

Public



To:
All members of the
Environment and Sustainability
Committee

Please reply to:
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Date: 28 November 2024

Supplementary Agenda

Environment and Sustainability Committee - Tuesday, 3 December 2024

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Environment and Sustainability Committee meeting to be held on Tuesday, 3 December 2024:

- | | | |
|------------|--|----------------|
| 9. | Update to Local Development Scheme | 3 - 16 |
| | To consider the updated Local Development Scheme. | |
| 10. | Updates from Task and Finish and/or Working Groups | 17 - 18 |
| | To receive an update on the following task and finish and/or working groups: | |
| | Community Infrastructure Levy Task Groups (written update) – To Follow | |
| | Climate Change Working Group (verbal update) | |
| | Spelthorne Design Code Task Group (verbal update) | |

Yours sincerely

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To the members of the Environment and Sustainability Committee

Councillors:

M. Beecher (Chair)

K.M. Grant (Vice-Chair)

S.N. Beatty

M. Bing Dong

L.H. Brennan

T. Burrell

J.P. Caplin

S.M. Doran

N. Islam

A. Mathur

O. Rybinski

J.R. Sexton

J.A. Turner

H.R.D. Williams

P.N. Woodward

Substitute Members:

Councillors: M. Arnold, C. Bateson, D.C. Clarke, J.T.F. Doran,
A. Gale, R.V. Geach, K. Howkins and L. E. Nichols

Environment and Sustainability Committee



3 December 2024

Title	<i>Update to the Local Development Scheme</i>
Purpose of the report	To make a decision
Report Author	Jane Robinson, Local Plans Manager and Joint Interim Service Lead for Strategic Planning
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Addressing Housing Need Environment Services
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Agree the publication of the updated Local Development Scheme 2. 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 agree any modifications to Local Plan policy wording and it's supporting text, and any minor modifications, to propose to the Inspector.
Reason for Recommendation	The timetable for preparing the new Local Plan has been updated to reflect current progress and anticipated timescales for the remainder of its preparation through to adoption. Committee approval is needed prior to publication of the timetable within the Local Development Scheme (LDS). For expediency and in order to meet the timetable set out in the LDS and achieve the adoption of the Local Plan by September 2025, delegated authority is being requested to agree any modifications to Local Plan policy wording to propose to the Inspector.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The Local Plan Examination is 'on pause' 	<ul style="list-style-type: none"> The Local Development Scheme (LDS) sets out the timetable for producing a new Local

<ul style="list-style-type: none"> Proposed Main Modifications were agreed by E&S Committee 29 February 2024 (green belt and flooding) Proposed Main Modifications were agreed by Council 24 October 2024 Chair of E&S Committee wrote to the Inspector on 25 October and requested resumption of the Local Plan Examination in Public Hearings 	<p>Plan, including the production of new or revised documents it will contain. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) that the LDS is prepared and maintained.</p> <ul style="list-style-type: none"> The current LDS was published in November 2022 and is now out of date so a further update is required.
<p>This is what we want to do about it</p>	<p>These are the next steps</p>
<ul style="list-style-type: none"> Agree the updated LDS 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 agree any modifications to Local Plan policy wording to propose to the Inspector. 	<ul style="list-style-type: none"> Send the revised LDS to the Planning Inspector and Publish on the website. Send document to the Planning Inspector as agreed by Council 24 October 2024 and as agreed by the Chair of E&S Committee.

- 1.1 This report seeks agreement for the publication of the updated Local Development Scheme.
- 1.2 Agreement is also sought to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to agree any modifications to Local Plan policy wording to propose to the Inspector.

