



Please reply to:

Contact: Chris Curtis
Service: Committee Services
Direct Line: 01784 446240
E-mail: c.curtis@spelthorne.gov.uk
Date: Tuesday, 22 June 2021

Notice of meeting

Environment and Sustainability Committee

Date: Wednesday, 30 June 2021

Time: 7.00 pm

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

To the members of the Environment and Sustainability Committee

Councillors:

I.J. Beardsmore (Chairman)	M. Gibson	J. McIlroy
O. Rybinski (Vice-Chairman)	K.M. Grant	S.C. Mooney
J.T.F. Doran	N. Islam	R.J. Noble
T. Fidler	T. Lagden	J.R. Sexton
N.J. Gething	V.J. Leighton	V. Siva

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

Agenda

Page nos.

- 1. Apologies for Absence**

To receive any apologies for absence.
- 2. Declarations of Interest**

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.
- 3. Nominations for Development Sub-Committee** **5 - 6**

To nominate two members to sit on the Development Sub-Committee taking into account political balance as set out in the attached document.
- 4. Introduction to the Environment and Sustainability Committee**

To receive an overview of the work and objectives of the Committee.
- 5. Environment and Sustainability Committee - Terms of Reference** **7 - 8**

To note the Terms of Reference (ToR) as detailed in Part 3(b) of the Council's Constitution which can be found online [here](#) and are attached for ease of reference.
- 6. Local Plan (revised Local Development Scheme timetable)** **9 - 18**

To agree the publication of the updated Local Development Scheme to reflect current progress and anticipated timescales.
- 7. Formation of Strategic Planning Task Groups** **19 - 36**

To consider the composition of the following Strategic Planning task groups:

 1. The Local Plan Task Group (Appendix A)
 2. The Staines Development Task Group (Appendix B)
 3. The Community Infrastructure Levy Local Spending Boards and the draft governance arrangements (Appendices C and D)

- | | | |
|------------|--|----------------|
| 8. | Outside Gym Proposal | 37 - 50 |
| | <p>To consider a request to conduct a public consultation related to the installation of 10 outdoor gyms in parks across the borough.</p> | |
| 9. | Climate Change Projects and Green Initiatives Fund | 51 - 68 |
| | <p>To consider the draft Environment and Sustainability Action Plan which will form part of the Corporate Recovery Plan to be considered by the Corporate Policy and Resources Committee meeting on 5 July 2021.</p> | |
| 10. | Climate Change Working Group and Terms of Reference | 69 - 74 |
| | <p>To consider whether a Climate Change Working Group is required and, if agreed, what their remit should be.</p> | |
| 11. | Community Orchards | |
| | <p>To receive a verbal report on Community Orchards.</p> | |
| 12. | Forward Plan | 75 - 78 |
| | <p>The Forward Plan for the Environmental and Sustainability Committee is attached.</p> | |
| 13. | Training for E&S Committee Members | |
| | <p>To identify and consider suitable training opportunities for Committee members for the forthcoming year.</p> | |
| 14. | Exempt Business | |
| | <p>To move the exclusion of the Press/Public for the following item, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.</p> | |

15. Part-Exempt Amendment to Specific Policies in the adopted 2009 Local Plan

79 - 114

To consider the report concerning amendment to specific policies in the adopted 2009 Local Plan

Reason for exemption

Appendices 3 and 4 contain exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

ALLOCATION OF SEATS FOR DEVELOPMENT SUB-COMMITTEE

Membership of the Development Sub-Committee will consist of 5 members nominated by the Corporate Policy and Resources Committee and **2 members nominated by the Environment and Sustainability Committee** drawn from all members of the Council and reflecting political balance.

The Political allocation will be:

Conservatives	3 seats
Liberal Democrats	1 seat
USG	1 seat
Other Groups	2 seats

The Corporate Policy and Resources Committee will consider nominations at their meeting on 5 July 2021 and it may be necessary for further discussions to take place to achieve the political balance.

Appointments to the Development Sub-Committee will be determined at the Council meeting on 15 July 2021.

This page is intentionally left blank

TERMS OF REFERENCE

All Committees will have the following functions in respect of their respective areas:

- To develop the Council's policy, strategy and budget proposals
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in relevant services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services within the Committee's remit
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to the Committee.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues (Corporate Policy and Resources Committee) or service delivery (Service Committees).
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.

ENVIRONMENT & SUSTAINABILITY COMMITTEE

Membership

15 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Planning policy
- The Local Plan
- Waste strategy & management
- Recycling
- Biodiversity
- Climate change – including air quality, carbon management, mitigation and adaptation measures
- Public Health
- Parks, open spaces and allotments
- Emergency planning
- Review and scrutiny of the exercise by the relevant authorities of the flood risk management functions which may affect the Council's area.
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

Environment and Sustainability Committee



30 June 2021

Title	Update to Local Development Scheme
Purpose of the report	To make a decision
Report Author	Ann Biggs, Strategic Planning Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Housing Economic Development Clean and Safe Environment
Recommendations	Committee is asked to: Agree the publication of the updated Local Development Scheme
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.

1. Key issues

- 1.1 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.
- 1.2 The current LDS was published in March 2020 and a further update is needed to reflect delays in the timetable arising from officers redeployed to help on welfare calls during the first lockdown, new or updated national policy and

guidance and the change in Administration last year and the consequent setting up of new task groups with different membership.

1.3 Progress is being made at a greater pace now on the new Local Plan and the Staines Development Framework (SDF). The setting up of newly constituted task groups under the committee system appears elsewhere on the agenda and this has been factored into the updated timetable within the LDS at Appendix A. The timescales proposed represent an achievable pace, although later stages post-submission are largely outside the control of officers and down to the Planning Inspectorate in terms of time needed for Examination and the inspector's report. The key milestones are:

- Draft SDF consultation – November/December 2021
- Draft Local Plan consultation (Regulation 19) – February/March 2022
- Submission of both to Secretary of State – May 2022
- Examination of Local Plan – October 2022 [Please note that the SDF does not need to be formally examined as it is a Supplementary Planning Document but is intrinsically linked to the Local Plan]
- Inspector's report issued – February 2023
- Adoption of Local Plan and SDF by the Council – July 2023

2. Options analysis and proposal

2.1 The LDS is a regulatory requirement so it must be maintained and it is not an option to decline to update it. The timescales have been carefully considered by officers to ensure they can be met, based on the work needed to reach the relevant stages so there is little scope to adjust without reasoned evidence for doing so.

3. Financial implications

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

4. Other considerations

4.1 No further considerations.

5. Equality and Diversity

5.1 None identified.

6. Sustainability/Climate Change Implications

6.1 None identified.

7. Timetable for implementation

7.1 The draft agreed by the Local Plan Task Group had already been published pending formal agreement by this committee. This is because the Strategic Planning team receives a significant number of enquiries about Local Plan progress and when the LDS will be updated. If approved, the LDS will be published as the final version.

Background papers: There are none

Appendices:

Appendix A: Local Development Scheme update – May 2021

This page is intentionally left blank

Local Development Scheme for Spelthorne Borough Council 2018 - 2023

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

New Local Plan

The Council is proposing to prepare a single 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 2020-2035. This will be a Local Plan setting out the Council's vision and objectives for the area and include all development policies and allocations
- Staines Development Framework SPD to support the Local Plan
- Policies Map

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 & B.

Once the Local Plan is adopted, further supporting Supplementary Planning Documents may be prepared or existing SPDs updated.

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

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)	February 2022 – March 2022 (6 weeks)	June 2022	June 2023
Staines Development Framework SPD	Sets out the vision for Staines upon Thames, opportunities for growth and infrastructure requirements	To reflect the Local Plan and support site allocations	January 2020	May 2020 – June 2020 (6 weeks)	Draft Framework consultation November 2021 – December 2021	Not required	June 2022	June 2023
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)	February 2022 – March 2022 (6 weeks)	June 2022	June 2023

¹ Adoption dates are provisional and subject to timing of Examination and Inspector's report. Where possible the Council will be seeking to progress the documents earlier than timetabled.

Appendix B: Programme for Preparing Local Plan Documents²

Local Plan	2021												2022												2023									
	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
Prepare Publication Local Plan	█	█	█	█	█	█	█	█	█	█	█																							
Staines DF preparation	█	█	█	█					█	█																								
Staines DF I&O consultation					█	█																												
Consider reps SDF I&O consultation						█	█																											
Draft Staines DF consultation										█	█																							
Consider reps and final prep - SDF												█	█																					
Publication Local Plan consultation													█	█																				
Consider LP reps and final prep															█	█																		
Submission to Secretary of State																		█																
Examination of Local Plan ³																						█												
Inspector's report post-examination																									█									
Adoption of Local Plan and SDF																														█				

² See previous LDS updates for earlier sections of overall programme

³ The Staines Development Framework will be an SPD and therefore does not need to be examined but will be submitted with the Local Plan as the two are intrinsically linked

Policies Map	2021												2022												2023									
	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
Publish draft changes																																		
Publish final changes																																		
Adoption of Policies Map																																		

This page is intentionally left blank

Environment and Sustainability Committee



30 June 2021

Title	Formation of new Task Groups under the Committee system
Purpose of the report	To make a decision
Report Author	Ann Biggs, Strategic Planning Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Housing Economic Development Clean and Safe Environment
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Agree the composition of the Local Plan Task Group (Appendix A) 2. Agree the composition of the Staines Development Task Group (Appendix B) 3. Agree the composition of the Community Infrastructure Levy Local Spending Boards and the draft governance arrangements (Appendix D, with Appendix C included for information only)
Reason for Recommendation	Under the new Committee system, it is a requirement that the first meeting of the Environment and Sustainability Committee agrees the formation of the task groups that were set up under the previous system.

1. Key issues

- 1.1 The three task groups subject to this report were set up by the Leader under the previous system before the Committee system commenced on 27 May 2021. As such, they require reconstituting under the current system. This report sets out the functions of these task groups and the recommendations for their future formation.

Local Plan Task Group (LPTG)

- 1.2 This group was formed to steer the preparation of the new Local Plan and the proposed Terms of Reference are included at Appendix A. The work is of paramount importance as the existing Core Strategy 2009 is out of date and needs replacing. The decisions made will have an effect on the whole borough and its future in terms of meeting housing need, facilitating employment growth, delivering infrastructure requirements and protecting our important open spaces. It is particularly sensitive as the need for new homes is high and requires careful consideration of the options available to meet that need.
- 1.3 The former LPTG comprised the Portfolio Holder for Strategic Planning as Chair and a Member selected from each ward plus the Chair of Planning Committee and the Chair of Overview and Scrutiny. Whilst a large group, this ensured there was representation across the borough. Progress on the new Local Plan has been delayed due to a number of factors including the pandemic response, changes in national policy and guidance, and the change in Spelthorne's Administration last year, which saw the creation of the LPTG. However, a new Local Development Scheme timetable is due for publication shortly, which appears elsewhere on this agenda, and there has been positive progress in the past few months towards agreeing a revised strategy.
- 1.4 It is recommended that the composition of the LPTG virtually remains the same, with the Chair to be the Chair of the Environment and Sustainability Committee (ESC). The Vice Chair of ESC is recommended as an addition, who can also act as Vice Chair of the LPTG, replacing the now defunct Chair of Overview and Scrutiny. The Chair of Planning Committee would remain a member. Then a Member from each ward will be appointed, as per the former arrangements. It is further recommended that the nominated Members themselves remain largely the same (unless their new role as Chair or Vice Chair requires a new ward member to be appointed). This would ensure consistency and that the work done so far is able to progress at pace in order to meet the timetable for delivering the new Local Plan. Significant new membership would delay this progress whilst they are getting up to speed with the process and related tasks.

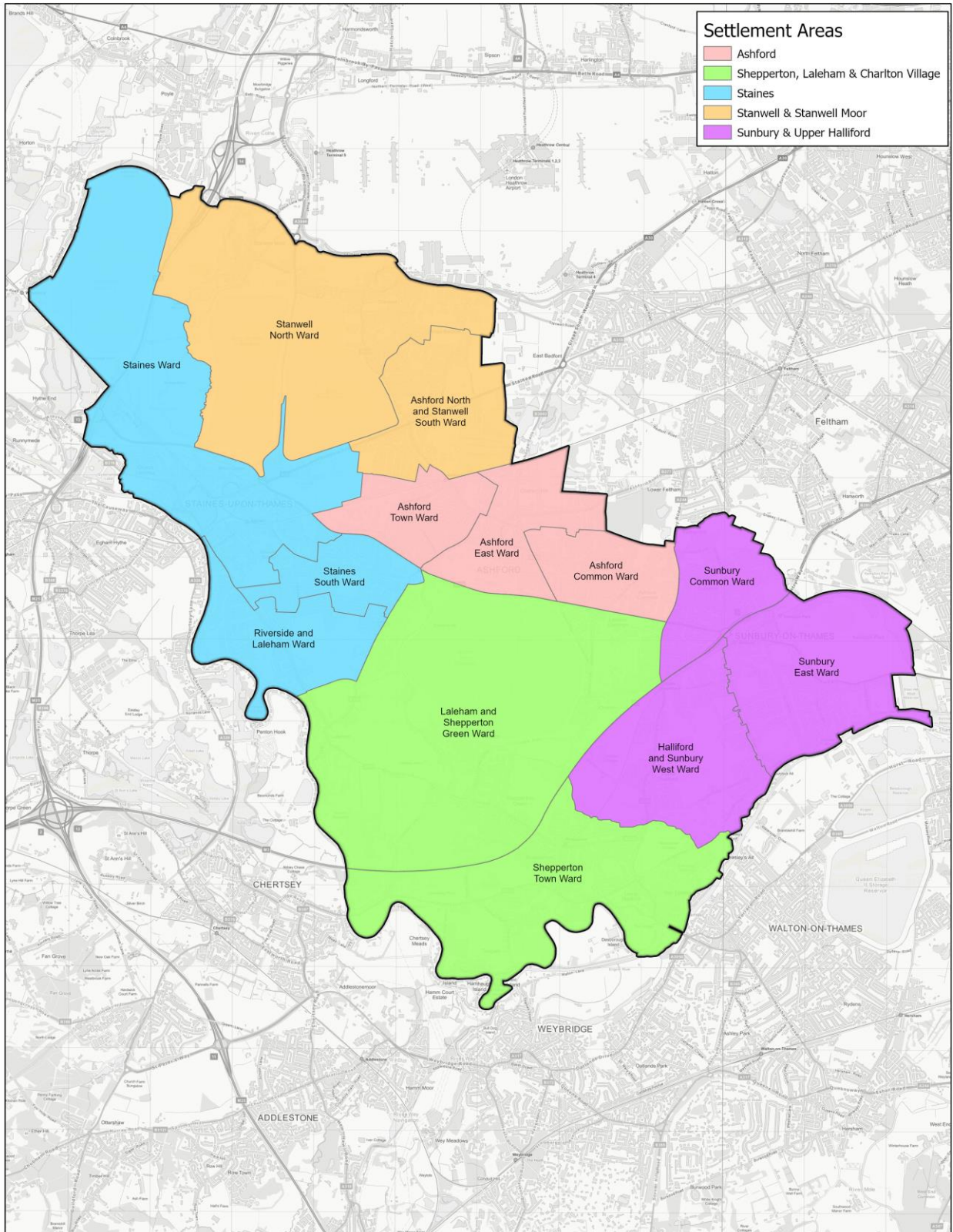
Staines Development Task Group (SDTG)

- 1.5 This group was formed to steer the progress of the Staines upon Thames Development Framework (SDF) and the proposed terms of reference are included at Appendix B. They are largely unchanged but for amendments required arising from the new committee system. The SDF will be adopted as a Supplementary Planning Document to support the new Local Plan and will set out policies to deliver the growth and ambition for a thriving town centre.

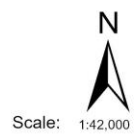
- 1.6 The proposed terms of reference for this group are found at Appendix B. The former composition was the Leader as Chair, Portfolio Holder for Strategic Planning, Chair of Planning Committee and each Member for the Staines wards. As with the Local Plan Task Group, whilst there have been delays there has also been significant progress made and the group has agreed the Review and Analysis paper, the Objectives and Options report and the questionnaire for the consultation that is currently underway. It is recommended that membership remains the same in order to maintain consistency and productivity (unless their new role as Chair or Vice Chair requires a new ward member to be appointed). The positions of Leader and Portfolio Holder for Strategic Planning would be replaced by the Chair and Vice Chair of the Environment and Sustainability Committee, acting as Chair and Vice Chair of this group respectively.

Local Spending Boards for Community Infrastructure Levy (CIL)

- 1.8 The Community Infrastructure Levy Task Group is responsible for making recommendations on how CIL is to be spent on infrastructure schemes in the borough. The funds are accrued from payments required of new developments to mitigate their impact on communities through additional pressure on services such as healthcare, education and highways. The Task Group is constituted by the Spelthorne Joint Committee and the Terms of Reference (Appendix C) were agreed at its meeting on 9 March 2021, which also agreed the first round of spending on a number schemes. As the task group comprised the Leader of Spelthorne Council, the Portfolio Holder for Strategic Planning and the Chair of the Joint Committee, this task group will need to be reconstituted on commencement of the Committee system, but it will be for the Joint Committee to agree this and no decision is required on Appendix C from the Environment & Sustainability Committee.
- 1.9 The CIL Task Group will make recommendations to the Joint Committee to fund strategic infrastructure schemes in the borough. However, there is also 15% of CIL funds available to be spent on local schemes. As such, the previous CIL Task Group had been considering the draft local governance arrangements (Appendix D) for this spend. They agreed that there would be five Local Spending Boards set up for the following areas with funds apportioned as per the governance arrangements:
- Ashford
 - Shepperton, Laleham & Charlton Village
 - Staines
 - Stanwell & Stanwell Moor
 - Sunbury & Upper Halliford



'Reproduced from the Ordnance Survey mapping with the permission of the Controller of her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.'



