

**Minutes of the Environment and Sustainability Committee
31 January 2023**

Present:

Councillor I.J. Beardsmore (Chairman)
Councillor R.J. Noble (Vice-Chairman)

Councillors:

R.O. Barratt	T. Fidler	V.J. Leighton
M. Beecher	N.J. Gething	L. E. Nichols
J. Button	K.M. Grant	O. Rybinski
A. Brar	K. Howkins	J.R. Sexton

Substitutions: Councillors S. Buttar (In place of S.C. Mooney)

In Attendance: Councillors C. Bateson

10/23 Disclosures of Interest

There were none.

11/23 Ward Issues

There were none.

12/23 Questions from members of the Public

There were two questions from members of the public. These were raised under the relevant agenda item.

13/23 Local Plan Update and Implications of Revised National Planning Policy Framework

19:06 – Councillor Brar and Councillor Buttar arrived at the meeting

The Committee considered a report and presentation outlining the implications of proposed changes to the National Planning Policy Framework on the submitted Local Plan.

Two questions were received from members of the public in connection with this agenda item:

Question One from Lynda Fuller:

“Preamble: The NPPF stresses the need for Local Plans to be community led. The Council’s own constitution requires it “to work in partnership with residents to make Spelthorne a place where people are fully engaged, and to encourage the active involvement of the community in the decisions that affect them”. The well-supported and independently conducted survey of Staines residents in the autumn last year revealed that less than 2% of those who had participated in earlier consultations on the Local Plan felt their views had been listened to, and of the whole sample only 2.74% felt the plan for Staines was ‘fair’, 1.61% ‘desirable’, and 0.97% ‘sustainable’.

Question: Does the Council (or E&S Committee if it is not authorised to speak for the Council) accept these findings from our independently conducted survey, and if not why not and (if the Council decides to make change to its Local Plan or is instructed to do so by the Planning Inspector) will it endeavour to meet the obligations of its constitution and the demands of the NPPF in relation to community engagement in any consultation on revisions to its Local Plan?”

Response from the Chair:

“Community engagement and consultation are integral to the preparation of Local Plans and supplementary guidance documents. Whilst we have fulfilled these obligations and all responses are taken into account, including the survey referred to, this does not mean we can necessarily do everything our communities have asked for. Especially where those communities have competing demands. As we have explained many times, including as part of this evening’s items for discussion, we are bound by national planning policy and this affects what we can and this affects what we can reasonably achieve in sustainable town centres. We have listened to our residents by including the zoning proposals in Staines, where development can come forward with or without an up-to-date Local Plan.

In respect of making changes instructed by an Inspector, an Inspector cannot instruct. They will recommend changes necessary in order to make the plan sound, Spelthorne then chooses whether to do this or not, but if they don’t then it is obviously unlikely the Plan will be found ‘sound’.

I think your comment about listening to constituents goes to the heart of this matter. Spelthorne’s level of public engagement far surpasses the guidelines and goes well beyond the engagement carried out by any other authority I know. All of Spelthorne’s major Residents groups representing many thousands of our residents support the plan. Most of these groups have been

in existence for decades and have a wide knowledge base among their members. Most have been involved in these consultations since 2018. They recognise the big picture that Spelthorne's proposed plan is a sound compromise under very difficult circumstances. Equally as important they recognise the serious threat from predatory development and lost opportunity from not having a plan. These groups in terms of numbers far outweigh any recent input from new groups who at the last minute have decided they are not happy with the plan.

The same principles apply to individual response to the plan where responses supporting the Plan outweigh those not, by nearly 4:1. We are listening to those residents. Their voices have repeatedly been drowned out and they need to be heard since they are overwhelmingly the majority. Listening to our residents? That is exactly what we are doing."

Question Two from John de Pear:

"Preamble: Planned revisions to the NPPF, published before Christmas and now the subject of consultation until March, set a very clear direction of travel for government housing policy. They have a particular and material weight because they are based on and are an extension of a Written Ministerial Statement. There is a complete and unacceptable disconnect and contradiction between a) the NPPF's insistence that local authorities will not be expected to build developments at densities that would be wholly out of character with existing buildings and b) what is currently in store for Staines in Spelthorne's Local Plan that the Council (in its Foreword to the Local Plan) insists is one that "pleases no-one, (and) will damage our environment and ruin the character of our small and highly constrained borough". The two-page Foreword to Spelthorne's Local Plan that was subject to public consultation is essentially a begging letter for a lower housing target.

Question: Does the Council (and/or E&S Committee) accept the conflict between a) the planned revisions to the NPPF that insist local authorities will not be expected to build developments at densities that would be wholly out of character with existing buildings and b) what is currently in store for Staines in Spelthorne's Local Plan that the Council has insisted (in its Foreword) "pleases no-one (and) will damage our environment and ruin the character of our small and highly constrained borough" and will the Council attempt to address this conflict in revisions to its Local Plan?"

