered as a suitable response to the detrimental activities (as listed above) and meets the test criteria set out in the Anti-Social Behaviour, Crime and Policing Act 2014.

10.2 In assessing whether a PSPO can be considered the behaviour being restricted has to:

- Be having, or be likely to have, a detrimental effect on the quality of life of those in the locality
- Be persistent or continuing in nature
- Be unreasonable

10.3 The purpose of a PSPO is to stop individuals or groups committing anti-social behaviour in a public place by restricting certain types of behaviour. PSPOs are used in dealing with low level anti-social behaviour.

10.4 The Home Office guidance is not specific on what can be included in PSPOs as they have been designed to be flexible to the needs of local areas problems. A single PSPO can cover multiple restrictions and requirements in

one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities; for instance, people walking their dogs must keep them on a lead.

- 10.5 Councils are the Responsible Authority for implementing PSPOs which must be reviewed at least every three years. The maximum length of a PSPO is three years.
- 10.6 The test criteria is designed to be broad and focus on the impact of anti-social behaviour is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out meet the above tests and evidence.
- 10.7 Encouraging open discussion as part of the PSPO consultation process can help to identify how best to balance the interests of different groups – both those affected by anti-social behaviour and those who will be restricted by the terms of the Order – and a chance to explore whether there may be unintended consequences from the proposals; in particular any adverse impacts on vulnerable people.
- 10.8 In ensuring that the requirements under s.59 of the 2014 Act have been satisfied, councillors will have a significant role to play in considering what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements.
- 10.9 Other legal remedies have been considered, including Community Protection Notices, trespass action, statutory nuisance provisions within the Environmental Protection Act 1990 and licensing regimes.
- 10.10 These remedies can be used at the same time as PSPO powers but are more suited to responding to individual cases, as opposed to preventing behaviours before they arise. They also tend to have higher sanctions such as seizure and remedial order provisions and are more suited to persistent or very serious cases. It may be useful when considering a PSPO to make a comparison with byelaws that set clear standards of behaviour for people who use an area; PSPOs replace any existing byelaw provisions.

11. Byelaws

London Borough of Richmond

- 11.1 Following a period of consultation, the London Borough of Richmond introduced byelaws in 2015 meaning that a criminal offence was committed if any vessel moored for longer than permitted without the written consent of the Council. The details of the restrictions are detailed on the Council's website.
- 11.2 The offences associated with this byelaw are criminal offences which are punishable upon summary conviction with a maximum fine of £500 per contravention. Both the owner and the master of a vessel may be prosecuted.

Spelthorne Borough Council

- 11.3 Spelthorne Borough Council last updated its byelaws in 2009 meaning that a criminal offence will be committed if any vessel is moored for longer than permitted without the written consent of the Council currently 24 hours in any 48 hour period and the details of the restrictions are detailed on the Council's website and on signage at each location.

- 11.4 The offences associated with this byelaw are criminal offences which are punishable upon summary conviction with a maximum fine of £500 per contravention. Both the owner and the master of a vessel may be prosecuted. In the past three years Spelthorne Council have prosecuted masters and owners of vessels a total of 5 times, many for multiple breaches of the byelaws and the maximum fine has been issued by the Magistrates Court on a number of occasions.

Royal Borough of Kingston

- 11.5 Kingston Council currently provides free moorings available for up to 24 hours at Townend Wharf and Horsefair Quay, and fee paying moorings are available at the privately owned Charter Quay.
- 11.6 Proactive enforcement action is taken, using legislation unique to Kingston against any person permitting a boat to overstay on a 24 hour mooring or that moors unlawfully. Sections 23-28 of the Greater London Council General Powers Act 1972 applies only to Kingston and they rely upon the provisions of the Act to manage the riverside in the Borough. The Act provided powers to serve notices on unlawfully moored boats, remove them if they fail to comply and recover their costs. No mooring is permitted at the rest of the riverside in its ownership or management.