2. Key issues

- 2.1 The Local Development Scheme (LDS) sets out the timetable for producing a new Local Plan, including the production of new or revised documents it will contain. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) that the LDS is prepared and maintained.
- 2.2 The current LDS was published in November 2022 and a further update is needed to submit with the new Local Plan. It reflects on the Local Plan journey over the last few years.
- 2.3 The significant milestones have been;
 - May 2022 - the Council agreed the Submission Version of the Local Plan for the final Regulation 19 consultation
 - 25 November 2022 - Submission to the Secretary of State

- 23 to 25 May 2023 - Examination in Public Hearings Week One held
- 2.4 Following the Extraordinary Council Meeting on 6 June 2023 where a motion was agreed to pause the remainder of the Local Plan examination hearings, the Chief Executive wrote to the Planning Inspector to put forward this request on behalf of the Council. The Inspector, Mr Bridgwater replied on 8 June to agree, under the specific circumstances, to the pause in the hearings. 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. 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. The Council agreed to 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 to take immediate legal advice to confirm the validity of the minister's directive. The Inspector agreed to this further pause until publication of the revised NPPF, which was subsequently published on 19 December 2023.
- 2.5 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 and 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. Following this meeting on 6 March the Chair of the E&S Committee wrote a letter to the Inspector setting out the decisions of the Committee and a timeline for gathering further information from the EA.
- 2.6 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*
- 2.7 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.
- 2.8 On 24 October 2024 Council resolved to:

1. *Note that the Environment Agency had signed a Statement of Common Ground (SoCG),*
2. *Agree to keep the Green Belt allocations in the Local Plan as submitted to the Planning Inspectorate on 25 November 2022,*
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; and*
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 the new policy on 'Local Plan Early Review'.*

2.9 Following the meeting the Chair of Environment and Sustainability Committee wrote to the Inspector on 25 October to let him know the outcome of the meeting and further request resumption of the Examination Hearings. We have yet to hear back from the Inspector formally but hope he will return to the Examination in Public Hearing sessions early in the new year, as set out in the timetable in **Appendix A**. We await his letter to confirm dates and the topics for each Hearing session.

2.10 Further information and the provisional 'milestones' for the production of the Local Plan that need to be achieved in order to progress towards adoption are set out in **Appendix A**.

2.11 For expediency and in order to meet the deadlines set out in **Appendix A**, the report is seeking agreement to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to agree any modifications to Local Plan policy wording to propose to the Inspector.

2.12 A further LDS update will be produced when the Local Plan is adopted.

3. Options analysis and proposal

Option 1 – agree the LDS and delegation (recommended)

3.1 The LDS is a regulatory requirement so it must be maintained. The timescales have been carefully considered by officers based on the work needed to reach the relevant stages and also reflects the timescales in the previous LDS so there is little scope to adjust without reasoned evidence for doing so. Given the regulatory requirement to have an up-to-date Local Development Scheme, approval is required before we return to Examination in Public Hearing sessions which officers estimate will take place in January and February 2025.

3.2 We are in the Inspector's hands regarding the dates for the resumption of the Examination in Public Hearing sessions. After these, officers will liaise with the Inspector regarding a consultation on Main Modifications to the Local Plan which will run for a statutory period of six weeks. The Inspector will be sent the consultation responses and will then write a report to the Council setting out whether the Local Plan is sound, unsound or can be made sound with

modifications. If found sound or sound with modifications, the report will be taken to Council who will decide whether to adopt the Local Plan.

- 3.3 Delegated authority is being sought in order to progress the Local Plan in a timely manner as we reach a key point in the Examination process, where a quick turnaround in decision making is critical. Officers need to send a number of documents to the Planning Inspector next week to ensure we can get back to Examination hearings in January 2025.

Option 2 – Do not agree the LDS and delegation(not recommended)

- 3.4 Failure to have an up-to-date LDS means we would be acting outside the regulations. There is a significant risk that the Inspector would not allow us to get back to Examination until we have one in place. Any delay would mean that we lose the prospect of getting back to Examination early next year as a new set of potential dates would need to be found. Failure to agree a timetable at all could potentially risk the whole process moving forwards.
- 3.5 Without the necessary delegations in place deadlines will be missed which puts at risk the opportunity to return to Examination in January. Missing these will push the timetable back and risk missing the estimated date for adoption of the Plan in September 2025.
- 3.6 By not agreeing the recommended option there is a risk that the Inspector could potentially advise us to withdraw the current Local Plan - meaning we would have to start developing a new Local Plan under the new NPPF with a higher housing number.

