



**To:  
All members of the  
Council**

*Please reply to:*  
Contact: Karen Wyeth  
Service: Committee Services  
Direct line: 01784 446240  
E-mail: [k.wyeth@spelthorne.gov.uk](mailto:k.wyeth@spelthorne.gov.uk)  
Date: 16 October 2024

### Supplementary Agenda

### **Council - Thursday, 24 October 2024**

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Council meeting to be held on Thursday, 24 October 2024:

- |                                                             |                |
|-------------------------------------------------------------|----------------|
| <b>8. Local Plan - Resumption of Examination</b>            | <b>3 - 56</b>  |
| Report to follow.                                           |                |
| <b>14. Reports from the Committee Chairs</b>                | <b>57 - 58</b> |
| To receive and agree the reports from the Committee Chairs. |                |

Yours sincerely

Karen Wyeth  
Committee Services

To the members of the Council

Councillors:

M. Buck (Mayor)  
J.T.F. Doran  
M. Arnold

J. Button  
J.P. Caplin  
R. Chandler

N. Islam  
M.J. Lee  
A. Mathur

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

[www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) [customer.services@spelthorne.gov.uk](mailto:customer.services@spelthorne.gov.uk) telephone 01784 451499

M.M. Attewell  
C. Bateson  
S.N. Beatty  
M. Beecher  
S. Bhadye  
M. Bing Dong  
H.S. Boparai  
L.H. Brennan  
T. Burrell  
J.R. Boughtflower

D.C. Clarke  
S.M. Doran  
S.A. Dunn  
R.V. Geach  
D.L. Geraci  
A. Gale  
M. Gibson  
K.M. Grant  
S. Gyawali  
K. Howkins

S.C. Mooney  
L. E. Nichols  
K.E. Rutherford  
O. Rybinski  
D. Saliagopoulos  
J.R. Sexton  
J.A. Turner  
B. Weerasinghe  
H.R.D. Williams  
P.N. Woodward

## Council



24 October 2024

<b>Title</b>	<i>Local Plan – Resumption of Examination</i>
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Jane Robinson - Local Plans Manager and Joint Interim Strategic Planning Manager Heather Morgan – Group Head Place, Protection and Prosperity
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Community Addressing Housing Need Resilience Environment Services
<b>Recommendations</b>	<p><b>Council is asked to:</b></p> <ol style="list-style-type: none"> <li>1. Note that the Environment Agency has signed a Statement of Common Ground (SoCG).</li> <li>2. Agree to keep the Green Belt allocations in the Local Plan as submitted to the Planning Inspectorate on 25 November 2022.</li> <li>3. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to undertake any further consultation required by the Planning Inspector.</li> <li>4. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to prepare a main modification to the Local Plan, for a new policy on “Local Plan Early Review”.</li> </ol>
<b>Reason for Recommendation</b>	<p>The Local Plan Examination hearings were paused to allow for training of newly elected Councillors and again for consideration to be given to the revised National Planning Policy Framework (NPPF) December 2023.</p> <p>A decision was made by Environment and Sustainability Committee (E&amp;S) in February 2024 to ask the Planning Inspector to remove all Green Belt allocations from the Local Plan with the</p>

	<p>exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople.</p> <p>The new Labour government consulted on a proposed updated NPPF in August and September 2024.</p> <p>The Council needs to decide if this alters the position on green belt site allocations, and then go back to the Planning Inspector with any proposed changes.</p>
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## 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>• The Local Plan Examination is ‘on pause’</li> <li>• Proposed Main Modifications were agreed by E&amp;S Committee 29 February 2024 (green belt and flooding)</li> <li>• Considerable progress has been made with the EA and a Statement of Common Ground (SoCG) was signed on 14 Oct 2024</li> <li>• The new Labour government consulted on a revised NPPF over the summer informing of their priorities and direction of travel.</li> <li>• Elmbridge Borough Council has received a letter from their Planning Inspector finding their Local Plan unsound, in part due to not meeting their housing need in full which was based on their decision not to release any Green Belt for development.</li> </ul>	<ul style="list-style-type: none"> <li>• The recently revised NPPF shifts the position nationally and is proposing an increase in the housing number (up by 20%) and alterations around green and grey belt</li> <li>• In the light of the Inspectors decision on the Elmbridge Local Plan and proposed changes to the NPPF, to provide Councillors with the opportunity to review decisions made to date.</li> <li>• The decision of Council reported to the Planning Inspector so he can decide whether to progress with the Local Plan Examination Hearings.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>• Decide whether further modifications are required on Green Belt site allocations</li> <li>• Write to the Planning Inspector, inform him of the outcome of the decision and again request he resumes the Local Plan Examination Hearings.</li> <li>• If the Planning Inspector requires us to run a consultation prior to the Examination Hearings commencing agree to delegate authority this consultation.</li> <li>• Agree to delegate authority to prepare a new policy for Local Plan, titled “Local Plan Early Review.</li> </ul>	<ul style="list-style-type: none"> <li>• Council to note that the EA have now signed a SoCG</li> <li>• Council to make a decision on the options for the green belt sites</li> <li>• Chair of E&amp;S Committee to write to the Planning Inspector to consider the change and resume the Local Plan Examination</li> </ul>

- 1.1 In the light of the publication of the Government consultation to proposed changes to the National Planning Policy Framework (NPPF) and the letter received by Elmbridge Borough Council from their Planning Inspector regarding its Local Plan (Sept 2024), the Council is being asked whether it would like to reconsider the decision made on 29 February 2024 regarding the Green Belt sites.
- 1.2 This report sets out options on whether to agree to keep the Green Belt allocations in the Local Plan as submitted to the Planning Inspectorate on 25 November 2022 or to proceed as agreed by E&S Committee on 29 February 2024 and ask the Planning Inspector to consider the removal of all Green Belt allocations (with the exception of the two allocations that meet the need for Gypsies, Travellers and Travelling Showpeople).
- 1.3 This report also gives options regarding a potential new consultation which may be requested by the Planning Inspector and options for a new Local Plan policy to propose to the Planning Inspector.

## 2. Key issues

### Background

- 2.1 The history is set out in Appendix A.
- 2.2 On 29 February 2024 a report was taken to E&S Committee asking for a decision on issues around (1) green belt (2) flooding (3) Staines Development Framework (SDF). The decisions on the latter two are set out in the meeting minutes [Agenda Template \(spelthorne.gov.uk\)](https://www.spelthorne.gov.uk). The Committee was asked to vote on three options regarding Green Belt sites as follows:
  1. Keep Green Belt allocations in the Local Plan as submitted.
  2. Remove all Green Belt allocations from the Local Plan.
  3. Remove all Green Belt allocations from the Local Plan with the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople.

The Committee resolved to propose to the Inspector that all Green Belt allocations should be removed from the Local Plan, with the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople.

- 2.3 Following this meeting on 6 March the Chair of the E&S Committee wrote a letter to the Inspector (Appendix B) setting out the decisions of the Committee and a timeline for gathering further information from the EA.
- 2.4 A further report was taken to Corporate Policy and Resources Committee on 8 July 2024 regarding the Local Plan – Resumption of Examination. The Committee resolved to
  1. Make a recommendation to Council to propose a Main Modification to the Inspector to remove Bridge Street car park/Hanover House/Sea Cadet building (ST4/002) and Riverside surface car park (ST4/010) as site allocations from the Local Plan

2. Make a recommendation to Council to propose a Main Modification to the Inspector to agree to new policy wording in relation to site allocations at risk from access and egress issues (flooding)
  3. Make a recommendation to Council that the Chair of the E&S Committee write to the Inspector with further proposed Main Modifications (if agreed) in order to progress the Local Plan back to Examination
- 2.5 Following the meetings of Corporate Policy and Resources Committee and full Council, on 23 July 2024 the Chair of the Environment and Sustainability Committee wrote a letter to the Planning Inspector requesting resumption of the Local Plan Examination. The letter is attached at Appendix C

### **3. Current position**

#### **Labour Government and NPPF consultation**

- 3.1 Following the General election a consultation on “Proposed reforms to the National Planning Policy Framework and other changes to the planning system” began on 30 July 2024 and ran to 24 September 2024. As part of this consultation, reforms to the way Local Housing Need is calculated were consulted on along with a [spreadsheet](#) setting out the new Local Housing Need based on the new formula. Based on the new proposed formula Spelthorne’s Housing Need would increase from 618 homes per year to 755.
- 3.2 Part of the proposed reforms set out the transitional arrangements for emerging plans in examination. These transitional arrangements state that plans that are at the examination stage will continue to be examined under the version of the National Planning Policy Framework (NPPF) applicable at the time of submission. This is provided that the discrepancy between the newly calculated housing need and the housing need within the Plan is not greater than 200. This means that the Spelthorne Local Plan can continue to be examined under the NPPF 2021 with its current local housing need figure of 618 per annum.
- 3.3 Proposed changes to the NPPF would require local authorities to review their Green Belt boundaries if their housing need cannot be met in full. To guide this review, a sequential approach is proposed where brownfield sites should be prioritised, followed by previously developed land within the Green Belt, then other grey belt sites, and finally higher performing Green Belt sites where they can be made sustainable. Grey belt is defined as Green Belt land that is previously developed and/or land that makes a ‘limited’ contribution to the five Green Belt purposes set out in the NPPF.
- 3.4 This means that if the proposed reforms to the NPPF and the planning system were to be implemented, any future local plan in Spelthorne would need to allocate a larger amount of housing. This would potentially have to be achieved through the release of higher quality Green Belt land in accordance with the sequential approach.

If the Examination Hearing sessions are recommenced and the emerging Spelthorne Local Plan is not found sound by the Planning Inspector, we will

have to immediately start work on a new Local Plan under the new NPPF. This could mean a housing number of around 755 per annum (if the Government use the numbers set out in the consultation draft). The emerging Local Plan is more likely to be found sound by our Planning Inspector if it meets current identified housing need in full (618 per annum).

### **Elmbridge Local Plan**

- 3.5 Following two stages of Examination in Public of the Elmbridge Local Plan, the Planning Inspector has written to the Council with her findings and recommendations. The letter can be found at Appendix D. The key outcome from the letter is that in its current form, the Inspector finds the Elmbridge draft Local Plan “unsound” meaning she would not approve the Plan in its current form. The Inspector goes on to say the Plan may be capable of being made sound through main modifications.
- 3.6 Like Spelthorne, the Elmbridge draft Local Plan is being assessed against the current NPPF with a housing target of 650 per year. The Elmbridge Local Plan did not seek to meet their identified housing need in full and there was a shortfall of around 6,300 dwellings over the Plan period as a whole. In its statement Elmbridge Council highlighted the following points from the letter:
- *“My view is that the Plan as submitted is unsound. The Plan may be capable of being made sound through main modifications.”*
  - *“Based on the Council’s identified supply...this would mean that there would be a shortfall of around 6,300 dwellings over the Plan period as a whole. This is a very significant shortfall which requires an alternative approach to meeting the housing needs of the borough over the plan period.”*
  - *“The Plan should be modified to ensure that there are sufficient sites to provide for the minimum 5 years’ worth of housing against the housing requirement”.*
  - *“Contrary to the views expressed by the Council, it is my view that the benefits of doing so would outweigh the harm to the green belt and as a result, exceptional circumstances do exist to warrant an element of green belt release”.*
  - *“The release of an element of green belt land to meet the identified housing needs would be a justified and effective approach in this instance.”*

### **Main modifications**

- 3.7 Following the E&S Committee on 29 February 2024, Cllr Beecher wrote to the Inspector in early March, setting out the decisions of the committee which included “Remove all Green Belt allocations from the Local Plan with

the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople”.

- 3.8 Whilst the Inspector has been continually updated and informed on progress and decisions made by the Council, this decision has not yet been formally presented to the Inspector as a Main Modification to the Local Plan. In the light of the significant changes since 29 February, and following discussions with the Administration Group Leaders, it was considered appropriate to ask the Council if they wished to debate this matter again ahead of further communication with the Inspector.
- 3.9 As set out in the [29 February Committee report](#), the [procedural guidance](#) for Local Plan examinations clearly sets out that it is the Inspector’s decision to consider modifications **only if they are necessary to make the Plan sound and/or legally compliant**. If the Inspector is not able to accept any of the suggested modifications as necessary and/or if they would result in a significant change to the spatial strategy of the Local Plan and the Council still wishes to progress with the amendments, it would normally be open to him to suggest the Council withdraws the Plan from Examination and prepare a new Plan for submission. This option is not currently available to Spelthorne as a result of the Minister’s directive to prevent the Council withdrawing the Local Plan. It can now only be withdrawn if the Inspector or the Minister recommends or directs the Council to withdraw it for soundness reasons as it cannot be adopted.