- 1.10 As the decisions on local spending should rest with those local boards and not decided upon by Members outside of that area, these will not be referred to the Joint Committee and therefore it is for the Environment and Sustainability Committee to agree on their composition. It will be proposed to the Joint Committee (subject to the agreement of this Committee) that the composition of the CIL Task Group will include the Chair of each Local Spending Board so it falls to this committee to agree the membership and the chairs before the Joint Committee can agree the CIL Task Group composition. It is recommended that each Local Spending Board will comprise a Member from each ward falling within that local area, to be decided upon by this committee together with a chair for each board, and details of the ward groupings can be found within the draft governance arrangements. These arrangements have not yet been finalised, so it is further recommended that this committee confirms the Local Governance Arrangements.

2. Options analysis and proposal

- 2.1 Whilst there is no alternative option but to reconstitute the tasks groups listed in this report, there are various ways in which they can be constituted and the individual selection of Members. For the LPTG and the SDTG, changing the composition is likely to incur delay and erode the consistency and productivity achieved so far. At this critical time and with the need to remain on track under the new timetable for Local Plan and Staines Development Framework preparation, an alternative composition is not considered to be a feasible option.
- 2.2 There is more leeway with the Local Spending Boards for CIL as these had not been set up prior to the introduction of the committee system. The suggested composition is equitable and pragmatic to ensure local communities and individuals are represented in the process and that there is a clear line of communication between the boards and the CIL Task Group in making strategic decisions on spending. This is critical as there can be grey areas between which schemes should be funded from the strategic spend and which from the local spend. The selection of individual Members from the wards is down to the E&S committee and no options are set out for this.

3. Financial implications

- 3.1 Until the CIL Local Spending Boards are agreed and the CIL Task Group constituted by the Joint Committee, no further CIL funding can be allocated to infrastructure schemes. The next meeting of the Joint Committee is on 19 July 2021 and if the task group is agreed then we can progress to present schemes to the group shortly after for recommendation. Otherwise there will be a delay in funding important projects that will benefit our community.

4. Other considerations

4.1 No further considerations.

5. Equality and Diversity

5.1 None identified.

6. Sustainability/Climate Change Implications

6.1 The task groups are a key component of plan making, which includes sustainability appraisal as a requirement throughout the process. In particular, policies and site allocations need to have regard to environmental sustainability and climate change alongside social and economic considerations.

7. Timetable for implementation

7.1 The task groups need to be constituted at this meeting so implementation will take place immediately and before any further meetings of the groups can be held but these are scheduled on an ad hoc basis. New terms of reference would be drawn up for the task groups as soon as possible to reflect the decisions made at this committee meeting.

Background papers: There are none

Appendices:

Appendix A: Local Plan Task Group Terms of Reference – proposed June 2021

Appendix B: Staines Development Task Group Terms of Reference – proposed June 2021

Appendix C: Community Infrastructure Levy Task Group Terms of Reference (for information only)

Appendix D: Local Community Infrastructure Levy Governance Arrangements – proposed June 2021

LOCAL PLAN TASK GROUP

Responsibilities

The role of the Local Plan Task Group is to:

1. Advise Environment & Sustainability Committee on all matters relating to the review of the Local Plan
2. Provide in-depth consideration of the issues in terms of planning policy
3. Provide in-depth consideration of the proposed site allocations as part of the review of the Local Plan
4. Receive detailed briefings in order to develop an understanding of often complex issues
5. Reach conclusions based on the briefings and then make recommendations to Environment & Sustainability Committee.

Membership June 2021

Chair of Environment & Sustainability Committee
Vice Chair of Environment & Sustainability Committee
Chairman of the Planning Committee
One ward Councillor from each of the 13 wards

There will be no substitutions

Chair

Chair of Environment & Sustainability Committee

Vice Chair

Vice Chair of Environment & Sustainability Committee

Decisions

The Working Party has no executive decision making powers over policy matters. Such decisions are made by Cabinet/Council as appropriate.

Confidentiality

Meetings are not open to the public and papers are confidential so enable free and open discussions on confidential matters before making recommendations.

This page is intentionally left blank

STAINES-UPON-THAMES DEVELOPMENT TASK GROUP

TERMS OF REFERENCE

Purpose

To provide a strategic steer and oversight to lead officers and the consultants appointed by the Council tasked with delivering a Development Framework for Staines-upon-Thames. This will help shape and develop the town alongside the new Local Plan which is being drafted, and which will be adopted in 2023.

Its primary purpose will be to ensure that the Staines Development Framework sets a clear vision and strategy for the transformation and regeneration of the centre of Staines, focusing on deliverable outcomes and policies. The final document plan needs to provide a workable, cost-effective plan.

Terms of Reference

1. To provide strategic steer and oversight:
 - a. Give a clear steer on what the political aspirations are for the Staines Development Framework, especially at the early 'visioning' stage
 - b. Ensure that the Staines Development Framework (as an end product) meets its stated outcomes by checking at key stages of the process (this will include ensuring it is workable and cost effective)
 - c. Challenge assumptions to ensure they are robust
 - d. Provide a 'sense check' on information, especially from stakeholder feedback, in light of local knowledge and experience
 - e. Give constructive feedback at key points in the process
2. The Staines-upon-Thames Development Group will run for the length of the Staines Development Framework process (which is currently expected to be completed by March 2022).
3. The membership of the Group will be 12 cross party councillors appointed by the Environment & Sustainability Committee. This will comprise the Chair and Vice Chair of the Environment & Sustainability Committee, the Chairman of Planning Committee, and all ward councillors (cross party) for Staines, Staines South and Riverside and Laleham.
4. The Chair and Vice Chair of the Group will be the Chair and Vice Chair of the Environment & Sustainability Committee respectively.
5. The Group has no decision making or executive powers
6. The Chairman of Group will report to the Environment & Sustainability Committee (as required) as the Framework progresses
7. The Chair and Vice Chair roles do not attract an SRA
8. The Group will confine itself to the Staines Development Framework and will not comment on or be consulted on planning applications within Staines-upon-Thames town centre during the development of the Staines Development Framework. Nor will it get involved in allocations and policies for the Local Plan unless directly relevant to the Staines Development Framework

9. It is not within the remit of the group to engage or seek to engage with property developments or become involved in such development related matters
10. The Group will meet at least bi-monthly and prior to signing off the four key stages of the masterplan project (as set out in the tender process)
11. The Group will be supported by the Group Head of Regeneration and Growth and the Strategic Planning Manager. The Chief Executive, and other officers from the Council, will attend as required to provide strategic guidance or technical advice as necessary.
12. Committee Services will be asked to arrange the meetings in conjunction with the Chairman and the Group will keep notes of its meetings.

Terms of Reference: Community Infrastructure Levy (CIL) Task Group

1. Remit

The Task Group is a Councillor/Officer group set up to work jointly and collaboratively to advise the Spelthorne Joint Committee on CIL generally and make recommendations on bids for CIL monies allocated to it by the Borough Council.

2. Membership of Task Group

The Community Infrastructure Levy (CIL) Task Group will contain the Leader of Spelthorne Borough Council (Cllr John Boughtflower), the Chairman of the Spelthorne Joint Committee (Cllr Richard Walsh) and the Deputy Leader of Spelthorne Borough Council (Cllr Jim McIlroy), together with relevant officers from the two authorities.

For Spelthorne Borough Council the following officer representation will apply:

- Strategic Planning Manager, Spelthorne
- Principal Planning Officer (Policy) Spelthorne
- Infrastructure Delivery Co-ordinator

For Surrey County Council the following Officer areas would be represented – as required:

- Spatial Planning
- Transport Policy
- Infrastructure Agreements
- School Commissioning

The Task Group will reserve the right to draw in representatives from other Borough and County service areas as required to assist it in its work.

3. Meetings

As required to advise the Joint Committee and ensure effective and timely allocation of CIL monies.

4. Objectives

The Task Group objectives are:

- To ensure overall programming of infrastructure projects agreed by the Joint Committee.
- To advise and recommend to the Joint Committee schemes that will have maximum benefits to the community.
- To monitor receipts and expenditure of CIL monies, including the maintenance of reserves in the fund of approximately £1 million

The Task Group will be responsible for:

- Recommending projects to the Joint Committee which require CIL funding from resources allocated to it, following assessment in accordance with the agreed criteria.
- Regular monitoring and reporting to the Joint Committee on the delivery of projects including revisions to timescales and expenditure.
- Reporting to the Joint Committee after completion of each project.
- Identification of other current and future infrastructure expenditure and funding streams.

5. Output

Regular project progress updates to the Joint Committee on CIL priorities and funding of projects.

This page is intentionally left blank

Local CIL Governance Arrangements

1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) allows the Council to raise funds from new development to help fund the infrastructure needed to mitigate the impacts of new development. CIL funds are used for either local infrastructure or infrastructure of wider strategic benefit to the Borough.
- 1.2 An initial 5% of CIL funds collected is retained by the Council for administration purposes. Of the remaining amount, 15% of the funds are to be spent on infrastructure that is required in the communities where the development took place.
- 1.3 The remaining 80% of CIL funds will be used to fund or part fund strategic infrastructure across the Borough.
- 1.4 In accordance with the CIL Regulation where there is no parish or town council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding.

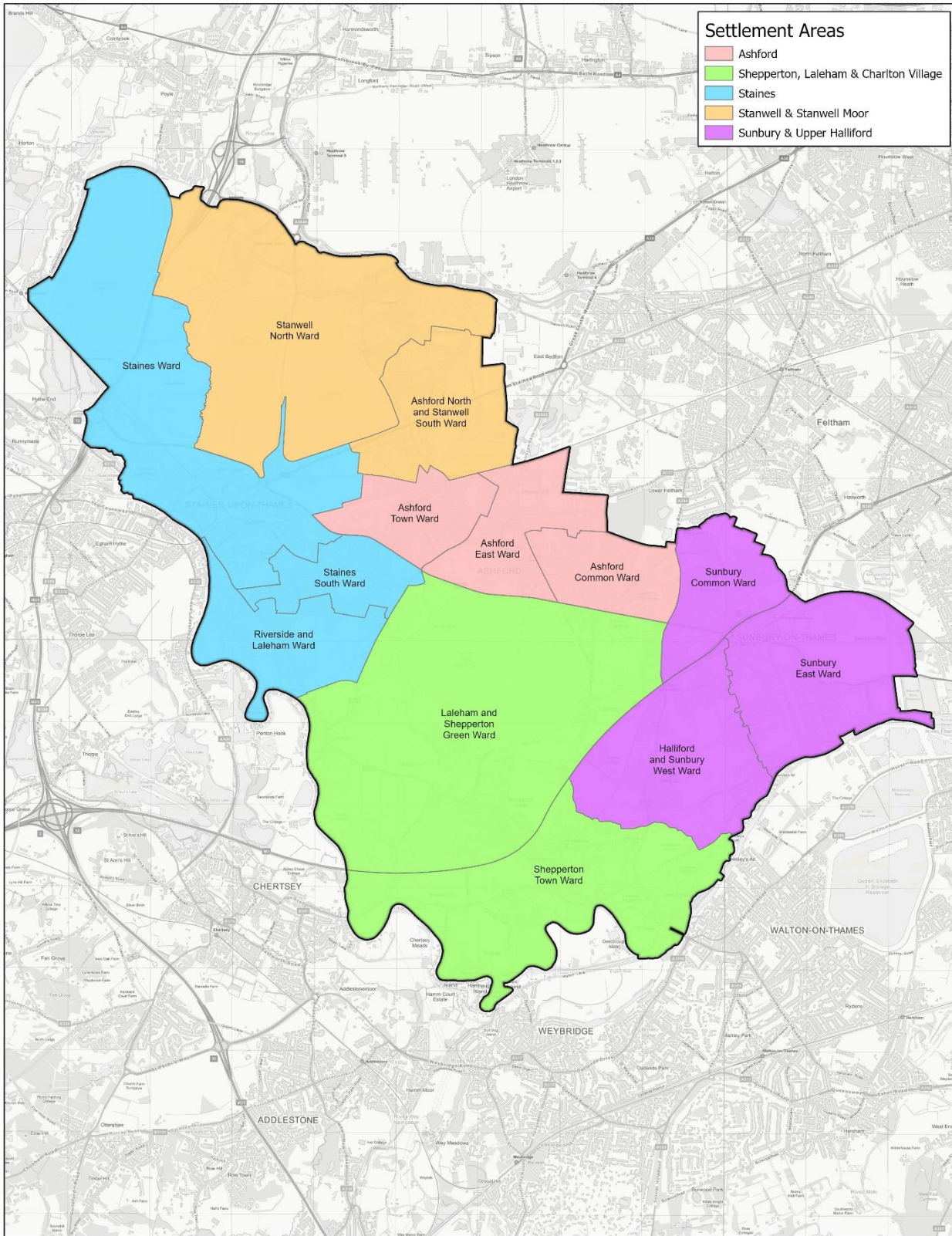
2. Allocating Local CIL Receipts

- 2.1 It is recommended to apportion CIL locally in line with the designated Local Plan Settlement areas. These areas are identified as follows –

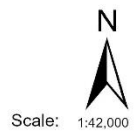
Ashford
Shepperton, Laleham & Charlton Village
Staines
Stanwell & Stanwell Moor
Sunbury & Upper Halliford

- 2.2 The Wards within each of the Settlement areas are as follows –

Ashford - *Ashford Common, Ashford East, Ashford Town*
Shepperton, Laleham & Charlton Village - *Laleham & Shepperton Green, Shepperton Town*
Staines - *Staines Ward, Staines South, Riverside & Laleham*
Stanwell & Stanwell Moor - *Stanwell North, Ashford North & Stanwell South*
Sunbury & Upper Halliford - *Sunbury Common, Sunbury East, Halliford & Sunbury West*



'Reproduced from the Ordnance Survey mapping with the permission of the Controller of her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.'



- 2.3 CIL rates in Spelthorne are based on the following 3 Zones -
- Zone 1 – Stanwell and Stanwell Moor
 - Zone 2 – Ashford and Staines
 - Zone 3 – Shepperton and Sunbury
- 2.4 Differing rates have been set across these Zones, which are based on the CIL viability study conducted in 2014.
- 2.5 In order to allocate CIL based on development within the different areas, it has been decided to apportion the full 15% across the set areas based on the amount of development that has taken place.
- 2.6 This will be based on the net increase in dwellings on an annual basis. A CIL amount per unit will be set each year based on CIL receipts collected.
- 2.7 The amount available to each Zone will be based on payments received, not payments demanded.
- 2.8 Where no local projects have been identified, the Local Spending Board can agree to nominate a sum of money out of its funds to be spent on a specific strategic project, should that bid be agreed by the CIL Task Group.

3. Bidding Process

- 3.1 Bidding rounds will take place once per annum. Receipts collected from the previous financial year will be allocated as agreed in para 2.5 for applicants to bid for.
- 3.2 The bidding application form, guidance and criteria will be available on the Spelthorne website. Projects must meet the CIL requirements and only complete and detailed applications will be valid.
- 3.3 It is recommended there is an officer level reviewing process in order to demonstrate due diligence. Valid and deliverable bids will be put forward to the decision-making body.

4. The requirement of Public Consultation

- 4.1 The CIL Regulations state *‘Consultation should be at the neighbourhood level. It should be proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates.’*
- 4.2 As we envisage there will be councillor representation from each Ward, it is recommended that Ward representatives use current consultation channels available to them in order to meet this

criteria. They would be able to take advantage of existing links to their communities, such as Member/Resident Forums.

- 4.3 The Council is required to set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools for example, website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.
- 4.4 It is also recommended the Local CIL list is published and kept up to date online, accessible for the public to view.

5. Decision making process

- 5.1 It is recommended that Local CIL Spending Boards are created comprising Ward members from within the particular Settlement Area.
- 5.2 It is recommended on each Local CIL Spending Board there will be an appointed Chair.
- 5.3 The Local CIL Spending Boards would be the final decision-making body allowing them to use the Local CIL money for local projects – provided the project meets the broad CIL criteria.
- 5.4 It is being recommended that, on the 15 June, the Environment and Sustainability Committee appoints Local Spending Board members, as well as a Chair for each Board.
- 5.5 Any further changes to membership of the Local CIL Spending Board would need to be referred and considered by the Environment and Sustainability Committee.
- 5.6 Applicants could be invited to the decision-making meeting where they would be given the opportunity to present their proposed project to members.
- 5.7 Members would decide which projects they wish to allocate money to. There would be the opportunity to fund ‘parts’ of projects where the funds available may not be sufficient to fund a whole project. Applicants would be made aware of this and be given the opportunity to break their projects down into individual parts.
- 5.8 The Local CIL Spending Boards will be the final decision makers with regards to Local CIL allocations.

6. Local CIL Awards

- 6.1 Once a decision has been made, the successful applicant will be sent confirmation in writing as well as full terms and conditions set out by Spelthorne Borough Council.
- 6.2 Funds will be transferred on the provision of invoices submitted to the Council. This can be arranged on an ad hoc basis rather than on full completion, if required.
- 6.3 Site visits may also be conducted to ensure works have been carried out to an acceptable standard.