4. Financial management comments

- 4.1 There are no direct implications arising from the update to the LDS itself.

5. Risk management comments

- 5.1 It is a legal requirement to have an up-to-date Local Development Scheme so this is required before we return to Examination in Public Hearing sessions. Delegated authority is being sought in order to progress the Local Plan in a timely manner. Without either of these there is potential for further delay in the Local Plan process. Officers need to send a number of documents to the Planning Inspector next week and if this deadline is missed it puts at risk the opportunity to return to Examination hearings in January 2025. These taking place later in the year will push the timetable back and risk missing the estimated date for adoption of the Plan in September 2025.

6. Procurement comments

- 6.1 N/A

7. Legal comments

The legislative requirements of the Planning and Compulsory Purchase Act 2004 needs to be satisfied by having an updated LDS.

8. Other considerations

- 8.1 No further considerations.

9. Equality and Diversity

9.1 None identified

10. Sustainability/Climate Change Implications

10.1 None identified directly

11. Timetable for implementation

11.1 If approved, the LDS will be published immediately afterwards and submitted to the Planning Inspector.

12. Contact

12.1 Jane Robinson, Local Plans Manager and Joint Interim Service Lead for Strategic Planning, j.robinson@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: Local Development Scheme – update 2024

Local Development Scheme for Spelthorne Borough Council 2018 - 2025

Introduction

The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) introduced the requirement for local planning authorities to prepare and maintain a Local Development Scheme (LDS). This is a plan that sets out the timetable for producing a new Local Plan, including the production of new or revised documents that it will contain.

Current Development Plan Documents for Spelthorne

The current Local Plan for Spelthorne comprises the following documents:

- Core Strategy & Policies DPD (adopted 2009)
- Allocations DPD (adopted 2009)
- Six policies from the 2001 Local Plan remain in force and still form part of the Development Plan for Spelthorne
- South East Plan policy NRM6: Thames Basin Heaths

Although not forming part of the Development Plan for Spelthorne the following documents support the adopted DPDs and continue to be a significant material consideration in determining planning applications:

- Flooding SPD
- Housing Size & Type SPD
- Design of Residential Extensions & New Residential Development SPD
- Parking Standards SPG
- Climate Change SPD – adopted 25 April 2024

New Local Plan

The Council has prepared a new Local Plan to fully replace the existing Core Strategy & Policies DPD, Allocations DPD and saved policies from the 2001 Local Plan. As such, the Local Plan documents will be:

- The Spelthorne Local Plan 2024-2039. This will be a Local Plan setting out the Council's vision and objectives for the area and include all development policies and allocations
- Policies Map

The Local Plan Pre-Submission Publication Version was agreed by Council on 19 May 2022 and was then consulted on at the Regulation 19 stage from June to September 2022. It was submitted to the Planning Inspectorate on 25 November 2022 and Week 1 of the Hearing Sessions for the Spelthorne Local Plan were held between the 23 May and the 25 May 2023. Following the [Extraordinary Council Meeting](#) on 6 June 2023 where a motion was agreed to pause the remainder of the Local Plan examination hearings, the Chief Executive wrote to the Planning Inspector to put forward this request on behalf of the Council. The Inspector Mr Bridgwater replied on 8 June to agree, under the specific circumstances, to the pause in the hearings. 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. 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. The

Council agreed to 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. The Inspector agreed to this further pause until publication of the revised NPPF which was subsequently published on 19 December 2023.

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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

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.