Chairman's Response:

"The presentation this evening clearly sets out the proposed changes to the NPPF which the Government are consulting on until 2 March 2023. The proposed amendment to paragraph 11 states "strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area".

However, paragraph one of the same document proposes adding that local plans are frameworks that 'can provide for sufficient [housing] whilst at paragraph 15 a plan is no longer about 'addressing' housing need but 'meeting' housing need. Explain how this is anything other than tightening the pressure on local authorities to meet housing need, especially given the greater emphasis on maximising the use of brownfield sites, something Spelthorne, so far, has not done.

Staines has a lot of taller buildings, and Inland Homes has the go ahead. I cannot believe for one minute you could sustain a planning case against any proposal in Staines just on the grounds of its height. I do not understand your claim of the NPPF's 'insistence' about reviewing the Green Belt. A Green Belt review is still optional just as it always has been. Indeed most of the proposed additions to paragraph 11 are simple repetition of what has always been there. What is new are the contradictory proposals at paragraphs one and fifteen.

This sums up the whole situation. HCWS415 and the review of the NPPF is not about planning but politics. They are full of contradictions and I am sure we could play quote ping pong all night. There is an election coming up and with selective reading people can read whatever they want into the proposals as has already been amply demonstrated. Crucially they are all just that – proposals. It should be noted that the results will not be known until after the May elections.

Spelthorne is a responsible authority, the delusion of selective reading is not open to us as it would be utterly irresponsible to go down that route. Looking at the statement and the proposals as a whole they are a mass of conflicting elements and in the end nothing has really changed."

The Committee received a presentation from the Strategic Planning Manager setting out the proposed changes to the National Planning Policy Framework that the government was consulting on. Legal advice had been sought on the analysis of the proposed changes and the presented interpretation was found to be sound. None of the proposed changes required Spelthorne to amend its Local Plan as it was still sound against the proposed changes. Most of the changes clarified existing policy provisions, but the only possible implication was that authorities would not have to release green belt to meet their housing need. The Committee could consider proceeding with the Local Plan as planned and noting the proposed changes, or recommending that Council withdraw the Local Plan to review.

The Committee debated the benefits and disadvantages of the options. Some members felt that the amount of green belt proposed for release was appropriate, and would be used to provide affordable family homes, higher levels of affordable housing as well as other community amenities. The Local Plan Task Group had met numerous times to review green belt allocations carefully and felt that the green belt sites proposed in the Local Plan were appropriate. It was noted that removal of green belt sites may intensify the development of brownfield sites in the borough. Members noted the financial

costs that had already been spent on the Local Plan, and that recommending withdrawal would increase those costs. Some members raised that it may be appropriate to recommend withdrawal to review documentation that had been received during Regulation 19 consultation, and noted that other local authorities had withdrawn their local plans from submission. Some members felt that the housing target numbers could be re-evaluated in response to the government's consultation and communications sent from government officials, and alternative approaches should be considered.

Members noted the amount of responses received during the consultation on the Local Plan in relation to the population of the borough. Some members of the Committee acknowledged that large planning applications in the borough had been allowed on appeal as the Council could not demonstrate a five year housing land supply, and proceeding with the Local Plan may protect against speculative development.

The committee voted on the recommendation to note the contents of the report setting out the potential implications of the proposed changes to the National Planning Policy Framework on Spelthorne's submitted local plan. A recorded vote was requested and the results are as follows:

For (14):	R. Barratt, I. Beardsmore, S. Buttar, J. Button, A. Brar, T. Fidler, N. Gething, K. Grant, K. Howkins, V. Leighton, L. Nichols, R. Noble, O. Rybinski, J. Sexton
Against (1):	M. Beecher
Abstain (0):	

The Committee **resolved** to note the contents of the report setting out the potential implications of the proposed changes to the National Planning Policy Framework on Spelthorne's submitted local plan.

14/23 Spelthorne Borough Council's Proposed Response to Government Consultation on Changes to the National Planning Policy Framework

The Committee considered a draft response from Spelthorne Borough Council to the Government's Consultation on proposed changes to the National Planning Policy Framework. The Planning Officer provided a summary of the responses and the points they addressed in the consultation.

The Committee agreed with the draft response to Chapter 6 in relation to beauty which noted that beauty was subjective. The Committee noted the tone of the responses and felt they could be more robust, particularly when addressing the concern of the Council. They recommended that the language in the responses be strengthened, and also address the disparity between communications from government officials and legislation. Some members felt that affordable housing should be at the forefront of the response.

It was proposed by Councillor Fidler, seconded by Councillor Beecher and **resolved** to suspend standing orders so the meeting could continue until 10.30pm.

Members requested that the amended response be circulated to the Committee for review ahead of submission, and this was agreed.

The Committee **resolved** to agree the draft consultation response subject to the proposed changes being incorporated into the final draft.