#### 4. Options analysis and proposal

##### **Statement of Common Ground with the Environment Agency**

- 4.1 Following ongoing discussions with the Environment Agency, on Monday 14 October 2024 they signed and Statement of Common Ground with the Council. It is attached at Appendix E. The Statement of Common Ground applies whether the Green Belt sites are allocated in the Local Plan or are not allocated.
- 4.2 Members are asked to:
- Note the Environment Agency has signed a Statement of Common Ground (SoCG) with the Council

##### **Green Belt**

- 4.3 In the light of the significant changes since 29 February 2024 and following discussions with the Administration Group Leaders, it was considered appropriate to ask the Council if it wished to explore proposing any main modifications to the Inspector regarding the Green Belt sites.
- 4.4 The Plan as submitted considered Exceptional Circumstances existed to release a number of Green Belt sites to deliver homes (particularly affordable homes and family houses with gardens), Gypsy & Traveller sites, and community facilities. The case for Exceptional Circumstances is set out in [Topic Paper 3](#), following review of each type of development



need. This resulted in proposed release of 15 sites and a resulting loss of 0.7% of Spelthorne's Green Belt.

4.5 In order to demonstrate to a Planning Inspector that an emerging Local Plan is sound, the Authority must be able to demonstrate (as a minimum) a 5 Year Housing Land Supply. Being able to robustly demonstrate that there are sufficient deliverable sites available to meet the identified need figure (in SBC's case 618/per annum) with certainty, particularly in the first 5 years is a key factor in a Plan's soundness. Appendix F sets out the Green Belt sites and the anticipated number of homes each will deliver. The tables below set out how the Green Belt sites in the submitted Local Plan would contribute to meeting our five-year supply.

4.6 For clarity this tables do not include the five sites at flood risk which are been agreed to request a main modification to the Planning Inspector to remove from the Local Plan.

Table 1: Five-year housing land supply

<b>Without Green Belt sites</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total</b>
Under construction	892	365	227	0	0	<b>1,484</b>
Extant permission not started	35	112	44	38	0	<b>229</b>
Allocation	57	129	337	331	337	<b>1,191</b>
Brownfield tier 2	0	0	29	0	0	<b>29</b>
Small sites windfall	43	43	43	43	43	<b>215</b>
PDO windfall	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>1,027</b>	<b>649</b>	<b>680</b>	<b>412</b>	<b>380</b>	<b>3,148</b>
						<b>4.25</b> years supply

<b>With Green Belt sites</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total</b>
Under construction	892	365	227	0	0	<b>1,484</b>
Extant permission not started	35	112	44	38	0	<b>229</b>
Allocation	74	177	392	637	521	<b>1,801</b>
Brownfield tier 2	0	0	29	0	0	<b>29</b>
Small sites windfall	43	43	43	43	43	<b>215</b>
PDO windfall	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>1,044</b>	<b>697</b>	<b>735</b>	<b>718</b>	<b>564</b>	<b>3,758</b>
						<b>5.07</b> years supply

4.7 The five-year supply figure without Green Belt allocations included totals 3,148 and equates to **4.25** years of supply. The five-year supply figure with Green Belt allocations included totals 3,758 and equates to **5.07** years of supply.

- 4.8 These five-year supply figures are based on the authority also having to provide a 20% buffer on top of the 618 annual requirement and allow for a 5% non-implementation rate for extant permissions, allocations and brownfield tier 2 sites as required by national planning guidance.
- 4.9 If the emerging Spelthorne Local Plan is not found sound by the Planning Inspector, we will have to immediately start work on a new Local Plan under the new NPPF. This will mean a housing number of around 755 per annum (if the Government use the numbers set out in the consultation draft). The emerging Local Plan is more likely to be found sound by our Planning Inspector if it meets current identified housing need in full (618 per annum).
- 4.10 The Exceptional Circumstances case for releasing Green Belt in the submitted Local Plan was not dependent on solely meeting housing need. There remains a strong case for allocating sites for Gypsies, Travellers and Travelling Showpeople as no land was identified in the urban area for this type of development. There is a duty to meet need for this community and failure to do so could result in appeals being allowed for retrospective pitches in less suitable locations.
- 4.11 The Exceptional Circumstances case for the submitted Local Plan also refers to delivery of affordable homes (Green Belt release sites can viably deliver 50% as opposed to up to 30% on urban sites), family houses with gardens and community benefits such as a new sixth form college, replacement community centre and improvements to sports facilities. Members should take into account that if they consider Exceptional Circumstances no longer exist and the Inspector accepts this approach, these benefits, including 438 affordable homes, would be lost if the Green Belt allocations were removed from the Plan and 98% of new homes would be flats. There is a consistently low delivery of affordable housing currently and in the last reporting year none were delivered in Spelthorne. The list of Green Belt sites can be found at Appendix F.
- 4.12 The options for this Committee to consider are:
1. Agree to keep the Green Belt allocations in the Local Plan as submitted to the Planning Inspectorate on 25 November 2022 (change the decision made by E&S Committee on 29 February 2024).
  2. Remove all Green Belt allocations from the Local Plan with the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople (as agreed by E&S Committee on 29 February 2024).
- 4.13 The Chair of E&S Committee will write a further letter to the Planning Inspector to advise him of the Council's decision, regardless of which option is decided.

### **Possible Pre-Hearing consultation**

- 4.14 Due to the time which has elapsed since the Hearings began in May 2023, it is possible the Inspector may require the Council to undertake a pre-Hearing public consultation ahead of hearings resuming. If needed, it is likely to take a similar format as the Reg 19 consultation, with respondents able to comment on matters related to the soundness of the Plan and only able to comment on specific documents. The content and duration would be entirely directed by the Inspector (i.e. the Council has no discretion in the matter), and it would need to take place promptly. It is suggested that that the Group Head of Place, Protection and Prosperity in consultation with the Chair of E&S, be given delegated authority to approve consultation material in order to expedite the matter. The alternative would be for an Extraordinary E&S committee to be called which would delay matters further.
- 4.15 The options for this Committee to consider are:
1. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the E&S Committee, to undertake any further consultation required by the Planning Inspector.
  2. Take no action in relation to delegating authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the E&S Committee, to undertake any further consultation required by the Planning Inspector.

### **Early review policy**

- 4.16 Due to the time which has elapsed since the Plan was submitted (November 2022), it may be prudent to re-assure the Inspector now where the Council considers an early review may be necessary, rather than assuming there will be a standard five-year review of a Local Plan. Other Councils such as North Herts and Breckland have adopted this approach, which has been welcomed by PINS. The North Herts policy is attached at Appendix G as an example. The Early Review Policy is likely to need to include (as a minimum):
- Council commitment to undertake a whole plan review of the Local Plan by a specific date, assessing each policy.
  - A statement setting out that this review will determine whether the Plan needs to be updated either in whole or in part.
- 4.17 All policies will need to be reviewed. However, the following have already been identified as priorities:
- i) Need to update the Employment Land Needs Assessment which is dated 2018 (updated 2022) and any resultant need to allocate employment floorspace
  - ii) Gypsy Traveller and Travelling Showpeople Needs Assessment, in light of the update to Planning policy for traveller sites, published 19 December 2023
  - iii) Assessment of each policy and it's conformity to the new NPPF (if this has been published).

4.18 The options for this Committee to consider are:

1. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to prepare a Main Modification to the Local Plan, for a new policy on 'Local Plan Early Review'
2. Take no action in relation to preparing a main modification to the Local Plan, for a new policy on "Local Plan Early Review".

## **5. Financial management comments**

- 5.1 If the Planning Inspector requires us to undertake a pre-hearing consultation, this will have some financial cost. The scale of consultation required by the Planning Inspector will determine the level, but may we be able to use existing consultation software and images to minimise this.
- 5.2 Choosing to reconsider the decision made at E&S Committee on 29 February would mean significantly fewer Main Modifications are proposed to the Planning Inspector. The Main Modifications will relate to the sites at flood risk, the Staines Development Framework new wording to Policy E3, adding text to site allocations on flood risk and potentially adding a new policy on early/immediate review.
- 5.3 If the Council agree to amend the Green Belt sites Main Modification agreed by E&S committee in February and keep the Green Belt site allocations in the Local Plan as submitted, the Local Plan will be seeking to meet the identified housing need in full, and is therefore (unlike Elmbridge) more likely to be found sound by the Inspector. This will reduce the risk of additional financial costs to the Council, other than those original budgeted for as part of the Local Plan Examination process.

## **6. Risk management comments**

- 6.1 As well as the financial risks identified above, there is the risk of further intervention by the Minister for Housing and Planning. The initial letter with the directive to prevent withdrawal of the Local Plan contained the following advice:

*Should a significant delay occur to progressing the examination, and should you fail to comply with the directions in this letter, I will consider taking further intervention action to ensure that an up-to-date local plan is in place.*
- 6.2 The Minister for Housing and Planning has changed since the intervention and election, the risk may now be less, however the new government is still very focused on Planning Policy and the importance of having an up-to-date Local Plan.
- 6.3 If Members choose to amend the Green Belt sites Main Modification agreed by E&S Committee and keep the Green Belt allocations in the Local Plan as submitted, proposing a smaller number of main modifications will mean there is less for the Inspector to consider and he will be more likely to swiftly resume the Local Plan Examination Hearings. This will reduce the chance of further intervention.

- 6.4 As outlined in para 4.9, if the emerging Local Plan is not found sound by the Planning Inspector, work will immediately need to start work on a new Local Plan, under the new NPPF. This will mean a housing number of around 755 per annum (if the Government use the numbers set out in the consultation draft).

## **7. Procurement comments**

- 7.1 Any of the options chosen that result in proposing modifications are likely to require further evidence and justification, which may result in the need to commission consultants to update work they have already produced for us to support the Local Plan or new pieces of work entirely. This would be discussed with the Procurement Team as required.

## **8. Legal comments**

- 8.1 Specific legal advice was obtained by Spelthorne's Counsel for the Local Plan Examination who has been kept updated at all stages. The Council has been advised that seeking to meet our need in full carries the least risk.

## **9. Other considerations**

- 9.1 None

## **10. Equality and Diversity**

- 10.1 These matters have been addressed throughout the development of the Local Plan, including the production of an Equalities Impact Assessment that was submitted with the Local Plan. Sustainability/Climate Change Implications

## **11. Sustainability/Climate Change Implications**

- 11.1 Sustainability appraisal, including climate change implications, is the cornerstone of plan making and has been included throughout the Plan's preparation to respond positively to the Climate Change Emergency. Depending on which options are ultimately taken forward, further sustainability appraisal may be required.