On 24 October 2024 Council resolved to:

1. Note that the Environmental Agency had signed a Statement of Common Ground (SoCG),
2. Agree to keep the Green Belt allocations in the Local Plan as submitted to the Planning Inspectorate on 25 November 2022,
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; and
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 the new policy on 'Local Plan Early Review'.

Following the meeting the Chair of Environment and Sustainability Committee wrote to the Inspector on 25 October to let him know the outcome of the meeting and further request resumption of the Examination Hearings.

Further information and the provisional 'milestones' for the production of the Local Plan that need to be achieved in order to progress towards adoption are set out in Appendices A and B.

Future planned Supplementary Planning Documents

Once the Local Plan is adopted, further supporting Supplementary Planning Documents may be prepared or existing SPDs updated. As we progress towards resumption of Hearings, we are able to set out what these will be but we will update the LDS again after adoption when we have a clearer perspective on timescales, given the adoption date is entirely dependant on the progress of the Examination and that is in the hands of the appointed Inspector. At present, the future planned SPDs/ Supplementary Plan are as follows:

- Spelthorne Design Code (SDP or Supplementary Plan adoption route to be agreed)
- Green & Blue Infrastructure (to include biodiversity net gain)
- Affordable Housing
- Flooding – as set out in the Environment Agency Statement of Common Ground

Duty to Cooperate

The Borough of Spelthorne is influenced by and relates to its neighbouring authorities for a whole range of spatial planning, social, economic, transport and environmental issues. There are also links beyond adjacent authorities to those in London, across the area of influence of Heathrow Airport and the wider South East. The Council will continue to work with its neighbours on issues of common and cross-boundary interest and consider joint evidence and development documents as appropriate, mindful of the differing timetables for Local Plan adoption. Through the various networks, groups and relationships, Spelthorne will ensure it meets the requirements of the Duty to Cooperate.

Sustainability Appraisal

Each stage of Local Plan preparation must be subject to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) in accordance with statutory requirements and processes. The two appraisals are normally combined into one assessment and simply called Sustainability Appraisal. This process is an integral part of plan making and has an important role in helping to secure sound plans. Each Local Plan document must be supported by an SA. The SA is subject to examination along with the Submission Local Plan. The key stages at which SA reports will be produced to support the various plan making stages are as follows:

- Preparation of an SA Scoping Report – this precedes the Issues & Options stage in the plan making process and was produced and subsequently published in November 2017. The Scoping Report identifies:
 - a) Other plans, policies and programmes they may influence the plan with their key objectives/messages

- b) A sustainability framework to assess future plan options and policies
 - c) An appraisal of the sustainability/environmental baseline with predicted future trends of how this would evolve in the absence of the plan
 - d) Key sustainability and environmental issues which the plan should seek to address
- Preparation of an Interim SA Report to update the scoping exercise and appraise options and alternatives at the Issues & Options and Preferred Options stages of plan making
 - Preparation of an updated Interim SA Report to support the Pre-Publication Local Plan which appraises any further options/alternatives, justifies which options have been taken forward and which have been rejected and why as well as appraising policy wording and cumulative effects
 - Preparation of a Final SA report with the Publication Local Plan which appraises any changes to policy wording from the Pre-Publication document
 - Update SA as required to reflect any significant policy wording changes being proposed as Main Modifications.

Appendix A: Summary details of proposed Spelthorne Local Plan Documents

Document Title	Brief Description	Chain of Conformity	Start of preparation process	Consultation on Issues & Options (Reg 18)	Consultation on Preferred Options (Reg 18)	Consultation on Publication Local Plan (Reg 19)	Date for Submission	Proposed Date for Adoption ¹
Spelthorne Local Plan	Will set out vision, objectives, spatial development strategy, development management policies and allocations for the whole Borough.	Consistent with NPPF, but no formal chain of conformity with other plans	Oct 2017 – March 2018	May 2018 – June 2018 (6 weeks)	November 2019 – January 2020 (11 weeks)	June 2022 – September 2022 (12 weeks)	November 2022	September 2025
Policies Map	Shows geographically policy designations and allocations. Applies to the whole Borough and is updated to reflect changes in policy designations resulting from Local Plan review.	To reflect the Local Plan above and the County Minerals and Waste Plans.	N/A	N/A	November 2019 – January 2020 (11 weeks)	June 2022 – September 2022 (12 weeks)	November 2022	September 2025

