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Date: 21 February 2024

## Notice of meeting

### Extraordinary Environment and Sustainability Committee

**Date:** Thursday, 29 February 2024

**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:

M. Beecher (Chair)

K.M. Grant (Vice-Chair)

M.M. Attewell

S.N. Beatty

J.R. Boughtflower

T. Burrell

J.P. Caplin

S.M. Doran

N. Islam

M.J. Lee

L. E. Nichols

K.E. Rutherford

J.R. Sexton

J.A. Turner

H.R.D. Williams

P.N. Woodward

Substitute Members: Councillors C. Bateson, H.S. Boparai, J. Button, A. Gale, R.V. Geach, D.L. Geraci, K. Howkins and O. Rybinski

In accordance with Standing Order 35.1, the Chair has invited all councillors to attend this meeting and speak during the debate. Only members of the Environment and Sustainability Committee will be allowed to vote.

*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**

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The public gallery can only accommodate a limited number of people and these places will be available strictly on a 'first come, first served' basis through registration.

Members of the public who wish to attend the meeting are required to register their attendance in advance to [committee.services@spelthorne.gov.uk](mailto:committee.services@spelthorne.gov.uk) or phoning 01784 446 224 no later than 2pm on the day of the meeting, and have received confirmation there is space available in the Council Chamber. Further information on attendance will be provided when Committee Services confirm space is available.

# Agenda

Page nos.

**1. Apologies and Substitutes**

To receive any apologies for absence and notification of substitutions.

**2. Disclosures of Interest**

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.

**3. Local Plan - Resumption of Examination**

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To consider an option for subject areas (Green Belt sites, flood risk sites and Staines Development Framework) related to the Local Plan to propose to the Inspector in order to progress the Local Plan back to Examination.

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# Environment & Sustainability Committee



**Date of meeting: 29 February 2024**

<b>Title</b>	Local Plan – Resumption of Examination
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Ann Biggs, Service Lead for Strategic Planning & Enterprise Catriona Riddell, Critical Friend for Spelthorne Council
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	Report and Appendices A through E – No Appendix F - Yes
<b>Exemption Reason</b>	Appendix F contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to Information) (Variation) Order 2006 Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
<b>Corporate Priority</b>	Community Addressing Housing Need Resilience Environment Services
<b>Recommendations</b>	<b>Committee is asked to:</b> Decide an option for each of the subject areas (Green Belt sites, flood risk sites and Staines Development Framework) to propose to the Inspector in order to progress the Local Plan back to Examination
<b>Reason for Recommendation</b>	The Local Plan Examination hearings were paused with agreement by the appointed Inspector to allow consideration to be given to the revised National Planning Policy Framework (NPPF) and whether further modification should be sought before requesting the resumption of the Examination. The revised NPPF was published at the end of 2023. Members are asked to decide on the options for proposed modification in order to progress the Local Plan towards adoption.

## 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>Local Plan Examination is currently 'on pause' pending the publication and our subsequent review of the revised NPPF and its implications for Spelthorne</li> </ul>	<ul style="list-style-type: none"> <li>This report sets out the options for requesting modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>Decide on modifications then request the Inspector resumes the hearings if he agrees the modifications can be incorporated for consideration through the remainder of the Examination process</li> </ul>	<ul style="list-style-type: none"> <li>E&amp;S Committee to make a decision on each of the options for Green Belt sites, flood risk sites and the Staines Development Framework</li> <li>Request to our Inspector to consider the modifications and resume the Local Plan Examination</li> </ul>

1.1 This report seeks to set out options on modifications to the Local Plan before the Examination resumes.

1.2 There are three broad areas covered by the submission version of the Local Plan that fall to be considered for further modification. Each area has a set of options for Members of this committee to consider. These areas are:

- Green Belt
- Flood risk
- Staines Development Framework and Policy SP1 (Staines upon Thames) of the Local Plan

## 2. Key issues

### 2.1 Background

2.2 The Spelthorne Local Plan was submitted to the Secretary of State on 25 November 2022 for examination, following over five years of preparation and public consultation. An inspector was appointed, Mr Jameson Bridgwater, who began examination of the Plan in January 2023. Hearing dates were scheduled over three weeks in May and June 2023. It should be noted that the Inspector is only considering the technical soundness of the Plan as submitted and does so on the basis that the Council had made a political decision on the strategy for the area. 'All-out' local elections were held on 4 May 2023, which resulted in 22 out of 39 new councillors being elected. The

first week of Local Plan hearings took place, commencing on 23 May and covering issues such as the overall strategy, legal compliance and the duty to cooperate. Before the next hearings could take place, an Extraordinary Council meeting was called on 6 June 2023 to consider the motion referred to above, which sought a pause to the remainder of the hearings. This then resulted in a review of the Council's decision as to whether Spelthorne's strategy is right for the Borough and if it delivers positive change for place.

- 2.3 The motion was agreed and the Chief Executive wrote to the Inspector, Mr Bridgwater, the following day to formally request the pause in line with the motion. Mr Bridgwater replied on 8 June to agree, under the specific circumstances, to the pause in the hearings. A training schedule was proposed and agreed by the Group Leaders (minus the Conservatives) to take place in July. Alongside the training, Members of the Corporate Policy & Resources Committee agreed on 26 June 2023 to appoint a 'critical friend' to carry out an external review of the Local Plan. The full specification of the work was then agreed by Council on 19 July and Catriona Riddell Associates (CRA) were appointed.
- 2.4 On conclusion of the training and review, an extraordinary Council meeting took place on 14 September 2023 as the three-month pause had come to an end and a decision was required for the future direction of the Local Plan. The options for consideration were:
1. Continue with the plan as drafted but introduce robust risk management measures to help address some of key risks identified in the review, or
  2. Seek a further pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before agreeing next steps, or
  3. Withdraw the Local Plan from examination and prepare a new Local Plan
- 2.5 On the day of the meeting, a letter was received from the Housing and Planning Minister to direct the Council that it could not withdraw the Local Plan from Examination. This meant Option 3 was no longer available to Members and they could only decide on Options 1 or 2. Option 2 was amended by a Motion and subsequently agreed as follows:

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

- 2.6 The Inspector agreed to this further pause until publication of the revised NPPF. It was subsequently published on 19 December 2023. In the

meantime, the Council received legal advice on the validity of the Minister's directive and decided not pursue further action to challenge the decision and instead wrote to the Minister to seek a meeting which has so far been declined. All correspondence between the Council, the Inspector and the Minister can be found on the Examination website: [News and Updates - Spelthorne Takes Shape \(spelthornelocalplan.info\)](https://www.spelthornelocalplan.info/news-and-updates)

## 2.7 Current position

2.8 The next steps set out in the Motion have now been undertaken and this report sets out the options before the Committee in order to request resumption of the Local Plan Examination. These options have been considered through a series of meetings with the Administration Group Leaders (GLs), the Critical Friend (CRA) and officers. An all-Member briefing took place on 12 February 2024 in order to discuss the options and offer the opportunity for questions to be asked ahead of this committee meeting to ensure Members are fully understanding of the background, the options, their implications and the next steps for the Local Plan. The Committee will decide on an option from each of the three Local Plan themes. These deliberations have been informed by advice from CRA in person and as set out in Catriona Riddell's report at Appendix A.

## 2.9 Revised National Planning Policy Framework 2023

2.10 The revised NPPF is not significantly different to the version consulted on from 22 December 2022 to 2 March 2023. Key areas affecting the Spelthorne Local Plan are around the approach to meeting development need and review of and release of Green Belt to assist in meeting that need. These policy provisions are largely providing clarity to the previously published NPPF rather than 'new' policy. It is important to note that a new provision in the latest NPPF sets out transition arrangements and these did not feature in the consultation version:

**230.** *The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.*



- 2.11 The provisions under Para. 230 of the NPPF above mean that Spelthorne's Local Plan at this advanced stage will be examined under the previously published NPPF. The CRA report considers the implications for the Council in deciding its approach to seeking further modification of the Local Plan and on what basis. Ultimately, it will be for our Inspector to decide whether he accepts these modifications and their justification for consideration once the Examination resumes. The [procedural guidance](#) for Local Plan examinations sets out as follows:

*Once the plan has been submitted, the Inspector will take control of the examination process from start to finish. The Inspector's role is to examine whether the submitted plan meets the tests of soundness defined in the NPPF (The tests of soundness are that the plan is positively prepared, justified, effective and consistent with national policy. See paragraph 35 of the NPPF) and meets all the relevant legislative requirements, including the duty to co-operate. The examination will therefore concentrate on the issues that affect the plan's soundness and legal compliance, and will not delve into other matters. The Inspector's conclusions will be based on a consideration of all the evidence and on the application of professional expertise and judgment.*

And:

*Once the plan has been submitted, further changes may only be made in accordance with section 23 of the PCPA. This allows main modifications [MMs] to be made only if they are necessary to make the plan sound and/or legally compliant, provided that the LPA has formally requested that such modifications be recommended by the Inspector. The LPA may also make additional (minor) modifications to the plan on adoption, but only if they do not materially affect the plan's policies. Additional modifications are not subject to the formal examination process.*

- 2.12 This guidance makes it clear it is the Inspector's decision to consider modifications **only if they are necessary to make the Plan sound and/or legally compliant**. The options set out in this report will include the basis for seeking the modifications and the context of soundness. If the Inspector is not able to accept the suggested modifications as necessary and/or if they would result in a significant change to the spatial strategy of the Local Plan and the Council still wishes to progress with the amendments, it would normally open to him to suggest the Council withdraws the Plan from Examination and draft a new Plan for submission. This option is not currently available to Spelthorne as a result of the Minister's directive to prevent the Council withdrawing the Local Plan. It can now only be withdrawn if the Inspector or the Minister recommends or directs the Council to withdraw it for soundness reasons as it cannot be adopted.