Byelaws Generally

- 11.7 Byelaws have been used successfully to manage mooring consent in some London boroughs (e.g. Richmond); however, their byelaws are similar to our own. The success of Richmond Council in moving on unlawful moorings appears to be related to the implementation of something new which had enforcement effort behind it. In Spelthorne although we did not have the publicity of “something new” we have had the consistent enforcement from the JET team and publicity around prosecutions which has been a useful and successful strategy. It does however have the disadvantage that the process is time consuming, and does not lend itself to immediate enforcement. Fixed Penalty Notices cannot be issued for breaches.
- 11.8 Current byelaws only deal with mooring per se, they do not cover the anti-social behaviour associated with unlawful mooring such as littering and pollution which we seek to address with a proposed PSPO.
- 11.9 As the waterside land ownership through the 3 boroughs is complex with many riparian owners, this would suggest that implementation of comprehensive new byelaws covering three public and private land in the area would be somewhat complex. For this reason it is not proposed to review Byelaws at this time.

12. Managed moorings

- 12.1 Currently Spelthorne Council has two sites – Ryepeck Meadow and the small area opposite the Red Lion, Russell Road that are managed by District Enforcement on our behalf. The two areas have signage and if a boat moors at the location then the boater agrees to pay a daily charge of £100. During 2018 District Enforcement issued 3 penalty charge tickets none of which have currently been paid and are being pursued through the County Court.
- 12.2 It would be possible to consider widening each Boroughs approach to managed moorings, and allowing fee paying moorings for a fixed period. If

this was the preferred approach, further work would be needed to identify the areas that would be permitted for moorings. In addition, it is likely that contracts would need to be established for the collection of mooring fees.

- 12.3 Members may equally decide that there are areas that moorings should not be tolerated and a similar approach can be taken with mooring fees set at £100-£200 a day to dissuade moorings at these locations.
- 12.4 It is worth noting that again, this relies on the land being local authority controlled. The waterside land ownership through the 3 boroughs is complex with many riparian owners and as such this could only be managed on Council owned land, which is likely to displace and concentrate local issues on other owned land.

13. Do nothing option

- 13.1 The final option would be to do nothing, and accept the current position that the landowner would be responsible for taking whatever reasonable steps they consider appropriate in each case to manage their land.
- 13.2 If this was the preferred option, then it is likely that the situation would continue to deteriorate and the number of complaints from local residents is likely to increase.

14. Overall approach

- 14.1 Given the problems faced in all three boroughs the approach is to consult on a PSPO which will cover all three areas. As this lasts for three years it is envisaged that during this time the councils can give consideration to better data gathering and longer term options. These longer term options may include new byelaws (a criminal law approach) or managed moorings (a civil law approach) or a mixture depending on experience.
- 14.2 The other issue which all three councils need to consider is consistency of enforcement. Enforcement effort needs to be (a) policy driven (b) visible and (c) consistent. However the councils will need to identify the nature and extent of the enforcement which can be undertake in their area and how this is to be paid for.

15. Timeline

Report to Cabinet	July 2019
Initial Consultation commences	July 2019
Consultation closes	end August 2019
Report results to Cabinet	September 2019

16. Equality Impact Assessment

- 16.1 The Council must take care to ensure compliance with the Public Sector Equality Duty under the Equality Act 2010. A full equalities impact assessment will be carried out as part of the next stages of consultation once a preferred option is known. This will include the impact of any mooring restriction in addition to those already in place may impact on Bargee travelling community.

17. Risk Implications

- 17.1 There is a risk that this matter will be controversial and will attract publicity. A similar approach in Oxford some years ago was withdrawn after protest from those living on the River. Work is underway with the Communications Team to ensure that these risks are managed and that the consultation is effective.
- 17.2 No decision will be made until this initial consultation has been undertaken. At this point, Cabinet will be consulted again on the final recommendations.

18. Financial implications

- 18.1 Depending on the outcomes of the consultation, there are possible enforcement costs which would need to be considered further as it could require changes in working hours and structure of the enforcement team or appointment of an external contractor.
- 18.2 There are no direct financial implications at this stage.