## **12. Timetable for implementation**

- 12.1 This committee is asked to make a decision on each of the sets of options in this report. The Council will then write formally to the Inspector to set out the proposed modifications (if any) and await his advice on whether or not the Examination hearings can resume. The timetable thereafter will be for the Inspector to set out

## **13. Contact**

- 13.1 Jane Robinson Joint Interim Strategic Planning Manager  
[j.robinson@spelthorne.gov.uk](mailto:j.robinson@spelthorne.gov.uk)
- 13.2 Heather Morgan – Group Head Place, Protection and Prosperity  
[h.morgan@spelthorne.gov.uk](mailto:h.morgan@spelthorne.gov.uk)

**Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.**

**Background papers:** There are none.

**Appendices:**

Appendix A - Background information on the Local Plan

Appendix B – Letter to Inspector from Chair of E&S - 6 March 2024

Appendix C – Letter to Inspector from Chair of E&S - 23 July 2024

Appendix D - Elmbridge BC Inspector's Interim Findings Report - 11 Sept 2024

Appendix E – Signed Statement of Common Ground with the Environment Agency –  
14 Oct 2024

Appendix F – List of all Green Belt Sites which were included in the Local Plan  
submitted to the Planning Inspectorate on 25 November 2022

Appendix G – North Herts Local Plan Policy IMR2: Local Plan Early Review

## Appendix A – Background information on the Local Plan

- 1.1 The Spelthorne Local Plan was submitted to the Secretary of State on 25 November 2022 for Examination, following over five years of preparation and public consultation. An inspector was appointed, Mr Jameson Bridgwater, who began examination of the Plan in January 2023. Hearing dates were scheduled over three weeks in May and June 2023. It should be noted that the Inspector is only considering the technical soundness of the Plan as submitted. ‘All-out’ local elections were held on 4 May 2023, which resulted in 22 out of 39 new councillors being elected. The first week of Local Plan hearings took place, commencing on 23 May and covering issues such as the overall strategy, legal compliance and the duty to cooperate. Before the next hearings could take place, an Extraordinary Council meeting was called on 6 June 2023 to consider the motion referred to above, which sought a pause to the remainder of the hearings. This then resulted in a review of the Council’s decision as to whether Spelthorne’s strategy is right for the Borough and if it delivers positive change for place.
- 1.2 The motion was agreed, and the Chief Executive wrote to the Inspector, Mr Bridgwater, the following day to formally request the pause in line with the motion. Mr Bridgwater replied on 8 June to agree, under the specific circumstances, to the pause in the hearings. A training schedule was proposed and agreed by the Group Leaders (minus the Conservatives) to take place in July. Alongside the training, Members of the Corporate Policy & Resources Committee agreed on 26 June 2023 to appoint a ‘critical friend’ to carry out an external review of the Local Plan. The full specification of the work was then agreed by Council on 19 July and Catriona Riddell Associates (CRA) were appointed. On conclusion of the training and review, an extraordinary Council meeting took place on 14 September 2023 as the three-month pause had come to an end and a decision was required for the future direction of the Local Plan. The options for consideration were:
1. Continue with the plan as drafted but introduce robust risk management measures to help address some of key risks identified in the review, or
  2. Seek a further pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before agreeing next steps, or
  3. Withdraw the Local Plan from examination and prepare a new Local Plan.

- 1.3 On the day of the meeting, a letter was received from the Housing and Planning Minister to direct the Council that it could not withdraw the Local Plan from Examination. This meant Option 3 was no longer available to Members and they could only decide on Options 1 or 2. Option 2 was amended by a Motion and subsequently agreed as follows:

*Extend the pause in the Examination timetable until the proposed changes to the National Planning Policy Framework have been published (expected in the autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive.*

- 1.4 The Inspector agreed to this further pause until publication of the revised NPPF. It was subsequently published on 19 December 2023. In the meantime, the Council received legal advice on the validity of the Minister's directive and decided not pursue further action to challenge the decision and instead wrote to the Minister to seek a meeting which has so far been declined. All correspondence between the Council, the Inspector and the Minister can be found on the Examination website: News and Updates - Spelthorne Takes Shape ([spelthornelocalplan.info](http://spelthornelocalplan.info))





Mr J. Bridgwater  
Planning Inspector  
(by email)

Please reply to:  
Contact: Daniel Mouawad  
Chief Executive  
Direct line: 01784 446350  
Email: DCM.CEX@spelthorne.gov.uk  
Our ref:  
Date: 6 March 2024

Dear Mr Bridgwater

### **Spelthorne Local Plan Examination**

I write to advise you of the current progress we are making in order to resume the Examination in Public for Spelthorne's new Local Plan.

You have kindly provided us with two pauses to the examination hearings, which have allowed for our newer Members to understand more about the Local Plan, for a Critical Friend review and latterly to await the publication of the revised National Planning Policy Framework.

I understand you were provided with a copy of the report, via the Programme Officer, to the Environment & Sustainability Committee meeting that took place on Thursday 29 February. That report set out options for considering modification to the Local Plan before the examination resumes, covering the themes of Green Belt allocations, flood risk sites and the Staines Development Framework. The Committee decided on the options for these themes as follows:

- Remove all Green Belt allocations from the Local Plan with the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople
- Keep all proposed flood risk sites but remove those at high risk of flooding and move some high-risk sites to later in the Plan period (11-15 years) to allow for the River Thames Scheme to be operational and effective, the design code to be completed and subject to no resolute objection from the Environment Agency
- Withdraw the Staines Development Framework as a core document

Spelthorne Council fully recognises that modification of the Local Plan at this stage rests with yourself as Inspector and that we are simply requesting that you give consideration to the changes set out above, and in light of the justification within the committee report. We would be happy to provide you with any further information or evidence to enable you to decide whether these proposals can be accepted and discussed further through the hearing sessions once the examination resumes.

In respect of the flood risk sites, we were awaiting a decision of the Council on which sites we wished to see retained in the Local Plan, with appropriate mitigation and intervention, plus an updated Strategic Flood Risk Assessment from our consultants, AECOM, and further engagement with the Environment Agency. Now that we have the resolution last week from the Committee, I can advise you of the next steps we are undertaking before you have the necessary information to consider resuming the hearings (please note that the dates are estimates when outside of the Council's control):

<b>Action</b>	<b>Timescale</b>	<b>Date</b>
Revised SFRA Level 1 and 2 delivered by AECOM		Friday 22 March
Comments back from EA (Subject to the Thames not flooding)	6 weeks	Friday 3 May
AECOM to make any amendments or corrections (Estimate, dependent on comments received from the EA)	2 weeks	Friday 17 May
Final comments from EA	2 weeks or 21 days	Friday 31 May or Friday 7 June
Write to Inspector with final EA comments		w/c 3 June or w/c 10 June

We wish to offer our continued assurance that Spelthorne wishes to have a Local Plan in place at the earliest opportunity and that we are taking the necessary steps in order to progress the Plan back to examination.

Yours sincerely



Councillor Malcolm Beecher  
Chair of Environment & Sustainability Committee



Mr J. Bridgwater  
Planning Inspector  
(by email)

Please reply to:  
Contact: Daniel Mouawad  
Chief Executive  
Direct line: 01784 446350  
Email: DCM.CEX@spelthorne.gov.uk  
Our ref:  
Date: 23 July 2024

Dear Mr Bridgwater,

### **Spelthorne Local Plan Examination**

I write to you to request the resumption the Examination in Public for Spelthorne's new Local Plan.

You have kindly provided us with two pauses to the examination hearings, which have allowed for our newer Members to understand more about the Local Plan, for a Critical Friend review and latterly to await the publication of the revised National Planning Policy Framework.

I understand you were provided with a copy of the report, via the Programme Officer, to the Corporate Policy & Resources Committee meeting that took place on Monday 8 July 2024 and which made a set of recommendations to Council. At the full Council meeting on 18 July, following an email received from the Environment Agency at 3pm that day, it was proposed by Councillor Sexton and seconded, that the wording within the report at paragraph 3.11 be amended to reflect the wording suggested by the Environment Agency. The revised wording was as follows:

*“The site will not be available for development until a safe route for access and egress can be provided and maintained during a flood event (ie the 1% AEP fluvial flood event and surface water event including an appropriate climate change allowance)”.*

Council resolved to agree to the amended wording as outlined above.

It was proposed by Councillor Sexton and seconded that Council approve to:

1. Propose a Main Modification to the Inspector to remove Bridge Street Car Park/Hanover House/Sea Cadet building (ST4/002) and Riverside surface car park (ST4/010) as site allocations from the Local Plan,
2. Propose a Main Modification to the Inspector to agree to new policy wording in relation to site allocations at risk from access and egress issues and for such wording to be finalised by the Group Head of Place, Protection and Prosperity in consultation with the Chair and Vice-Chair of the Corporate Policy & Resources Committee; and

3. Agree that the Chair of the Environment & Sustainability Committee write to the Inspector with further proposed Main Modifications (if agreed) in order to progress the Local Plan back to Examination.

Council resolved to approve the recommendations.

These recommendations are in addition to those set out in my letter dated 6 March 2024, following a meeting of the Environment & Sustainability Committee meeting that took place on Thursday 29 February. That report set out options for considering major modification to the Local Plan before the examination resumes, covering the themes of Green Belt allocations, flood risk sites and the Staines Development Framework. The Committee decided on the options for these themes as follows:

- Remove all Green Belt allocations from the Local Plan with the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople
- Keep all proposed flood risk sites but remove those at high risk of flooding and move some high-risk sites to later in the Plan period (11-15 years) to allow for the River Thames Scheme to be operational and effective, the design code to be completed and subject to no resolute objection from the Environment Agency
- Withdraw the Staines Development Framework as a core document

For clarity, the Main modifications proposed to site allocations are summarised in the table below:

Site ID	Address	No. of units	G&T pitches and plots	Original time period	Change time period	GB or Urban?	Proposed Main modification to Site Status
AS1/011	Land at Former Bulldog Nurseries, Town Lane, Ashford, TW19 7BZ	24		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
AS2/006	Land East of Desford Way, Ashford, TW15 3FF	0	15	1-5 years		GB	
AT1/002	Land East of Ashford Sports Club, Woodthorpe Road, Ashford, TW15 3JX	108		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
AT1/012	Ashford Community Centre, Woodthorpe Road, Ashford, TW15 3LF	32		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
AT3/007	Ashford Multi-storey Car Park, Church Road, Ashford, TW15 2TY	55		1-5 years		Urban	
AT3/016	23-31 (not 11-19) Woodthorpe Road, Ashford, TW15 2RP	120		1-5 years		Urban	
HS1/002	Land at Croysdale Avenue/ Hazelwood Drive, Sunbury, TW16 6QN	67		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
HS1/009	Bugle Nurseries, 171 Upper Halliford Road, Shepperton, TW17 8SN	79		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
HS1/012	Land East of Upper Halliford, Nursery Road, Upper Halliford, TW16 6JW	60		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
HS2/004	Land South of Nursery Road, Sunbury on Thames, TW18 6LX	41		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
LS1/024	Land at Staines Road West and Cedar Way, Sunbury, TW16 7BL	77		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites

Site ID	Address	No. of units	G&T pitches and plots	Original time period	Change time period	GB or Urban?	Proposed Main modification to Site Status
SE1/005	Benwell House, Green Street, Sunbury, TW16 6QF	39		1-5 years		Urban	
SE1/024	Annandale House, 1 Hanworth Road, Sunbury, TW16 5DJ	295		1-5 years		Urban	
SN1/006	Land to West of Long Lane and South of Blackburn Trading Estate, Stanwell, TW19 7AN	200		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
ST1/037	Thameside House, South Street, Staines, TW18 4PR	140		1-5years		Urban	
ST1/043	Land East of 355 London Road, Staines	0	3	1-5 years		Urban	
ST3/004	34-36 Kingston Road (Oast House) & Car Park, Staines, TW18 4LN	180		1-5 years		Urban	
ST4/002	Bridge Street Car Park, Hanover House & Sea Cadet Building, Bridge Street, Staines	158		1-5 years		Urban	E&S 29 Feb 2024 voted to change from residential to leisure use incl hotel.  21 June 2024 EA requested removal of site due to flood issues.  18 July Council resolved to request Main Modification to remove site from Local Plan.
ST4/019	35-45 High Street, Staines (Former Debenhams Site), TW18 4QU	150		1-5 years	Move to 6-10	Urban	
ST4/025	Coppermill Road, Wraysbury, TW19 5NU	15		1-5 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
ST4/026	Communications House, South Street, Staines, TW18 4QE	120		1-5 years	Move to 11-15	Urban	
ST4/028	William Hill / Vodafone/ Monsoon, 91-93 High Street, Staines TW18 4PQ	14		1-5 years	Move to 11-15	Urban	
AE3/006	158-166 Feltham Road, Ashford, TW15 1YQ	75		6-10 years		Urban	
AS1/001	Tesco Extra, Town Lane, Stanwell, TW15 8RW	350		6-10 years		Urban	
AS1/003	Former Staines Fire Station, Town Lane, Stanwell, TW19 7JP	50		6-10 years		Urban	

Site ID	Address	No. of units	G&T pitches and plots	Original time period	Change time period	GB or Urban?	Proposed Main modification to Site Status
HS1/012b	Land East of Upper Halliford Road (Site B), Upper Halliford, TW16 6JL	20		6-10 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
RL1/011	Land at Staines and Laleham Sports Club, Worple Road, Staines, TW18 1HR	52		6-10 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
SC1/006	Tesco Extra, Escot Road, Sunbury, TW16 7BB	225		6-10 years		Urban	
SE1/020	Sunbury Adult Education Centre, The Avenue, Sunbury-on-Thames	30		6-10 years		Urban	
SE1/025	Elmbrook House, 18-19 Station Road, Sunbury, TW16 6SU	50		6-10 years		Urban	
SH1/010	Shepperton Library, High Street, Shepperton, TW17 9AU	10		6-10 years	Move to 11-15	Urban	
ST1/028	Leacroft Centre, Leacroft, Staines, TW18 4PB	17		6-10 years	Move to 11-15	Urban	
ST1/029	Surrey County Council Buildings, Burges Way, Staines, TW18 1YA	30		6-10 years		Urban	Proposed to remove from the Local Plan prior to start of Examination due to flood risk and confirmed by E&S 29 Feb 2024
ST1/030	Fairways Day Centre, Knowle Green, Staines, TW18 1AJ	30		6-10 years		Urban	Proposed to remove from the Local Plan prior to start of Examination due to flood risk and confirmed by E&S 29 Feb 2024
ST3/014	Birch House/London Road, Fairfield Avenue, Staines, TW18 4AB	400		6-10 years		Urban	
ST4/004	96-104 Church Street, Staines, TW18 4QF	100		6-10 years		Urban	
ST4/010	Riverside Car Park, Thames Street, Staines, TW18 4UD	35		6-10 years		Urban	E&S 29 Feb 2024 voted to move to years 11-15.  21 June 2024 EA requested removal of site due to flood issues.  18 July 2024 Council resolved to request Main Modification to remove site from Local Plan.