This page is intentionally left blank

Environment and Sustainability Committee



Date of meeting 30 June 2021

Title	Outdoor Gyms
Purpose of the report	Authorise the Group Head of Neighbourhood Services to initiate a public consultation exercise related to the installation of 10 outdoor gyms in parks across the borough.
Report Author	Francesca Lunn - Neighbourhood Services Jackie Taylor - Group Head of Neighbourhood Services
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision
Recommendations	Committee is asked to: Authorise the Group Head of Neighbourhood Services to initiate a public consultation exercise
Reason for Recommendation	Consultations give people in all walks of life a chance to get involved in the work of the Council and they play an important part of the decision-making process when there is scope to influence the outcome.

1. Key issues

- 1.1 Outdoor Gym Equipment (OGE) can play a vital role in the community, providing people of all ages and abilities an opportunity to improve personal fitness and mental wellbeing. Members of the community who experience financial constraints can greatly benefit from unrestricted access to such facilities in their local environment and are seen as a great way to improve fitness without the need for a costly gym membership.
- 1.2 The health and social benefits associated with outdoor gym equipment can encourage both social & exercise participation with families, friends, and colleagues and allow people to exercise in a green environment surrounded by nature.
- 1.3 It is proposed to offer the use of no cost outdoor gym facilities in specific parks around the borough, to anyone at any time. This free use has the potential to eliminate one of the barriers that many people face when trying to access physical activity and aims to reach lower socio-economic groups who are typically less active.

- 1.4 The National Health service (NHS) has been under great pressure for many years with ever increasing numbers of issues related to addiction and mental health. The Coronavirus Pandemic will increase the strain on the NHS and will have implications for healthcare delivery in both the short and medium term.
- 1.5 Research shows that a visit to a local open green space for daily exercise can have healing benefits on both physical and mental health. It is also a known fact that nature helps improve our overall mood and reduces stress and anxiety levels. It also provides long-term benefits, including reducing the risk of developing chronic illnesses such as cardiovascular disease, diabetes, and obesity.
- 1.6 Providing opportunities to increase participation in outdoor physical activity has the potential to have a noticeable impact on the health and wellbeing of the community.
- 1.7 A Sports England survey carried out during a period of November 2019 to November 2020 show that Spelthorne is one of the most physically inactive Boroughs in Surrey. The same Sports England survey also shows that the female population and older people (aged 55+) are also more likely to be inactive.

2. Options analysis and proposal

- 2.1 **Option 1** do not carry out a consultation exercise with residents and start a procurement exercise to purchase and install OGE equipment in parks considered by officers **Appendix C** to be the best possible locations. This may invoke criticism mainly related to the Council not being willing to engage with, listen and respond to resident's and their perceived needs within their locality.
- 2.2 **Option 2** (preferred option) Carry out a consultation exercise with a defined set of questions to ensure that we take the opportunity to engage with and listen to residents with the aim where possible to meet residents needs in terms of outdoor gym activities in their local parks.
- 2.3 See **appendix C** – Link to maps of proposed locations [Click here](#) (Ctrl & click)
- 2.4 See **appendix B** – Consultation questions

3. Financial implications

- 3.1 In March 2021 the Spelthorne Joint Committee agreed to fund the purchase and installation of 10 outdoor gyms across the borough. The report attached at **Appendix A** approved the allocation of £610k from the Community Infrastructure Levy (CIL) funding.
- 3.2 This scheme is funded through the Community Infrastructure Levy (CIL). CIL is intended to support local communities, the provision of outdoor equipment will provide several health and wider community benefits as well as meeting a strategic objective to promote health and wellbeing borough wide.
- 3.3 There are ongoing revenue costs associated with the provision and maintenance of outdoor gyms. An outdoor gym like the type to be installed under this project was installed in a park in Ashford in 2017. Aside from an element of petty vandalism when the equipment was first installed little maintenance is required. All parks play & gym equipment are inspected by

our own parks team monthly with additional annual inspections carried out by an external and independent assessor and the Councils insurance company.

- 3.4 It is estimated that additional revenue funding of £5,000 will need to be provided yearly to cover the cost of maintenance, insurance, and inspection regimes for the 10 new gym areas.

4. Other considerations

- 4.1 It is anticipated that each location will require planning permission as the equipment will be installed in our parks which are situated within the greenbelt and/or in areas of flood plain.
- 4.2 A comprehensive compliant procurement exercise will need to be carried out with the Councils procurement officers. The UK is no longer subject to EU regulations and now follows UK domestic legislation. Tenders will now be published on a new e-tendering portal, called Find a Tender Service (FTS) instead of on the Official Journal of the European Union (OJEU).
- 4.3 There is a risk that residents will not want the introduction of such facilities within their local green spaces. Residents' comments will form part of the evaluation of the consultation exercise and will be considered in a later report when officers seek authority to start a procurement exercise.

5. Equality and Diversity

- 5.1 The installation of the outdoor gyms acknowledges the diverse needs of our communities and will ensure equal access to gym facilities across the borough. It is anticipated that the new facilities will be focusing on a range of groups including older people, young people, people with a range of abilities and any other disadvantaged individuals or groups.
- 5.2 The equipment will be inclusive for all adults and can potentially help to improve long term health conditions.

6. Sustainability/Climate Change Implications

- 6.1 The Council is committed to the principles of Sustainable Development, Environmental Management, and protection of biodiversity. The Council is dedicated to furthering the conservation of biodiversity and requires tenderers to be mindful of this and where appropriate ensure that goods and services do not adversely affect local or global biodiversity.
- 6.2 The proposed locations for the new outdoor gyms around the borough are detailed in **Appendix C**. The sites will be accessible by foot for many residents reducing the need to travel by car.
- 6.3 Standard build indoor gyms are associated with high energy consumption such as heating, lighting, and water all of which are not required in outdoor gym facilities.

7. Timetable for implementation – Provisional dates

- | | | |
|-----|--------------------------------|--------------|
| 7.1 | Committee approval | 29 June 2021 |
| | Consultation Exercise to start | 5 July 2021 |

Consultation exercise to end	20 July 2021
Consultation exercise reported back to committee	14 September 2021
Procurement report to P & R committee	15 November 2021

The tender award to the chosen supplier will be dependent on the outcome of the procurement exercise. It is anticipated that due to the value of the tender and the new committee structures the new outdoor gyms will not be ready for use until 2022.

Background papers: There are none.

Appendices:

Appendix A

CIL Strategic funding application form

Appendix B

Consultation questions

Appendix C

Link to Maps showing the proposed location of each gym.

[Click here](#) (Ctrl & click)

CIL Strategic Funding Application Form and Guidance Notes for Applicants

SPELTHORNE BOROUGH COUNCIL



Spelthorne Takes Shape

Guidance notes

What is CIL and how is it allocated

The Community Infrastructure Levy (CIL) allows the council to raise funds from some forms of new development to help fund the infrastructure needed to mitigate the impacts of new development. CIL funds are used for either local infrastructure or infrastructure of wider strategic benefit to the borough. The council has been collecting CIL since April 2015.

An initial 5% of CIL funds collected is retained by the council for administration purposes and 15% of the funds are allocated in local areas to infrastructure projects which are required in the communities where development took place.

Strategic CIL

The remaining 80% of CIL funds are allocated towards strategic borough-wide infrastructure, such as school expansions, CCG identified priorities, or highway schemes to support and enable growth.

What is not eligible for CIL funding

- Projects that have commenced prior to an application being submitted
- Ongoing revenue costs for a project
- Annual maintenance or repair
- Projects promoting a political party
- Projects that conflict with existing council policies
- VAT that you can recover

Payment of CIL funds if awarded

Successful projects must be able to commence within the twelve months following the award and acceptance of the terms and conditions. Where relevant, the CIL funding will be conditional upon the applicant obtaining any necessary building regulations and/or planning permission and any other consents or permissions as may be required.

Payment will be made after completion of the project to the satisfaction of Spelthorne Borough Council and after submission of verifiable invoices. The original invoices/receipts need to be submitted to the council as proof of expenditure. You must have a bank account in the name of your organisation into which the council will pay the funding.

The CIL funding is a one-off payment and will not result in any future revenue commitment by the council. Any maintenance responsibility, revenue liability or ongoing future funding related to the application lies with the Applicant.

The assessment process is competitive and not all applications will be funded. There is no right of appeal against the decision.

Publicity

The applicant will need to agree to publicise the support of Spelthorne Borough Council and the council reserves the right to use images of the project resulting from the award of the CIL funding as part of any publicity material that it may wish.

Completing the application form

To discuss a potential project or for further guidance, please contact the Strategic Planning Team on 01784 444 278 or email cil@spelthorne.gov.uk.

Please submit the completed application form and supporting evidence via email to cil@spelthorne.gov.uk

Please read the CIL Strategic Funding Application Form – Guidance Notes before completing this form.

This form must be used for all applications for Community Infrastructure Levy (CIL) funds. This includes projects decided by Spelthorne Borough Council or the Spelthorne Joint Committee.

Evidence for all bids must be supported by clear and robust information. All the following questions must be answered. You are welcome to seek further guidance on the likely eligibility of a project and information required from the Borough Council by contacting the Strategic Planning Team on 01784 444 278 or email cil@spelthorne.gov.uk .

Please return completed application forms and supporting information to:
cil@spelthorne.gov.uk .

Please Note

Failure to answer all the questions on this form could impact upon the consideration and success of your application.

Section A: Applicant Contact Information

Question	Answer
Organisation name	SPELTHORNE BOROUGH COUNCIL
Organisation address	WHITE HOUSE DEPOT ASHFORD TW15 3SE
Name of main contact	JACKIE TAYLOR
Position of main contact	GROUP HEAD OF NEIGHBOURHOOD SERVICES
Phone number for main contact	07946379739
Email address for main contact	j.taylor@spelthorne.gov.uk
Type of organisation (If a charity, please provide registration number)	n/a
Is the organisation able to reclaim VAT?	YES

Section B: Project Overview and Strategic Case

Question	Answer
1) Project Title	PROVISION OF FITNESS EQUIPMENT IN SBC PARKS
2) Summary of the project proposal	Covid restrictions for our residents have meant that more people are using our outdoor green spaces. This may be for exercise and/or play and we have seen an increase in visitors to our parks & open spaces by all ages. The project aims to provide more activities for older children and adults of all ages in the parks by providing fitness equipment that can be used all year round without the need to join and pay fees to leisure centres
3) Full address of project location	Laleham Park Laleham Greenfield Recreation ground Laleham Lammas Park Staines Manor Park Shepperton Cedars Recreation ground Sunbury Kennyngton Recreation ground Sunbury Stanwell Moor Recreation ground Alexandra recreation ground Ashford Staines Park

	Ashford Recreation Ground
4) Project partner/s (if applicable)	n/a
5) How will the proposed project help address the pressures caused by development in the borough?	New development relies heavily on residents use of open and green spaces, which has been more evident through Covid lockdowns. This has seen an increase in demand for facilities of all ages, play facilities are well catered for as these are available in all areas of the borough and are updated as and when needed. A need has been identified to cater for the older youth and adults of all ages who are looking for health related equipment.
6) What problem is the project addressing, and what are the expected outcomes?	Placing open air gyms in our green spaces encourages our residents to participate in the health agenda and also provides a facility that is readily accessible at all times and at no cost
7) Please provide details of any supporting council policy, strategy, programme, action plan, etc.	Health Agenda
8) Why is strategic CIL funding being sought? What other sources of funding have been considered and applied for? Please specify which elements of the project, the funding secured is required to deliver.	The funding will enable us to increase the facilities in all areas of the borough within our own parks & open spaces. The list of sites provided will give all residents in all areas access to facilities. There is no other funding available for this project.
9) Is there a related revenue spend associated with the project once it is complete, and if so, how will this be addressed?	There will be increased revenue expenditure for each site in terms of safety checks, maintenance, cleansing, vandalism & repair.
10) Please set out the detailed breakdown of the estimated project cost and provide supporting costing documentation (e.g. planned spend profile, project cost estimates, supporting quotes, procurement	Laleham Park Laleham £65k Greenfield Recreation ground Laleham £65k Lammas Park Staines £65k Manor Park Shepperton £60k Cedars Recreation ground Sunbury £60k

policy).	Kenyngton Recreation ground Sunbury £60k Stanwell Moor Recreation ground £50k Alexandra recreation ground Ashford £55k Staines Park £65k Ashford Recreation Ground £65k
11) Please set out the proposed project delivery plan, including key tasks and milestones (this can be appended to your application). Please include plans and maps where relevant.	If funding is approved for any or all of the new gym facilities estimates will be sought from various providers. The process from procurement to installation is likely to take approx. 36 weeks but this will be dependent on whether planning permission is required, whether or not the proposed locations are green belt or flood plains, the procurement timetable, equipment availability and also installation staff who may be impacted by Covid related issues.
12) Please specify whether planning permission is required, and if it has already been secured (stating reference number).	At this stage it is unknown, but it is likely that any new facilities will need to go through a planning process.
13) Is there any additional information that may support the application?	none

Section C: Financial Summary

Please show in the table below the amount of CIL funding being sought and any other contributions that may have been allocated for this scheme.

Funding Source	Amount	Detail
CIL funding sought	£610,000	Purchase and installation of gym equipment at 10 sites
Infrastructure provider contribution	nil	
Third party contribution	nil	
Total cost of project	£610,000	

When you have completed the application, please read and sign the declaration below and submit the application form as directed.

Declaration

To the best of my knowledge the information I have provided on this application form is correct.

If Spelthorne Borough Council agrees to release funds for the specified project, these funds will be used exclusively for the purposes described. In such an event, I agree to inform the council's Infrastructure Delivery Co-ordinator of any material changes to the proposals set out above. When requested, I agree to provide the council with all necessary information required for the purposes of reporting on the progress or otherwise of the identified project. I recognise the council's statutory rights as the designated CIL Charging Authority, which includes provisions to reclaim unspent or misappropriated funds.

Privacy Notice: By signing this form, the applicant agrees to Spelthorne Borough Council checking all supplied information for the purposes of informing decision making. The information on this form will be stored in the Council's Infrastructure Spending Board manual filling system and summarised in the Council's ICT system for the sole purpose of fund processing, analysis and accounting. Information about the project may be publicised on the Council website and in public material for publicity purposes. Personal data will not be disclosed without any prior agreement of those concerned, unless required by law. For further information on the Council's privacy policy, please see:

<https://www.spelthorne.gov.uk/article/16811/Spelthorne-Council-Privacy-Notices>

All organisations involved with the application will need to sign and date the form.

Applicant organisation signature

Signed: *Jackie Taylor* GROUP HEAD OF NEIGHBOURHOOD SERVICES_

Organisation: NEIGHBOURHOOD SERVICES

Date: 21 JANUARY 2021

Supporting organisation signature (if applicable)

Signed: _____

Organisation: _____

Date: _____

Outdoor Gym Consultation Questions

Question 1: To what extent do you agree or disagree with the installation of an outdoor gym in the park?

Ans: Sliding Scale 1-10 (1 means I strongly disagree and 10 means I strongly agree)

Question 2: How often do you visit your local Park?

Ans:

- a) Everyday
- b) Once a week
- c) 2-3 times a week
- d) Once a fortnight
- e) Never

Question 3: Thinking about your last 10 visits to the park what was your main purpose? (tick all that apply)

Ans:

- a) Going for a walk
- b) Dog Walking
- c) Family activities
- d) Park Run
- e) Physical exercise

Question 4: Would the creation of a new 'outdoor gym' area increase the number of times you visit your local park? (tick A or B)

Ans:

- a) Yes
- b) No

Question 5: If outdoor gyms are situated around Spelthorne would you use: (Tick A or B)

Ans:

- a) A local outdoor gym?
- b) One in a different area?

Question 6: What age groups do you think the new outdoor gym equipment would be used by? (tick all that apply)

Ans:

- a) 16-30
- b) 30-50
- c) 50 +

Question 7: Any other comments?

(Text box limited to 100 characters)

Environment and Sustainability Committee



30 June 2021 Date of meeting

Title	Spelthorne responses to the Climate Emergency and consideration of projects for the Green Initiatives Fund
Purpose of the report	To note
Report Author	Sandy Muirhead Group Head Commissioning and Transformation
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	
Corporate Priority	Clean and Safe Environment
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1.To note the report 2.Agree the draft Environment and Sustainability Action Plan, which sits within the wider draft Corporate Recovery Plan due to be considered by the Corporate Policy and Resources Committee meeting on 5 July 2021 (Appendix 2)
Reason for Recommendation	<i>The purpose of the report is to provide members with an indication of projects undertaken to date and importantly potential projects going forward to reduce our carbon footprint and therefore allocation of the Green Initiatives Fund to help support proposed projects.</i>

1. Key issues

- 1.1 The Council declared a climate emergency in October 2020. Since October 2019 there has been a working group on Climate Change seeking to put in place measures to reduce carbon in both Council operations and the wider community. The issues of climate change and its impact on the world have come increasingly to the fore and as climate change is already impacting on our weather the urgency on undertaking further mitigating (and adaptive) actions is also increasing.
- 1.2 The Council has been addressing climate change over several years and has undertaken projects to reduce the carbon output of the Council (see Appendix 1).

- 1.3 To progress at a faster pace and ensure the focus is on genuinely reducing our carbon footprint the Council undertook, in early 2021, a study to form a baseline of its carbon footprint and a trajectory study which has enabled us to identify key areas to target to maximise carbon reduction in Council operations going forward.
- 1.4 As a result of the carbon trajectory study a series of key actions/tasks to maximise carbon reduction in Council operations were suggested (see below) over different time horizons. The Committee may wish to consider these as a way forward to achieve net zero emissions in due course: -

Short term next 6 months: -

- Collect and save emissions data as it is made available for all core Scope 1, 2 and 3 emissions to fully identify our actual carbon footprint. (**Scope 1** covers direct **emissions** from owned or controlled sources. **Scope 2** covers indirect **emissions** from the generation of purchased electricity, steam, heating and cooling consumed by the reporting company. **Scope 3** includes all other indirect **emissions** that occur in a company's value chain)
- Set up further processes and procedures to request and record emissions data from suppliers and staff.
- Carry out detailed energy audits of all buildings.
- Create a full inventory of all council owned vehicles.
- Define our target to reduce to zero as soon as practicably possible.