19. Environmental implications

- 19.1 The controls for unauthorised moorings will assist police and council colleagues in maintaining good public order and thereby supporting the economic sustainability of Spelthorne, Elmbridge and Runnymede and the quality of life for the users and residents.

20. Legal implications

- 20.1 As contained within the report.

21. Options analysis and proposal

- 21.1 Officers consider at this stage, bearing in mind the experience of using byelaws and managed mooring sites that a PSPO which prevents unauthorised mooring, associated littering and fouling the River to be the recommended approach and the one which is most likely to succeed in removing the behaviour which is detrimental to the quality of life for residents in the Borough.
- 21.2 A draft PSPO has been appended to the report to inform members of the type of prohibitions that might be included were this proposal to be taken forward. It is purely illustrative at this stage.

Background papers: There are none

Appendices:

- (a) **Initial Equality Impact Assessment**
- (b) **PSPO example**

Equality Impact Assessment

EIA Title: Moorings

Author: Jackie Taylor Group Head Neighbourhood Services

Michael Graham-Head of Corporate governance

Date: 25 June 2019

1. The public sector equality duty (2011) covers the following eight protected characteristics:

Age, disability, race, religion or belief, sex, sexual orientation, gender, reassignment, pregnancy & maternity. The duty also covers marriage and civil partnership, but only relating to the elimination of unlawful discrimination

2. **The General Equality Duty:**

SBC in the exercise of its functions should:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not.

Scope of Equality Impact Assessment (EIA) Review of unauthorised moorings

- Communication with consultees
- Anti-social behaviour
- Mooring options on the Thames in Spelthorne
- Mooring costs
- Houseboats moored without consent
- Displacement
- Impact on rough sleepers or the homeless

Information used to support findings and/or impacts

- Joint working with other neighbouring authorities along the Thames
- Monitoring of sites
- Complaints and information received from residents, visitors and river users

Is this:-

Policy	No	New or proposed	Yes
Strategy	No	Already in existence and being reviewed	No
Function	Yes	Changing	No
Service	Yes		

What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?

Aims	To improve access to and from the river Thames for residents, visitors and river users.
Objectives	To open up access to the river and enable more river users to moor and use local facilities.
Outcomes	Reduce ASB and officer time & costs when dealing with unauthorised moorings. Enable more river users to make use of the legal mooring sites.
Benefits	Bigger turnover of legally moored boats, reduced complaints, reduced ASB.

Which groups may be affected by the policy, strategy, function or service? Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
Group affected	What might be the effect	Information to support this
Disability	Little if any affect as access to all mooring sites listed within the Spelthorne Borough Council byelaws will not change.	SBC Byelaws
Age	Little if any affect as access to all mooring sites listed within the Council byelaws will not change. Evidence suggests that there is a need for more affordable housing for younger people who cannot afford to buy land based accommodation.	The need for more affordable housing is contained within the Spelthorne & Runnymede strategic housing market assessment. This need is being met through existing policies, local plan and wider corporate commitments.
Gender reassignment	There is no evidence to suggest that there will be a greater impact on this group than any other	
Marriage & civil partnership	There is no evidence to suggest that there will be a greater impact on this group than any other	
Pregnancy & maternity	There is no evidence to suggest that there will be a greater impact on this group than any other	
Race	There is no evidence to suggest that there will be a greater impact on this group than any other	
Religion or belief	There is no evidence to suggest that there will be a greater impact on this group than any other	

Sex & sexual orientation	There is no evidence to suggest that there will be a greater impact on this group than any other	
All groups	Those who choose not to or through matters of homelessness are unable to abide by rules set out by the Environment Agency and Spelthorne Borough Council in their byelaws.	EA river rules and regulations SBC byelaws The Councils housing service has no recent record of approaches from owners or occupiers of houseboats in relation to accommodation needs

Result	
Are there any aspects of the policy, strategy, function or service including how it is delivered or accessed, that could contribute to inequality?	No
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees & service users?	No
<p>Please provide an explanation for your answer:</p> <p>The River Thames is regulated by the EA who require all boats on the river to be licenced and abide by EA rules, byelaws and regulations for boat users and river dwellers.</p> <p>The Byelaws are made under Section 233 of the Thames Conservancy Act 1932 and are detailed within the Thames Navigation Licensing and General Byelaws 1993.</p>	
Identify next steps as appropriate:	
Public consultation exercise required?	Yes/No