Site ID	Address	No. of units	G&T pitches and plots	Original time period	Change time period	GB or Urban?	Proposed Main modification to Site Status
ST4/011	Thames Lodge Hotel, Thames Street, Staines, TW18 4SJ	40		6-10 years		Urban	E&S 29 Feb 2024 voted to request removal due to flood risk issues
ST4/023	Two Rivers Retail Park Terrace, Mustard Mill Road, Staines	750		6-10 years		Urban	
ST4/024	Frankie & Benny's/Travelodge, Two Rivers, Hale Street, Staines, TW18 4UW	55		6-10 years		Urban	
AS2/001	Ashford Youth Club, Kenilworth Road, Ashford, TW15 3EL	5		11-15 years		Urban	
AT3/009	Ashford Telephone Exchange, Church Road, Ashford, TW15 2TS	20		11-15 years		Urban	
SC1/013	RMG Warehouse & Delivery Office, 47-49 Staines Road West, Sunbury, TW16 7AA	22		11-15 years		Urban	
SC1/019	Sunbury Social Services Centre, 108 Vicarage Road, Sunbury, TW16 7QL	11		11-15 years		Urban	
SC1/021	Land at Spelthorne Grove, Sunbury, TW16 7BZ	250		11-15 years		Urban	
SE1/003	Builder's Yard, 77 Staines Road East, TW16 5AD	75		11-15 years		Urban	
SE1/008	Telephone Exchange, Green Street, Sunbury, TW16 6QJ	14		11-15 years		Urban	
SH1/015	Shepperton Youth Centre, Shepperton Court Drive, Shepperton, TW17 8EJ	24		11-15 years		Urban	
SH2/003	Shepperton Delivery Office, 47 High Street, Shepperton, TW17 9AA	10		11-15 years		Urban	
SN1/005	Land at Northumberland Close, Stanwell, TW19 7LN	80		11-15 years		GB	E&S 29 Feb 2024 voted to request removal of all GB allocations except two G&T sites
SN1/012	Stanwell Bedsits, De Havilland Way, Stanwell, TW19 7DE	175		11-15 years		Urban	
ST1/031	Thameside Arts Centre, Wyatt Road, Staines, TW18 2AY	19		11-15 years		Urban	
ST2/006	Builders Yard, Gresham Road, Staines, TW18 2BE	343		11-15 years		Urban	
ST3/012	Staines Telephone Exchange, Fairfield Avenue, TW18 4AB	180		11-15 years		Urban	



Site ID	Address	No. of units	G&T pitches and plots	Original time period	Change time period	GB or Urban?	Proposed Main modification to Site Status
ST4/009	Elmsleigh Centre and Adjoining Land, South Street, Staines, TW18 4QF	850		11-15 years		Urban	

Spelthorne Council fully recognises that modification of the Local Plan at this stage rests with yourself as Inspector and that we are simply requesting that you give consideration to the main modifications set out above, and in light of the justification within the committee reports. We would be happy to provide you with any further information or evidence to enable you to decide whether these main modifications can be accepted and discussed further through the hearing sessions once the examination resumes.

We have worked closely with the Environment Agency over the last 14 months to overcome their concerns, for example (as set out above) we propose main modifications to remove a total of five sites from the Local Plan. We have also proposed new wording to the site allocations of a further 13 sites, exactly as proposed by the EA in an email dated 18 July, to ensure

*“The site will not be available for development until a safe route for access and egress can be provided and maintained during a flood event”.*

We are working to agree a Statement of Common Ground with the Environment Agency and hope to have a draft with them next week for review. It will include

- Final wording of policy E3
- Last final amendments to SFRA documents as set out in their recent correspondence
- SBC commitment to update SFRA documents whenever new modelling is published or otherwise update needed
- Resolutions of the meeting on full Council 18 July 2024
- SBC commitment to the production of/significant revision of and update of a flood risk SPD as soon as practicable after the completion of the Local Plan Examination.

The agreement of the Statement of Common Ground will mark the successful conclusion of our cooperation with the EA and we think that we have therefore exhausted all potential avenues to resolve the concerns of the Environment Agency and would be grateful if you could let me know how you would like to take things forward at your earliest convenience.

We wish to offer our continued assurance that Spelthorne wishes to have a Local Plan in place at the earliest opportunity and very much hope you will agree to resume the examination.

Yours sincerely,



Councillor Malcolm Beecher  
Chair of Environment & Sustainability Committee

## **Examination of the Elmbridge Local Plan**

**Inspector - C Masters MA (Hons) FRTPI**

**Programme Officer - Charlotte Glancy**

Kim Tagliarini  
Strategic Director, Place and Community  
Elmbridge Borough Council  
Civic Centre  
High Street  
Esher  
KT10 9SD

11 September 2024

Dear Ms Tagliarini

### **Examination of the Elmbridge Local Plan**

#### ***Introduction***

1. Further to the close of the stage 2 hearings at the end of June 2024, I set out below my interim findings in connection with the Elmbridge Local Plan. This letter sets out my views on certain matters and what could be done to address these issues of soundness. It does not attempt to cover every matter in relation to the topics which have been covered at the hearings to date as these will be addressed within the final Inspector's Report. As this is a Plan which is being examined under the existing transitional arrangements, all paragraph references contained within this letter to the National Planning Policy Framework (the Framework) are in relation to the 2021 Framework.
2. In the first instance, I would like to thank the Council for facilitating the Stage 1 and Stage 2 hearings and for the work so far in seeking to address the matters raised throughout the examination. During these hearings, the Council have commenced a log of some of the issues relating to soundness matters that have been identified throughout the examination and upon which the Council will need to prepare additional evidence on. These matters include, but are not limited to:
  - Undertake a comprehensive call for moorings exercise and provide options for meeting the needs of boat dwellers over the plan period;
  - Update evidence on employment floorspace needs over the plan period, including having clear understanding of employment floorspace requirements as well as the impact of prior approvals on the supply of existing employment floorspace within the borough. Assess and provide options for meeting this need once it is clear what the need is and allocate sites accordingly.
3. This letter does not intend to duplicate those matters already highlighted, however it does set out my most significant concerns in relation to other matters arising, most notably the provision of and approach to housing over the plan period.
4. Since the close of the Stage 2 hearings, two important documents have been published. The first of these is the proposed consultation on the National Planning Policy Framework: draft for consultation. The consultation period for this document extends until the 24 September 2024. At this stage, the document does not constitute Government Policy or Guidance. Secondly, on the 30 July 2024 a Written Ministerial Statement (WMS) was published entitled 'Building the homes we need'. The WMS is

an expression of Government policy and is therefore capable of being a material consideration in relation to this examination. I have had regard to both of these documents in setting out my views below. In addition to these two documents, you will also be aware that the Ministry of Housing, Communities and Local Government wrote to the Planning Inspectorate on the 30 July 2024, setting out the Government's expectations in relation to local plan examinations, the approach to pragmatism and pauses to undertake additional work. This new approach applies to all plans with immediate effect. I shall return to this matter below.

5. My view is that the Plan as submitted is unsound. The Plan may be capable of being made sound through main modifications (MM's). The Council have already commenced a schedule of potential MM's which covers matters we discussed during the Stage 2 Hearings to date and the Council also have a number of action points arising from the Stage 2 Hearings. The Council should, in light of the content of this letter, reflect on the actions I have identified as necessary to make the plan sound, the timeframe for completing these additional pieces of work and the implications of this in terms of the next steps which I have set out at the end of this letter.

### ***The Housing Requirement and policy SS3***

6. As submitted, the Plan has been based on a housing requirement of 452 dpa. This means the housing requirement for the Plan period (extended to 2040 as agreed with the Council) would be 8136 dwellings. This housing requirement has been arrived at, taking into account the constraints of the borough and the conclusion that the Council do not consider that exceptional circumstances exist to warrant an amendment to the Green Belt boundary as part of this Local Plan. For the reasons I have set out within this letter, I do not consider this to be a sound approach.
7. The Council's latest housing trajectory identifies a land supply for a total of 5398 dwellings between 2022 and 2040. This is some 1387 dwellings short of the 6785 dwellings identified within policy SS3 as submitted. **The Plan would therefore result in a shortfall of some 2729 dwellings when compared to the housing requirement identified within the plan.** As drafted, the Council acknowledge that there is unmet need arising from the local plan and it is unknown how this need could be met or addressed. This presents neither a justified or effective approach to plan making.
8. The 452 dpa figure identified within the Plan falls some way below the standard method for calculating the housing requirement for Elmbridge. Utilising the standard method as the starting point, on the basis of the Council's evidence presented to date, the Local Housing Need (LHN) for Elmbridge is 650 dwellings per annum (dpa). This means that the housing requirement for the plan period would be 11700 dwellings. **Based on the Council's identified supply of 5398 dwellings, this would mean that there would be a shortfall of around 6300 dwellings over the Plan period as a whole.** This is a very significant shortfall which requires an alternative approach to meeting the housing needs of the borough over the plan period.
9. In terms of the evidence base, How the Spatial Strategy was formed (TOP001) identifies a number of key principles behind the scale and location of growth within the borough. In terms of the plan as submitted, it would neither meet the reduced housing target promoted within the submitted plan, or the housing requirement as calculated using the standard method, overall housing need, or provide the mix of

housing required to address the identified needs of the borough. Contrary to the views expressed by the Council, I do not consider that the spatial strategy adopted has achieved the correct balance between meeting housing need and the remaining key principles behind the scale and location of good growth. I shall return to the matter of the constraints within the borough and in particular the Green Belt boundaries below.