Medium Term Action – Up to 18 Months

- Develop detailed feasibility studies to identify viable energy efficiency projects, localised power generation projects and carbon offsetting schemes.
- Carry out detailed engineering design for suggested projects emerging from feasibility studies.
- Develop a procurement strategy to deliver projects in a timely manner.
- Understand which funding options are available (both from Green Initiatives Fund and any available grants) and develop a strategy on how to fund specific projects.
- Liaise with the Distribution Network Operator (DNO) to understand the grid capacity and how this relates to future electricity demands.
- Calculate the carbon footprint of the whole Local Authority area and provide an action plan for the whole Borough to be net zero carbon as soon as practically feasible and by 2050 at the latest.

Long Term Action – Within 10 Years

- Make a transition away from fossil fuel vehicles in the Council's fleet.
- Increase electric vehicle charging network and sustainable travel infrastructure.
- Develop large scale renewable heat and power generation projects for Council and housing projects.
- Roll out energy efficiency and power generation projects to all municipal and residential buildings.
- Develop an on-going tree planting and biodiversity improvement schemes

- 1.5 In implementing the proposed trajectory even if many of the initiatives save both carbon and costs in due course funding, both capital and revenue, is needed to put them in place. It should be noted that plans beyond 2021/22 will be part of budget setting process for 2022/23 and subject to submitting a growth/savings bid, if the current level of funding is fully utilised.
- 1.6 On 22 April 2021 the Council noted that the Forecast Outturn for 2021/22 showed that £497k could be released from the Project Delivery Fund for other projects. The Council agreed to allocate these funds (to the value of £497k) to the £250k identified in the Budget for 2021/22 as seed funding for Green Initiatives (including projects to tackle the climate emergency) bringing the total to £747,000 for both capital and revenue grants.
- 1.7 The Committee could therefore consider using this fund to follow the proposed carbon trajectory to reduce the Council's carbon footprint through various actions as outlined in Appendix 2 and in more detail on some areas in Appendix 3.
- 1.8 However, the Council also needs to work with businesses and communities to promote and support cleaner and greener living and working, thus aiming for a more sustainable economy post COVID-19 and Brexit.
- 1.9 In facilitating the community and business to reduce direct and indirect CO2 emissions, enhance biodiversity and to become resilient to changes caused by the changing climate the Council could encourage actions, many of which involve "nudge" and "behavioural change" aspects such as: -
 - a) the increased use of sustainable transport
 - b) reductions in energy use in homes, shops, businesses and elsewhere and a public education campaign to facilitate this
 - c) co-operation with organisations seeking to build sustainable developments that minimise carbon emissions
 - d) development and use of renewable energy sources
 - e) production, sale, and consumption of locally sourced and sustainably produced food
 - f) adoption of wildlife friendly land and water management practices.
- 1.10 The current review of the Local Plan (due for adoption in July 2023 if the Committee agree the revised LDS timetable elsewhere on this agenda) and associated policies can also support these aims through the development of supporting planning documents.
- 1.11 A key part of the work will be ensuring we clearly monitor our actions to reduce carbon so that we can collect the necessary data to prove we are moving to net zero by 2050. Therefore, any supported schemes should be able to clearly demonstrate their carbon benefits, which could be achieved through a primary criterion for assessing applications of CO2 savings per pound spent.
- 1.12 Proposed actions outlined in Appendix 2 (and some specific projects in Appendix 3) could, subject to the committee's input, be drawn together into a strategy and more detailed action plan for the Council in reducing its own, and the communities, carbon footprint and moving us to carbon neutrality (net zero).

2. Options

- 2.1 The climate change emergency has been declared by this Council and not to progress projects to further carbon reduction would not be in line with Council policies, for example the capital strategy policy 2021-26 and Asset Management Plan, or dealing with the real-world effects of climate change. Climate change is a significant risk to Surrey and Spelthorne due to rising temperatures and more sporadic but significant weather events such as flooding

Therefore, as the Council has declared a Climate Emergency and to achieve carbon neutrality it is important to progress projects which have real impact in reducing carbon both within the Council's operations and in the wider community. Therefore, considering the suggested programme and timelines plus associated projects to spend the Green initiatives fund on is vital in moving to a net zero position.

3. Financial implications

- 3.1 The Council has in place a Green Initiatives Fund to support projects tackling climate change. The fund's total is £747,000 for both capital and revenue spend. To achieve the greatest carbon reduction care needs to be made in allocating the spend hence the suggestion for assessing schemes, wherever possible, in terms of both feasibility studies and projects on the basis of CO2 savings per pound spent.

4. Other considerations

- 4.1 Resources will be required to implement plans and monitor outcomes, so it is proposed to recruit a further project officer to achieve this.

5. Equality and Diversity

- 5.1 Climate change is unlikely to be equitable in terms of impacts on the community and specific groups such as the young and old. Therefore, measures taken to reduce carbon can also ensure a more equitable distribution of impact and measures put in place to resolve issues such as overheating in properties.

6. Sustainability/Climate Change Implications

- 6.1 The proposed way forward will allow the Council to mitigate and adapt to climate change and become more sustainable in its operations.

7. Timetable for implementation

- 7.1 The report outlines a timetable to implement actions which will assist us in moving to a net zero position.

Background papers: There are none.

Appendices:

Appendix 1 Appendix 1 Spelthorne BC Climate Change Actions to date (May 2021)

Appendix 2 Proposed Recovery Plan actions

Appendix 3 Further Potential issues and projects to consider to reduce carbon in the Borough

Appendix 1 Spelthorne BC Climate Change Actions to date (May 2021)

- **Reduced our carbon emissions** from energy usage across our estate **by 38% since 2009.**
- 2012 developed a **Carbon Management Plan** aimed at reducing emissions from our estate and operations.
 - **22 energy efficiency projects** were implemented under the plan
 - Resulted in a **24% reduction in our energy use** between 2012 and 2016.
 - The projects included:
 - Energy efficient lighting, light sensors and switch off controls, loft and cavity wall insulation, draught proofing, voltage optimisation, thermostatic radiator valves and a behaviour change programme.
- 2016 developed **Sustainability Strategy**
 - Continued work to reduce our carbon emissions. Implemented a series of projects including:
 - Installing **Solar PV** on Fordbridge and Staines Community Centres (produces 15% of their energy demand)
 - Installation of solar panels at the Depot
 - Further **energy efficiency projects** including window replacements and lighting upgrades at the Council Offices, boiler optimisation at our Day Centres and White House Depot, energy efficient lighting and LED upgrades.
 - A programme of **water efficiency measures** and monitoring across our estate including urinal controls, WC displacement devices, flow restrictors and leak detection and repair.
 - Installed 6 **EV charge points** at Elmsleigh Multi-storey car park, 1 dual charge point at Tothill Multi-storey Car Park. Also installed a dual charge point for staff at Knowle Green. There are now a **total of 32 public EV charge points in the Borough** (see table at bottom)
- The Council has been supporting our residents in are in 'fuel poverty' through Government schemes and grant funding:
 - Through the Energy Company Obligation (ECO): Help to Heat Scheme **over 2,600 energy efficiency measures have been installed in fuel poor homes** in Spelthorne, the highest install rate in Surrey.
 - We have run a **boiler grant scheme through ECO aimed at park homes** which led to 70 homes having new boilers and heating controls installed.
- Other key actions:
 - Planning - **Minimum 10% renewable requirement** on all developments
 - Introduced a **Single-use Plastics Strategy and Action Plan** in 2019
 - **Education** - Engage with schools through running an **annual Eco-conference** at the Council Offices and running the **Junior Citizenship** events.
 - Since 2018 when we committed to planting over 800 trees in our open spaces over a 3 year period we have actually planted 1000.
 - **Electric bin lifts fitted to the majority of the refuse collection fleet** of vehicles in 2017 to minimise diesel use.
 - Provided a **weekly kerbside collection of small electricals (WEE) & textiles for 90% + of Spelthorne properties** and this means that these items are diverted from landfill. This avoids greenhouse gases, which negatively affect climate change, being released into the atmosphere
 - undertaken a flats project introducing food waste and different bin apertures to reduce contamination & increase recycling

- installed in new properties underground recycling bins which make use easier for residents and keeps the bin areas clean
- As part of a sustainable housing strategy include electrical vehicle charging points for new housing and commercial developments
- Removed coffee machines in the depot/nursery and replaced with a coffee station **providing all operational staff with reusable cups**
- **Removed all plastic drinking cups from the KG offices & depot/nursery sites**
- Paperless Council meetings
- Hold junior citizen events annually to all primary school children to help them have a better understanding on the use of plastics in the home and in the environment
- Hold an annual Eco conference
- Encourage Eco Schools to have more sustainable areas in their grounds
- **Stopped cutting large areas of grass to encourage bio diversity and reduce emissions** due to lower cutting frequencies
- **EV pool cars and electric bikes for staff:-** At Knowle Green new electric vehicles and electric bicycles are available to use when travelling between our sites on Council business
- Included in a funding bid led by Surrey CC to trial on-street EV charging points in key locations in the Borough
- **New energy contract stipulates a 100% green energy supply**
- **Launched a commercial waste collection service with the aim of helping our businesses to become more sustainable by offering a commercial recycling & waste collection**
- spent £1.2million making homes in the Borough more energy efficient with funding awarded for new boilers and insulation upgrades.
- installation of solar panels for the housing development in the West Wing of the Council Offices and on our community centres

EV locations in the Borough

Location	No. of units	No. of bays	
Tothill MSCP	1	2	
Elmsleigh MSCP	6	6	
Premier Inn	1	2	
Two Rivers - Waitrose	1	2	
Two Rivers - Vue	7	14	
BP Stanwell	1	1	Rapid
Esso Herds	1	1	Rapid
Homeplay Tesla	2	2	Rapid- Tesla Superchargers
Nissan Shepperton	1	1	Rapid – restricted to Nissan drivers
Park Avenue	1	2	
Kempton Park	2	4	
Costco	8	16	
Total	32 charging units	53 vehicle bays	

Other aims

2023 review the refuse collection fleet and **commit to electric or hydrogen vehicles for 50% of the fleet**, depending on best technology available at the time

2021 purchase the 1st electric community transport vehicle

2027 replace the remaining fleet of CT vehicles with electric or hydrogen depending on working availability of such vehicles

This page is intentionally left blank

SUPPORTING A GREEN RECOVERY - ACTION PLAN

Ref.	Key Actions	Key task	Desired outcome	Target date	Owner
CLIMATE CHANGE POLICY					
GR1	To develop a strategy to deliver carbon neutrality for the Council in line with Government targets or sooner.	Prepare a draft strategy to deliver carbon neutrality for the Council and support actions to lower the wider-borough's carbon emissions.	Enabling policy/strategy to support delivery of a green recovery.	June 2021	SM
GR2	Explore and devise a future financial treasury management strategy that take into account environment, social governance and responsible investments.	To discuss with the Council's treasury management advisors how to progress a change in the Council's investments.	A Green Investment Strategy	2022	TCo/SM
GR3	Aim to develop a more environmentally sustainable economy post-COVID and Brexit.	To develop a green recovery strategy which includes measures to evolve a more sustainable and resilient economy.	A thriving community which minimises its impact on the environment measured through buildings meeting appropriate environmental standards (e.g. BREEAM) and well-being surveys.	2024	SM/KM/ AB
REDUCE THE CARBON FOOTPRINT OF COUNCIL OPERATIONS					
GR4	Use opportunities provided by agile working to enhance/accelerate climate change initiatives	Develop a policy to enable long term homeworking and office hot desking.	Reduced car travel, emissions (compared to pre-pandemic levels) and release offices for multi-use.	Dec 2021	SM

Ref.	Key Actions	Key task	Desired outcome	Target date	Owner
GR5	<p>a. Continue to develop our programme to use more electric vehicles by staff to reduce CO2 emissions</p> <p>b. Purchase electric fuelled equipment when existing liquid fuelled equipment reaches end of life.</p>	<p>Examine options for future purchase of electric cars & bikes; introduce measures to enable staff to purchase electric cars.</p> <p>Implement measures to reduce the Council's carbon footprint through purchase of a green fleet equipment for grounds maintenance.</p>	<p>Electric pool vehicles/bikes in use by staff and 10% of staff to own electric vehicles.</p> <p>Green Fleet and electric tools in use.</p>	<p>2025</p> <p>028</p>	<p>MR/HR</p> <p>JT/ /DC</p>
GR6	Improve all council-owned residential and municipal properties and facilities through better insulation, investment in alternative heating and ventilation and aim to reduce utilities costs where possible.	To undertake energy studies of Council properties to identify cost effective improvements and then to progress installation.	Council properties being less expensive to run	2021 for completion of study	SM/MR
GR7	Review and improve, where possible, our waste management strategy.	To undertake a review of waste strategy in line with Government changes proposed for 2023.	Increased recycling and reduced quantities of household rubbish.	2022	JT/DL
INCREASE USE OF CLEAN ENERGY					

Ref.	Key Actions	Key task	Desired outcome	Target date	Owner
GR8	a. Work with businesses and communities to promote and support cleaner and greener living and working.	To work with economic development team to build in opportunities for providing a sustainable environment. Promote opportunities in the Borough for the development of 'green' jobs including training.	To have a Staines development plan which demonstrates leadership in developing sustainable communities.	2023	HM/AB/ SM/KM
	b. Develop opportunities for increased locally generated clean energy.	Work in partnership via the Economic Development team.	10% Increase in "green" employment in the Borough, in roles that have a positive impact on the environment measured through sector analysis of local employment.	2026 2027	KM/HM KM/HM/ MR/SM
GR9	Implement technologies to maximise clean energy usage.	Develop opportunities (and schemes) for increased locally generated clean energy on Council buildings and in new build.	Council owned offices and housing sites to have a minimum capacity of 10% renewable energy generation.	2024	RM/MR
ENCOURAGE GREATER USE OF CYCLING AND WALKING					

Ref.	Key Actions	Key task	Desired outcome	Target date	Owner
GR10	<p>a. Undertaking a borough-wide feasibility study to identify potential walking and cycling routes in conjunction with Surrey CC; and</p> <p>b. Increase opportunities for exercise through walking and cycling and improving air quality by reducing car dependency, working with the highways authority.</p>	Undertake actions to encourage greater cycling and walking by the community and Council.	A Local Walking and Cycling Infrastructure Plan to allow future implementation of schemes in an appropriate way.	2022	SM/AB

Ref.	Key Actions	Key task	Desired outcome	Target date	Owner
IMPROVE AND INCREASE PROVISION OF PUBLIC OPEN SPACES AND ENHANCEMENT OF BIODIVERSITY					
GR11	a. Enhance our parks and open spaces to adapt to climate change.	To develop and implement park strategies which meet both the environmental and social needs required of our open spaces and meet future climate change (mitigation and adaptation) and educational needs (a, b, and c).	That parks have both environmental and social benefits for our residents, including reduced air emissions Parks strategy with environ and social	2023	JT/IS
	b. To seek ways of improving the environmental and social value of our parks and open spaces and consider opportunities to create and support carbon sink initiatives within the Borough including landscaping and more tree planting where possible.				
	c. Enhance our parks and open spaces to adapt to climate changes, providing clean, accessible, outdoor spaces with access to nature for education and well-being purposes; and	Map out opportunities, including rain gardens, to improve the landscape and adapt and mitigate climate change.	To develop a suite of enhancement opportunities	2023	MR/IS/SM
	d. Increase land management to provide greater biodiversity to encourage wildlife and insect populations.	Develop a biodiversity strategy	Actions from the strategy to enhance wildlife and measurable increases in populations of key species.	2022	IS

Ref.	Key Actions	Key task	Desired outcome	Target date	Owner
IMPROVE ENERGY EFFICIENCY OF HOUSING STOCK					
GR12	<p>a. Promote residential development that is sustainably located and allows safe and easy access for residents to existing services and transport hubs; and</p>	<p>Develop as part of developments and the Local Plan opportunities for better accessible developments.</p>	<p>Local Plan</p>	<p>2023</p>	<p>AB</p>
	<p>b. Seek and support the retrofit of existing residential housing to enable alignment with more demanding energy efficiency standards.</p>	<p>Identify ways of making the housing stock more sustainable, including through better insulation, alternative heating and ventilation and aim to reduce utility costs where possible.</p>	<p>i. Ensure KGE housing stock meets highest viable environmental standards. ; and ii. Participate in current and future opportunities for seeking funding, such as Green Jump, to enhance the energy efficiency of housing stock across the Borough.</p>	<p>Ongoing 2023</p>	<p>RM MR</p>

This page is intentionally left blank

Appendix 3 Further Potential issues and projects to consider to reduce carbon in the Borough

- 1) To review and make recommendations to Council and Cabinet on
 - a. setting up an annual carbon audit to include the Council's carbon footprint and a roadmap for achieving this aim by March 2022.
 - b. creating opportunities to seek grants to encourage and enable carbon-reduction and mitigation schemes in Spelthorne. The primary criterion for assessing applications should be CO2 savings per pound spent. Such projects could include: -
 - at the Nursery in Laleham solar panels could be installed for £15-16k
 - When the Energy Hub organisation undertook a series of energy audits for the Council in 2020, they put forward the potential for Elmsleigh MSCP to have solar canopies which could be worth investigating further. There is the estimated potential for a 0.2MW system, generating 200,000kWh+ and requiring £251,000 CAPEX. Such a scheme would be equivalent to reducing carbon emissions by 58 tonnes which would be around 4-5% of the Council's current emission total.
 - Other potential sites for installation of solar panels including pavilions e.g. Long Lane, Fordbridge and Staines Park. These sites were included in a Surrey wide renewables study which will report in June/July and provide the Council with more information on likely costs and outputs.
 - Air source heat pumps have been highlighted as a possibility at the Depot and worth further investigation. Additionally, undertaking in depth energy audits of the Council offices, Depot, Nursery and day centres will enable us to fully evaluate opportunities.
- 2) To develop, devise and recommend a template for environmental impact assessments to apply across all the Council's activities to enable measuring of progress
- 3) To oversee implementation and liaise with local businesses, landowners, community organisations and residents to make a positively beneficial impact on the environment and biodiversity in the Borough.
- 4) Evaluate opportunities for community groups to take action on climate change and consider an annual meeting with residents.
- 5) To publish a draft action plan once developed and its existence notified to residents as part of the Council's communication strategy.