Document Title	Brief Description	Chain of Conformity	Start of preparation process	Consultation	Proposed Date for Adoption
Climate Change SPD	Provides detail for applicants on development to reduce carbon emissions and promote sustainability	Adopted in April 2024 as supplementary to Core Strategy 2009 then new LP once adopted	October 2022	Not required	Adopted as an SPD under the Core Strategy 25 April 2024 Will be updated and adopted under the Local Plan September 2025

¹ Adoption dates are provisional and subject to timing of Examination and Inspector's report.

Document Title	Brief Description	Chain of Conformity	Start of preparation process	Consultation	Proposed Date for Adoption
Flood risk SPD	Flood Risk and safe access and egress	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	Autumn 2025	Early 2026	Late spring – early summer 2026
Spelthorne Design Code (SDC) - SPD or Supplementary Plan	<p>The SDC will set out the design requirements for proposed new development in the borough. It will ensure that new development is locally supported, sustainable and functions well for all its users.</p> <p>The Design Code will be used to determine whether planning applications are acceptable in design terms. It will contain simple, concise, illustrated design requirements for streets, open spaces and buildings. It will also set out expectations for good design process.</p>	The publication of the secondary legislation on Supplementary Plans will help the Council to determine if the Design Code is to be adopted as an SPD or Supplementary Plan. It will undergo consultation and submission as required before being taken to Council for adoption.	May 2024	Stage 1 (Baseline) engagement completed November 2024. Consultation on draft code proposed planned for Feb 2025.	June 2024 if adopted as SPD. Timescale for adoption if Supplementary Plan route chosen dependant on Secondary Legislation.

Appendix B: Programme for Preparing Local Plan Documents²

Local Plan	2022												2023												2024												2025																																																
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D																																					
Publication Local Plan consultation																																																																																					
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Submission to Secretary of State																																																																																					
Examination of Local Plan																																																																																					
Pause																																																																																					
Examination of Local Plan part 2 ³																																																																																					
Consultation on Main Modifications ⁴																																																																																					
Inspector's report post-examination ⁵																																																																																					
Adoption of Local Plan and Policies Map ⁶																																																																																					

² See previous LDS updates for earlier sections of overall programme

³ Dates are estimated as the Council has yet to receive a formal response from the Inspector

⁴ Date estimated as dependent on agreement from Inspector

⁵ Date estimated as dependent on the Inspector

⁶ Date estimated as dependent on receiving the report from the Inspector

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CIL Update

Strategic CIL

Spending board was held on 9 October to consider 3 projects:

- Talking Tree Bike Repair project – funding was declined
- Solar Canopy at Eclipse Leisure Centre – Cllrs requested further information
- SCC bid for Lower Sunbury Street improvements- Cllrs requested further information

Local CIL

- Local Spending Boards held for Ashford and Shepperton, Laleham and Charlton Village
- Bid from 4th Ashford Scout Group has been jointly funded by Staines and Ashford Groups. Awarded just under £20,000 for a new roof for the Scout hut
- Shepperton - Paxmead Girlguiding Base awarded £17,500 for solar panels
- Shepperton are considering a bid which was referred to them by the Sunbury Board from Sunbury Skiff & Punting Club for a boat shelter
- Staines approved £22,500 funding to improve disabled access at Staines Swimming Club located at Matthew Arnold School
- Staines are considering a bid referred to them by Ashford Board for a new boiler at St Martins Hall, King's Community Church. Officers requested further quotes which have now been sent.

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