10. To summarise, the plan should be utilising the standard method as the starting point for calculating housing need. The 452 dpa is neither a justified or effective approach. As a result, as submitted, policy SS3 is not effective, justified or consistent with national policy. Using 2022 as the base date, for the Plan to be positively prepared, to address housing need over the plan period would mean the overall minimum housing requirement should be 11,700 dwellings. **This housing requirement should be clearly identified within the Plan, and the requirement should be reflected in policy SS3 which identifies the scale and location of good growth across the borough.**

#### ***Five Year Housing Land Supply Requirement***

11. The Council have set out details concerning how they anticipate Five Year housing supply to be met through the Five-Year Supply statement and associated trajectory (HOU020 and HOU021). I have taken these documents into account along with the discussions held at the hearing sessions, written representations made regarding the delivery or otherwise on a number of the sites put forward, as well as the latest information presented by the Council in this regard.
12. Overall, the Council's current position is between the 5 year period of 1 April 2024 to 31 March 2029, there would be a total supply of 2027 dwellings. This means that there is a shortfall of 621 dwellings over this 5 year period against the housing requirement identified within the submitted plan, and a 2077 dwelling shortfall against the standard method requirement of 4103 for this plan period. In the context of 5 year supply, these figures represent 3.8 years and 2.4 years supply respectively.
13. The Council is not in a position to demonstrate a 5 year housing supply. In light of the above, the plan as currently drafted would therefore fail to be positively prepared. It is neither justified or effective and is inconsistent with national policy.
14. **The Plan should be modified to ensure that there are sufficient sites to provide for the minimum 5 years worth of housing against the housing requirement identified at paragraph 10 above.**

#### ***Windfall allowance***

15. Based on the evidence presented within the Land Availability Assessment (HOU002), I acknowledge that some concerns have been expressed that the Council's windfall allowance will continue at the rate it has been. This is primarily because one of the main sources of supply is existing garden land which is a finite supply. Nevertheless, I consider that, in accordance with Paragraph 71 of the Framework, there is sufficient compelling evidence that windfall will continue to provide a reliable source of supply and that the 83 dpa windfall allowance which has been put forward by the Council is a justified approach. **However, in terms of the housing trajectory, windfall allowance should only be applied from year 5 onwards.**

## ***Meeting housing supply and the approach to the Green Belt***

16. In the context of delivering the homes we need, Paragraph 60 of the Framework states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. I have established above that the plan as submitted would fail to do this and the housing needs will not be met by the proposed strategy contained within the submitted plan.
17. The approach to housing delivery and the spatial strategy as submitted would result in very significant shortfalls in housing delivery as I have set out within paragraphs 6 and 7 above. The Plan is submitted on the basis of a brownfield only approach to housing delivery. That is to say, housing delivery relies entirely on previously developed land or sites within the existing urban area. I recognise that the effective use of land, making as much use as possible of previously developed or brownfield land, is encouraged by the Framework. However, in this instance, the sites put forward as site allocations within the Plan only total some 1804 dwellings. This equates to a contribution of around 15% towards meeting the housing needs over the plan period, clearly an insufficient contribution. The Council have confirmed that no neighbouring authorities are able to address the unmet need arising from the plan as submitted, and that there is no plan in place to address this unmet need. This approach means the boroughs needs will not be met and the plan is not positively prepared and represents neither a justified or effective approach to plan making.
18. As matters stand, it is the Council's position that there are not exceptional circumstances to justify an amendment to the Green Belt boundaries in Elmbridge. This is notwithstanding a number of documents contained within the examination library which explain why in the view of officers, there are exceptional circumstances which would justify the amendment of these boundaries to meet LHN. Since the Plan preparation commenced, the Council have recognised that the ability of the Green Belt in Elmbridge to address housing need should be considered. Significant work has been undertaken in relation to this matter, initially through the work commissioned by the Council and completed by ARUP in both 2016 and subsequently in 2018.
19. The Exceptional Circumstances Case (OTH043) document sets out in detail the relevant case law<sup>1</sup> concerning the presentation of what may constitute exceptional circumstances in the case of alterations to Green Belt boundaries within a local plan. Whilst it is generally accepted that there is no definition of what constitutes exceptional circumstances, it is my assessment that in the case of Elmbridge, there are a number of factors which provide a very clear steer towards the consideration of

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<sup>1</sup> Gallagher Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin) and Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin)

Green Belt sites to address the acute housing needs within the borough and the very significant shortfall in housing delivery which the plan as submitted would result in.

20. In terms of affordable housing, the plan as submitted would do little to address affordable housing needs over the plan period, in a Borough recognised as one of the most expensive places to live nationally. Elmbridge has one of the highest average house prices in the South East and affordability levels are amongst the highest within Surrey. The evidence base before me as set out within the Local Housing Needs Assessment and associated addendum (HOU004 and HOU005) identifies that in terms of affordable housing, the greatest demand for affordable homes is for units of four bedrooms or more (40%). I have not been presented with any evidence to support the Council's assertions that the focus of the plan on small urban sites (the highest majority of which would deliver 10 units or less) would assist in addressing the boroughs very acute affordable housing needs over the plan period. Conversely, the evidence base acknowledges the positive role that larger sites can play in terms of affordable housing delivery, yet the plan only seeks to deliver over 100 units on a total of 3 sites.
  
21. Added to the above issues concerning the quantum of housing development coming forward and the subsequent impacts on affordable housing delivery, I have significant concerns regarding the variety of land and subsequent tenure mix the submitted spatial strategy could deliver. In terms of the five year supply, the site allocations proposed by the plan would only total some 105 dwellings which would be made up from 4 sites. Beyond this first 5 years of the Plan period, only 10 of the remaining site allocations would deliver more than 50 dwellings. The highest proportion of sites coming forward (17) would be on sites less than 10 units. This approach to the site allocations as proposed would not only limit the quantum of development, but also the type and variety of housing delivery coming forward which in turn has implications for affordable housing delivery. The ability of the chosen spatial strategy to deliver a significant proportion of affordable housing is highly relevant to the consideration of whether exceptional circumstances exist, given it is acknowledged as being one of the most pressing issues which the Borough is facing<sup>2</sup>.
  
22. The Council have also stated that the release of elements of the Green Belt would lead to unsustainable patterns of development. However, the evidence before me does not support this point of view. On the contrary, the Green Belt Boundary Review Accessibility Assessment (OTH002) paper sets out the relative sustainability of a number of the Green Belt sites assessed and subsequently discounted. A significant number of these sites are in clearly sustainable locations, (rated as excellent, good or fair) in terms of their overall accessibility performance with access to services and facilities comparable with a number of the site allocations contained within the plan as submitted.
  
23. In reaching the above views, I have also had regard to the Council's Topic Paper (TOP001) which sets out how the spatial strategy was formed, as well as the other evidence base documents provided by the Council namely the Green Belt Boundary Review (OTH001)<sup>3</sup>, the Green Belt Site Assessment Proformas (OTH038-OTH040), Green Belt Site Assessment Explanatory Notes (OTH041) and the GB Site

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<sup>2</sup> As acknowledged within paragraphs 1.12, 2.7,2.8 of the Plan, as well as the overall Vision for Elmbridge ( page 16)

<sup>3</sup> For the sake of brevity, the full suite of evidence base document have not been listed however these include documents OTH02-OTH024 inclusive)

Assessment Explanatory notes (OTH042), the representations received at both the Regulation 19 stage as well as in written and oral form to the hearing sessions.

24. In particular, the Exceptional Circumstances Case Paper (OTH043) and the Sustainability Assessment (CD002) set out a number of options for the spatial strategy. Indeed, a number of the other options considered and subsequently discounted by the Council would in the round, enable a greater number of homes to be delivered, as well as meeting a significantly greater proportion of the Boroughs identified affordable housing needs. OTH040 identifies 12 sites considered for release under spatial strategy option 5a. These sites have been assessed as to how they fulfil the purpose on designating land as Green Belt. Furthermore, the Council, during the course of the hearing sessions also identified a further option as option 5b which set out 15 Green Belt sites in total. These options alone would deliver approximately 2900 dwellings to the overall supply.
25. The Council have repeatedly made reference to the conclusions drawn in relation to the Core Strategy Examination in support of the submitted plan. This argument is of very limited weight for a number of reasons. This examination was completed over 13 years ago. It not only predated the National Planning Policy Framework, but was a plan which was meeting its own needs in any event. As a result, there was no evidence before that Inspector regarding the role and function of the Green Belt within Elmbridge and indeed there would have been no requirement for such an exercise to be undertaken. There is also now a materially different position in terms of housing need. Bringing these factors together, I am unable to agree that the conclusions drawn at the last local plan examination should carry weight in relation to the decision to amend the boundaries now based on the latest evidence available.
26. The approach adopted would fail to deliver anything near the level of need for the plan period, and the strategy as adopted would be unsound as it would also not be effective in addressing the acute affordable housing need of the borough, including the backlog, which I shall go onto address in further detail below. Contrary to the views expressed by the Council, it is my view that the benefits of doing so would outweigh the harm to the Green Belt and as a result, exceptional circumstances do exist to warrant an element of Green Belt release. **To conclude, having taken into account the circumstances set out above, the release of an element of Green Belt land to meet the identified housing needs would be a justified and effective approach in this instance.**
27. In accordance with Paragraph 11b (i) of the Framework, I do not consider the Green Belt in Elmbridge provides a 'strong reason' for restricting the overall scale, type or distribution of development in the Plan Area. **The Council should revisit the Sustainability Appraisal, the options for meeting local housing need, the conclusions drawn in relation to the Green Belt work already completed and consideration of all alternative sites, including the potential release of Green Belt sites, to address the 6300 housing shortfall.**

### ***Addressing affordable housing needs***

28. The delivery of affordable housing is one of the most pressing issues facing the Borough and is identified as a key priority for the Council. The median work place - base affordability ratio has worsened since 2013 increasing from 13.31 to 20.02. This ranks Elmbridge as one of the least affordable boroughs in the country.



29. The evidence identifies that affordable housing need stands at 269dpa and that the backlog need for affordable housing is in the region of 1434 dwellings although I acknowledge a number of parties have expressed the view that this figure may well be higher. The evidence base states that this backlog should be addressed over a 20 year period. However, there is no justification for such an approach to be adopted and the Council have been unable to direct me to any substantive evidence to support their position in this regard. **Given the acute position regarding current affordable housing need, the scale of the backlog and the ever-worsening position regarding affordability ratios within Elmbridge, it is my view that the Council should seek to address the backlog during the plan period.**
30. Turning to consider the policy approach to affordable housing, policy HOU4 as submitted sets out the Councils approach to affordable housing. It is a detailed policy which, in the round, seeks to secure the following:
- (a) On brownfield sites of 10 or more units, on site provision of 30% affordable housing
  - (b) On greenfield sites of 10 units or more, on site provision of 40% affordable housing
  - (c) On sites of 9 units or less a financial contribution of 20% affordable housing
31. The remainder of the policy goes on to set out, amongst other things, how the on site provision will be sought, as well as how the tenure and mix of units proposed should be assessed.
32. As submitted, part c of policy HOU04 set out above seeks to secure a financial contribution equivalent to the provision of 20% affordable housing of the gross number of dwellings on sites of 9 units or less. This approach is at odds with the Framework and in particular paragraph 64 which advises that affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas.
33. In order to support this policy, Topic Paper 2 concerning Affordable Housing (TOP002) sets out that without being able to collect affordable housing contributions on small sites as envisaged by part c of policy HOU4, the ability of the Council to provide affordable homes will be highly restricted. However, the evidence before the examination confirms that the existing adopted policy CS21 has secured the delivery of just 75 affordable dwellings between the April 2011-March 2012 period. Against the backdrop of some 771 affordable housing units delivered across the borough during the same period, I am unable to agree that the removal of this part of the policy would 'highly restrict' future affordable housing delivery.
34. From the evidence I have heard to date, future affordable housing delivery would be highly restricted by the chosen spatial strategy. This is because the focus of the plan is on small sites (less than 10 units) within the existing urban areas (of which now only 17 sites in total are deemed to be deliverable or developable) means that the plan will do little to secure the 30% on site affordable housing provision sought by policy HOU04 part a as currently drafted. Furthermore, as a result of the spatial strategy proposed, there would be no sites allocated within the plan to which part b of the Plan would be applicable, namely to seek 40% on site affordable housing provision on greenfield sites of 10 units or more. This is despite the fact that the evidence base recognises that such sites would be clearly capable of delivering a

greater quantum of affordable housing as set out within the Establishing Local Housing Needs Document (HOU001).