This page is intentionally left blank

Environment and Sustainability Committee



30 June 2021

Title	<i>Climate Change Working Group</i>
Purpose of the report	To make a decision
Report Author	<i>Sandy Muirhead Group Head Commissioning and Transformation</i>
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	<i>N/A</i>
Corporate Priority	Clean and Safe Environment
Recommendations	<p>Committee is asked to:</p> <p><i>To agree the setting up of a working group to focus on monitoring of actions towards carbon neutrality and to assess initial ideas on measures to address climate change before submission to the Environment and Sustainability Committee.</i></p>
Reason for Recommendation	<i>As climate change issues permeate all of the Committee's remit in some form the Committee need to consider if a working group could play a role in managing the Council's approach to climate change.</i>

1. Key issues

- 1.1 Climate change, mitigation and adaptation are, and will be, significant issues affecting the future of Spelthorne. We need to both reduce the Council's and Borough's carbon footprints and adapt to future climatic changes, especially the increased risks of flooding and heat.
- 1.2 Therefore, the issues of climate change need to be addressed in all the Council does and particularly within the role of the Environment and Sustainability Committee.
- 1.3 Prior to the Committee system the Council had a Working Group on climate change since 2019 (remit and terms of reference of that working group attached Appendix 1), which gathered information and started to focus on actions to reduce our carbon footprint.
- 1.4 Moving forward a new working group could have a remit in monitoring reductions in our carbon footprint and have an "audit function" in checking we are "doing the right thing" to both reduce carbon and ensuring we put in adaptation measures to address future climatic changes.

- 1.5 It may also act as a body to produce forward thinking, cutting edge ideas to help reduce carbon and adapt to climate change. This role can be linked to a suggestions box for all Councillors. So if Cllr x has a good idea of something that can be done to help reduce carbon, they present it informally to the climate change working group, who do an initial evaluation before anything comes to the Environment and Sustainability Committee.
- 1.6 It is suggested the task group is kept small to undertake these tasks - comprising of 7 members.
- 1.7 If the setting up of a working group is agreed terms of reference could be developed to cover the above functions.
- 2. Options analysis and proposal**
- 2.1 Not to have climate change working party may make it difficult for the Environment and Sustainability Committee, given its wide remit, to remain focused on ensuring that we are achieving genuine carbon reduction in the Borough.
- 2.2 The preferred option therefore is to have a Working Group to undertake an audit function on our carbon reduction achievements and to develop ideas which maximise our move to net zero carbon and address adaption issues.
- 3. Financial implications**
- 3.1 None
- 4. Other considerations**
- 4.1 Depending on decision revised terms of reference will be developed for consideration.
- 5. Equality and Diversity**
- 5.1 Climate change could impact groups differently and therefore addressing the issues of climate change will help mitigate effects on particular groups.
- 6. Sustainability/Climate Change Implications**
- 6.1 The subject matter will move the Council along its journey to sustainability.
- 7. Timetable for implementation**
- 7.1 To be confirmed depending on Committee's decision and terms of reference to be developed.

Background papers:, There are none.

Appendices:

Appendix A, Previous Climate Change Working Group 2019-2021 Terms of Reference.

Spelthorne Council Working Party on Climate Change

The Council resolved on 24 October 2019, to set up a cross party Leader's Working Group on 'climate change'. With a change in Leadership of the Council the responsibility for the Working Group was passed to the Cabinet Member for the Environment and reformed into a full Working Party on Climate Change. The Working Party will explore ways to cut Spelthorne Council's carbon and harmful emissions, with a target to make Spelthorne Council (including all buildings and services) carbon neutral at the earliest opportunity.

The Terms of Reference for the Working Party are set out in Appendix A to this report.

The Council's corporate plan sets out our key priorities of housing, economic development, clean, safe and sustainable environment and financial sustainability. 'Climate change' is intertwined with all these aspects. In terms of financial self-sufficiency, the 'climate change' agenda offers opportunities for the Council to reduce its costs and carbon emissions, by improving energy efficiency and looking at clean energy generation.

Objectives

- Building by example, setting the standards and reducing the need for high energy consumption in Council buildings;
- Reducing energy needs when adding alterations, developments, including residential, office and mixed or extensions to the Council's buildings and generally through Development Management in line with sound financial management;
- Reducing carbon emissions during the development process;
- Improving Air Quality and community health
- Considering the establishment of district energy networks systems or renewables for Council developments;
- Looking at meeting increased demand for renewable or low carbon energy to address the energy needs of a connected society;
- Delivering more sustainable transport in partnership with relevant authorities, switching the Council's own transport arrangements to more sustainable forms
- Working with partners to secure water security in terms of supply, quality, and flood risk/mitigation;
- Addressing the effects of potential future temperature extremes;
- Addressing adaptation to climate change and impacts on biodiversity including carbon sinks.
- Addressing the use of technology (teleconferencing, mobile devices, flexible working etc) to reduce the need for energy consumption (ie reducing mileage to attend meetings or reduce need for building space)
- Offering incentives to leading edge environmentally friendly businesses and business practices (for example helping them to move to more sustainable business practices)
- Working with schools, businesses etc to inform our residents of more sustainable ways of living
- Ensuring sustainability is central to our procurement criteria when purchasing goods and service

Appendix A Terms of Reference

The Spelthorne Working Party on Climate Change will consist of 10 members

The Terms of Reference for the Working Party are

1. To develop an **action plan** to deliver our target of carbon neutrality by 2050, by the end of March 2020 (building on the existing sustainability strategy).
2. To make recommendations to Cabinet on areas for improvement following a review of existing policies which can impact on 'climate change' and to identify, and make recommendations on, developing new environmental policies where required which will help move the Council and Borough towards carbon neutrality by 2050.
3. To report to Cabinet appropriate action plans and targets to deliver the Council's 2050 target of zero carbon emissions.
4. To monitor progress with delivering the action plans and achieving targets and report on progress to Cabinet on a quarterly basis.
5. To consider government and wider authorities' consultation on documents relating to 'climate change' and assist Cabinet in formulating its response.
6. For members of the Working Party to act as 'climate change' champions by leading by example and advocating action on climate change. The Council has an important community leadership role to play regarding the 'climate change' agenda.
7. To identify areas for further research and invite presentations, workshops and discussions with experts as appropriate to help inform the Council's policies and action plans.
8. The cross party Working Party will consider the best way of engaging with key partners and work closely with the Government, the Environment Agency, Surrey County Council, local businesses, residents and other partners across the county and Borough to meet the target of making the Borough carbon neutral by 2050.
9. To consider and formulate a communication strategy to promote the Council's activities on climate change.

Membership and Proceedings of the Working Party on Climate Change

1. The Working Party on Climate Change membership to comprise of 10 elected members, - 3 Conservative, 3 Liberal Democrat, 2 Labour, 1 Green Party member and 1 Independent.
2. The Cabinet Member for the Environment or appointee will chair the Group.
3. The Group will appoint its own vice chairman from within its membership.
4. The meetings of the Working Party will be internal and confidential to the Council. At the Chairman's discretion, some of the meetings will be open to all members of the Council to attend, particularly those to which outside speakers have been invited, to ensure wide engagement across the organisation.
5. The Working Party, has the ability to co-opt an external member to the Group, as required, to deal with, specialist areas. However, it remains the decision of the full Working Group as to what targets are recommended.
6. The Working Party will meet every quarter but potentially more frequently in the early stages of its work.
7. The role and success of the Working Party to be reviewed by the Chairman of the Group and Leader after 12 months or earlier if deemed appropriate.
8. The Working Party should aim to deliver a consensual view to Cabinet. Where this is not possible it should aim to report fairly on the divergent views of the group. Voting is not considered appropriate or necessary. Proactive and innovative suggestions are encouraged.
9. Liaison and engagement with a wide range of stakeholders is welcomed. The Working Party should seek a wide body of opinion to inform its considerations including exchanging views on pertinent matters and receiving suggestions as to how climate change can be addressed in areas over which Spelthorne Borough Council has control or significant influence.

This page is intentionally left blank



Spelthorne Borough Council Services Committees Forward Plan and Key Decisions

This Forward Plan sets out the decisions which the Service Committees expect to take over the forthcoming months, and identifies those which are **Key Decisions**.

A **Key Decision** is a decision to be taken by the Service Committee, which is either likely to result in significant expenditure or savings or to have significant effects on those living or working in an area comprising two or more wards in the Borough.

Please direct any enquiries about this Plan to the Principal Committee Manager, Michelle Beaumont, at the Council offices on 01784 446337 or e-mail m.beaumont@spelthorne.gov.uk

Spelthorne Borough Council

Service Committees Forward Plan and Key Decisions for 1 May 2021 to 31 August 2021

Anticipated earliest (or next) date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Environment and Sustainability Committee 30 06 2021	Introduction to the Environment and Sustainability Committee	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Environment and Sustainability Committee 30 06 2021	Environment and Sustainability Committee - Terms of Reference	Non-Key Decision	Public	Victoria Statham, Group Head of Corporate Governance
Environment and Sustainability Committee 30 06 2021 Council 15 07 2021	Nominations for Development Sub-Committee To nominate two members of the Environment and Sustainability Committee to sit on the Development Sub-Committee taking into account political balance.	Non-Key Decision	Public	
Environment and Sustainability Committee 30 06 2021	Local Plan To receive an update on the Local Development Scheme	Non-Key Decision	Public	Ann Biggs, Strategic Planning Manager
Environment and Sustainability Committee 30 06 2021 Council 15 07 2021	Amendments to Specific Policies in the Adopted Local Plan 2009 - Part Exempt	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Part public/part private	Heather Morgan, Group Head - Regeneration and Growth

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Environment and Sustainability Committee 30 06 2021	Formation of Strategic Planning Task Groups	Non-Key Decision	Public	Ann Biggs, Strategic Planning Manager
Environment and Sustainability Committee 30 06 2021	Climate Change Working Group and Terms of Reference	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Environment and Sustainability Committee 30 06 2021	Climate Change Projects and Green Initiatives Fund To consider ideas and criteria for spending	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Environment and Sustainability Committee 30 06 2021	Outside gym proposal report To seek permission to conduct a consultation exercise on the proposals for outdoor gyms.	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Francesca Lunn, Jackie Taylor, Group Head - Neighbourhood Services
Environment and Sustainability Committee 30 06 2021	Community Orchards	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Environment and Sustainability Committee 30 06 2021	Training for E&S Committee Members To consider appropriate training opportunities for members	Non-Key Decision	Public	Heather Morgan, Group Head - Regeneration and Growth, Sandy Muirhead, Group Head - Commissioning and Transformation

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Environment and Sustainability Committee 14 09 2021	Local Cycling and Walking Infrastructure Plan (LCWIP) Update To provide an update on the LWCIP plan.	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation
Environment and Sustainability Committee 14 09 2021	Update on Government's Proposed Waste Strategy To provide an update to the Committee on the Government's proposed waste strategy.	Non-Key Decision	Public	Duncan Laidlaw, Senior Waste and Recycling Officer, Jackie Taylor, Group Head - Neighbourhood Services
Environment and Sustainability Committee 14 09 2021	Housing Delivery Test Action Plan 2021	Non-Key Decision	Public	Esme Spinks, Planning Development Manager

Environment and Sustainability



30 June 2021

Title	Amendment to specific policies in the adopted 2009 Local Plan
Purpose of the report	To make a decision
Report Author	Heather Morgan Group Head Regeneration and Growth
Ward(s) Affected	Riverside and Laleham Staines South Staines But All Wards potentially affected if the Committee choose not to agree the recommendation
Exempt	Report is not but Appendix 3 and 4 are
Exemption Reason	Appendix 3 and 4 contain exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
Corporate Priority	Housing Environment Financial Sustainability
Recommendations	Committee is asked to: <ul style="list-style-type: none"> • Note the advice received from Counsel at confidential Appendix 4 • Agree that in light of this advice to continue with the current process which has been underway for the past two years to revise the Local Plan in its entirety • Consider the request from the outgoing Cabinet that the matter be deferred to Full Council for a final decision
Reason for	Expert legal advice has been obtained to establish whether or not

Recommendation	<p>specific policies within the 2009 adopted Local Plan can be amended to address current concerns over the proposed height of buildings and development within Staines-upon-Thames</p> <p>It is recommended that the Local Plan review continues on the basis that there is no likelihood for this policy to be considered sound by an Inspector as it would not be in compliance with the National Planning Policy Framework 2019, which places an enhanced role on higher density in appropriate locations.</p>
-----------------------	--

1. Key issues

- 1.1 Members of this Committee will be aware from previous reports to Cabinet that officers have been asked on two separate occasions to address concerns from councillors around Council and other developments in Staines-upon-Thames.
- 1.2 Concerns are based around development coming forward in an ad hoc manner in advance of the adoption of the Local Plan and the Staines Development Framework. This means there is a risk of developments being out of sync with future Local Plan, and there could be reputational risks if planning applications are being perceived as being accelerated in advance of new Local Plan and Staines Development Framework. It is also evident from the debate which took place at the Council meeting in December 2020 that the proposed height, bulk and massing of developments are considered to be a particular issue of concern.
- 1.3 The first report was considered at an Extraordinary Cabinet Meeting on 25 January 2021 (**Appendix 1**). This addressed a motion at Council on 10 December 2020 which asked:
 - (1) whether any proposed development of Staines Town Centre by Spelthorne Borough Council should be kept on hold until the Staines Development Framework has been adopted and
 - (2) whether Developers of Major applications proposed in the Staines Town Centre should be requested to defer their applications until the Staines Development Framework is adopted
- 1.4 The bulk of that report (some 12 pages) set out the very significant impacts, risks and ramifications around pursuing the course of action set out above. Matters covered in detail included:
 - (a) Financial impacts – adverse impact on the Councils Revenue Budget, loss of rental income for Knowle Green Estates from Thameside House and Oast House amounting to c£9.5m, holding costs for council development sites amounting to close to £8m, appeal costs of c.£700k
 - (b) Affordable housing/development – delay in delivery of affordable rental housing by 2 years minimum over 400 fewer units coming forward (housing list 2,100 at that time), c£3.5m of abortive capital costs which would have to be converted to revenue and putting significant pressure on the Budget, increase in construction costs due to delay, reduction in Community Infrastructure levy (CIL) and poor capital receipt likely if the Council are forced to sell
 - (c) Strategic Planning – housing figure back up to 606 per annum, pressure to provide alternative brownfield sites to deliver a further 1,088 units,

concern over the deliverability of the whole plan on the basis that the Council schemes are delivering 17% of supply via Strategic Housing Land Availability Assessment (SHLAA) sites, threat of green belt applications coming forwards, contrary to national policy/guidance which advocates maximising densities in sustainable areas, increases the risk of on Inspector picking green belt sites for development that the council would not have chosen, and worsen the position in terms of housing land supply (currently only delivering 60%).

- 1.5 Very clear legally based advice was given on the very severe consequences in terms of the impact on the Local Plan in particular. Paragraphs 2.36 – 2.57 explicitly covered this point, the most critical point being that “If the moratorium were agreed not only would it be outside the Council’s powers it would also be contrary to national guidance. Such a decision would amount to a fundamental restriction, contrary to national policy, on the use of significantly increased densities in areas which are inherently likely to represent sustainable locations for development”
- 1.6 Contrary to the officers’ recommendation and the advice set out above, Cabinet decided that a Moratorium on Council schemes in Staines-Upon-Thames should be put in place until such time as three things took place, with the intention that these would be completed prior to the Annual Council meeting in May 2021:
- (a) That the Strategic Planning team undertake an ‘Issues and Options’ consultation exercise for the Staines Development Framework.
 - (b) That a sub-committee, which was agreed at Extraordinary Council on 21 January 2021, is included in the recommendations of the Committee System Working Group to be reported to Extraordinary Council, currently scheduled for 25 March 2021.
 - (c) That the viability of all the developments were reviewed by the assets team.
- 1.7 The second report was considered as an Urgent Item by Cabinet on 19 May 2021 (**Appendix 2**). Due to severe time constraints, this was a much shorter report. It provided an update on progress on items (a) to (c) above, and focused on the advice provided by external Counsel in connection with a question on ‘Whether or not the Council were able to amend a policy in the Core Strategy and Policies DPD 2009 in order to limit the height of buildings in Staines upon Thames to 6 storeys and what the process would be’. **Appendix 3** sets out the instructions and confidential **Appendix 4** provides the advice received in full.
- 1.8 The advice was that “to amend the Local Plan 2009 even for a single issue, would require compliance with the Local Plan Regulations 2012 and will mean going through all the steps of a local plan process. To include this as a policy would need to be supported by a proportionate evidence base and be subject to consultation and examination. For such a policy to be adopted this would need to fulfil the soundness tests. It is advised that there is no likelihood for this policy to be considered sound by an inspector as one of the tests for soundness is compliance with national policy and NPPF 2019 (which came into effect after the Council’s 2009 Core Strategy) places an enhanced role of higher density in appropriate locations”.