Signed Jackie Taylor Group Head of Neighbourhood Services

Michael Graham Head of Corporate Governance

Date 25 June 2019

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DRAFT FOR CONSULTATION – JUNE 2019

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SPELTHORNE BOROUGH COUNCIL (RIVER THAMES MOORING) PUBLIC SPACES PROTECTION ORDER 2019

This Order may be cited as the Spelthorne Borough Council (River Thames Mooring) Public Spaces Protection Order 2019.

Spelthorne Borough Council ("the Council") in exercise of its powers under sections 59,64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers hereby makes the following Order:

- A. This Order shall come into operation on the xxx of xxx 2019 and shall have effect for 3 years thereafter unless extended by further orders under the Council's statutory powers.
- B. The Order relates to all Public Places adjoining the River Thames within the Borough of Spelthorne as shown edged red on the plan attached to this Order ("Restricted Areas").
- C. The Council is satisfied that the conditions set out in section 59(2) of the Act have been met: namely, that anti-social behaviour and criminal activities have been carried out within the restricted areas through the use of trespass, littering and pollution of the River. These activities have a detrimental effect on the quality of life of those in the locality.
- D. The Council is also satisfied that the conditions set out in section 59(3) of the Act have been met: namely, that the effect, or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order. In all the circumstances, the Council considers it is expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a Public Place.

BY THIS ORDER

Definitions

'Authorised Person' includes an Officer of the Council, a Police Constable, a Police Community Support Officer or such other persons authorised by the Council.

'Council' means Spelthorne Borough Council

'Interested Person' means an individual who lives in a Restricted Area or who regularly works in or visits the area.

'Public Place' under section 74(1) of the Act means any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

PROHIBITIONS

The activities described below are hereby prohibited:

1. Persons shall not within the Restricted Area:
 - a. Moor a vessel without the express written permission of the landowner, or
 - b. Attach a vessel to any tree, or
 - c. Attach guy ropes to the bank in a way which in the opinion of an Authorised Person causes a trip hazard to members of the public, or
 - d. Continue to moor a vessel when asked to move it by an Authorised Person, or
 - e. Continue to secure a vessel to the bank in a dangerous way when asked to change it by an Authorised Person.
2. Persons shall not within the Restricted Area:
 - a. Store goods or chattels on the bank without the express written permission of the landowner, or
 - b. Deposit any waste material or litter on the bank, or
 - c. Enclose any area of the bank with any fence, cordon or similar device.
3. Persons shall not within the Restricted Area:
 - a. Deposit any sewage in the River Thames, or

- b. Pump out sewage otherwise than at an authorised pumping station maintained by the Council, the Environment Agency or a marina listed in Schedule 1 to this Order or
- c. Keep or use any chemical toilet on board a vessel without having the means to dispose of the sewage in a hygienic manner which will not pollute the River Thames or
- d. Fail to provide when asked to do so by an Authorised Person, written evidence that they have made suitable arrangements for the disposal of sewage in a hygienic mannere which will not pollute the River Thames

Fixed Penalty Notice and Offences

- a. It is an offence for a person without reasonable excuse to engage in any activity prohibited by this Order.
- b. In accordance with Section 67 of the Act, a person found in breach of this Order is liable to summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1000.
- c. An Authorised Person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. The amount of the Fixed Penalty Notice shall be £100. The penalty can be reduced if paid within 10 days otherwise the full penalty will be due. If you do not pay the penalty within 15 days, you may be prosecuted.

Appeals

In accordance with section 66 of the Act, any Interested Person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Schedule 1

List of authorised private marinas with pumping facilities in the Borough of Spelthorne
[TBC]

THE COMMON SEAL of SPELTHORNE BOROUGH COUNCIL

was hereunto affixed this day of 2019
in the presence of:

Michael Graham
Head of Corporate Governance

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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