35. The Council have also sought, amongst other things, to justify this approach based on the current Core Strategy policy CS21. As you are aware, this policy was adopted in July 2011 some 13 years ago and well before the Framework against which this local plan is being assessed. Given the very acute affordable housing need within the Borough, I have considered very carefully whether the approach put forward in policy HOU4 is a sound one. The evidence presented on this issue does not support the policy approach and policy HOU04 as drafted is neither justified, effective or consistent with national policy in this regard. I am unable to conclude that such a small proportion of affordable housing delivery makes a meaningful contribution. **The Council should delete part c of policy HOU04 as well as the relevant reasoned justification<sup>4</sup>**

### ***Next steps***

36. I realise that this letter covers a significant number of issues which the Council will wish to reflect on, and I have identified above ways in which the problems with the Plan could be remedied.
37. As I have referenced above at paragraph 4 of this letter, the Ministry of Housing, Communities and Local Government wrote to the Planning Inspectorate last month regarding the approach to Local Plans which are likely to require changes and a pause in the examination process as a result. In the round, the letter advises that pragmatism should be used where it is likely that a plan is capable of being found sound with limited additional work to address soundness issues. Any pauses to undertake additional work should take no more than six months overall. Extensions beyond this should only be allowed at the Inspectors discretion. In agreeing extensions, the Inspector should be confident that the local authority can complete any outstanding work in the agreed timeframe.
38. I am mindful that in the case of this examination, there are a number of very significant issues to address. This includes, but is not limited to, identifying enough sites to address the shortfall, undertaking the necessary steps to appraise the sites including providing and preparing the appropriate supporting evidence, consulting upon these sites and the potential for additional hearing sessions. I have real concerns that the Council may not be able to meet this timeframe. I would therefore be grateful if in the first instance you could advise whether you consider the Council are in a position to address the necessary changes required to make the Plan sound and undertake the additional work required within a 6 month period from the date of this letter. If the Council do not consider they would be able to meet this timeframe, then the Plan should either be withdrawn or I will prepare the necessary report which would find the Plan unsound in its current format.
39. In addition, I also request that a copy of this letter is placed on the examination website as soon as possible. I am not seeking comments from other parties on the content of this letter at this time. However, should the examination proceed through to the main modifications stage then there would of course be an opportunity for parties to comment then.

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<sup>4</sup> Other modifications discussed during the Matter 6 hearing sessions remain

40. I look forward to hearing from the Council once you have had an opportunity to digest the contents of this letter. Please could you provide a response no later than **2 October 2024**.

Yours sincerely

*C Masters*

INSPECTOR

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## **Statement of Common Ground between the Environment Agency and Spelthorne Borough Council – October 2024**

This statement of common ground between the Spelthorne BC and the Environment Agency (EA) follows the preliminary statement of common ground which was agreed on 22 May 2023 and is mainly in relation to flood risk.

The EA provided comments on other matters within their remit for the Spelthorne Local Plan. Flood Risk, drainage capacity and impact of development on water bodies has been considered throughout the preparation of the Spelthorne Local Plan.

### **Modelling**

Spelthorne BC and The Environment Agency have agreed the most appropriate modelling to be used in the SFRA Level 1 and Level 2 documents. Section 3.2 of the SFRA Level 1 document (July 2024) sets out the modelling used. In summary it comprises:

- Lower Thames Flood Modelling Report. WSP, Binnies. November 2023. Covering the Lower Thames from Datchet to Teddington. This model is referred to as Thames (Datchet to Teddington) 2023 Tributary Dominated’.
- River Ash Modelling Update, JBA Consulting 2019<sup>1</sup>.
- Lower Colne Modelling and Mapping Study, Mott MacDonald, April 2012<sup>2</sup>.

### **Spelthorne BC commitment**

Spelthorne BC will obtain new modelling as soon as available and review the outputs to determine whether an update to the SFRA documents are required. Spelthorne BC commit to updating the SFRA documents promptly when required.

### **SFRA Versions**

Specifically, the following studies have been used to support evidence on flood risk:

- Strategic Flood Risk Assessment (SFRA) Draft Interim Report, Feb 2018
- Level 1 – Strategic Flood Risk Assessment, May 2022
- Level 2 – Strategic Flood Risk Assessment Report, July 2022
- Spelthorne Water Cycle Study 2019
- Level 1 – Strategic Flood Risk Assessment Update (30 Nov 2022) (dated 2023 on website Spelthorne Takes Shape (spelthornelocalplan.info)
- Level 2 – Strategic Flood Risk Assessment Update, Feb 2023
- Level 1 – Strategic Flood Risk Assessment Update, October 2023
- Level 2 – Strategic Flood Risk Assessment Update, October 2023
- Spelthorne Strategic Sequential Test, October 2023
- Level 1 – Strategic Flood Risk Assessment Update, March 2024
- Level 2 – Strategic Flood Risk Assessment Update, March 2024
- Level 1 – Strategic Flood Risk Assessment Update, May 2024
- Level 2 – Strategic Flood Risk Assessment Update, June 2024

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<sup>1</sup> The Thames 2023 (Tributary dominated) modelling incorporates the Ash 2019 model with some improvements. In time, the 2023 River Thames (Tributary dominated) model outputs will be used for decision making along the River Ash, however at the time of preparing this SFRA, the Ash 2019 modelling is still being used by the Environment Agency for decision making. Therefore, the Environment Agency have requested that the River Ash 2019 model outputs be included in this version of the SFRA as well.

<sup>2</sup> The Environment Agency are currently updating the Lower Colne model.

- Level 1 – Strategic Flood Risk Assessment Update, July 2024
- Level 2 – Strategic Flood Risk Assessment Update, July 2024
- Spelthorne Strategic Sequential Test, July 2024

**List of dates of key revisions to the SFRA documents and reasons for these revisions**

Date	Details
May 2022	Revised with reference to updated peak river flow climate change allowances
November 2022	Revised with reference to the latest PPG and DRAFT modelling outputs for River Thames (Windsor to Teddington) provided by the Environment Agency
June 2023	Updated following comments from Environment Agency and SCC, and reverting to the PUBLISHED River Thames modelling (Hurley to Teddington, 2019/2020)
March 2024	Updated following comments from Environment Agency and using PUBLISHED River Thames modelling 2023 (Datchet to Teddington)
May 2024	Updated following comments from Environment Agency
July 2024	Amended regarding points raised in EA letter dates 21 June 2024

Spelthorne BC commitment

Spelthorne BC commit to updating the SFRA documents when appropriate. This includes

- Publication of new hydraulic modelling
- Significant updates to national planning guidance on flooding

Spelthorne BC commit to producing a Supplementary Planning Document/Guidance or Supplementary Plan (as appropriate) on flood risk and safe access and egress

- SBC commit that work on this will begin immediately after the Local Plan is adopted. SBC will follow the most up to date policy and guidance from central government regarding if it should be a Supplementary Planning Document (SPD) or Supplementary Plan (SP) and this will influence the exact timescale, but it will be a priority for the Council's Strategic Planning Team.
- We welcome the opportunity to work with the Environment Agency (and Surrey CC as the LLFA) on the SPD/SPG/Supplementary Plan.
- Timeline – If the Council are able to return to Local Plan Examination in January/February 2025, they are then likely to consult on modifications in April 2025 and hope to hear from the Inspector and then adopt the Plan summer 2025. Work could then begin on the Flooding SPD/SPG/Supplementary Plan in early autumn 2025. SBC will follow the most up to date policy and guidance from central government regarding if it should be a Supplementary Planning Document (SPD) or Supplementary Plan (SP) and this will influence the exact timescale however we would hope to begin work late summer/early autumn 2025, consult in early 2026 and adopt late spring/early summer 2026.

The SPD/SPG will guide applicants and developers to demonstrate and ensure that **all** allocated sites have safe access and egress.

## Site Allocations

Source	Request	Action
Letter from the EA dated 21 June 2024	Requested removal of <ul style="list-style-type: none"> <li>ST4/002 Bridge Street Car Park</li> <li>ST4/010 Riverside Car Park</li> </ul>	At a meeting of the Council on 18 July, the Council resolved to request a main modification to the Inspector to remove two sites. <a href="#">Cllr Beecher wrote to the Inspector on 23 July 2024.</a>
Information from the EA dated 13 September 2023 and previously	<ul style="list-style-type: none"> <li>ST4/011 Thames Lodge Hotel, Thames Street</li> </ul>	At a meeting of the Environment and Sustainability Committee on 29 February 2024, the Council resolved to request a main modification to the Inspector to remove the site from the Local Plan. <a href="#">Cllr Beecher wrote to the Inspector on 23 July.</a>
Information from the EA dated 13 September 2023 and previously	<ul style="list-style-type: none"> <li>ST1/029 Surrey CC Buildings, Burges Way</li> <li>ST1/030 Fairways Day Centre, Knowle Green</li> </ul>	Proposed to remove from the Local Plan prior to start of Examination due to flood risk and confirmed at a meeting of the Environment and Sustainability Committee on 29 February 2024, the Council resolved to request a main modification to the Inspector to remove the sites from the Local Plan. <a href="#">Cllr Beecher wrote to the Inspector on 23 July.</a>
Information from the EA dated 13 September 2023, 2 May 2024 and 21 June 2024	<ul style="list-style-type: none"> <li>ST4/019 35-45 High Street, Staines (Former Debenhams Site)</li> </ul>	At a meeting of the Council on 18 July, the Council resolved to request a main modification to the Inspector to <ul style="list-style-type: none"> <li>move the site to <b>Years 6-10</b> of the Plan Period and</li> <li>add the following wording to the site allocation  <i>“The site will not be available for development until a safe route for access and egress can be provided and maintained during a flood event (ie the 1% AEP fluvial flood event and surface water event including an appropriate climate change allowance)”.</i> </li> </ul> <a href="#">Cllr Beecher wrote to the Inspector on 23 July.</a>
Information from the EA dated 13 September 2023, 2 May 2024 and 21 June 2024	<ul style="list-style-type: none"> <li>ST4/026 Communications House, South Street, Staines</li> <li>ST4/028 William Hill / Vodafone/</li> </ul>	<ul style="list-style-type: none"> <li>At a meeting of the Environment and Sustainability Committee on 29 February 2024, the Council resolved to request a main modification to the Inspector to move the site to <b>Years 11-15</b> of the Plan Period</li> </ul>

	<p>Monsoon, 91-93 High Street, Staines</p> <ul style="list-style-type: none"> <li>• SH1/010 Shepperton Library, High Street, Shepperton (Years 11-15)</li> <li>• ST1/028 Leacroft Centre, Leacroft, Staines (Years 11-15)</li> </ul>	<ul style="list-style-type: none"> <li>• At a meeting of the Council on 18 July, the Council resolved to request a main modification to the Inspector to add the following wording to the site allocation <i>“The site will not be available for development until a safe route for access and egress can be provided and maintained during a flood event (ie the 1% AEP fluvial flood event and surface water event including an appropriate climate change allowance)”.</i></li> </ul> <p><a href="#">Cllr Beecher wrote to the Inspector on 23 July.</a></p>
<p>Information from the EA dated 13 September 2023, 2 May 2024 and 21 June 2024</p>	<ul style="list-style-type: none"> <li>• ST4/004 96-104, Church Street (Years 6-10)</li> <li>• ST4/023 Two Rivers Retail Park Terrace, Mustard Mill Road (Years 6-10)</li> <li>• ST4/024 Frankie &amp; Benny’s/Travelodge, Two Rivers (Years 6-10)</li> <li>• SH1/015 Shepperton Youth Centre (Years 11-15)</li> <li>• SH2/003 Shepperton Delivery Office (Years 11-15)</li> <li>• ST1/028 Leacroft Centre (Years 11-15)</li> <li>• ST4/025 Land at Coppermill Road (Years 11-15)</li> </ul>	<p>At a meeting of the Council on 18 July, the Council resolved to request a main modification to the Inspector to add the following wording to the site allocation: <i>“The site will not be available for development until a safe route for access and egress can be provided and maintained during a flood event (ie the 1% AEP fluvial flood event and surface water event including an appropriate climate change allowance)”.</i></p> <p><a href="#">Cllr Beecher wrote to the Inspector on 23 July.</a></p>
<p>Information from the EA dated 8 July 2024</p>	<ul style="list-style-type: none"> <li>• <u>ST1/037 – Thameside House (Years 1-5)</u></li> </ul>	<p>The south-western part of the site is at a higher risk of flooding than the rest of the site. Within the area which falls within flood zone 3a (1% AEP), the built footprint of the new development should not exceed that of the existing building and where possible should be reduced.</p> <p>The SFRA Level 2 states: “Pedestrian access shown to be available at Low hazard beneath railway line, through to George Street and Kingston Road”.</p>