- 1.9 Contrary to the officers' recommendation and the advice set out above, Cabinet did not agree with the recommendation to continue to proceed with the current process to revise the Local Plan in its entirety. Instead, it resolved that:
- (1) the decision to amend specific policies within the 2009 Local Plan be deferred pending the implementation of the Committee system;
 - (2) the issue be considered by the Environment and Sustainability Committee, with a request that this is deferred to Full Council.
- 1.10 Hence the reason for this report. It will be for members of this Committee to consider the matter afresh, and either make a decision or decide to defer the matter to Full Council (as per the recommendation of the outgoing Cabinet). The officer recommendation is set out in at the top of this report and also in paragraph 2.4 below.
- 1.11 Committee should note that if the officer recommendation is not accepted, this would affect all Council schemes within the town centre (bar the redevelopment of the William Hill unit) as well as those of private developers. It is therefore essentially a re-run of all the arguments that were considered by the Extraordinary Cabinet meeting on 25 January 2021. The effect of reviewing policies in the adopted Local Plan to limit heights to 6 storeys is 'a different means to the same end'. This restriction would make all the Council schemes unviable. They would not be able to proceed unless a decision was made to develop at a very significant loss (with all the adverse budgetary impacts this would entail).
- 1.12 As a major landowner in the town centre, the Council has a critical role on a number of fronts which are expressed in a number of adopted corporate policies which have been adopted by Full Council. These include delivering the housing numbers required by the Local Plan, addressing the local need of residents for affordable housing, delivering mixed use regeneration including affordable residential and ensuring a prosperous economy and robust recovery post COVID-19. A review of any discrete policies in the 2009 adopted Local Plan would run directly counter to those stated aims which we agreed by Council when it approved the Capital Strategy 2021 – 2025 in February 2021.
- 1.13 Rather than repeating the very significant risks around not agreeing the recommendation in full, reference will be made to the relevant paragraphs in the Extraordinary Cabinet report at Appendix 1 where these apply.

2. Options analysis and proposal

Recommended option

- 2.1 The expert legal advice is contained at confidential **Appendix 4**. In short, it states that to amend the Local Plan 2009 even for a single issue, would require compliance with the Local Plan Regulations 2012 and will mean going through all the steps of a local plan process. To include this as a policy it would need to be supported by a proportionate evidence base and be subject to consultation and examination. For such a policy to be adopted this would need to fulfil the soundness tests.
- 2.2 It is advised that there is no likelihood that this policy would be considered sound by an inspector as one of the tests for soundness is compliance with

national policy and NPPF 2019 (which came into effect after the Council's 2009 Core Strategy) places an enhanced role on higher density in appropriate locations. A policy to limit height in this way would run directly counter to that national advice.

2.3 Committee are also advised that it is highly unlikely that the matter would even get to formal examination, and would in all reasonable probability be rejected either by the Planning Inspectorate (PINS) or by the Inspector at a pre-inquiry hearing.

2.4 The very severe consequences of not heeding this advice were all set out in the Extraordinary Cabinet report and have been set out in brief in paragraphs 1.4 – 1.5 above. On the basis of all of the above it is therefore recommended that the Committee:

Note the advice received from Counsel at confidential Appendix 4

Agree that in light of this advice to continue with the current process which has been underway for the past two years to revise the Local Plan in its entirety

Consider the request from the outgoing Cabinet that the matter be deferred to Full Council for a final decision

Alternative option 1

2.5 One alternative course of action would be to reject the expert professional advice, and instead agree that there should be a limited review of the relevant policies within the adopted Local Plan.

2.6 The report to Extraordinary Cabinet on the Moratorium set out in full the risks around a delay on moving forwards with a new Local Plan at paragraphs 2.36 – 2.57. The same risks around current housing delivery, impact on housing land supply, impact on green belt, Staines Development Framework, National Guidance and Examination effectively apply.

2.7 Below is a list (taken from the Extraordinary Cabinet report) at paragraph 2.36 which sets out the strategic planning risks around the delays caused by the Moratorium:

- (a) Housing figure back up to 606 from 489 per annum
- (b) Pressure to provide alternative sites especially if brownfield only option is pursued (need to find around a further 1,088 units over the life of the plan on top of the deficit of 913 homes)
- (c) Concerns over the deliverability - Council schemes are delivering 17% of the SLAA sites (395 units in years 1 to 5 and 750 in years 6 to 15)
- (d) Threat of Green Belt sites coming forward via planning applications, including those rejected at the Preferred Options stage
- (e) Contrary to national policy/guidance (would fundamentally restrict the use of significantly increased densities in sustainable areas)
- (f) Increased risk that the examining inspector will end up picking sites which the Council, left to its own choices, would not have brought forward
- (g) Worsen position in terms of housing land supply (only delivering 60% of government requirement)

- 2.8 In terms of the wider impact on the Council, by not agreeing the recommendation the Committee would effectively be agreeing, by default, that no Council schemes can be developed at greater than 6 storeys. This would result in
- (a) Increased budgetary and financial pressures (paragraphs 2.10 - 2.25 of the Extraordinary Cabinet report)
 - (b) Lower levels of affordable housing (paragraphs 2.26 – 2.32)
 - (c) Reduction and delay in development activity (paragraphs 2.33 – 2.35)

Alternative option 2

- 2.9 The other alternative would be for this Committee to refer the matter to Corporate Policy and Resources Committee on 5 July 2021 for their consideration. It would then be for that Committee to decide whether the item should be referred up to Full Council for a final decision.

3. Financial implications

- 3.1 Apart from the costs of the Counsel's advice, there are none arising from seeking the legal advice per se.

Cost of limited review of Local Plan policies

- 3.2 If the Committee decide not to agree the recommendation, and determine instead to undertake a limited review, then the additional costs to undertake the review process would amount to tens of thousands of pounds, without success. This would be in addition to the costs already incurred to date for of the Local Plan review also currently taking place (£110,000) and the costs that are yet to come which are likely to be in the order of another £50,000 minimum.
- 3.3 The Strategic Planning team will not have the capacity to deal with a full review and a limited review without requiring additional resource (either in terms of temporary staff or a greater reliance on external consultants for which there is no current budget).

Cost of appeals by developers

- 3.4 These are set out in detail on paragraph 2.65 of the report at Appendix 1, and the potential cost to the Council of £700,000 still holds true.

Budgetary impacts

- 3.5 A decision to undertake a limited review would effectively stymie any Council development in the town centre (development up to 6 storeys only would not be viable). The costs of this is set out both in the Extraordinary Cabinet report and at a high level in paragraph 1.4 above.

4. Other considerations

- 4.1 There will need to be clear and easily understood communications around the reasons why there is no prospect of limiting the height of developments in Staines-upon-Thames to six storeys by attempting to review a limited number of adopted policies. This is particularly important in light of the concern being expressed by some local residents within and around Staines-upon-Thames.
- 4.2 There is a very considerable risk of reputational damage to the Council in the eyes of the development industry if a limited review of the Local Plan is

decided upon. Conversely such a decision is likely to win the support of some of the local residents who are concerned about the height of developments coming forward in Staines-upon-Thames.

- 4.3 Members of the committee will be well aware that in considering this report, and all others relating to the Local Plan, that is incumbent upon them to consider the wider impact of any potential decision on the borough as a whole, and where future development will have to take place. It is understood by everyone that this is not necessarily easy, and that difficult decisions will have to be made which cannot satisfy all interests.

5. Equality and Diversity

- 5.1 There are none arising from seeking the legal advice per se. However, the role of the Local Plan as a whole is to generate affordable housing provision and equitably help resolve our housing crisis.

6. Sustainability/Climate Change Implications

- 6.1 There are none arising from seeking the legal advice per se. However, the role of the Local Plan as a whole is to develop policies to ensure a sustainable future for the borough, and one which addresses climate change.

7. Timetable for implementation

- 7.1 If the recommendation is agreed, then the review of the Local Plan in its entirety will continue in line with the revised Local Development Scheme timetable which is elsewhere on this agenda.
- 7.2 If it is not agreed, then a new timetable will need to be developed by officers taking into account the need for a separate discreet evidence base to deal with these policies, several rounds of statutory public consultation and the examination itself. On the basis of how long the current review of the Local Plan has taken so far, but accepting that this is a more limited review, it is realistic to expect that this process from start to examination would be in the order of 18 months minimum (December 2022). Any changes to the LDS timetable elsewhere on this agenda will also affect these timescales.
- 7.3 This work will have to be undertaken in parallel with the review of the Local Plan, which will almost inevitably result in further delays and put the adoption date of July 2023 for the new Local Plan at significant risk.

Background papers: There are none.

Appendices:

- 1 Extraordinary Cabinet Report 25 January 2021 – sets out the very significant financial, development, affordable housing and local plan implications of putting developments on hold until the Staines Development Framework has been adopted
- 2 Cabinet Report 15 May 2021- sets out the need for external legal advice, the response received and the implications of looking at reviewing a discreet number of policies in the 2009 adopted Local Plan
- 3 Instructions to Counsel –the question asked by the Council to an external legal expert
- 4 Counsels opinion (confidential) – the advice received from the external legal expert

This page is intentionally left blank

Extraordinary Cabinet

25 January 2021



	Moratorium on development in Staines-upon-Thames
Purpose of the report	To make a decision
Report Author	Terry Collier, Deputy Chief Executive (s151 Officer) Heather Morgan, Group Head Regeneration and Growth
Cabinet Member	Councillor John Boughtflower
Confidential	No
Corporate Priority	Housing Economic Development Financial Sustainability
Recommendations	Cabinet is asked to make a decision on: 1. Whether any proposed development of Staines Town Centre by Spelthorne Borough Council should be kept on hold until the Staines Development Framework has been adopted 2. Whether Developers of Major applications proposed in the Staines Town Centre should be requested to defer their applications until the Staines Development Framework is adopted
Reason for Recommendation	On 10 December 2020 Council agreed a Motion that Cabinet consider the above matters. The report sets out the background and reason for the Motion, and the relevant timeframes for the adoption of the Staines Development Framework. It will also set out the very significant financial, development, affordable housing and local plan implications of the Motion were it to be agreed.

1. Key issues

- 1.1 A Motion was agreed at Council on 10 December 2020 which required Cabinet to consider:

- Whether any proposed development of Staines Town Centre by Spelthorne Borough Council should be kept on hold until the Staines Development Framework has been adopted
 - Whether Developers of Major applications proposed in the Staines Town Centre should be requested to defer their applications until the Staines Development Framework is adopted
- 1.2 For the purposes of this report Staines Town Centre is defined as the boundary agreed for the Staines Development Framework (**Appendix 1**).
- 1.3 This Motion reflects concerns being raised by residents, in Staines-upon-Thames in particular, and councillors about the potential level of development which could be coming forward via the planning application route. Their concerns are based around the fact that this would result in development coming forward in an ad hoc manner in advance of the adoption of the Local Plan and the Staines Development Framework. This means there is a risk of developments being out of sync with future Local Plan, and there could be reputational risks if planning applications are being perceived as being accelerated in advance of new Local Plan and Staines Development Framework. It is also evident from the debate which took place at the Council meeting that the proposed height, bulk and massing of developments are considered to be a particular issue of concern.
- 1.4 As a major landowner in the town centre, the Council has a critical role on a number of fronts which are expressed in a number of adopted corporate policies which have been adopted by Full Council (see para 2.58 below for more detail):
- (1) helping deliver the housing numbers required as part of the Local Plan which links to corporate objectives and priorities for housing delivery upfront
 - (2) delivering mixed use regeneration schemes which are focused on much need residential housing, and in particular housing that is affordable to local residents
 - (3) civic leadership role in ensuring a prosperous local economy especially in terms of the need to ensure a robust recovery post COVID-19 (retailers and restaurants need local residents to create footfall).
- 1.5 The moratorium Motion (if agreed) will fundamentally affect the future of the Council through:
- Increased budgetary and financial pressures
 - Lower levels of affordable housing
 - Reduction and delay in development activity
 - An increased risk the Local Plan cannot deliver the required housing numbers and is found 'unsound'
- 1.6 These implications will be explored in more detail below.
- 2. Options analysis and proposal**
- 2.1 The report will be split into sections to cover each of the limbs of the moratorium Motion which were agreed at Council, setting out clearly all the implications which fall out of these. The options for Cabinet are either to agree each of the first two limbs (as set out in the recommendation) or not.

2.2 For ease of reference **Appendix 2** provides a ‘one page at a glance’ consideration of all the main issues which are set out in the following pages.

Council schemes to be kept on hold until Staines Development Framework has been adopted (Moratorium)

Timeframe

2.3 The first key questions that are thrown up are:

- how long it will take for the Staines Development Framework (SDF) to be adopted
- whether or not it can be de-coupled from the adoption of the Local Plan in order to accelerate its progress

2.4 Answers to those questions will then set the timeframe within which the moratorium would take effect, were it to be agreed. This in turn provides clarity around the length over which the financial, development and wider strategic planning impacts would be felt.

2.5 Adoption of the Spelthorne Local Plan is currently set for March 2022 (as per the approved Local Development Scheme set out below which sets out the timeframes for completion of the various stages to reach adoption of the Local Plan including consultation in January and February, consideration of representations in March and April, formal submission April 2021, examination in August 2021, an Inspectors report December 2021 and final adoption in March 2022). Whilst this is still achievable, there is a lot of work still to be done by the Local Plan Task Group in agreeing a draft document (including site allocations) which is ready for submission in spring 2021. For the purposes of this report it is assumed that the Local Plan can be adopted by March 2022.

Local Plan	2020												2021												2022											
	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		
Preferred options consultation																																				
Consider reps from consultation																																				
Prepare Publication Local Plan																																				
Staines Masterplan preparation																																				
Publication Local Plan consultation																																				
Consider reps and final prep																																				
Submission to Secretary of State																																				
Examination of Local Plan																																				
Inspector's report post-examination																																				
Adoption of Local Plan																																				

2.6 Between November 2019 and January 2020, the Council consulted on its Preferred Options document. At that time the aim was to meet Spelthorne’s housing needs by releasing some weakly performing Green Belt, intensifying development in urban areas and by producing a masterplan for Spelthorne’s largest town, Staines upon Thames, to seek further opportunities for growth

beyond the sites identified in our Strategic Land Availability Assessment. The Staines Masterplan (now called a Staines Town Centre Development Framework (SDF)) was expected to be complete by the end of 2020, in time for the Regulation 19 consultation of the submission version of our Local Plan in 2021. (Whilst this timeframe has slipped and there is still a lot of work to be done, the current aim is that it will nevertheless be ready to sit alongside the submission version of the Local Plan).

- 2.7 In the Preferred Options document it was made clear that the Staines masterplan would “be key to supporting our assumption on growth in the town”. As such, the SDF is intrinsically linked to the Local Plan (as one of its main delivery mechanisms) and cannot be de-coupled. It cannot set policy in its own right, and therefore it has to be adopted as a Supplementary Planning Document (either concurrently with or after adoption of the Local Plan – we are working to the former).
- 2.8 The only other option is an Area Action Plan (which *could* be accelerated separately), but this is not recommended. Such a document would have ‘no teeth’ as it could only assume what the Local Plan would say. Such a Plan could not set policy which developers would be required to follow. Nor could it provide clear parameters around how the Council expects development to come forward over the lifetime of the Local Plan.
- 2.9 For all of the above reasons, the SDF will not be in place before end March 2022, at the same time as the Local Plan. However, it is recognised that it is the adoption date for both the Local Plan and the SDF will probably move backwards, and a more realistic date is considered to be **March 2023**. This latter date sets the context for all of the matters set out below which document the effect that agreeing this moratorium would have on the Council.

Financial Impacts
Adverse impact on Council’s Revenue budget requiring additional budget savings and/or generating alternative income.
Thameside expected to contribute £1.1m per annum (net interest margin).
Lost rental income for KGE from Thameside House as a result of the Moratorium would be in the order of £5.26m and £4.32m for Oast House
Potential delay in receiving significant rental income from Waterfront (to be used to offset other Council projects)
Holding costs of £1.45m for Thameside, £1.96m Oast House and £4.5m for Tothill
Adverse impact on the net interest margin on mixed schemes
Smaller schemes are likely to result in a net loss once the cost of purchase of site is taken into account.
Appeal costs on third party schemes which might be overturned and possible awards of costs against Spelthorne (c. £700k)
Cost of compulsorily acquiring housing sites to ensure we can deliver Local Plan housing numbers

Budget pressures

- 2.10 2020 was an unprecedented year due to the worldwide coronavirus pandemic. In his statement on 25 November 2020, the Chancellor highlighted that the Office for Budget Responsibility forecasts that the economy will contract by 11.3% this financial year, the biggest drop in one year in 300 years (since 1709). He also recognised the long-term scarring of the economy with GDP likely to be 3% lower than otherwise would have been the case in 2025.
- 2.11 The full economic and financial impacts of COVID-19 on the Borough and the Council are not yet known. Spelthorne, along with the whole of England, is currently under a new lockdown, and it is anticipated that this regime will be in place until the country starts to see the positive impacts of the vaccination programme. In particular, the Council needs to wait to see what impact the ending of the national furlough scheme will have on unemployment numbers, and the number of families needing to claim benefits, receiving localised council tax support or housing support. The collection fund is already being impacted by economic situation. In turn, the future impacts on the economy and how it recovers will have an impact on the Council's service fees and charges income for a number of years to come (which will be suppressed). The Council also needs to be mindful of how local development can support the economic recovery post COVID-19.
- 2.12 These pressures are in addition to the 'normal' budget pressures we as a Council already face. Councillors will be aware that as a result of the impacts of COVID-19 and the shift in policy towards greater Affordable Housing, delivery the revenue gaps for the Outline Budget are more challenging than previously.
- 2.13 A moratorium on any Council schemes coming forward until the adoption of the SDF in March 2022 would have a negative impact on the overall fiscal position of the Council at a time it will already be under strain. With limited options for alternative income generation, significant savings are likely to be required. This could result in potentially very painful decisions having to be made around service delivery, with potential cuts and/or possible future redundancies.
- 2.14 Difficult conversations would potentially have to be made around non-statutory services such as those delivered for the community, such as Day Centres/Independent Living services, Spelride, and leisure/cultural activities. Clearly these non-statutory services are incredibly important to our residents and it was one of the great strengths that has come through in our proactive approach to dealing with the current coronavirus pandemic. Longer term potential redundancies could impact across the board, and would affect the level of service that could be provided

Impact of moratorium on rental income (development schemes)

- 2.15 Thameside House, Oast House and Kingston Road car park, the William Hill/Vodafone unit and Tothill car park would all be directly affected by the moratorium (were it to be agreed). **Appendix 3** sets out the aggregated costs of the moratorium across the Staines-upon-Thames development portfolio.