### 3. Options analysis and proposal

- 3.1 Spelthorne Council is not the only authority considering its current position in light of a pause to its Local Plan Examination and the implications of the revised NPPF. Most recently, Mole Valley District Council held a [Council meeting](#) to make a similar decision for its own Local Plan, albeit that their examination hearings had concluded and with their inspector finding the Plan effectively sound at that point. Under the current administration, Spelthorne also finds itself in the position of wishing to make changes to deliver a Local Plan it can support on behalf of those residents of the Borough who are dissatisfied with the Plan as submitted but within the bounds of the procedural guidance for this stage of the Examination and in light of the Minister's directive. It is therefore essential that Members understand what the options mean for the Plan, whether they are likely to be accepted and what happens if they are not.
- 3.2 It should be noted that Duty to Cooperate discussions should take place with our neighbouring authorities to consider the impact of the chosen options on Spelthorne's land supply position should it reduce as a result of the decisions made by the committee. The NPPF requires Local Plans to meet the objectively assessed need for housing and other uses unless there are reasons to restricting the amount of development to be delivered (such as Green Belt or flood risk) and authorities in such a position should explore with its neighbours whether the unmet need can be met beyond its boundaries (Para. 11, NPPF). An updated Duty to Cooperate Compliance Statement would then be provided for the Examination.
- 3.3 Each area for modification will be considered in depth below but overall modifications that would result in a significant change to the Local Plan spatial strategy would pose a difficulty to the Inspector. This is because it would no longer be the same Local Plan submitted for examination and it could be that the justification and evidence underpinning the spatial strategy would not support the amendments, requiring additional and/or revised justification for the change in approach. This is why, in other circumstances, a new Plan should be drafted rather than seeking to attempt to amend the submission version. The submitted Local Plan strategy can be summarised as follows (from [Topic Paper 1 – Spatial Strategy](#)) as reference will be made to this in the options below:

Overarching strategy – Spelthorne Local Plan
Meet our development need in full
Protect strategically important Green Belt
Preserve publicly accessible open spaces in the urban area
Maximise density in developed areas where character allows
Reduce some building heights and densities in most sensitive areas in Staines
Increase affordable housing provision
Provide more family homes with gardens
Deliver community benefits and infrastructure
Respond to the climate emergency

### 3.4 Green Belt allocations

3.5 The Administration Group Leaders wished to explore the opportunity to make changes to the draft Local Plan and remove some or all of the Green Belt allocations. The Plan as submitted considered Exceptional Circumstances existed to release a number of Green Belt sites to deliver homes (particularly affordable homes and family houses with gardens), Gypsy & Traveller sites, and community facilities. The case for Exceptional Circumstances is set out in [Topic Paper 3](#), following review of each type of development need. This resulted in proposed release of 15 sites and a resulting loss of 0.7% of Spelthorne’s Green Belt.

3.6 The options for this committee to consider are:

1. **Keep Green Belt allocations in the Local Plan as submitted**
2. **Remove all Green Belt allocations from the Local Plan**
3. **Remove all Green Belt allocations from the Local Plan with the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople**

3.7 The Critical Friend (CRA) has produced the report at Appendix A to set out a potential way forward to revise the Exceptional Circumstances case for Green Belt release. Paragraph 2.10 of this report makes it clear that the new national policy set out in the updated NPPF does not apply to the draft Local Plan due to the transitional arrangements that have been put in place. However, the evidence presented in the Appendix suggests that some of the key changes could be considered as clarification of existing policy rather than new policy and are therefore not subject to the restrictions applied through the

transitional arrangements. The following paragraphs 3.8 to 3.14 inclusive are provided by CRA:

- 3.8 The Government has made it clear in both the updated NPPF and the accompanying papers and statements that the intention has always been that the standard method for assessing housing needs should be considered as an 'advisory starting point'. It also clarifies that there should not be an automatic assumption that Green Belt should be released to meet the housing target unless the Council is satisfied that there are Exceptional Circumstances for doing so. Evidence that this is clarification of existing national policy is included in the Appendix. This sets out various statements over the last few years where the Government has sought to clarify the intentions behind the policy. For example, in [responding to a consultation on the standard methodology](#) for housing in 2021, the Government stated:

*“Within the current planning system the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in [Paragraph 11b of the NPPF](#) or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints.”*

- 3.9 In reviewing the committee papers and supporting documents that set out the process by which the local plan strategy was developed (included in Appendix A), it is clear this was not the context within which the plan was prepared. There is strong evidence that the risks of developing a strategy that did not meet the standard method target were considered too great, given the way in which the NPPF was being interpreted at examinations. There is also evidence that the implication from previous Ministers and civil servants as the plan was prepared was that the target was mandatory and should be met in full, regardless of the concerns consistently raised by the Council about the detrimental impact this would have on the Borough.
- 3.10 Alongside the changes made to the NPPF, the Government has set out its long term plan for housing which has a very clear focus on the 20 largest towns and cities in England, including London. These are expected to deliver a significant uplift in the number of new homes provided on top of their own needs. Again, this is not new national policy but the Government has now developed a plan for how this will be implemented. A consultation earlier this month sets out a clear expectation that all local planning authorities should adopt a 'brownfield site first' approach with building more homes on brownfield land to “be turbocharged under a major shake-up to planning rules to boost housebuilding while protecting the Green Belt.” An even tougher stance is proposed on housing delivery for the largest towns and cities,

especially London which has been subject to an [external review of the London Plan's housing target](#).

- 3.11 One of the five purposes of Green Belt policy, as set out in the NPPF, is to assist in urban regeneration by encouraging the recycling of derelict and other urban land. A core action required for the successful implementation of the Government's long term housing plan will therefore be a much more robust approach to the Metropolitan Green Belt around London, especially in those areas on the edge, such as Spelthorne.
- 3.12 In deciding what changes, if any, should be made to the Green Belt allocations in the draft plan (and as a consequence, the local plan housing target), the Council should consider the following questions:
- (a) Is it reasonable to assume from the evidence presented in Appendix A (see specifically Paragraphs 14 to 24) that the options considered by the Council as the plan was prepared were unduly constrained by the assumption that the standard method target must be met in full and that this could only be achieved through the release some Green Belt?
  - (b) Should the changing national context, with significantly more housing delivery expected from Greater London, be given more weight in any Exceptional Circumstances considerations for releasing Green Belt in Spelthorne, especially as many of the proposed allocations are considered to be 'strategically important' Green Belt?
  - (c) Taking into account (a) and (b), does the need to meet specific housing and community needs in Spelthorne still justify Exceptional Circumstances for releasing all or some of the proposed Green Belt allocations, as presented in the plan's supporting evidence?
- 3.13 The Local Plan has been prepared during a period of inconsistent messaging from Government and a constantly changing national policy landscape. From the evidence in the critical friend review in Appendix A, this has clearly had an impact on the Local Plan and potentially the choices open to the Council in developing a sound plan for Spelthorne. However, as set out in this report, the Council is limited in terms of what it can do at this late stage in the process and as a result of the Ministerial intervention. Any changes to the overall strategy will have to be justified on the basis of technical soundness and agreed with the Planning Inspector.
- 3.14 It could be argued that, notwithstanding the transitional arrangements set out in the NPPF, the updated national policy context and specifically the clarification of some of the key aspects of national policy, are issues of soundness. The Council could therefore propose some Modifications to address these. However, any proposed changes to the plan will have to be done in a way that does not result in a significantly different plan to the one submitted for examination. Within this context, it is important to note that, even if all housing allocations currently proposed within the Green Belt and those impacted by flood risk (see from Para. 3.16 of this report) are removed

from the plan, the local plan would still be meeting over 90% of the nationally set standard method target. This is also approximately three times the current local plan target so could still be considered a significant boost to the supply of housing in the Borough.