		<p>The Council will request a main modification to the Inspector to add the following wording to the site allocation:  <i>“Within the area which falls within flood zone 3a (1% AEP), the built footprint of the new development should not exceed that of the existing building and where possible should be reduced.</i></p> <p><i>The site layout will be required to be designed to ensure all development is able to access the safe route for access and egress (shown within the SFRA Level 2) during a flood event (i.e. the 1% AEP fluvial flood event and surface water event including an appropriate climate change allowance)”.</i></p>
	<ul style="list-style-type: none"> <li>• <u>ST4/009 The Elmsleigh Centre and adjoining land South Street (Years 11-15)</u></li> </ul>	<p>The Council will request a main modification to the Inspector to add the following wording to the site allocation:  <i>“In order to ensure that future development does not increase the risk of flooding to the surrounding areas, the built footprint of the new development should not exceed that of the existing building and where possible should be reduced.</i></p> <p><i>The site layout will be required to be designed to ensure all development is able to access the safe route for access and egress (shown within the SFRA Level 2) during a flood event (i.e. the 1% AEP fluvial flood event and surface water event including an appropriate climate change allowance)”.</i></p>
	<ul style="list-style-type: none"> <li>• <u>RL1/011 Land at Staines and Laleham Sports Club, Worple Road (Years 6-10)</u></li> </ul>	<p>No action required</p> <p>Notes  Site is included SFRA Level 2 which states:    Site is at Low and Moderate hazard. Access/egress that is dry or at low hazard during the 1% AEP event including 35% climate change allowance is available for the site, along Worple Road north to Kingston Road, and then east to the A308.</p>

	<ul style="list-style-type: none"> <li>• <u>AT1/012 Ashford Community Centre, Woodthorpe Road (Years 1-5)</u></li> </ul>	<p>The Council will request a main modification to the Inspector to add the following wording to the site allocation:</p> <p><i>“In order to ensure that future development does not increase the risk of flooding to the surrounding areas, the built footprint of the new development should not exceed that of the existing building and where possible should be reduced.</i></p> <p><i>The site layout will be required to be designed to ensure development is set back from the River Ash”.</i></p>
<p>Letter from the EA dated 21 June 2024</p>	<p>EA queried hazard information for three sites:</p> <ul style="list-style-type: none"> <li>• Staines Telephone Exchange</li> <li>• Ashford Community Centre</li> <li>• Thameside Arts Centre</li> </ul>	<p>Aecom emailed EA on 3 July 2024 with an explanation that the issue was regarding the colour palette of map legends. EA emailed 6 August 2024 to state:</p> <p><i>We have checked our data, and we agree that there was an issue with how the hazard information was classified. We are now looking to address this issue. As you have stated in your email your maps are using the latest modelling and are following the FD2320 guidance, so the maps do not require amendment.</i></p>

**Policy E3 wording**

Spelthorne Borough Council, Surrey CC and the Environment Agency have agreed amended wording of policy E3. Upon agreement of this Statement of Common Ground, the Council will request a main modification to the Inspector to agree the revised wording. The wording is attached in appendix 1.

**Outstanding issues/Areas of disagreement**

1. In letter dated 21 June 2024 the EA requested an updated Sequential Test document. This was sent by Aecom on 6 August 2024 along with updated SFRA Level 1 and Level 2 documents. The Council are waiting for feedback.
2. We understand the Sequential Test has been updated and would be submitted with the updated SFRA Level 1 and 2 to the EA for review.

Signed

Date 13 August 2024



Councillor Malcolm Beecher  
Chair of Environment & Sustainability Committee

Signed

Date 14 October 2024



Judith Montford  
Planning Specialist | Sustainable Places | Thames Area  
Environment Agency

## Appendix 1: Policy E3: Managing Flood Risk

### E3: Managing Flood Risk

- 1) To reduce the overall and local flood risk development must be located, designed and laid out to ensure that it is safe (*as defined in PPG Flood Risk and Coastal Change and the Level 1 SFRA*), flood risk is not increased elsewhere) and that residual risks are safely managed. The council would support measures to encourage a reduction in flood risk.
- 2) New development will be guided to areas of lowest flood risk from all sources of flooding through the application of the sequential approach<sup>1</sup>. Where individual sites contain different levels of flood risk e.g. flood zones, a site-specific sequential test should be applied to locate the most vulnerable uses in the areas of lowest risk from all sources. The exception test will continue to be applied where national planning policy states that it is necessary.
- 3) All development proposals<sup>2</sup> are required to demonstrate that land drainage will be adequate and that they will not result in an increase in surface water run-off. The Council will expect incorporating SuDs (Sustainable Drainage Systems) to manage surface water drainage and provide multi-functional benefits in accordance with the NPPF, unless it can be demonstrated that they are not appropriate. SuDs should
  - a) Ensure surface run-off is managed as close to the source as possible and does not increase flood risk elsewhere;
  - b) Be in accordance with the rainwater disposal hierarchy of Building Regulations Part H3 (3);
  - c) In circumstances where it has been proved that infiltration is impractical, ensure discharge of surface water to watercourse/sewer shall not exceed the following peak rates:
    - at pre-development greenfield runoff rates on all new development;
    - as close as reasonably practicable to greenfield run off rates from all other brownfield sites;
  - d) Be designed to be multi-functional and incorporate sustainable drainage into landscaping and public realm, including maximising opportunities to establish surface water ponding areas, urban watercourse buffer areas and multi-use flood storage areas in locations of high surface water flood risk and critical drainage areas to improve flood resilience, amenity and biodiversity;
  - e) Achieve improvements in water quality through a sustainable drainage system management train;
  - f) Be designed with consideration of future maintenance and climate change; and

<sup>1</sup> <https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants>

<sup>2</sup> Excluding minor householder such as porches and conservatories

- g) Make improvements in accordance with the Council's most up to date Infrastructure Delivery Plan.
- 4) Development in Flood Zones 2 and 3a<sup>3</sup> and on a dry island<sup>4</sup> will be permitted provided that:
- (a) the vulnerability of the proposed use is appropriate for the level of flood risk on the site (see table below);
  - (b) the proposal passes the sequential and exception test (where required) as outlined in the NPPF and guidance;
  - (c) a site-specific flood risk assessment demonstrates that the development, including the access and egress, will be safe for its lifetime (taking into account the appropriate climate change allowance) without increasing flooding elsewhere<sup>5</sup>, and will, where possible, reduce flood risk overall;
  - (d) safe access and egress<sup>6</sup> is demonstrated for all developments including residential development of one or more net additional units;<sup>7</sup>. Applicants and Developers should refer to and apply the details/requirements in the 'Safe Access and Egress' Supplementary Planning Document/Guidance.
  - (e) the scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character of the area<sup>8</sup> and;
  - (f) applications include appropriate flood warning and evacuation<sup>9</sup> and site drainage systems take account of storm events and flood risk of up to 1 in 100 year event with an appropriate allowance for climate change.

<sup>3</sup> As identified on the latest Environment Agency flood risk maps and the Council's latest Strategic Flood Risk Assessment

<sup>4</sup> Defined in SFRA as Dry islands: The extensive area of floodplain within Spelthorne is relatively flat; however, there are certain areas of slightly higher ground which are less prone to flooding than the land around them. During times of flood it is possible that all the land surrounding these areas becomes flooded, resulting in this higher area becoming a 'dry island'. During prolonged periods of flooding it may prove difficult to provide resources and emergency services to those living in these areas. In order to reduce the flood risk, these 'dry islands' should be treated the same as for the level of flood risk in the area surrounding them, regardless of their size. When contemplating development, it is important to study the wider area of the flood map to ensure that there is a dry route to a point outside the floodplain

<sup>5</sup> As set out in the Planning Practice Guidance (para 49) "Where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided.

<sup>6</sup> See Flood risk and coastal change section of the Planning Practice Guidance and section 6.2 of the Spelthorne SFRA Level 1 for more information of safe access and egress. More detail and guidance will be provided in the forthcoming SPD/SPG/Supplementary Plan on Flood Risk.

<sup>7</sup> Not required for residential extensions or replacement dwellings

<sup>8</sup> Please refer to section 5.8 of SFRA Level 1 which covers measures to control and mitigate flood risk. Section 5.8 specifically addresses flood resilience and resistance measures.

<sup>9</sup> <https://www.gov.uk/government/publications/personal-flood-plan>

- 5) Applications must be supported by Flood Risk Assessments where appropriate<sup>10</sup> that demonstrate the development will be safe, not increase flood risk elsewhere, and maximise opportunities to reduce flood risk from all sources.

### **1 in 30 year – Flood Zone 3b**

Within the 1 in 30 year<sup>11</sup> (Flood Zone 3b or functional floodplain, which includes, but is not limited to, the 3.3% AEP) extent<sup>12</sup>;

- (a) the provision of essential infrastructure should be avoided but will be considered if demonstrated to pass the exceptions test. Essential infrastructure should be designed and constructed to:
    - i) remain operational and safe for users in times of flood
    - ii) result in no net loss of floodplain storage
    - iii) not impede water flows and not increase flood risk elsewhere
  - (b) change of use to a higher vulnerability classification will not be permitted;
  - (c) extensions or re-development of buildings may be considered, subject to the following:
    - i) the footprint of the building should not be increased unless level for level floodplain compensatory storage can be provided,
    - ii) finished floor levels shall not be lower than the existing and where possible they should be raised<sup>13</sup>;
    - iii) surface water runoff rates and volumes from the site should be reduced;
    - iv) where possible, floodplain storage capacity should be increased and space created for flooding to occur by restoring functional floodplain;
    - v) flood resistance and resilience measures<sup>14</sup> be incorporated and;
    - vi) inclusion of measures to ensure development remains safe for users in time of flood<sup>15</sup>.
  - (d) Extent basements, basement extensions, conversions of basements to a higher vulnerability classification are not permitted.<sup>16</sup>
- 6) Schemes which deliver a betterment will be supported, subject to consultation with the Environment Agency where required, and meeting other policy requirements of the Plan.

<sup>10</sup> See NPPF footnote 59

<sup>11</sup> Existing infrastructure or solid buildings that resist water ingress are not included within the definition of Flood Zone 3b Functional Floodplain and the associated planning requirements do not apply.

<sup>12</sup> The definition of FZ3b being used by Spelthorne is broader than the 3.3% AEP event, it includes the use of the 2% AEP event for the River Colne. *Where a watercourse does not have modelling available for the 1 in 30 year (3.3% AEP) flood event, a conservative approach should be applied and the extent of Flood Zone 3 used to define Flood Zone 3b, until such a time as modelling is available.*

Any areas designed to flood (e.g. flood storage areas) should also be included in the definition of FZ3b in accordance with Planning Practice Guidance, Flood Risk and Coastal Change

<sup>13</sup> The applicant must provide a written justification of why it is not possible for the extension/redevelopment to raise the floor level

<sup>14</sup> Section 5.8 of Level 1 SFRA explains flood resilience measures

<sup>15</sup> This may incorporate the timely evacuation of properties prior to the onset of flooding in accordance with an individual Flood Warning and Evacuation Plan for the site).

## River Thames Scheme

- 7) The Council supports proposals for strategic flood relief measures, including the proposed flood channel through the Borough as part of the River Thames Scheme. The proposed route of the channel and the land adjacent to it, as shown on the Policies Map will be safeguarded for this purpose<sup>17</sup>.

### Definitions

- 13.1 Different areas of flood risk in Spelthorne Borough are determined by definitions contained within national planning practice guidance and the Council's Strategic Flood Risk Assessment (Level 1).
- Flood resistance: Flood-resistant construction can prevent entry of water or minimise the amount that may enter a building where there is short duration flooding outside with water depths of 0.6 metres or less. This form of construction should be used with caution and accompanied by resilience measures, as effective flood exclusion may depend on occupiers ensuring some elements, such as barriers to doorways are put in place and maintained in a good state.
  - Flood resilience: Flood-resilient buildings are designed and constructed to reduce the impact of flood water entering the building so that no permanent damage is caused, structural integrity is maintained, and drying and cleaning is easier and the building can be re-occupied more quickly.
- 13.2 Planning Practice Guidance<sup>18</sup> states that flood resistance and resilience measures should not be used to justify development in inappropriate locations.