Confidential details of these projects are attached at **Confidential Appendix 4**.

- 2.16 As Cabinet are aware, once development schemes are completed they are currently transferred to Knowle Green Estates Ltd – KGE (a 100% wholly owned Council company), who are responsible for managing the residential portfolio on behalf of Spelthorne. Delay in completion of the development projects will have a knock-on effect on the rental income stream and the net interest margin the Council will earn on mixed tenure schemes.
- 2.17 Whilst all four development schemes will be adversely affected by the moratorium (if agreed), Thameside House is by far the most progressed (**Confidential Appendix 4** sets out the detail). The current timeline (without a moratorium) assumes that permission is granted in Spring 2021, work starts in the last quarter of 2021 (calendar year) and is completed in the last quarter of 2023 (calendar year). Agreeing the moratorium would push this completion out to March 2026, and the financial consequences of doing so would be very significant.
- 2.18 All borrowing on completed residential schemes will be more than covered by the loan repayments made by KGE to the Council which are entered into on completion of schemes. In the case of mixed tenure schemes such as Thameside House the Council will earn a considerable margin between the rate it is able to borrow (say 1.5% based on current Public Works Loan Board - PWLB rates) and the “market rate” it will charge to KGE. This is called the net interest margin.
- 2.19 The annual net interest margin to the Council is expected to be £1.1m per annum once Thameside is completed, which will help support the Councils budget with an on-going revenue stream. If the development does not go ahead at all then this receipt cannot be used to offset future budget gaps. Even delaying the development in line with the moratorium would result in lost rental receipts, which in turn would increase the budget gap in 2023/2024 by a further £1.1m, up to £5.9m. This rental income shortfall would remain until March 2026 when the development is completed and can be let. The total cost in terms of lost rental income from Thameside to KGE as a result of the moratorium (if agreed) would be in the order of £5.26m to March 2026. (**Confidential Appendix 4** sets out the detail).
- 2.20 Assuming the Oast House development comes forward as 100% affordable housing, there will be no net interest margin to be gained by the Council as the borrowing rate and the market rate charged to KGE will be the same. Were the figure to drop however there would be a net interest margin which would add to the gap already created if the Thameside House scheme is delayed. The total cost in terms of lost rental income from Oast House to KGE as a result of the moratorium (if agreed) would be in the order of £4.326m to March 2026. (**Confidential Appendix 4** sets out the detail).
- 2.21 There is no net interest margin to be gained for the other sites being considered by Cabinet, as the sites are already in the ownership of the Council.
- 2.22 Waterfront (Bridge Street car park and Hanover House) is an example of how the Council is diversifying its response to delivering key regeneration schemes. Instead of the Council borrowing to finance we are instead contributing the land value and Arora are investing close to £200m. Whilst it

would not be captured directly by this element of the Motion (Arora are a private developer) it is nevertheless critical to understand the impact that any delay to delivering this scheme will have on the Council's budget.

- 2.23 Once the scheme is completed and operating at full capacity it will, by 2028, potentially generate a very significant annual income. Without this income, it will be far more challenging to finance the net cost of other large-scale projects that the Council is undertaking outside of the town centre (such as the Leisure Centre).

Impact of moratorium on 'holding' costs (development schemes)

- 2.24 Of the four development schemes, three have been directly acquired for redevelopment and regeneration purposes – Thameside House (£8.5m), Oast House and Kingston Road car park (£19.5m) and William Hill/Vodafone which formed part of the Elmsleigh Centre acquisition. These were acquired through borrowing from the PWLB, and these loans have to be paid back over a 50-year period. Delaying completion of the developments, if the Moratorium were approved, will impact on the holding costs (monthly loan payments, insurance etc) which will still accumulate whilst the schemes are 'on ice'.
- 2.25 The 'holding' costs for Thameside as a result of the Moratorium would be £1.449m and for the Oast House it would be £1.932m - totalling £3.38m. These 'holding' costs include interest costs and security.

Affordable/Development
Delay in affordable housing by 2 years (2,100 households in need on the housing register)
Schemes can deliver between 50 – 100% affordable rented
Development schemes could deliver c.426 units (20% of current need)
Last year no net new additional affordable units were delivered by developers
Capital monies on abortive development projects will have to be converted into revenue (£3.45m)
Increase in construction costs and inflation arising from delays in completing schemes (£2.09m)
Reduction in CIL payments will impact on the 'pot' available for infrastructure projects (£500k is the only sum which has been finalised - Thameside)
Market conditions are not favourable for securing a realistic price for sale (due to COVID-19 and Brexit concerns)

Affordable Housing

- 2.26 Any delay in delivering Council schemes will have a significant impact on the number, type and size of affordable housing units coming forward in the town

centre. The need for more affordable housing is evident from the information set out in **Appendix 5**.

- 2.27 Delivery of section 106 affordable housing is particularly concerning when you consider that between 2015 and 2020 only 199 units have been delivered (and mostly in the early years as a result of A2D's Stanwell New Start regeneration programme). No net additional affordable units have been provided by developers in the past two years. There are nearly 2,100 residents currently on our Housing Register, and on average 11 households are 'chasing' each new affordable property that comes forward for letting.
- 2.28 Levels of section 106 affordable are determined through a viability assessment which is undertaken as part of the planning application process. Within Staines-upon-Thames, the most recent large-scale schemes have delivered a mere handful of units through this process. The London Square and Berkeley Homes developments between them have only provided around 10% affordable across their sites.
- 2.29 Often, the Council are offered shared ownership rather than affordable rented units (which are out of reach of the vast majority of our residents), and officers also have to negotiate very hard to achieve the right outcome in terms of the size of unit (two beds rather than one). The viability process acts as a constraint on delivery.
- 2.30 Whilst Council applications have to go through the same viability assessment to determine the level of section 106 affordable housing, the Council can voluntarily decide to provide more affordable if it so wishes. That decision has been made on a number of schemes which are coming forward in Staines-upon-Thames. 50% of the units at Thameside House can be delivered as affordable (70 flats), in addition to the possibility of 100% on the Oast House site (217 units), 100% at William Hill/Vodafone (14 units) plus a target of 50% on the Tothill site (c125 units).
- 2.31 In total these four schemes could deliver c.426 affordable rented units which would meet around 20% of the current need on the Housing Register. Agreeing the moratorium to halt Council schemes until March 2022 at the earliest would put delivery of these units back by over 2 years by the time a planning application is worked up, submitted post March 2022 and then approved (a 12 month process). In those 2 years with the current economic position of the Country the housing register numbers are likely to materially increase with more residents in the borough being unable to live here (the register has increased from 1,600 on 2016 up to 2,100 in 2020 within the economic shock of COVID-19 having taken hold so we can expect an increase to at least the same level if not more within the next 2 years).
- 2.32 The lack of affordable housing provision as a result of the moratorium (if agreed) will undoubtedly result in greater pressure on front line services due to increased size of the housing register; there is a greater risk that the Council will be failing to meet basic needs of residents and local communities (social housing provision). It may well result in increased levels of homelessness and impact on mental health/wellbeing within the community.

Development matters

- 2.33 A number of development specific matters would further compound the fiscal challenge which the Council will face in terms of its budgetary position up to 2024:
- Added pressure on the revenue budget. Any capital monies on abortive development projects will have to be converted into revenue **Appendix 3** sets out this figure which is £3.45m
 - Higher capital costs to deliver the delayed projects due to an increase in construction materials inflation rates of 2% pa. This is likely to happen in about 18 months' time, around the same point as the moratorium would come to an end, were it to be agreed. **Appendix 3** sets out this figure which is £2.09m
 - High risk of claims from contractors due to delays. Furthermore a hold on construction does not support the Governments steer for public bodies to financially support its key suppliers in order to stay afloat in the current challenging COVID 19 economic situation
 - Reduced level of Community Infrastructure Levy (CIL) payments to the Council as a result of delayed projects (set out above). This will adversely impact the amount of money available to deliver infrastructure projects. **Appendix 3** sets out this figure which is £500k (which is only for Thameside as the other Council schemes are not sufficiently progressed to determine the CIL payment)
 - The scope to recharge assets, legal and finance costs to KGE would be diminished if schemes did not progress, putting further additional pressure on the Council's revenue budget.
- 2.34 One option for Cabinet to consider would be to proceed with the development schemes at a reduced scale. However, any significant changes (e.g. drastically reducing the height of the developments to address the concerns of some residents and councillors) would result in a net loss once the cost of purchasing the site is taken into account. This does not make sound financial sense.
- 2.35 The only other option available if the developments do not go ahead would be to sell the assets. Market conditions are not favourable for securing a realistic price (due to COVID-19 and Brexit concerns), and conceivably the Council may have to dispose of sites for less than the price we acquire them. In addition, those developers would then be able to submit an application, and would be looking to maximise density and height, whilst only delivering affordable at a level determined by a viability assessment. 'Forced' disposal would not only put the Council at a considerable disadvantage it would also not prevent developments coming forward in any event and would not fulfil the Council's stated aim of providing affordable homes.

Strategic Planning

Housing figure back up to 606 from 489 per annum

Pressure to provide alternative sites especially if brownfield only option is pursued (need to find around a *further* **1,088** units over the life of the plan on top of the deficit of 913 homes)

Concerns over the deliverability - Council schemes are delivering 17% of the SLAA sites (395 units in years 1 to 5 and 750 in years 6 to 15)

Threat of Green Belt sites coming forward via planning applications, including those rejected at the Preferred Options stage

Contrary to national policy/guidance (would fundamentally restrict the use of significantly increased densities in sustainable areas)

Increased risk that the examining inspector will end up picking sites which the Council, left to its own choices, would not have brought forward

Worsen position in terms of housing land supply (only delivering 60% of government requirement)

Local Plan matters

- 2.36 There are a number of very significant implications arising from putting Council developments 'on hold' until the SDF has been adopted, both in terms of the Local Plan process itself and in ensuring that there is a Local Plan which is capable of being adopted. If the latter cannot be achieved, then there are severe ramifications not only in terms of a further delay in delivering the Councils schemes (and the additional financial costs and housing implications falling out of this) but also more broadly in terms of planning the future of the whole of the borough against unacceptable forms of development, particularly in terms of large-scale release of Green Belt sites.

Current Housing Delivery

- 2.37 As a Council we are not presently meeting the development management requirements imposed by national policy in relation to housing land supply. We do not have a five-year housing supply so we are already at the level where the presumption in favour of sustainable development applies for all schemes within the developed area.
- 2.38 We are therefore required to put in place an annual Housing Delivery Test Action Plan (HDTAP) setting out how we will increase our supply. Our delivery in 2019/20 was only 60% of what the Government requires (using the 606 units pa figure).
- 2.39 The ultimate sanction in terms of failure to deliver would be for the Government to directly intervene and take control of the planning service away from the Council, taking away local democratic accountability. However, this would be as a last resort, and the step before this would be for external advice and support to be brought in.
- 2.40 Within the HDTAP, the Council is required to set out what steps it is taking to boost supply. Two of the key elements are the delivery of a revised Local

Plan, with a SDF which 'will review and update existing policies acting as a barrier to delivery to help development come forward such as densities, design and parking' and using the Councils strategic landholdings in Staines-upon-Thames to deliver the lion's share of new development.

Impact on Housing Land Supply

- 2.41 If the moratorium is agreed on Council schemes the problem that the authority already faces will be compounded. It is clear that by 'holding up' these developments will mean that the early years of the plan will under-deliver on housing numbers and will require even greater volumes of delivery in later years (usually Local Plans are front loaded as the early years give certainty). As a result, an Inspector is likely to conclude that this requires increased flexibility within the housing land supply so that the plan can deliver over its time horizon to 2035.
- 2.42 Put simply this means that more sites will have to be identified *over and above* the number actually required to meet the current annual number of 606 units pa (called the objectively assessed need) in order for the plan to be found sound. (Cabinet are reminded that shortly before Christmas 2020 the Government back-tracked on its housing methodology which means our figure has gone back up to 606 from 489 per annum under the methodology consulted upon).
- 2.43 Strategic sites such as those owned by the Council have the ability to deliver at a high rate for a number of years later in the plan period, and the risk of additional strategic sites needing to come forward if these Council sites are put 'on hold' is not something that can be ignored.
- 2.44 Council owned sites within Staines-upon-Thames are expected (within the Strategic Land Availability Assessment - SLAA) to deliver a significant proportion of the identified housing need over the Local Plan period. These sites will contribute 395 units to the 5-year land supply (18%) and a further 750 units are projected to be delivered in years 6-15 (16%). Overall, they account for 17% of the total SLAA sites and therefore our supply as a whole.
- 2.45 The Local Plan Task Group has determined that the current deficit of 913 homes over the life of the Local Plan should be met on brownfield sites alone unless sufficient supply can be identified. This means the Task Group (then Cabinet and ultimately Council) will need to agree significant increases in density, heights and the number of units which can be delivered on sites which have already been identified across the borough.
- 2.46 If the Councils strategic town centre sites are removed this would leave us with a deficit of 2001 homes over the Local Plan period rather than the current 913 figure in order to meet our housing need – *another 1088 units*.
- 2.47 The Council would then be required to find an even greater number of units than those 'lost'. This might involve further significant financial outlay (when budgets are already very challenging) if the only way the Council can guarantee delivery of the housing numbers required by government is through compulsory acquisition of completely new sites. These would be sites that have not been identified either as available or deliverable up until now. There would be a significant cost to the Council, and we would in effect be paying twice for having to deliver the housing numbers dictated to us by central

government (once for the town centres sites which may not come forward and once for the new sites in order to demonstrate we have a 'sound plan').

Impact on the Green Belt

- 2.48 Putting a 'hold' on Council town centre schemes could also affect the Green Belt. As has been set out above, if there are not sufficient sites to otherwise meet the housing supply in the developed area then this will undoubtedly lead to a greater pressure through the Examination process to release additional Green Belt land to compensate (with all the additional environmental implications which will also fall out as a result). Developers will always look for ways to push greenfield sites where the costs are lower and the rewards higher. Experience has shown that they will engage legal counsel, even Queen's Counsel, to represent their interests at Examination, and exploit every potential weakness in the Plan to argue the case for releasing their site.
- 2.49 If the 'brownfield only' approach cannot deliver the required numbers then the only alternative is to go back to the approach being taken in 2019/20 and consider some limited release of Green Belt sites (though there would be fewer sites than proposed in the Preferred Options consultation). Agreeing the Moratorium would more than double the deficit, and this would inevitably mean reverting back to similar numbers of Green Belt sites to the Preferred Options rather than being able to remove from consideration some of the larger and most contentious sites.
- 2.50 There would also undoubtedly be the additional threat of Green Belt sites coming forward for development via planning applications, including those sites rejected at the Preferred Options stage. The consequences of not having a 5-year housing land supply become more onerous as the supply declines. Green Belt policy would still apply but a landowner or developer could make a case for very special circumstances and the weight given to meeting housing need alongside other benefits could help tip the balance to outweighing the harm to the Green Belt.

Staines Development Framework

- 2.51 If agreed the moratorium would put key Council development sites on hold for a considerable period of time to place. It would be unreasonable when the consultants who are producing the SDF are in discussion with landowners and developers, to ensure their schemes do not compromise the aspirations of the Framework. There would be a risk that those sites outside the Council's control that are put 'on hold' never come forward if there is a change in the viability of the site in that period, for example. An Inspector examining the Local Plan and SDF may have significant concerns over the deliverability of housing supply as a whole if the Council itself has decided not to proceed with a number of developments that could already be contributing to the 5-year housing land supply and the overall supply within the Local Plan.

National Guidance and Examination

- 2.52 If the moratorium were agreed not only would it be outside the Council's powers it would also be contrary to national guidance. Such a decision would amount to a fundamental restriction, contrary to national policy, on the use of significantly increased densities in areas which are inherently likely to represent sustainable locations for development.