3.15 However, the Council will also have to be satisfied that any decision to change the proposed allocations in the Green Belt does not have a disproportionate impact on some of the Council's other priorities. The Exceptional Circumstances case for releasing Green Belt was not dependent on solely meeting housing need. There remains a strong case for allocating sites for Gypsies, Travellers and Travelling Showpeople as no land was identified in the urban area for this type of development. The two selected Green Belt sites are deliverable with good access to the strategic road network, space for storing fairground equipment and well screened from existing residential properties. There is a duty to meet need for this community and failure to do so could result in appeals being allowed for retrospective pitches in less suitable locations. The Exceptional Circumstances case also refers to delivery of affordable homes (Green Belt release sites can viably deliver 50% as opposed to up to 30% on urban sites), family houses with gardens and community benefits such as a new sixth form college, replacement community centre and improvements to sports facilities. Members should take into account that if they consider Exceptional Circumstances no longer exist and the Inspector accepts this approach, these benefits, including 438 affordable homes, would be lost if the Green Belt allocations were removed from the Plan and 98% of new homes would be flats. There is a consistently low delivery of affordable housing currently and in the last reporting year none were delivered in Spelthorne. The list of Green Belt sites can be found at Appendix C.

### 3.16 Flood Risk

3.17 A full Statement of Common Ground has yet to be signed between the Council and the Environment Agency (EA). A Preliminary Statement of Common Ground between the Environment Agency and Spelthorne Borough Council was agreed by the EA on 22 May 2023 and published on 23 May. It was key the Inspector knew we had agreed which version of the Thames (Hurley to Teddington) modelling would be used as a basis of discussion during the Examination hearings (2019). The statement also simply set out the titles and dates of the evidence produced and that we had agreed to continue to work together. We will continue to work with them to agree a more comprehensive Statement of Common ground to set out the areas of agreement and any remaining areas of disagreement between the two parties. Updated modelling has resulted in some sites proposed for allocation, particularly in Staines, now being at greater flood risk and the EA is objecting to their allocation in the Local Plan for residential use. This is a soundness issue as there is an objection from a statutory consultee. The challenge for Spelthorne is that many of these sites need redevelopment as part of the wider vision for the future of Staines and these considerations should be balanced against the flood risk implications for allocating them in the Plan. It is important to have an established position from the Council on which

modifications to site allocations will be sought in order to resume dialogue with the Environment Agency. The options for Members to consider are as follows:

- 1. Keep all proposed flood risk sites in the draft Local Plan**
- 2. Keep all proposed flood risk sites except for those at high risk of flooding**
- 3. Keep all proposed flood risk sites but remove those at high risk of flooding and move some higher risk sites to later in the Plan period (11-15 years) to allow for the River Thames Scheme to be implemented and the design code to be completed**

3.18 As it stands, Option 1 is unlikely to result in the Local Plan being found sound. Officers had already proposed modifications to take some of the sites at highest risk out of the Plan, namely the Surrey County Council buildings on Burges Way and Fairways Day Centre at Knowle Green. After discussion with the GLs, further sites were recommended for removal which total 258 homes. Those remaining would be retained but in some instances moved to the later part of the plan period and the yield of homes amended to an 'up to' figure (subject to the Inspector's agreement to this approach for the purposes of the housing trajectory). This would allow time for the River Thames Scheme (RTS) to be implemented, which will see reductions in floodwater levels by up to 0.5m in Staines and the design code to be in place in order to address concerns over the heights, densities and appearance of buildings in the town centre.

3.19 The type of flood risk varies – in some cases the risk is flooding of the site itself, in others the risk is not to the site but the safe means of access and egress in a flood event even though the site itself is 'dry'. For the latter sites, it is proposed that as well as the RTS there would be other interventions implemented in Staines town centre as part of a wider, holistic plan to facilitate safe exit during a flood event that would also benefit existing residents.

3.20 Options 2 & 3 would reduce the quantum of new homes that the Local Plan will deliver and, in the case of Option 3, when in the plan period they will come forward. This will affect the housing trajectory, resulting in not meeting our housing need in full as previously proposed but for soundness reasons. If the Inspector is willing to consider proceeding with the Examination on the basis of these modifications in order to explore this matter further, a Statement of Common Ground would need to be signed with the EA to set out which areas of their objection remain ('uncommon ground') and remain to be resolved through the hearings with reference to the wider planning and regeneration reasons for the Council's approach to keep the lower risk sites in the Plan with

the necessary interventions. The following table sets out the housing delivery implications:

		Green Belt Sites		
		Option 1 (All Green Belt sites in)	Option 2 (All Green Belt sites out)	Option 3 (Only Gypsy & Traveller and Travelling Showpeople sites)
Flood Risk Sites	Option 1 (All Flood Risk sites in)	Up to 9613 dwellings over plan period  <b>Up to 641 dwellings per annum</b>  100% of 'Local Plan as submitted' supply	Up to 8758 dwellings over plan period  <b>Up to 584 dwellings per annum</b>  90% of 'Local Plan as submitted' supply	Up to 8758 dwellings over plan period  <b>Up to 584 dwellings per annum</b>  90% of 'Local Plan as submitted' supply
	Option 2 (High risk flood risk sites out)	Up to 9355 dwellings over plan period  <b>Up to 624 dwellings per annum</b>  97% of 'Local Plan as submitted' supply	Up to 8500 dwellings over plan period  <b>Up to 567 dwellings per annum</b>  87% of 'Local Plan as submitted' supply	Up to 8500 dwellings over plan period  <b>Up to 567 dwellings per annum</b>  87% of 'Local Plan as submitted' supply



	Option 3 (High risk flood risk sites out plus push back of some sites to 11-15 years)	Up to 9355 dwellings over plan period  <b>Up to 624 dwellings per annum</b>  97% of 'Local Plan as submitted' supply	Up to 8500 dwellings over plan period*  <b>Up to 567 dwellings per annum</b>  87% of 'Local Plan as submitted' supply	Up to 8500 dwellings over plan period*  <b>Up to 567 dwellings per annum</b>  87% of 'Local Plan as submitted' supply	* sites would come forward later in plan period, so risk of no five year supply.
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3.21 The three options should also be considered together with the impact on the housing trajectory of the option chosen for the Green Belt allocations. Most of the Green Belt allocations were anticipated to be brought forward as allocations in the first five years of the Plan, which would support a five-year housing land supply and gives a degree of 'grace' for other sites such as the Staines flood risk sites to come forward later once interventions are in place. The NPPF at Para. 69 states that planning policies should identify a supply of specific, deliverable sites for 5 years following the intended date of adoption. For the later period, it states we should identify a supply of specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period. As such, the bar is set higher for the first five years than the remaining years and Spelthorne does not currently have a five-year supply of housing land so past under-delivery places additional burden on the earlier part of the Plan. Adopted Local Plans are required to be reviewed every five years, which allows for that important first phase of delivery to be assessed to ensure an adequate number of homes continue to be planned for. This could be an area of concern for the Inspector if the trajectory for housing delivery does not meet the requirements of Para. 69 even if overall the sites are left in the Plan but moved to later periods. The list of affected sites can be found at Appendix D, together with the comments from the Environment Agency and the Administration Group Leaders' recommendations.

3.22 A number of flood risk sites are owned by the Council. Other than the fact that delivery of development of these sites being within the control of this authority, the ownership of land is not relevant to the Local Plan. Resulting impacts of decisions on modifications from a landowner perspective, such as the financial implications, are not for consideration in this report.

3.23 Staines Development Framework and Policy SP1 (Staines upon Thames) of the Local Plan

3.24 During the first week of hearings that took place before the remainder of the Examination was paused, the Inspector asked the Council to proposed modifications to Policy SP1 of the Local Plan. This was to address his

concerns that too much responsibility was being placed on the Staines Development Framework (SDF) for setting height and density restriction in the town centre and that Policy SP1 should be strengthened as the 'parent policy' instead of within a guidance document. Furthermore, CRA recommended in the Critical Friend review of the Plan last summer that Policy SP1 be amended to include reference to design codes that are now underway and should be at an advanced stage once the Local Plan is ready for adoption as this would 'future-proof' the policy.

- 3.25 Subsequently, and as part of the wider discussion with GLs on modifications to the Local Plan, it is considered that this committee should decide whether or not the SDF ought to be withdrawn. It does not require examination in public as it is a guidance document and is ready to be adopted, having gone through the required preparation and consultation stages, but was submitted as a core document because it is intrinsically linked to Policy SP1 of the draft Local Plan. If it is withdrawn, this would allow for changes to be made to reflect the design code work with a view to resubmitting or for it to be superseded entirely. The options for Members to consider are as follows:

**1. Retain the SDF as a core document**

**2. Withdraw the SDF as a core document**

- 3.26 The draft SDF, even if amended, currently provides some reassurances in relation to any speculative applications that are submitted in advance of the design code work reaching an advanced stage. This has been confirmed by legal advice. However, to mitigate these risks, proposed changes to the draft local plan policy framework are being drafted, as requested by the Inspector, and work on developing new design codes is being expedited to ensure that it is in place as soon as possible. There are also risks associated with retaining the SDF as currently drafted, the main one being that the design codes could result in a very different vision for Staines than the one set out in the SDF. Added to this, there are likely to be major amendments needed to the SDF to reflect the changing context around flood risk in Staines, especially in relation to the zoning approach set out in the SDF.

- 3.27 Appendix B is the report produced by Andy Von Bradsky, acting as another critical friend to Spelthorne, on his review of the Staines Development Framework and his recommendations. At Appendix E is the summary of legal advice from counsel representing Spelthorne at the Local Plan Examination. Appendix F is the full legal advice available to Members only as a 'Part 2' document.

**4. Financial management comments**

- 4.1 The financial implications were set out in the [report](#) to Council on 14 September 2023, which included further costs for resuming the examination and producing a design code for Spelthorne. Those costs were expressed as a minimum as they are dependant on the extent of modification Members agree to pursue. Options under each theme that require further justification and evidence will incur additional cost beyond those anticipated if the hearings resume on the basis of the Local Plan as submitted. This is also dependant on the Inspector's expectations for what he requires in order to recommence the Examination, given the passage of time since the first hearings and any external factors that may need addressing or evidence that would have required updating even if the Local Plan remains as submitted.
- 4.2 In the event that modifications are proposed to the Inspector that he cannot consider as part of the Examination (and we are unable to withdraw it), further deliberations will be required by the Council on a revised set of changes that may be more acceptable. This additional time could result in further costs for additional evidence and justification to be prepared.
- 4.3 Once the committee has made its decision, and with any guidance the Inspector is able to provide, we will be able to estimate with greater certainty what these costs might be in order to resume the Examination.

## **5. Risk management comments**

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

*Should a significant delay occur to progressing the examination, and should you fail to comply with the directions in this letter, I will consider taking further intervention action to ensure that an up-to-date local plan is in place.*

- 5.2 Spelthorne is making positive progress to resume the Local Plan Examination but if the initial set of proposed modifications are rejected by the Inspector, there is the risk that continued review of changes results in the significant delay the Minister warns us of and triggers further intervention. This could result in the Plan being taken over by another body and progressed to adoption.

## **6. Procurement comments**

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

## **7. Legal comments**

- 7.1 Specific legal advice was obtained by Spelthorne's counsel for the Local Plan Examination on the matter of the Staines Development Framework and is referred to above. An option to withdraw the Local Plan from Examination is not available to the Council under the Minister's directive and is not an option included within this report so the Council is complying with the directive.

## **8. Other considerations**

8.1 See previous reports from [6 June 2023](#) and [14 September 2023](#).

## **9. Equality and Diversity**

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

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

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

## **11. Timetable for implementation**

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

## **12. Contact**

12.1 Ann Biggs, Service Lead for Strategic Planning and Enterprise  
([a.biggs@spelthorne.gov.uk](mailto:a.biggs@spelthorne.gov.uk))

**Background papers: There are none.**

### **Appendices:**

**Appendix A: Catriona Riddell Associates report: Spelthorne (Draft) Local Plan Implications of revised NPPF for Green Belt allocations: Critical Friend Advice January 2024**

**Appendix B: Andy Von Bradsky report: Staines Development Framework Critical Friend Review**

**Appendix C: Green Belt sites**

**Appendix D: Flooding sites**

**Appendix E: Summary of counsel advice on Staines Development Framework**

**Appendix F: Full advice from counsel on Staines Development Framework [PART 2]**



**Spelthorne (Draft) Local Plan**  
**Implications of revised NPPF for Green Belt allocations: Critical Friend Advice**

**January 2024**

**Introduction**

1. In July 2023, Spelthorne Borough Council agreed with the Inspector to a pause in the Spelthorne Local Plan Examination until the publication of changes to the revised National Planning Policy Framework (NPPF) following a [consultation in December 2022](#). The [revised NPPF](#) was published on the 19<sup>th</sup> December 2023 alongside the Government’s formal [response to the consultation](#) and a [Written Ministerial Statement](#). The Council now needs to reflect on any relevant changes and consider whether these require any substantial changes (Main Modifications) to the draft plan before restarting the Examination.
2. A key issue will be in relation to the local plan housing target and any potential implications for site allocations within the Green Belt.<sup>1</sup> As part of this process, the Council has asked Catriona Riddell (of CRA Ltd) to provide some ‘critical friend’ advice that can then be taken into consideration alongside the officer’s report to Council. This will supplement any relevant advice already provided in the CRA [report to the Council in September 2023](#).

**Key changes to National Policy**

Local plan housing targets

3. Paragraph 11 of the NPPF requires Local Planning Authorities (LPAs) to meet their objectively assessed needs (OAN) for housing unless other national priorities provide “*a strong reason for restricting the overall scale, type or distribution of development in the plan area*”. The OAN for each local planning area is set nationally through a ‘standard method’. There has been much criticism of the methodology itself, especially in terms of the use of significantly out of date demographic data<sup>2</sup>, but there have also been considerable concerns about its interpretation and rigid application at local plan examinations.

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<sup>1</sup> There are other issues related to site allocations, particularly those impacted by flood risk in Staines, but these are not affected by the changes to the NPPF.

<sup>2</sup> The standard method uses the 2014 ONS household projections to inform the calculations of objectively assessed needs (OAN) for each local planning area. The Government committed (in its response to the consultation on the NPPF in December 2022) to a review of the base data once the implications of the 2021 Census data have been considered but this is unlikely to be until 2025.

4. In August 2020, the Government consulted on changes to the methodology but in 2021, in its [response to](#) the consultation, decided not to take these forward. The Government did, however, take the opportunity at this point to clarify that ***“the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”*** This was also subsequently reiterated through the December 2022 consultation on proposed changes to the NPPF. This means that for the purposes of plan-making, the standard method target should be considered a ‘policy off’ target used to develop a local plan’s housing provision which might be different once national policies (and local policies, where justified) have been applied, resulting in a local plan ‘policy on’ target.
5. Despite this clarification and the very clear caveat set out in Paragraph 11 of the NPPF, since the introduction of the standard method it has proved very challenging for LPAs to achieve a ‘sound’ local plan with a local plan target that is less than the nationally set target<sup>3</sup>. That said, this has not been tested by many councils as the risks of failing at the last hurdle following a lengthy and expensive process, have been considered too great. In many areas, this has therefore resulted in local plan targets that are much higher than previous local plans - in Spelthorne’s case, nearly four times that in the existing local plan<sup>4</sup> - and significant challenges in meeting these in full without compromising other national policy priorities, especially the Green Belt.
6. The revised NPPF now states clearly that the standard method should be treated as ***“an advisory starting-point for establishing a housing requirement for the area”***. The accompanying Written Ministerial Statement clarifies this further, stating that the ***“standard method for assessing Local Housing Need ensures that plan-making is informed by an unconstrained assessment of the number of homes needed.”*** This is therefore not considered to be new national policy but simply clarifies the status of the standard method which may allow a more flexible interpretation and testing through the examination process.
7. This was again confirmed by the Minister, Lee Rowley, on the 24<sup>th</sup> January when, during a [House of Commons Debate](#) on the NPPF, he stated ***“we have been consistently clear that the standard method is a starting point for local authorities in assessing what to plan for and that it does not set a mandatory target. The framework now sets that out in national policy. Local authorities should be in no doubt that the outcome of the standard method is an advisory starting point for establishing housing requirements through plan-making.”***

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<sup>3</sup> Since the introduction of the standard method, Worthing is the only LPA that has succeeded in adopting a plan with a housing target (significantly) lower, although currently, a number of LPAs are attempting this, including Elmbridge which has a draft plan housing target which aims to meet approximately 70% of the standard method target (with no release of Green Belt).

<sup>4</sup> The 2009 Spelthorne Local Plan has an annual target of **168** dwellings/pa (dpa) compared to the nationally set standard method rate of **618** dpa and the draft LP provision of **640** dpa.

### Exceptional circumstances for releasing Green Belt

8. The updated NPPF also sets out a firmer position on Green Belt policy. It now states that, once established, ***“there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated”***. Although this could be considered to be ‘new policy’, the Government makes clear in its response to the consultation that the change is intended *“to remove any ambiguity about whether authorities are expected to review the Green Belt. This has previously caused confusion and often led to protracted debates during the preparation of some plans.”* In [Michael Gove’s speech](#) in December where he introduced the new NPPF, the Secretary of State confirmed that the new NPPF ***“now, more clearly, upholds the spirit of the original intention. Local authorities have the comfort of knowing that they need not re-draw the green belt or sacrifice protected landscapes to meet housing numbers”***.
9. The NPPF does, however, still allow LPAs to ***“choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process”***. It has always been up to the individual LPA to determine if there are any ‘exceptional circumstances’ for changing Green Belt boundaries but the assumption under the previous version of the NPPF was that all LPAs had to undertake a rigorous assessment of the Green Belt as part of the evidence base.<sup>5</sup> The new NPPF now makes it clear that LPAs are not required to undertake a formal review unless they are considering evidencing an exceptional circumstances case.
10. The NPPF’s more robust approach to protecting Green Belt should be viewed within the context of the Government’s overall approach to levelling up and regeneration, with the focus for growth on the larger urban areas in England. This is part of the Government’s [Long Term Plan for Housing](#), launched in July 2023 and updated alongside publication of the updated NPPF in December. The Written Ministerial Statement confirms that the Government’s objectives are *“to make the best use of previously developed land and locate more homes in our larger towns and cities, where development can help to reduce the need to travel and contribute to productivity, regeneration and levelling up”*. In its response to the consultation on the NPPF, the Government emphasised the need to *“take advantage of opportunities to locate new development in the most sustainable locations where we can maximise use of existing infrastructure and help reduce the need for high-carbon travel. The uplift in need within our biggest cities and urban centres in England also supports our wider objectives of regenerating brownfield sites, renewal and levelling up.”*
11. Paragraph 62 of the new NPPF therefore requires the largest urban areas to deliver an ‘uplift’ on top of their OAN and that this should be ***accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework”***. This is not new national policy but has clearly been given added weight to support the Government’s long term plan for

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<sup>5</sup> It was confirmed in the 2019 legal challenge to the Guildford Local Plan that only the ‘decision maker’ i.e the LPA could decide whether there are exceptional circumstances or not for amending Green Belt boundaries [2019-EWHC-3242-Admin-04-December-2019.pdf \(townlegal.com\)](#)

housing and to levelling up the country. In February 2024, the Government published a further [consultation](#) setting out how this would be delivered and how building [“homes on brownfield land will be turbocharged under a major shake-up to planning rules to boost housebuilding while protecting the Green Belt.”](#)

12. The role of Greater London is considered key to the successful implementation of this policy and as such, the [Secretary of State has intervened](#) to examine why more housing is not being delivered in the Capital. A [report](#) from the review panel commissioned by the Secretary of State was published on the 13th February. It is assumed that the significant increase in delivery of new homes in Greater London through the reuse of brownfield sites will have to be supported by a more robust position on protecting the Metropolitan Green Belt to prevent its further sprawl, particularly within the inner Green Belt areas adjoining London, such as Spelthorne.

#### *Transitional arrangements*

13. Annex 1 of the new NPPF sets out transitional arrangements for how the new version will apply to local plans currently being prepared. Local plans that have not yet reached Regulation 19/submission stage will be tested against the new NPPF but for those at a more advanced stage (like Spelthorne), the previous version will apply. A key question for the Council when considering any potential implications for the draft Spelthorne Local Plan will therefore be whether the changes are effectively clarifications of existing policy (which could apply to the Spelthorne Local Plan where they impact on soundness issues) or new policy (which cannot be applied).

#### **Potential implications for the Spelthorne Local Plan**

14. As the Council cannot withdraw the Local Plan from examination due to a [Ministerial Intervention](#), the Plan can only be amended at this stage through Modifications agreed with the Inspector to address soundness issues. In determining whether Modifications should be proposed regarding the overall strategy, the Council will have to consider:
  - (1) Whether the [clarity](#) now provided by the updated NPPF on the status of the standard method would have resulted in a different strategy for the plan and specifically, did the previous interpretation of the standard method (i.e. it had to be met in full) restrict the approach to assessing the exceptional circumstances case for releasing Green Belt.
  - (2) Whether the Government’s wider national objectives towards focusing growth in the major towns and cities, and particularly the added emphasis on London meeting its own needs and more, changes the strategic context for the exceptional circumstances case for releasing Green Belt in Spelthorne.
15. The first issue to consider is whether the clarification around the status of the standard method for calculating housing numbers has any implications for the proposed target in the draft plan. Specifically, whether the ambiguity and confusion around the approach to the standard method up until now and how it has been interpreted through examinations, has had a disproportionate



and undue impact on how the target has been developed in Spelthorne and therefore, on consideration of a potential alternative 'appropriate strategy'.

16. Local Plan Topic Paper 2 (The Journey of our local plan) sets out the key stages the council went through and the various committees that considered the plan at each stage. It has been a long process and throughout it is clear that the [Council has tried to get some clarity from Government](#); Paragraph 2.2 of the Topic Paper states that *"the Council has made continued and compelling attempts to central government to have our housing number reduced"*.
17. The level of public concern has also been noted consistently throughout the process, especially in relation to releasing Green Belt. At a [Cabinet meeting on the 4<sup>th</sup> November 2020](#) the officer report reflected that *"Given concerns raised in our recent Preferred Options consultation and by Members representing their communities, it is clear that our residents want to see a lower housing number for the Borough to aim to meet within our Local Plan. **We are currently faced with little option but to consider releasing Green Belt** and many of those sites identified for release have met with significant levels of objection, together with overall objection to any loss of Green Belt land."*
18. Officers and Lead Members repeatedly argued that there was no option other than to meet the needs (as established by the standard method) in full, given the evidence from other local plan examinations and the messaging from the Government. At a meeting of the [Environment and Sustainability Committee \(ESC\) on the 13<sup>th</sup> July 2021](#), the officer report stated that *"Officer advice, confirmed by legal counsel's advice, is that **whilst it may be appealing to consider producing a Plan that does not meet our needs in full this will not be a sound strategy** and would be rejected by the Planning Inspector."*
19. This was repeated in the report to ESC on the of 26 April 2022 when Council was asked to agree to the publication draft plan for consultation. [In the minutes of this meeting](#), it was recorded that Cllr Beardsmore (the Chair of the ESC at the time) stated that *"All strategies need to be evidenced and should **an alternative plan be rejected by the Planning Inspectorate, which we anticipate would be the case if we are not meeting our housing need**, it is likely that some of the evidence produced to support the continued original plan would by then need to be updated"*.
20. The risks of not meeting the needs in full were further heightened by the imminent government set deadline of December 2023 for submission of local plans (now superseded due to planning reform timescales), where failure was considered to bring a threat of intervention or the local plan being taken away from the council's control. At the April 2022 ESC meeting, the officer report stated that *"It is crucial that the new Local Plan is in place before deadline of December 2023 which has been imposed on all Councils by central government. Failing to do so runs the very real risk of control of its production being taken away from Spelthorne."*
21. It is clear from the narrative around how the Local Plan has been prepared that the officers and key Members felt that the risks of not meeting the standard method housing target in full through an alternative strategy were too great, even if this meant the release of Green Belt,

including strategically important Green Belt. In February 2020, Secretary of State at the time, Robert Jenrick, wrote to the Leader stating that he understands *“that these targets are very stretching and that each area has its own unique challenges. However, the government has set out a clear ambition to build the homes this country needs, aiming to deliver 300,000 new homes a year by the mid 2020s. In order to achieve this, and ensure the housing market works for everyone, it will be vital that every local authority, including Spelthorne, plays its part.”* The clear implication from this was that the standard method target should be met in full, despite what Paragraph 11 of the NPPF states.

22. [Topic Paper 1 \(Spatial Strategy\)](#) sets out the arguments and process for the decision to meet the needs in full. It states that the Council has *“explored throughout the Local Plan preparation whether the constraints in Spelthorne would justify not meeting our housing need in full. Whilst the Borough has a number of constraints, including Green Belt; waterbodies, some of which are Special Protection Areas and Sites of Nature Conservation Importance, as well as land that is designated as Sites of Special Scientific Importance; areas at risk of flooding; and mineral sites; together with our infrastructure capacity; **the conclusion based on the evidence is there is not a strong enough reason for restricting the scale of development**”* and that *“the adverse impacts of meeting our housing need in full do not significantly and demonstrably outweigh the benefits.*
23. Similarly, the Topic Paper concludes that Spelthorne *“**can and should meet our housing need in full and that we have exceptional circumstances** to warrant amending Green Belt boundaries to release 0.7% to do so”*. However, this appears to contradict the views expressed by the Council throughout the process as the plan has been developed, particularly through correspondence with the Government.
- In July 2018, the Leader of the Council wrote to local MP, Kwasi Kwarteng, setting out concerns about the standard method target, commenting that *“the use of Green Belt, open spaces and high density development **will adversely affect the special character of this borough forever**”*.
  - In November 2019, lead Members and officers met with civil servants to present the case for a lower number for Spelthorne which was set out in a letter to Secretary of State Robert Jenrick. This stated *“To put the 603 figure into context, our existing 2009 Local Plan had a target of 166 dwellings per annum and our annual monitoring shows delivery in the order of 200-300 units each year. **The scale of development needed will irrevocably change the face of Spelthorne**”* and that the Council therefore has *“**no choice as a result of the Government imposed target but to propose releasing some of these sites** in order to help meet the need it has identified. ....We feel we are being backed into a corner, whereby our only option is to have to contemplate releasing the Green Belt we have also fought so hard to protect.”*
  - In September 2021, the Council’s Head of Planning wrote to local MP Kwasi Kwarteng outlining the Council’s concerns that *“the use of Green Belt, open spaces and high density development **will adversely affect the special character of this borough forever.**”*
  - In November 2021 the Leader of the Council again wrote to Kwasi Kwarteng MP setting out the special circumstances of Spelthorne and the **detrimental impact meeting the standard method target in full** would have on the Borough.

24. All of this culminated in the publication of a Foreword included in the Pre-Publication (Regulation 19) Local Plan by the Council Leadership which made clear that the Council felt very strongly that the standard method was **“for all practical purposes a rigid target”** and that the impact of meeting this in full would be to **“increase housing densities and make Spelthorne and less attractive place to live”**.<sup>6</sup> This was the last consultation on the local plan and was therefore the very clear message given to residents.
25. Before deciding on whether Modifications to the housing target are needed, the Council will have to resolve the contradictory messages and conclusions that are clearly presented in both the evidence base and through the decision-making process. These would not only have made it challenging for the elected Members to agree on a strategy (as is clearly demonstrated), but they could also have directly influenced the responses received through the public consultation processes. In doing so, the Council will have to weigh up whether the reasons for meeting the needs in full through the release of Green Belt, for example to meet affordable housing needs and other community benefits, still outweigh the long term impact on the Green Belt. The Council will also have to factor in the potential loss of some proposed allocations due to flood risk and the impact this has on the overall amount of new housing that can be provided in the Spelthorne.
26. Alongside the determination of exceptional circumstances locally, the Council will have to consider whether the release of any Green Belt, but especially strategically important Green Belt, will undermine the overall integrity of the Metropolitan Green Belt around London. Although this should have been taken into account already, the Government’s more robust approach to London absorbing its own needs, as well as the additional uplift to deliver more new homes within the wider city region, may have changed the context within which this was considered.
27. As with the standard method, this is not considered to be new national policy as it was already set out in the NPPF, but it has clearly been given much more weight in terms of delivering the Government’s overall ambition for levelling up and supporting growth nationally. Within this, there is a clear expectation that a robust approach to the Metropolitan Green Belt will be a key component of the strategy, especially the inner Green Belt where London meets the surrounding areas. This will require a robust and consistent approach from all relevant local authorities to help maintain the strategic integrity of the Green Belt around London, an issue that was highlighted in the CRA report presented to the Council in September 2023 (see Paragraphs 54 to 61).

## Conclusions

28. The Local Plan will provide a long term framework for development in Spelthorne and despite the fact it has reached a late stage in the process, the examination pause has provided the Council with an opportunity to reflect on whether some Modifications to the Plan are needed

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<sup>6</sup> The Foreword was subsequently taken out before the draft plan was submitted to the Planning Inspectorate for Examination. The original Foreword can be found [here](#).

as a result of the changing national context. It is acknowledged that under the transitional arrangements of the NPPF, any new national policies will not apply. However, the Government has also made it clear that some of the changes made are to clarify existing national policy. This should allow the Council the opportunity to submit some Modifications to ensure the plan is sound and provide some confidence that it is the right long term plan for Spelthorne.

29. The Council could, on reflection, decide that the Local Plan still provides the right ‘appropriate’ strategy for Spelthorne. If this is the case, the Council should revisit the advice previously provided in the report from CRA Ltd in September 2023 which aimed at reducing the risks associated with releasing Green Belt. This included:
  - Modification of draft Policy SP4 (Green Belt) and supporting text to make it clear that, once the proposed changes to the Green Belt have been implemented through the current plan, the new boundaries will endure for the long term i.e. they will not be reviewed within the lifetime of the current plan’s strategy (15 years) or until a strategic review of the Green Belt has been undertaken with partners.
  - Changes to Policy SP4 should be made to include reference to the multi-functional value of Green Belt and set out how this will be managed, including how poor quality Green Belt land could be improved (e.g. measures for improving the quality and multi-functional value of Green Belt land should be included in the Green and Blue Infrastructure SPD currently being prepared, with reference to the emerging [Surrey Local Nature Recovery Strategy](#)).
  - Proactive engagement with neighbouring authorities, especially within Surrey, to agree a shared position on the future of the Metropolitan Green Belt and its strategic role as soon as possible.
30. If, however, the Council believes the case for meeting the nationally set standard method in full and consequentially, the case for releasing Green Belt, has changed significantly, proposed Modifications will have to be presented to the Inspector and tested through the examination process. These will have to be focused on soundness issues.
31. Whatever the Council decides to do in relation to proposed Modifications to the plan, any consequences for neighbouring areas will have to be managed within the legal requirements of the Duty to Cooperate, especially if there are any changes proposed to the overall level of housing to be delivered.



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## **Critical Friend Review – Staines Upon Thames Town Centre Development Framework**

### **Introduction**

A decision needs to be made about whether the SDF should be included in or omitted from the local plan in the context of the Council's decision to prepare an authority wide design code, in line with new planning legislation. This paper provides an review of the SDF and whether in itself it can be used as a planning tool to ensure high quality, well designed buildings and places, which is the objective of a design code. The paper does not seek to answer whether the SDF should or should not be included in the local plan as this is a matter for officials to advise and members to decide.

### **Overview of the SDF**

On the positive side, it is a typical framework of its kind produced by a reputable consultancy, it is well structured and addresses the key issues for development of a town centre. It assesses the character and constraints and highlights the areas of opportunity, including design principles that should be applied and sets out a framework for development. It refers to the key townscape and urban design considerations, including building form, movement, uses, open space, nature and special considerations such as waterside development. It identifies key opportunity sites and sets out recommendations for their development. It includes sound design guidance based on the National Design Guide and includes a good section on the '9 principles' for urban living.

It suggests there has been an effective consultation process and it states community concerns, a rationale for addressing these and resulting design principles. It is not clear how the community were consulted or the number and type of respondents which would be helpful in determining whether the document reflects community aspirations.

### **Limitations of the SDF**

There are a number of issues that distinguish the document from a design code and supporting masterplan framework:

- The assessment of the character of the town needs to be strengthened. Character areas are identified but more could have been included about the strengths and weaknesses and how this informed the proposals, in particular how height, density, open space amenity and other factors have been determined from analysis of the areas.
- There is an inherent conflict between the need to respect the existing character ('...take account of prevailing character...') and increase the density and height of development.
- The document is a guide to development and contains few requirements with general language such as '...will be expected...', '...will be encouraged...', '...should demonstrate...' which lessens its effectiveness as a planning tool.
- A particular concern is whether the community's concerns about 'high rise' and bulky skylines has been adequately acknowledged. There are zones identified for heights of development and reference to density outcomes that might result. The heights are

guidance only and reference in the diagrams for 'landmark' buildings, signals an acceptance that recommended storey heights may be exceeded.

- The density maps for general areas need to be more specific. The challenge will be the transition between existing development and new and between different density areas.
- Factors that control height and density, such as private and public amenity space and car parking requirements are not specific.
- There is no clear expression of what constitutes local character, architectural identity, building form and roofscape.
- Other areas that could be strengthened include active travel, climate change mitigation and other sustainability requirements (which may be covered in other policies).
- Of significant consequence is the latest information on flood risk from the Environment Agency which suggests some of the sites in the framework are impacted such that the illustrations are either undeliverable or the proposals will need to be revised.

### **Summary**

The SDF is a guide with aspirational illustrations that sets out the broad principles for intensification of the town centre. It has few specific requirements or constraints, and encourages an increase in density, whilst setting broad parameters for heights and density. It needs to be updated with new evidence on flood risk. It is insufficiently detailed in itself to guide and manage design quality. It is unlikely to guarantee delivery of high quality development without strong and critical enforcement by urban design specialists.

### **Recommendation**

The SDF is a good start to setting out a framework for regeneration of the town centre. It includes well intentioned aspirations which should be strengthened by including design requirements ('musts') which are specific, quantifiable and measurable. It needs to transition to a design code for it to be an effective planning instrument.

A design coding approach which, rightly, focusses on the priority areas for development of the town centre, should more clearly identify types of development, their characteristics and specific requirements, with a simple set of specific design principles for development plots and a compliance toolkit for use by officials to help evaluate planning applications coming forward.

A design code should add the necessary detail to ensure that a high density town centre provides a healthy and sustainable living environment for its citizens based on good quality design principles and standards. The process for producing the code should ensure it has community support and be based on the most up to date data.

Whilst the SDF should be used as a starting point for developing a design code, all the above factors may lead to a different outcome, certainly in detail if not in principle. For that reason it is reasonable to question whether the SDF should be included in the local plan, given that it may lead to unintended outcomes in the interim before a design code is in place.



## Appendix C – Green Belt Sites

Site ID	Site Address	Ward	Yield	Affordable Units	GF / PDL	PDL %	Green Belt performance	Advantages	Disadvantages	Timeframe
AS1/011	Land at Former Bulldog Nurseries, Town Lane, Ashford	Ashford North and Stanwell South	24	12	GF	0	Moderate	<ul style="list-style-type: none"> <li>• 50% affordable housing.</li> <li>• Development of this site would complete the corner / street scene.</li> </ul>	<ul style="list-style-type: none"> <li>• Flats only.</li> <li>• 100% Greenfield but formerly occupied by nurseries.</li> </ul>	1-5 years
AS2/006	Land East of Desford Way, Ashford	Ashford North and Stanwell South	15 Plots	0	GF	<5	Strong	<ul style="list-style-type: none"> <li>• Provision of Travelling Showpeople plots to meet identified need in full.</li> <li>• No other sites identified for this use.</li> <li>• Limited impact on neighbouring residential.</li> <li>• Close</li> </ul>	<ul style="list-style-type: none"> <li>• Strongly performing Green Belt.</li> </ul>	1-5 years

AT1/002	Land east of Ashford Sports Club, Woodthorpe Road, Ashford	Ashford Town	108	54	GF	0	Weak	<ul style="list-style-type: none"> <li>• Proximity to the Strategic Road Network.</li> <li>• Proposals will be expected to contribute to the enhancement of the adjacent sports facilities at Ashford Sports Club.</li> <li>• Provision of houses.</li> <li>• Site already cleared for compound.</li> <li>• Adjacent to existing</li> </ul>		1-5 years

								residential use. • 50% affordable housing.		
AT1/012	<b>Ashford Community Centre, Woodthorpe Road, Ashford</b>	Ashford Town	32	32	PDL	65	Strong	<ul style="list-style-type: none"> <li>• 100% affordable housing (Council owned provision).</li> <li>• New local Community Centre to replace existing community centre, which is at the end of</li> </ul>	<ul style="list-style-type: none"> <li>• Strongly performing Green Belt.</li> <li>• Flood risk.</li> </ul>	1-5 years

									its economic life.	
HS1/002	<b>Land at Croysdale Avenue / Hazelwood Drive, Shepperton</b>	Halliford and Sunbury West	67	34	GF	0	Weak	<ul style="list-style-type: none"> <li>• Provision of houses as well as apartments.</li> <li>• Located in a residential area.</li> <li>• Provision for vehicular access to scout hut.</li> <li>• 50% affordable housing.</li> </ul>		1-5 years
HS1/009	<b>Bugle Nurseries, 171 Upper Halliford Road, Shepperton</b>  * recent appeal dismissed.	Halliford and Sunbury West	79	40	Both	19	Strong	<ul style="list-style-type: none"> <li>• Provision of houses as well as apartments.</li> <li>• Eastern area of the site is PDL site.</li> <li>• Uneighbourly</li> </ul>	• Strongly performing Green Belt.	1-5 years

HS1/012	Land east of Upper Halliford (Site A), Nursery Road, Shepperton	Halliford and Sunbury West	60	30	GF	0	Weak	<ul style="list-style-type: none"> <li>• Provision of houses.</li> <li>• Open space provision.</li> <li>• Limited visual impact due to land levels.</li> <li>• Existing small scale structures on site.</li> <li>• Weakly performing Green Belt.</li> <li>• 50% affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic and access concerns.</li> </ul>	1-5 years

HS1/012b	Land east of Upper Halliford (Site B), Upper Halliford Road, Sunbury	Halliford and Sunbury West	20	10	GF	0	Strong	<ul style="list-style-type: none"> <li>• Provision of a Sixth Form College.</li> <li>• No other sites proposed for this use.</li> <li>• Provision of houses to enable development of the college.</li> <li>• Heavily screened site.</li> <li>• Will provide vehicular access to Bishopwand School.</li> <li>• 50% affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic and access concerns.</li> <li>• Strongly performing Green Belt.</li> </ul>	6-10 years
HS2/004	Land south of Nursery Road, Nursery Road, Sunbury	Halliford and Sunbury West	41	21	GF	0	Weak	<ul style="list-style-type: none"> <li>• Limited visual impact due to land levels.</li> <li>• Existing small scale structures on site.</li> <li>• Weakly</li> </ul>		1-5 years

									performing Green Belt. • 50% affordable housing.		
<b>LS1/024</b>	<b>Land at Staines Road West and Cedar Way (east of Spelthorne sports club), Staines Road West, Sunbury</b>	Laleham and Shepperton Green	77	39	GF	0	Weak	<ul style="list-style-type: none"> <li>• Provision of houses as well as apartments.</li> <li>• Weakly performing Green Belt.</li> <li>• 50% affordable housing.</li> </ul>	• Access concerns.	11-15 years	
<b>RL1/011</b>	<b>Land at Staines and Laleham Sports Club, Worple Road, Staines</b>	Riverside and Laleham	52	26	Both	<10	Weak	<ul style="list-style-type: none"> <li>• Provision of houses as well as apartments.</li> <li>• Provision of upgraded sports facilities.</li> <li>• Provision of car park improvements.</li> <li>• Weakly performing</li> </ul>	• Flood risk.	6-10 years	

SN1/005	Land at Northumberland Close, Northumberland Close, Stanwell	Stanwell North	80	40	GF	0	Weak	<ul style="list-style-type: none"> <li>Green Belt.</li> <li>50% affordable housing.</li> </ul>		
								<ul style="list-style-type: none"> <li>Provision of houses.</li> <li>Preferred use for community.</li> <li>Weakly performing Green Belt.</li> <li>50% affordable housing.</li> </ul>		11-15 years



SN1/006	Land to the west of Long Lane and south of Blackburn Trading Estate, Long Lane, Stanwell	Stanwell North	200	100	GF	0	Weak	<ul style="list-style-type: none"> <li>• Provision of houses as well as apartments.</li> <li>• Preferred use for community.</li> <li>• Opportunity for on site open space provision due to size of site.</li> <li>• Weakly performing Green Belt.</li> <li>• 50% affordable housing.</li> </ul>		1-5 years
ST1/043	Land east of 355 London Road, Staines	Staines Ward and Ashford North and Stanwell South	3 Pitches	0	GF	0	Strong	<ul style="list-style-type: none"> <li>• Provision of Gypsy and Traveller pitches.</li> <li>• Lack of alternative sites.</li> <li>• Council owned site.</li> <li>• Close proximity to the Strategic Road Network.</li> </ul>	<ul style="list-style-type: none"> <li>• Strongly performing Green Belt.</li> </ul>	1-5 years

ST4/025	Land at Coppermill Road, Wraysbury	Staines	15	0	GF	0	Moderate	<ul style="list-style-type: none"> <li>• Away from existing residential development.</li> <li>• Provision of houses.</li> <li>• Development of this site would complete the corner / street scene.</li> </ul>		1-5 years

Total GB Supply		855	438
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## Appendix D – List of Flood Risk Sites

Site ID	Address	Units	Administration GLs recommendation	Reason	Change from previous recommendation?
ST1/029	Surrey CC Buildings, Burges Way	30	Remove from Local Plan	Not suitable for residential use due to flood risk.	No
ST1/030	Fairways Day Centre, Knowle Green	30	Remove from Local Plan	Not suitable for residential use due to flood risk.	No
Page 43 ST4/002	Car Park, Hanover House & Sea Cadet Building, Bridge Street	158	Retain but for leisure / recreation use.	47% in FZ3b - functional flood plain and 51% in FZ3a. Considered unsuitable for residential use but site has the potential for leisure and/or recreation use so can remain in the Local Plan as an allocation for this purpose rather than residential. It is proposed to amend the allocation to reflect this and also clarify development is not permitted in areas of Flood Zone 3b Functional Floodplain. This part of the site will be retained as floodplain and steps should be taken to restore the land to provide a more natural edge of the River Thames.	Amend to "leisure/recreation use to include hotel"
ST4/011	Thames Lodge, Thames Street	40	Remove from Local Plan	23% in FZ3b - functional flood plain and 72% in FZ3a. Considered unsuitable for residential use due to flood risk.	No