### Flood Zones (source Planning Practice Guidance Flood risk and coastal change)

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 0.1% /1 in 1,000) annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2, 3a and 3b)
Zone 2 Medium Probability	Land having between a 1% and 0.1% (1 in 100 and 1 in 1,000) annual probability of river flooding; or land having between a 0.5% and 0.1% (1 in 200 and 1 in 1,000) annual probability of sea flooding.
Zone 3a High Probability	Land having a 1% (1 in 100) or greater annual probability of river flooding; or land having a 0.5% (1 in 200) or greater annual probability of sea flooding.
Zone 3b The Functional Floodplain	This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally

<sup>17</sup> As set out in para 161 (b) of the NPPF 2021.

<sup>18</sup> Updated 25 August 2022

	<p>comprise:</p> <ul style="list-style-type: none"> <li>• land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or</li> <li>• land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding).</li> </ul> <p>Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency.</p>
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13.3 Note: The Flood Zones shown on the Environment Agency’s Flood Map for Planning (Rivers and Sea) available on the Environment Agency’s website, do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding. Reference should therefore also be made to the [Strategic Flood Risk Assessment](#) when considering location and potential future flood risks to developments and land uses.

**Flood Resistance**

13.4 Flood resistance measures aim to keep water out and give occupants time to relocate ground floor contents. There are a range of flood protection devices/methods including:

- Using materials and construction with low permeability
- Landscaping e.g. creation of low earth bunds (subject to this not increasing flood risk elsewhere)
- Raising thresholds and finished floor levels (See previous section) e.g. porches with higher thresholds than main entrance
- Flood gates with waterproof seals
- Sump and pump for floodwater to remove waste water faster than it enters
- Door guards and airbrick covers

**Flood Resilience**

13.5 Flood resilience measures are designed to allow water in but to limit damage and allow rapid re-occupancy. There are a range of options:

- Use materials with either good drying and cleaning properties, or, sacrificial materials that can easily be replaced;
- Design for water to drain away;
- Design access to all spaces to permit drying and cleaning;
- Raise the level of electric wiring, appliances and utility metres (0.1m above flood level);
- Ground supported floors with concrete slabs coated with impermeable membrane;
- Tank basements, cellars and ground floors with water resistant membranes; and
- Plastic water resistant internal doors.



### Flood Zone 3b Functional Floodplain

- 13.6 The definition of Flood Zone 3b Functional Floodplain for Spelthorne Borough Council is set out in the Strategic Flood Risk Assessment (SFRA) Level 1 document, which can be found on the Council website. It includes all buildings which have not been designed to exclude floodwater and do not resist water ingress, such as garages and warehouses, as well as roads, other linear features and other areas for car parking or recreational use which may provide important flow routes and flood storage functionality.
- 13.7 The definition of FZ3b being used by Spelthorne is set out in the Strategic Flood Risk Assessment (SFRA) Level 1 document, which can be found on the Council website. It is broader than the 3.3% AEP event, it includes the use of the 2% AEP event for the River Colne. Any areas designed to flood (e.g. flood storage areas) should also be included in the definition of FZ3b in accordance with Planning Practice Guidance, Flood Risk and Coastal Change. *Where a watercourse does not have modelling available for the 1 in 30 year (3.3% AEP) flood event, a conservative approach should be applied and the extent of Flood Zone 3 used to define Flood Zone 3b, until such a time as modelling is available.*

13.8

Flood Risk Vulnerability and Flood Zone 'incompatibility' (Source: PPG)

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compat
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

## Notes

- This table does not show the application of the [Sequential Test](#) which should be applied first to guide development to the lowest flood risk areas; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea;
- The Sequential and [Exception Tests](#) do not need to be applied to those developments set out in [National Planning Policy Framework footnote 56](#). The Sequential and Exception Tests should be applied to ‘major’ and ‘non major’ development;
- Some developments may contain different elements of vulnerability and the highest vulnerability category should be used, unless the development is considered in its component parts.

“+” In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.

“\*” In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

### Reasoned Justification

13.9 In Spelthorne there are areas within the 1 in 30 (Flood Zone 3b or functional floodplain, which includes, but is not limited to, the 3.3% AEP extent<sup>19</sup>) or greater flood extent that are already developed and are prevented from flooding by the presence of existing infrastructure or solid buildings. Whilst these areas may be subject to frequent flooding, it may not be practical to refuse all future development. As such, and in accordance with the PPG, in some instances the Council will consider existing building footprints, where they can be demonstrated to exclude floodwater, not to be defined as Flood Zone 3b Functional Floodplain.

13.10 The approach the Council will take to development within the 1 in 30 year (Flood Zone 3b or functional floodplain, which includes, but is not limited to, the 3.3% AEP extent) flood outline recognises the importance of pragmatic planning solutions that will not unnecessarily ‘blight’ areas of existing development, the importance of the undeveloped land surrounding them and the potential opportunities to reinstate areas which can operate as functional floodplain through redevelopment to provide space for floodwater and reduce risk to new and existing development.

13.11 The consideration of whether a building resists water ingress will be considered on a case-by-case basis as part of the planning application process, having regard to the

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<sup>19</sup> The definition of FZ3b being used by Spelthorne is broader than the 3.3% AEP event, it includes the use of the 2% AEP event for the River Colne. *Where a watercourse does not have modelling available for the 1 in 30 year (3.3% AEP) flood event, a conservative approach should be applied and the extent of Flood Zone 3 used to define Flood Zone 3b, until such a time as modelling is available. Any areas designed to flood (e.g. flood storage areas) should also be included in the definition of FZ3b in accordance with Planning Practice Guidance, Flood Risk and Coastal Change*

presence of existing buildings on the site and the existing routing of floodwater through the site during times of flooding.

#### **Key Evidence**

- Local Flood Risk Management Strategy (Surrey County Council, 2017) ([www.surreycc.gov.uk](http://www.surreycc.gov.uk))
- Level 1 Strategic Flood Risk Assessment (Spelthorne Borough Council, July 2024)
- Level 2 Strategic Flood Risk Assessment (Spelthorne Borough Council, July 2024)
- Spelthorne Water Cycle Study (Spelthorne Borough Council, 2019)

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**Appendix F: List of All Green Belt Sites which were included in the Local Plan submitted to the Planning Inspectorate on 25 November 2022**

<b>Site ID</b>	<b>Site Address</b>	<b>Street</b>	<b>Town</b>	<b>Total Units</b>	<b>Total G+T plots/pitches</b>
AS1/011	Land at Former Bulldog Nurseries	Town Lane	Ashford	24	
AS2/006	Land East of Desford Way	Desford Way	Ashford		15
AT1/002	Land east of Ashford Sports Club	Woodthorpe Road	Ashford	108	
AT1/012	Ashford Community Centre	Woodthorpe Road	Ashford	32	
HS1/002	Land at Croysdale Avenue	Hazelwood Drive	Shepperton	67	
HS1/009	Bugle Nurseries, 171	Upper Halliford Road	Shepperton	79	
HS1/012	Land east of Upper Halliford (Site A)	Nursery Road	Shepperton	60	
HS1/012b	Land east of Upper Halliford Road (Site B)	Upper Halliford Road	Sunbury	20	
HS2/004	Land south of Nursery Road	Nursery Road	Sunbury	41	
LS1/024	Land at Staines Road West and Cedar Way	Staines Road West	Sunbury	77	
RL1/011	Land at Staines and Laleham Sports Club	Worple Road	Staines	52	
SN1/005	Land at Northumberland Close	Northumberland Close	Stanwell	80	
SN1/006	Land to the west of Long Lane and south of Blackburn Trading Estate	Long Lane	Stanwell	200	
ST4/025	Land at Coppermill Road	Coppermill Road	Wraysbury	15	
ST1/043	Land east of 355 London Road	London Road	Staines		3
<b>Total</b>				<b>855</b>	<b>18</b>

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## Appendix G: North Herts Local Plan policy IMR2: Local plan early review

### Policy IMR2: Local plan early review

The Council will undertake a whole plan review of the Local Plan 2011-2031 by the end of 2023 at the latest. This will determine whether this Plan needs to be updated either in whole or in part. All policies will be reviewed but with particular regard paid to the following matters that were specifically identified during the preparation and examination of this plan:

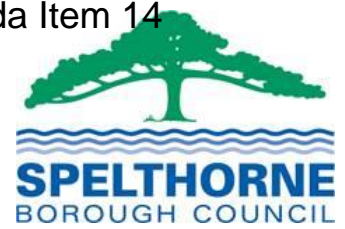
- Housing requirements for the District and wider housing market areas;
- Housing delivery having regard to the progress and implementation of the Strategic Housing Sites and Local Housing Allocations identified in this plan and the rates of development being achieved measured against the stepped approach and housing trajectory set out in this plan;
- The safeguarded land to the West of Stevenage;
- The outcomes of the process(es) to comprehensively explore new settlement options in the District;
- Gypsy and Traveller provision
- The identification of needs for retail, leisure, office and other main town centre uses;
- Options for long-term secondary education provision in the Stevenage area; and
- Broad alignment with the statutory five-year time limit for reviews of the East Hertfordshire and Stevenage local plans (required by November 2023 and May 2024 respectively) to allow co-ordinated consideration of the above matters.

The review will have regard to up-to-date information and be conducted in line with Government policy and statutory requirements. Subject to the outcomes of that review, a new plan or policies will be prepared to a new time horizon of at least 2041.

The review will also serve to build upon existing strong, working relationships with adjoining and nearby authorities and may result in the preparation of a joint plan or policies based upon wider functional geographies.

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**Commercial Assets Sub-Committee**

**Decisions taken at the meeting held on Monday, 7 October 2024.**

**Meeting Time:**

1.30 pm

**Meeting Venue:**

Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

**PRESENT:** Councillor Lawrence Nichols (Chair), Councillor Sean Beatty (Vice-Chair), Councillor Rose Chandler, Councillor Denise Saliagopoulos and Councillor Howard Williams

**1. APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

Apologies were received from Councillor Gale, with Councillor Beecher in attendance as his substitute.

**2. MINUTES**

The minutes of the meeting held on 16 September 2024 were agreed as a correct record.

**5. FORWARD PLAN**

The Sub-Committee **resolved** to note the forward plan for future committee business.

**6. EXCLUSION OF PUBLIC AND PRESS (EXEMPT BUSINESS)**

**7. URGENT ACTIONS**

The Sub-Committee **resolved** to agree to the recommendations as set out in the report.

**8. COMMERCIAL PORTFOLIO UPDATE**

The Sub-Committee **resolved** to note the updates.

**9. ASSET PORTFOLIO EXIT STRATEGIES**

The Sub-Committee **resolved** to approve the form and detail of the Exit Strategy for each investment asset.

**NOTES:-**

- (1) *Members are reminded that the “call-in” procedure as set out in Part 4b of the Constitution, shall not apply to the following matters:*
  - (a) *Urgent decisions as defined in Paragraph 9. of the Call-in Scrutiny Procedure Rules;*
  - (b) *Decisions to award a contract following a lawful procurement process;*
  - (c) *Those decisions:*
    - i. *reserved to full Council*

- ii. on regulatory matters
- iii. on member conduct issues.

- (2) Those matters to which Note (1) applies, if any, are identified with an asterisk [\*] in the above Minutes.
- (3) Within three working days of the date on which this decision is published, not less than three members from two or more political groups by submission of the standard call-in pro-forma, may ask for that decision to be referred to a meeting of the Corporate Policy and Resources Committee for review (call-in). The completed pro-forma must be received by the Proper Officer by 5pm three working days after publication of the decision.
- (4) The members exercising the right of call-in must not be members of the Committee which considered the matter.
- (5) When calling in a decision for review the members doing so must demonstrate the following exceptional circumstances:
  - a. Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or
  - b. Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or
  - c. Evidence that explicit Council Policy or legal requirements were disregarded.
- (6) Once the request for 'call-in' has been deemed valid by the Monitoring Officer the matter will be suspended until the call-in procedure has been exhausted.
- (7) The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until the next ordinary meeting of the Corporate Policy and Resources Committee.
- (8) Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Corporate Policy and Resources Committee to review the decision subject to call-in at the earliest possible opportunity.
- (9) In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Corporate Policy and Resources Committee.
- (10) In reviewing a matter referred to it under the call-in scrutiny procedure rules, the Corporate Policy and Resources Committee shall follow the procedure for dealing with call-in scrutiny at its meetings as set out in Part 4b of the Constitution.
- (11) The deadline of three working days for "call in" in relation to the above decisions by the Committee is the close of business on 10 October 2024.