- 2.53 It would also represent a highly unusual way of setting planning policy, if the Council were to decide the direction of the Local Plan by agreeing to the moratorium uninformed by any evidence to underpin that decision making process. The conventional approach to setting planning policy is by using a proportionate evidence base to set the parameters for emerging local plans so that consultation, refinement, and then examination of those proposals can take place within the well-established regulatory framework. The moratorium runs directly counter to this. To agree the approach set out in the Motion would restrict the iterative process of the Local Plan by setting one element in stone. This might shape proposals coming forward in a way that makes the emerging Local Plan unsustainable, fettering the ability of the Council to change direction should it need to do so.
- 2.54 All this carries a very considerable risk that this Motion (and others) will be relied upon by objectors to the Local Plan to demonstrate the Council is working at complete odds with convention, which means the plan cannot have evolved and policy cannot have been justified in line with the National Planning Policy Framework (NPPF) 2019. This leaves the Council exposed to high risk of successful legal challenge by judicial review by disgruntled developers.
- 2.55 An Inspector will also be much more inclined to look actively at sites which the Council have chosen to omit from the draft Local Plan sites if policy is agreed in this way, as opposed to a Council that is using its evidence base to determine how its housing needs might be met. There is therefore a general risk to the success of the Examination process if the Inspector takes the view that the plan is unsound because the Council has not been able to fully undertake its duty to co-operate (where other authorities have to consider the extent to which they can assist) if the housing delivery is not based on evidence.
- 2.56 In addition, there is an increased specific risk that the examining Inspector will end up picking sites which the Council, left to its own choices, would not have brought forward (which may well include those in the Green Belt).
- 2.57 If all of the above means that the Council does not succeed in bringing forward a Local Plan under the NPPF 2019 or transitional provisions under the White Paper, then it is likely to be left in a new policy framework. Under these provisions local democratic control is likely to be curtailed and as an authority we will have significantly less control over the choice of spatial strategy and how our housing needs are addressed.

Other matters

- 2.58 If agreed, the moratorium would run counter to a whole raft of policies which set the direction of the Council, causing misalignment in delivering the Council's overall vision and corporate strategy. This includes the current Corporate Plan 2015 – 2019, Capital Strategy (though this is due for review and will be considered at February Cabinet and Council), Housing Strategy 2020 – 2025, Asset Management Plan 2020 – 2025, and the Housing Delivery Test Action Plan 2020 amongst others. This in itself may increase the risk of a judicial review of the Local Plan, as well significantly undermining the Council's ability to achieve/deliver the Council's corporate priorities relating to financial sustainability and housing.

- 2.59 As worded, the Council would be able to rely on future supply of housing via the Council sites within the town centre from the date of adoption of the Local Plan and the SDF. However, that would not address the fundamental issues that still arise from the likely inability in the meantime for the Council to provide a sufficient supply of housing with all the significant risks set out in the section above.

Developers be requested to defer their applications until Staines Development Framework has been adopted

- 2.60 As Local Planning Authority (LPA), the Council has a specific function to determine planning applications which are submitted to it. An authority has no freestanding or statutory power to refuse to entertain an application (except in a very limited number of cases which relate to technical matters – none of which would apply in this situation).
- 2.61 The statutory framework sets out in detail what is required to make a valid planning application, what Councils have to consider in determining a scheme, and when it must be determined by. National policy guidance sets out clearly when planning applications may be considered to be premature, which does not apply in this case. Extensive Counsel's opinion has been obtained on previous motions and all have been clear that there is no ability to run the prematurity argument.
- 2.62 Whilst the moratorium Motion seeks a 'request to defer' an application, in effect it is seeking to achieve the same end result, by looking to prevent the submission of any applications until the Staines Development Framework is adopted. Legally, the Council cannot *require* applications to be deferred in this way.
- 2.63 As an alternative, the LPA can write to applicants asking them to defer their schemes, but it is up to those developers to decide whether or not they take heed. On the basis of past experience where this approach has been tried (Royal Borough of Windsor and Maidenhead) developers they are incredibly unlikely to comply. This would mean putting their schemes 'on ice' for at least 18 months with all the attendant costs around delay (very similar to those faced by the Council with its development schemes).
- 2.64 Assuming developers continue to submit applications, legally the LPA has no choice but to determine them (or the applicants can appeal against non-determination after 13 weeks). There are potentially very serious financial consequences for any applications which might be overturned at planning committee for reasons which cannot be defended or sustained. The Council's ability to defend against planning appeals is likely to be seriously undermined if the motion were agreed as developers will refer to the lack of 5-year housing land supply and the inability of the Council to guarantee that it can come forward with its own schemes to assist in delivery.
- 2.65 Those applicants will almost inevitably go to appeal, and the Council would potentially incur costs in the following areas:
- Employing external consultants and legal/counsel to present the Council case (which is likely to be in the order of £15,000 plus for each scheme depending on the complexity of the proposal and the reason for refusal)

- Paying out an award of costs to the appellant if the case to refuse the application cannot be sustained (which could be in the order of £100,000 or more per scheme if a total award of costs is given and external QC's are used by the appellant which ramp up their costs)
 - Cumulatively, and in light of the fact that there are perhaps half a dozen schemes which might come forward from developers within the next 18 months, then the cost to the Council for supporting any refusal at appeal could be in the order of £100,000. The potential in terms of awards of costs could conceivably be up to a maximum of £600,000 so up to £700,000 in total.
- 2.66 Cabinet also need to consider the message this will send out to developers and the wider world about the need to invest in and regenerate our main town centre. There is no 'stand- still' option – if we do not invest in the town centre then others around us will, and we will fall behind. In the current uncertain economic climate (as a result of COVID-19 and Brexit) there could be significant consequences in taking this course of action for the longer-term future and sustainability of Staines -upon-Thames.
- 2.67 Developers who do still decide to submit schemes will be doing so against a backdrop of permissions which have already been granted and are being built out (London Square and Berkeley Homes schemes). These are up to 14 storeys in height, and whilst each application has to be considered on its own merits, they will no doubt still be cited as a benchmark.
- 2.68 In this context, affordable housing will inevitably be the loser. Such applications will only provide a level of affordable housing required as a result of the viability tests they have to go through as part of the planning application process (e.g. what the schemes can sustain). This will fall well short of the number that the Council are looking to deliver 'voluntarily' over and above the number required through the viability process.
- 2.69 **Community consultation prior to adoption of the Staines Development Framework**
- 2.70 Cabinet are not required to make a decision on this matter as it was one which Council could decide upon. However for the sake of completeness and to ensure full transparency the relevant information about community consultation is provided below.
- 2.71 The process for the adoption of the Staines Development Framework is set out in a preceding section of the report. As a Supplementary Planning Document, the Council is required to undertake two stages of public consultation. The first one is undertaken at the Issues and Options stage (in much the same way as we have done for the Local Plan) and the second one at draft Development Framework stage once all the views from that first consultation have been considered. After this further round, a Proposed Development Framework will be submitted to the Planning Inspectorate for formal consideration.
- 2.72 Central government sets out how long the statutory public consultation period should be, which is 4 weeks. This is considered insufficient in light of:
- the significance of this Development Framework in delivering a significant proportion of the Local Plan's housing requirement

- the level of interest which will be shown by key stakeholders (including residents, community and amenity groups, councillors, major landowners, developers, Staines BID, and other statutory bodies)
 - the need to adapt the consultation process in light of on-going restrictions as a result of the coronavirus pandemic.
- 2.73 On the last point, officers have been considering alongside our external advisors (David Lock Associates) how best to ensure we can consult and adequately capture views. A report with recommendations will be put to the Staines Development Framework Task Group for them to review and formally agree the approach. However, it will include on-line consultation, use of social media, small on-line focus groups with key stakeholder and groups as well as limited face to face meetings (with the appropriate social distancing in place). The use of online websites is now commonplace and over the past year everyone has to get to grips with moving on-line. Notwithstanding this we will ensure that we look to include all parts of the community (including those who may be digitally excluded).
- 2.74 The consultation period will be extended to 6 weeks at both stages to ensure everyone has ample opportunity to feed into the creation and development of the Development Framework.

Options for review mechanism for the Moratorium if agreed by Cabinet

- 2.75 The report above sets out the wide-ranging implications if the moratorium is agreed to take effect immediately until the Local Plan and SDF are adopted in March 2022 at the earliest. There is the potential for Cabinet to consider whether or not (if the Moratorium is agreed) that this is reviewed once the Local Plan Task Group have reached a final conclusion on how the housing numbers can be accommodated across the borough.
- 2.76 As it stands at present, the Task Group are still considering whether it is feasible to deliver a brownfield only option without impinging on the green belt. Within this option, consideration is being given to whether there will still be a significant focus on Staines-upon-Thames or whether it is feasible for development to be more evenly spread across the borough as a whole.
- 2.77 Any recommendations of the Task Group to Cabinet on the way forward could potentially impact to how much development comes forward in Staines-upon-Thames (though it is not anticipated that there is scope for a dramatic shift).

3. Financial implications

- 3.1 These are covered in the main body of the report.

4. Other considerations

- 4.1 All other considerations have been covered in the preceding sections of the report. This includes the very considerable risks around not proceeding with Council schemes until the adoption of the Staines Development Framework. The chance to seize positive opportunities will be lost as a result. A separate risk matrix using the Corporate Risk Management Policy has been completed. The draft policy was issued to Audit Committee on 24 July 2020. This is attached at **Appendix 6**.
- 4.2 Whilst the Council schemes are very much focused around residential (with a minimum of 50% affordable provision), they are also delivering on a much

wider regeneration and economic development agenda. This will be incredibly important as the Council (and the country) emerges at some point this year from the COVID-19 pandemic. Bringing additional accommodation into our main town centre will help us to ensure that the retail and hospitality industry (including the Elmsleigh Centre which we own) is sustained and supported in terms of footfall and local custom.

- 4.3 The hallmarks of a successful town centre in the future will be one which is sustainable (in terms of a significant resident population and good public transport), liveable (a mix of residential, retail, leisure and cultural uses) and affordable (accommodation for local residents). As stated elsewhere in this report, agreeing the moratorium runs the significant risk that third-party developers will secure permissions for schemes which do none of this, putting into question whether all these success hallmarks can be delivered.

5. Sustainability/Climate Change Implications

- 5.1 There are no sustainability or climate change implications.

6. Timetable for implementation

- 6.1 If agreed, the moratorium would come into immediate effect. This would put a hold on all Council development schemes whether they were currently under consideration by the Local Planning Authority or at pre-application or feasibility stage. Schemes could only come forward once the SDF has been adopted, which would happen in parallel with the adoption of the revised Local Plan. This is currently scheduled for adoption in March 2022. The timetable is set out in the Local Development Scheme and assumes a Regulation 19 submission of the Local Plan can be achieved by April 2021 and Examination in August 2021. This timetable may need to be revised depending on when the work being done by the Local Plan Task Group is completed in order to recommend to Cabinet a revised Local Plan document for submission.

Background papers: There are none.

Appendices:

- 1 Boundary of Staines Development Framework** (a plan which shows the boundary around the town centre which will be used to determine the extent of the Development Framework)
- 2 One page 'at a glance' – Issues for consideration** (document sets out the key financial affordable/development and strategic planning matters to be taken into consideration)
- 3 Developments impacted by the Moratorium - Aggregated** (document sets out all the impacts which will arise if the moratorium is agreed for all the Councils development sites. Individual costs of developments will not be identified so the overall costs can be in the public domain)
- 4 Developments impacted by the Moratorium - Confidential** (document sets out all the impacts which will arise if the moratorium is agreed for all the Councils development sites. Individual costs of developments will be identified)

and therefore needs to be confidential).

- 5 Key Affordable Housing Information** (information on housing need, affordability, houses prices and salaries, number of S106 affordable units and tenure)
- 6 Risk Matrix** (this sets out the level of risk for each of the four main impacts – financial. Affordable housing, development, strategic planning)

Cabinet

19 May 2021



Title	Amendment to specific policies in the adopted 2009 Local Plan		
Purpose of the report	To note		
Report Author	Heather Morgan – Group Head Regeneration and Growth		
Cabinet Member	Councillor John Boughtflower	Confidential	No for main report but Appendix 1 is confidential
Corporate Priority	Housing		
Recommendations	Cabinet to: Note the advice received from Counsel at confidential Appendix A, and in light of this advice to continue to proceed with the current process which has been underway for the past two years to revise the Local Plan in its entirety.		
Reason for Recommendation	Expert legal advice has been obtained to establish whether or not specific policies within the 2009 adopted Local Plan can be amended to address current concerns over the proposed height of buildings and development within Staines-upon-Thames		

1. Key issues

- 1.1 Key Cabinet members informed officers last Thursday (13 May 2021) that urgent advice needed to be sought on whether or not there was scope legally to change a number of policies in the adopted 2009 Local Plan to prevent development over 6 stories within Staines-upon-Thames. Councillors advised that there is considerable concern being expressed by some local residents within and around Staines-upon-Thames about current and future applications coming forward for large scale development within the town. There are also wider concerns around numbers, height and density, which are being considered as part of the review of the Local Plan.
- 1.2 Cabinet members will recall that they considered a report on 25 January 2021 relating to a Moratorium on development in Staines-Upon-Thames <https://democracy.spelthorne.gov.uk/documents/s31886/Moratorium%20Report.pdf>. At that meeting it was agreed that:

A Moratorium on Council schemes in Staines-Upon-Thames should take place until such time as three things take place, with the intention that these will be completed prior to the Annual Council meeting in May 2021:

- (a) That the Strategic Planning team undertake an 'Issues and Options' consultation exercise for the Staines Development Framework.
- (b) That a sub-committee, which was agreed at Extraordinary Council on 21 January 2021, is included in the recommendations of the Committee System Working Group to be reported to Extraordinary Council, currently scheduled for 25 March 2021.
- (c) That the viability of all the developments are reviewed by the assets team.

1.3 In terms of progress, on item 1.2 (a) the public consultation exercise on the Issues and Options for the Staines-Upon-Thames Development Framework commenced on Tuesday 18 May 2021 and will run for 6 weeks until 29 June. On item 1.2 (b) the sub-committee was formally agreed at the Extraordinary Council meeting on 23 March 2021, and the membership of that sub-committee will be agreed at the Annual Council Meeting on 27 May 2021. Work is still on-going under item 1.2 (c). It is therefore the case that the Moratorium stays in place on Council schemes until all three of these items have been completed in full.

1.4 Notwithstanding the above, Councillors are advising that there is still great concern amongst some of the local community about other (non-council) developments which are coming forward or will come forward in the near future within Staines-upon-Thames town centre. The current administration has therefore, with due urgency, sought expert legal advice on whether or not legally there is scope to consider amendments to policies within the currently adopted 2009 Local Plan to limit development in Staines-upon-Thames to 6 stories.

1.5 The expert legal advice is at confidential Appendix A. This expert legal advice is that to amend the Local Plan 2009 even for a single issue, would require compliance with the Local Plan Regulations 2012 and will mean going through all the steps of a local plan process. To include this as a policy would need to be supported by a proportionate evidence base and be subject to consultation and examination. For such a policy to be adopted this would need to fulfil the soundness tests. It is advised that there is no likelihood for this policy to be considered sound by an inspector as one of the tests for soundness is compliance with national policy and NPPF 2019 (which came into effect after the Council's 2009 Core Strategy) places an enhanced role of higher density in appropriate locations.

2. Options analysis and proposal

2.1 To note the advice received and proceed with the current Local Plan review to build the proportionate evidence base through all statutory requirements including the public consultation. This is the recommended option.

2.2 To note the advice but take the decision to direct that this single issue being progressed. This is not advised as the expert legal advice is that this would not be supported by an inspector. To progress, the Council would need to go through set stages and this could take at least 12 months to get to a stage of

being presented to an inspector, with no chance of this single policy change succeeding.

2.3 Such a decision will divert resources from the full Local Plan review which means it will be further delayed. The report to Extraordinary Cabinet on the Moratorium set out in full the risks around a delay on moving forwards with a new Local Plan. Below is a list which replicates the table at para 2.35 of that report which sets out the strategic planning risks around the delays caused by the Moratorium:

- (a) Housing figure back up to 606 from 489 per annum
- (b) Pressure to provide alternative sites especially if brownfield only option is pursued (need to find around a further 1,088 units over the life of the plan on top of the deficit of 913 homes)
- (c) Concerns over the deliverability - Council schemes are delivering 17% of the SLAA sites (395 units in years 1 to 5 and 750 in years 6 to 15)
- (d) Threat of Green Belt sites coming forward via planning applications, including those rejected at the Preferred Options stage
- (e) Contrary to national policy/guidance (would fundamentally restrict the use of significantly increased densities in sustainable areas)
- (f) Increased risk that the examining inspector will end up picking sites which the Council, left to its own choices, would not have brought forward
- (g) Worsen position in terms of housing land supply (only delivering 60% of government requirement)

2.4 This will place additional resource pressures on the Strategic Planning team (especially when the team will be having to recruit as a result of two retirements).

2.5 Developers may well use any delay in the amended Local Plan being implemented to bring forward developments under the current plan in not only the Staines-upon-Thames town centre but other areas of the borough.

3. Financial implications

3.1 Apart from the costs of the Counsel's advice, there are none arising from seeking the legal advice per se. If the Council were to pursue this change then there would be the additional costs to undertake the review process which could amount to tens of thousands of pounds (for a separate evidence base, several rounds public consultation and the examination) without success. This would be in addition to the costs already incurred to date for of the Local Plan review also currently taking place (c£100k), and the costs that are yet to come

4. Other considerations

4.1 There are none.

5. Sustainability/Climate Change Implications

5.1 There are none arising from seeking the legal advice per se.

6. Timetable for implementation

6.1 The advice has been provided at short notice to enable this urgent matter to be placed before Cabinet.

Background papers:

None

Appendices:

Confidential Appendix A – Counsel’s advice

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank