

Environment and Sustainability Committee



31 January 2023

Title	Implications of proposed changes to National Planning Policy Framework on Spelthorne's submitted Local Plan
Purpose of the report	To note
Report Author	Ann Biggs, Strategic Planning Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Affordable housing Environment
Recommendations	Committee is asked to: <ul style="list-style-type: none">Note the contents of the report setting out the potential implications of the proposed changes to the National Planning Policy Framework on Spelthorne's submitted Local Plan (option one)
Reason for Recommendation	The Local Plan is currently being examined by a planning inspector ahead of public hearing sessions this spring, following submission in November 2022. In light of the Government's current consultation on proposed revisions to the National Planning Policy Framework (NPPF), an analysis of the changes and the implications for the Local Plan are presented to the Committee. The proposed changes to the NPPF are being consulted on and not confirmed so Spelthorne can proceed with examination of the Plan to meet the timescales for adoption agreed by the Council.

1. Summary of the report

- 1.1 Spelthorne's Local Plan was submitted to the Secretary of State on 25 November 2022 for examination by a Planning Inspector. The hearing sessions are due to take place in the next few months. In December 2022, the Government published a consultation on proposed changes to national policy in the NPPF around how Local Plans are prepared and the issue of meeting

development need, especially housing. This consultation runs until 2 March 2023. There is no change to the standard method for calculating housing need but it could mean it is easier to argue Spelthorne should not release any Green Belt sites to help meet our need in full. This would require us to withdraw the Plan, review and consult on changes before resubmitting; a process that is expected to take a further two years.

- 1.2 Following review of the proposed changes, which the Government is currently consulting on, it is recommended that our Local Plan remains on track without amendments as the Green Belt release sites deliver a relatively small number of new homes compared to Brownfield sites, which cannot be reduced under the proposed changes, but will provide significant benefits in terms of affordable units, family houses with gardens, and community facilities. This will ensure the Local Plan is adopted this year without further considerable delay and cost.

2. Key issues

- 2.1 The full analysis of the proposed changes to the NPPF are set out in the presentation appended to this report as appendix 1.
- 2.2 A meeting of the Local Plan Task Group took place on 23 January 2023, where the presentation was given followed by questions and discussions between the Task Group members and Officers. The Member Questions and Officer responses are attached at appendix 2 and are summarised below. No new points or issues were raised by the Task Group that have not already been discussed extensively at previous Task Groups and meetings of the E&S Committee. The key issues raised were:
- reduction in number of homes (873) and reasons why brownfield sites can not deliver more affordable units (viability),
 - flood risk,
 - financial cost of delay (c£100k to update evidence base),
 - future revisions to the standard method for calculating housing need,
 - concerns over speculative development,
 - affordability of affordable housing (detailed note provided at appendix 3).
- 2.3 Officers have analysed the consultation document on the proposed changes to the NPPF and the Local Plan remains a 'sound' strategy. None of the proposed changes require us to amend our strategy or our policies because most of the revisions in the consultation document are not actually 'changes' but add further clarification to existing policy provisions. Without a change to the standard method, our Plan should still aim to meet our development need, which includes the existing housing figure. The Local Plan Examination can proceed under the existing timetable and with no requirement to withdraw and reconsider. It is entirely our choice how we wish to proceed.
- 2.4 **Option one**, would be to continue with the Plan as submitted, following the decision made by the Council last year. This is the no change option. The Plan as submitted meets our development need in full, against the standard

method figure we are still required to use. We remain confident it will be found sound and can be adopted later this year. Having an up-to-date Local Plan places us in a protective 'bubble' for five years, during which we are expecting further changes to the planning system and these may not be in our favour, particularly if there is a change in national government. The Government says the implications of the latest Census data on the standard method will be reviewed in 2024, the same year as when general election is expected. Due to the work required under Option 2, it is likely an amended Local Plan wouldn't be submitted until after the general election.

- 2.5 An adopted Local Plan with a 5-year land supply will allow us to defend against speculative development:
- on Green Belt sites we want to see protected
 - on urban sites of excessive density and/or height, where they may otherwise be treated more favourably without a 5-year housing land supply (e.g. Inland Homes scheme in Staines, where the lack of a 5YHLS weighed in favour of allowing the appeal)
- 2.6 We will benefit from the following if we continue with the Plan as submitted, rather than waiting for a further two years:
- Staines Development Framework can be implemented– requires Local Plan to be adopted at the same time
 - Zoning in Staines can be implemented – as above, as it relies on the Local Plan policy
 - Up-to-date policies on climate change
 - Higher threshold for affordable housing, plus viability tested so more defensible – 30% on brownfield sites and 50% on greenfield
 - Local Green Space designations and protections – LGS can't replace the ineffective PUOS designation until the new Local Plan is adopted so sites will be less protected
 - Begin work on Design Codes – 'beautiful' buildings, significant public engagement in the process
 - Robust defence against any Green Belt applications as we would have an up-to-date supply of homes – have already received enquiries from developers, asking about the impact of changes on the LP timetable
 - Green and blue infrastructure initiatives and strategies
- 2.7 **Option two** set out in the PowerPoint presentation would require a recommendation to Council to consider and make a decision. Option two would be for the Council to debate whether to withdraw the Local Plan and review whether we should consider a strategy that does not meet our housing need in full, update the evidence base and carry out further public consultation. This revised strategy may have the potential to remove the Green Belt sites from the Local Plan because the Government consultation document implies from the proposed changes it will be easier in future to argue this point at Examination. It would still require identification of the harm

and why the adverse impacts of meeting our housing need by amending Green Belt boundaries would 'significantly and demonstrably' outweigh the benefits (this 'standard' has not changed in the proposed revision). We also still need to meet our housing need 'so far as possible' (para 35), which would remain a high bar. The proposed change to para 15 of the NPPF has been updated to 'meeting' our housing needs rather than 'addressing' them so there is some contradiction in the consultation document. The cost of additional work to withdraw, review and resubmit the Plan would be considerable, running to over £100,000.

- 2.8 Under option two there would be no change to brownfield allocations, and the potential change may result in requiring further intensification of brownfield sites especially in town centres (the most sustainable locations). Our housing need figure remains the same and there is no dilution of the national policy requirement to make effective use of brownfield sites. If anything, there is more focus on intensifying urban sites rather than Green Belt release. This could impact whether the zoning proposals in Staines are likely to be found sound.
- 2.9 A brownfield-only approach would deliver 98% of new homes as flats. This could even reach 100% if we have to further intensify brownfield sites as we are no longer meeting our need in full by releasing Green Belt sites. For example, on some sites we have assumed a small mix of houses and flats on existing industrial sites but these may need to be given over to fully flatted schemes to boost our supply. This affects our ability to deliver the mix of homes our communities need and becomes an argument over housing type versus housing numbers
- 2.10 If we remove all the Green Belt sites, we lose:
- Most or all family houses with gardens (567)
 - A significant number of affordable homes (428)
 - Sixth form college in Sunbury
 - Enhanced replacement community centre in Ashford – without being released from the Green Belt, only a modest increase in size would be allowed
 - Sports and recreation improvements to Staines and Laleham Sports Club and Ashford Sports Club – we have been advised that for SALSC, this also may affect the future viability of the club
 - Gypsy, traveller and travelling showpeople sites – no brownfield sites are available or viable so we would either need to argue we can't meet our need, which risks soundness, or still release these Green Belt sites (otherwise it is difficult to defend against unauthorised traveller sites)
 - Defence against development on Green Belt sites using 'very special circumstances', whether originally proposed for allocation or not.
 - Protection for the two Stanwell Green Belt sites from being developed for employment purposes (which the community here opposes due to scale and HGVs).

3. Options analysis and proposal

- 3.1 The issues are set out above and in further detail in the attached PowerPoint presentation. Option one, to continue with the Local Plan as submitted for examination, with adoption (together with the Staines Development Framework) in Autumn this year, this is the no change option and the recommendation of Officers.
- 3.2 The PowerPoint sets out a second option; this would require the E&S Committee to make a recommendation to Council to allow for debate and decision. Option two would be to consider whether to withdraw the Local Plan or not and review whether we should consider a strategy that does not meet our housing need in full, update evidence base, carry out further public consultation (Regulation 19 as a minimum but potentially another Regulation 18 consultation followed by a Regulation 19 consultation) and resubmit the Local Plan for examination in 2024-26
- 3.3 There is no third option because the Local Plan has been submitted to the Secretary of State and an Examination by an Independent Planning Inspector has begun. Option one is effectively the 'no change' option.

4. Financial implications

- 4.1 To continue with the Local Plan as submitted would result in no additional financial implications other than those already agreed.
- 4.2 If voted by full Council, the second option, withdrawing the Local Plan (and the Staines Development Framework which was submitted with it) from the Examination process, will incur additional financial costs as evidence becomes out of date and needs refreshing. This will include updating the transport modelling and we estimate the cost could be around £100k. This would be in addition to the costs already incurred to date on the Local Plan review and the costs that are yet to come.

5. Risk considerations

- 5.1 The risks have been covered in the main body of the report and the PowerPoint slides.
- 5.2 The main risks are the financial implications of revising and updating the evidence base and the risk of speculative applications coming forward if the Plan is withdrawn. Other risks include a Local Plan for 98-100% flats, significantly fewer affordable homes, no new sixth form college, no sports and recreation improvements to Staines and Laleham Sports Club and Ashford Sports Club future of the club in doubt, no provision of Gypsy, traveller and travelling showpeople sites and the two Stanwell Green Belt sites from being developed for employment purposes .

6. Procurement considerations

- 6.1 There are no procurement considerations associated with option one. If voted by full Council, option two may involve procurement of consultants to update the evidence base.

7. Legal considerations

7.1 Legal officer attended LPTG meeting on 23 January to observe and be aware of the main issues ahead of E&S Committee on 31 January.

8. Other considerations

8.1 The submitted Local Plan and the Staines Development Framework began to have limited weight in decision making from the start of the Regulation 19 consultation in June 2022 stage but this is limited. The level of weight has increased on submission and will increase throughout the examination stage to the inspector's report on the soundness of the Plan but full weight can only be given on adoption of both documents.

8.2 The Council's CARES corporate objectives have been used to set out the Destination and Objectives for the Local Plan so that there is a 'golden thread' that binds strategic objectives with planning policy. This means we have been able to focus on how these common objectives can be achieved at a practical and deliverable level. Examples include: Affordable housing, where the Local Plan policy and key allocations will ensure delivery of significantly higher levels of affordable housing than we are currently achieving. Environment, where climate change has been at the forefront of new policies that go much further in terms of requirements on developments to incorporate mitigation and zero carbon solutions. Recovery, where both the Local Plan and the Staines Development Framework have a clear emphasis on supporting local businesses and employment opportunities, enhancing our town centres and retail offer.

9. Equality and Diversity

9.1 An Equalities Impact Assessment has been produced for the Local Plan, although consideration of impact on all sectors of our community is integral to the sustainability appraisal process. This means that the social element of sustainability is balanced against environmental and economic factors in developing a strategy and policies that meet the needs of residents, including aspects covering social inclusion, suitable homes, affordable housing, access to healthcare, adequate infrastructure and reducing the need to travel.

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. As set out in the Destination and Objectives of the Plan, this will be achieved by:

- Implementing Local Plan policies to safeguard the environment against air, noise, light and water pollution and remediating land contamination.
- Local Plan policies and allocations which support the requirement for biodiversity net gain, through partnership working and the use of Nature Recovery Strategies.
- Implementing Local Plan policies to encouraging waste prevention and promote recycling.

- Implementing Local Plan policies to promoting sustainable travel, including actively supporting improvements to public transport access to Heathrow.
- Promoting residential development that is sustainably located with access to existing services and transport hubs.
- Promoting energy efficiency for new buildings and refurbishments.

11. Timetable for implementation

11.1 The Local Plan was submitted on 25 November 2022 and we anticipate the hearing sessions will be during March or April this year. Option one, to remain on current course will retain this timetable. Option two would set the process back by approximately two years.

12. Contact

12.1 Ann Biggs, Strategic Planning Manager (a.biggs@spelthorne.gov.uk)
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Background papers: There are none

Appendices:

- 1. Presentation to Local Plan Task Group**
- 2. Councillor questions and Officer responses from Local Plan Task Group 23 January 2023**
- 3. Affordable Housing Prices in Spelthorne**