ST4/010	Riverside Surface Carpark, Thames Street	35	Retain in Years 11-15	<p>0% in FZ3b - functional flood plain and 100% in FZ3a. Propose to amend allocation to state "<i>Up to a maximum of 35 units, subject to the outcomes of the design code work.</i></p> <p><i>Any residential development on the site will be subject to design and engineering solutions. It is likely that the River Thames Scheme will need to be implemented before residential development is permitted on the site".</i></p>	No
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<p>ST1/028</p> <p>Page 45</p>	<p>Leacroft Youth and Community Centre, Leacroft</p>	<p>17</p>	<p>Retain but move to later part of plan period</p>	<p>0% in FZ3b - functional flood plain and 84% in FZ3a. There is existing built development on site, new footprint should not exceed that of the existing building and where possible should be reduced. Propose to amend allocation to state <i>"Up to a maximum of 17 units, subject to the outcomes of the design code work. Any residential development on the site will be subject to design and engineering solutions. The Council will ensure that emergency planners and the Environment Agency are satisfied with any necessary emergency evacuation plans before permission is granted. In order to ensure that future development does not increase the risk of flooding to the surrounding areas, the built footprint of the new development should not exceed that of the existing building and where possible should be reduced"</i>.</p>	<p>Move to 11-15</p>
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<p>ST4/009a</p> <p>Page 46</p>	<p>The Elmsleigh Centre and adjoining land, South Street</p>	<p>676</p>	<p>Retain in Years 11-15</p>	<p>0% in FZ3b - functional flood plain and 66% in FZ3a. Key town centre site. There is large existing built development on site, new footprint should not exceed that of the existing building and where possible should be reduced. Pedestrian access shown to be available at Low hazard beneath railway line, through to George Street and Kingston Road. Propose to amend allocation to state <i>"Up to 676 units, subject to the outcomes of the design code work. The Council will ensure that emergency planners and the Environment Agency are satisfied with any necessary emergency evacuation plans before permission is granted. In order to ensure that future development does not increase the risk of flooding to the surrounding areas, the built footprint of the new development should not exceed that of the existing building and where possible should be reduced"</i>.</p>	<p>Keep as per recommendation, change figure to 'up to'</p>
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<p>ST4/009b</p> <p>Page 47</p>	<p>Tothill Carpark (The Elmsleigh Centre )</p>	<p>174</p>	<p>Retain in Years 11-15</p>	<p>0% in FZ3b - functional flood plain and 66% in FZ3a. Key town centre site. There is large existing built development on site, new footprint should not exceed that of the existing building and where possible should be reduced. Pedestrian access shown to be available at Low hazard beneath railway line, through to George Street and Kingston Road. Propose to amend allocation to state <i>"Up to 174 units, subject to the outcomes of the design code work. The Council will ensure that emergency planners and the Environment Agency are satisfied with any necessary emergency evacuation plans before permission is granted. In order to ensure that future development does not increase the risk of flooding to the surrounding areas, the built footprint of the new development should not exceed that of the existing building and where possible should be reduced"</i>.</p>	<p>Same principle as ST4/009a</p>
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ST4/026

Communications House,  
South Street

120

Retain in Years 11-15

Propose to amend allocation to state *"Up to 120 units, subject to the outcomes of the design code work.*

*Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). As a number of sites are being identified for potential redevelopment in Staines town centre, a wider plan for access to and from the town will be implemented to allow delivery of the sites. This will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted. In order to ensure that future development does not increase the risk of flooding to the surrounding areas, the built footprint of the new development should not exceed that of the existing building and where possible should be reduced".*

Same principle as ST4/009a



<p>ST4/028</p>	<p>William Hill/Vodafone, 91, High Street</p>	<p>14</p>	<p>Retain in Years 11-15</p>	<p>Propose to amend allocation to state <i>"Up to 14 units, subject to the outcomes of the design code work. Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). As a number of sites are being identified for potential redevelopment in Staines town centre, a wider plan for access to and from the town will be implemented to allow delivery of the sites. This will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted"</i>.</p>	<p>No</p>
<p>ST4/004</p>	<p>96-104, Church Street (Small industrial estate)</p>	<p>100</p>	<p>Retain in Years 6-10</p>	<p>Propose to amend allocation to state <i>"Up to 100 units, subject to the outcomes of the design code work. Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). As a number of sites are being identified for potential redevelopment in Staines town centre, a wider plan for access to and from the town will be implemented to allow delivery of the sites. This will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted"</i>.</p>	<p>No</p>

ST4/023	Two Rivers Retail Park Terrace, Mustard Mill Road	750	Retain in Years 6-10	<p>Propose to amend allocation to state <i>"Up to 750 units, subject to the outcomes of the design code work.</i></p> <p><i>Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). As a number of sites are being identified for potential redevelopment in Staines town centre, a wider plan for access to and from the town will be implemented to allow delivery of the sites. This will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted".</i></p>	No
ST4/024	Frankie & Benny's/Travelodge, Two Rivers, Hale Street	55	Retain in Years 6-10	<p>Propose to amend allocation to state <i>"Up to 55 units, subject to the outcomes of the design code work.</i></p> <p><i>Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). As a number of sites are being identified for potential redevelopment in Staines town centre, a wider plan for access to and from the town will be implemented to allow delivery of the sites. This will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted".</i></p>	No

Page 51	ST4/019	Debenhams site, 35-45, High Street	150	Retain in Years 6-10	Propose to amend allocation to state <i>"Up to 150 units, subject to the outcomes of the design code work. Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). As a number of sites are being identified for potential redevelopment in Staines town centre, a wider plan for access to and from the town will be implemented to allow delivery of the sites. This will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted"</i> .	No
	ST1/037	Thameside House, South Street	105	Retain Years 1-5	Propose to amend allocation to state <i>"Up to 105 units, subject to the outcomes of the design code work"</i>	No
	ST3/014	Birch House/London Road, Fairfield Avenue	400	Retain in Years 6-10	Propose to amend allocation to state <i>"Up to 400 units, subject to the outcomes of the design code work"</i>	No
	ST3/012	Staines Telephone Exchange, Fairfield Avenue	180	Retain in Years 11-15	Propose to amend allocation to state <i>"Up to 180 units, subject to the outcomes of the design code work"</i>	No
	ST3/004	34-36 (OAST House) /Car park, Kingston Road	180	Retain Years 1-5	Low hazard site.	Change to 'up to 180' and include reference to Design Codes
	ST1/031	Thameside Arts Centre, Wyatt Road	19	Retain in Years 11-15	Low hazard site.	No

SH1/010	Shepperton Library, High Street	10	Retain in Years 11-15	<p>Propose to amend allocation to state <i>"Up to 10 units, subject to the outcomes of the design code work.</i></p> <p><i>Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). An emergency evacuation plan will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted".</i></p>	No
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 52</p> 1/015	Shepperton Youth Centre, Laleham Road	25	Retain in Years 11-15	<p>Propose to amend allocation to state <i>"Up to 25 units, subject to the outcomes of the design code work.</i></p> <p><i>Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). An emergency evacuation plan will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted".</i></p>	No

SH2/003	Shepperton Delivery Office, 47, High Street	10	Retain in Years 11-15	Propose to amend allocation to state <i>"Up to 10 units, subject to the outcomes of the design code work. Any residential development on the site will be subject to providing safe access (dry or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP). An emergency evacuation plan will be developed in close consultation with Emergency Planning and the Environment Agency to ensure the safety of occupants before permission is granted"</i> .	No
ST1/011	Land at Staines and Laleham Sports Club, Worple Road	52	Not discussed	Low hazard site.	No
ST1/012	Ashford Community Centre, Woodthorpe Road	32	Not discussed	Low hazard site.	No
ST4/025	Land at Coppermill Road, Coppermill Road	15	Not discussed	Low hazard site.	No

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## **Summary of counsel advice on Staines Development Framework**

### **Instructions for legal advice:**

“Members have concerns that the Staines Development Framework puts the Local Plan at risk due to inconsistency with design code work that will be taking place in 2024, particularly in light of the ‘zoning’ proposals (noting that we will be amending the LP policy to reflect the Inspector’s comments on this, i.e. strengthening SP1 and diluting the SDF). As such, we wish to seek your advice on the following points:

1. What would be the implications for planning applications determined before design codes are in place if the SDF is withdrawn as a core document and rather than beginning to carry weight as we progress through examination towards adoption
2. What risks would there be for the Local Plan EiP if the Staines Development Framework (SDF) is maintained as a core document as submitted, even though work on design codes is progressing and the SDF pre-dates this work
3. What are the merits in amending the SDF and resubmitting as a core document to address any inconsistency with current and future work on design codes”

### **Summary response from Wayne Beglan, counsel representing Spelthorne Borough Council at the Local Plan Examination (19 January 2024):**

- Removal of SDF means it could not be given any lawful weight in decision making, resulting in a loss of protections it is capable of providing in terms of detailed guidance and ‘zoning’
- No risks associated with retaining the SDF as a core document and its removal could provoke concern from the Inspector and those third parties who may welcome the additional planning controls in Staines
- Not necessary to amend the SDF now, when the design codes are still at an early stage
- Unjustified delay to the Examination and further hearings would need to be held, which would be a re-run of those on this matter already held
- As the design code nears finalisation, the Council can provide guidance to developers and others to set out the relationship between the SDF and the design code

### **Conclusion**

“Accordingly, as it seems to me in terms of the EiP, the merits of continuing with the SDF in its current form categorically outweigh any potential benefit of redrafting the SDF at this stage. This is particularly so in relation to development management decisions coming forward in the interim. If developers become aware of a relative policy vacuum, then there is a clear incentive to take advantage of that opportunity by providing proposed development which complies with the remainder of the LP and the eLP.”

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

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