

# Corporate Policy and Resources Committees

26 June 2023

<b>Title</b>	<i>Local Plan pause - Review by critical friend</i>
<b>Purpose of the report</b>	To make decisions and a recommendation to Council
<b>Report Author</b>	Management Team, Strategic Planning, Governance, Communications
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	Community Affordable housing Environment Service delivery
<b>Recommendations</b>	<b>Committee is asked to:</b> <ol style="list-style-type: none"><li>1. Decide whether the vision dated December 2021 should be used as a baseline 'benchmark' vision against which the Regulation 19 Submission version of the Local Plan will be assessed and to make a recommendation to Council to adopt the vision for this purpose. (<b>Appendix B</b>).</li><li>2. Decide whether to agree the draft provisional specification of works drawn up by the proposed 'critical friend' for the review (which is subject to Group Leaders' sign off), or whether to stipulate more requirements (<b>Appendix D</b>)</li><li>3. Decide whether to issue a direct award contract to Catriona Riddell Associates (CRA) to undertake a review of the Local Plan, or to seek other quotations.</li><li>4. Decide whether to give delegated authority to the Chief Executive and the Group Head of Corporate Governance to enter a contract with CRA (if that is the decision of the committee)</li><li>5. Decide whether to delegate authority to determine the public consultation strategy (form, structure, timeframes, level of public engagement and associated budget) to the Head of Communications and Customer Experience in consultation with the Chair and Vice Chair of the Corporate Policy and Resources Committee (CPRC) once the visioning exercise has been completed, or to bring the matter back to CPRC once the visioning report has been finalised.</li></ol>

	<p>6. Decide where the costs for the review and intensive public engagement will come from.</p> <p>7. Decide whether to set a date for the Extraordinary Council meeting for 14 September 2023 in line with the motion agreed at the ECM on 6 June 2023, or another date.</p> <p>8. Note the risk considerations.</p> <p>9. Note the likely position the process will have reached within the three-month timeframe.</p>
<p><b>Reason for Recommendation</b></p>	<p><i>A request has been received from four of the five political group leaders that review of the Local Plan is undertaken.</i></p> <p><i>Due to the importance of the issue to our local communities, residents and business, and the interests of full openness and transparency, this matter is being brought to CPRC for councillors to make a decision, and, if minded, to recommend to Full Council the proposed Vision to be formally adopted.</i></p>

## 1. Summary of the report

- 1.1 Following the Council decision on 6 June 2023 to pause the Examination Hearings for a period of three months, Group Leaders have met and have specified a range of actions ('the proposed actions') they wish to see undertaken to deliver the outcomes outlined in the motion which was agreed at that Council meeting.
- 1.2 The proposed actions raise a number of matters which require clarification and/or a decision by the Committee, which are outlined within the report. The benchmark vision will need to be recommended to full Council for a decision.
- 1.3 The report also outlines challenges around delivering all the proposed actions within the suggested timescale, and the risk this process consequently places on progressing with the current submission version of the Local Plan.

## 2. Key issues

### Background to motion to pause Local Plan

- 2.1 On 6 June 2023 an Extraordinary Council meeting was held to make a decision on a request that the Planning Inspector pauses the Local Plan Examination Hearings (known as EiP) for a period of 4 months to allow new members to be briefed on the Local Plan. It stated:
  - *“That the Planning Inspector pauses the Examination Hearings for a period of four (4) months in order that the new members (councillors) can be fully instructed as to the policies of the Local Plan and the implications on the Borough.”*
- 2.2 The original Motion proposed was amended just prior to meeting and the following was agreed by Council:

- *"Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three-month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed."*

**Appendix A** sets out the background to the recent motions in more detail.

### **Subsequent feedback from Group Leaders**

2.3 Group Leaders (4 of 5) met on 13 June 2023. The Leader subsequently advised the Chief Executive on 15 June of their requirements to deliver the actions outlined in the agreed motion ('the proposed actions').

- *As per our meeting earlier today, the Group Leaders have decided to seek the involvement of a critical friend leading up to this it will be necessary for all councillors to be briefed on the vision we all worked on before it was voted down and the local plan as it is in its current form. These sessions will replace the briefing that [strategic planning were] proposing to make. This process will involve the relevant officers and councillors working in conjunction with the critical friend. The critical friend will be asked to compare the previously agreed vision, set against the local plan that currently stands, the objective is to determine the differentials and advise what course of action is required to be taken to bring them into closer alignment where possible. As discussed, please can you set aside a date for the ECM in September for this matter to come back to full council with regard to the council agreeing next steps.*
- *The ultimate aim of the 3-month pause is to find a way forward for the local plan which:*
  - *Keeps the Examination process 'live' so that the new plan can be delivered as soon as possible and provide certainty for local communities but also for all of those that will have a role in delivering it, including infrastructure providers and developers.*
  - *Ensures (as far as possible) support from all councillors for the plan going forward so that they can feel confident that they are reflecting the views of their local communities and the plan can be considered 'the Council's Plan'.*
  - *Manages the risks for the council, particularly in relation to finance, speculative applications/ unplanned growth, impact on local communities across Spelthorne and government intervention.*
- *To do this we need to:*
  - *Agree a shared vision for Spelthorne, with the Local Plan being a key part of its delivery – this is likely to require an intense period of public engagement during the 3-month period and may require additional resources.*
  - *Assess what (if any) changes to the local plan's strategy would be needed to deliver the vision and whether these could (a) be managed through the Examination process or (b) whether a more fundamental*

*change to the plan's strategy is needed. Initiate discussions with the Planning Inspectorate to explore options.*

- *If (a) agree what Main Mods would be required in advance of the next stage in the Examination (post three month pause), what new evidence would be required to support this (in addition to the vision) and what evidence would need to be updated.*
- *If (b) agree a new timetable that ensures the plan can be delivered as soon as reasonably possible, taking into account any new/updated evidence needed (this will require a full audit of evidence and identification of any gaps e.g., design codes, flood risk and infrastructure) and public engagement/ consultation.*
- *Prepare a robust risk management process which considers all risks associated with both (a) and (b)*
- *Initiate discussions with neighbouring authorities immediately to consider any cross-boundary implications and with key partners (especially Surrey CC, Environment Agency) to explore further any potential implications for them of a change in strategy.*

2.4 Officers understand the three ultimate aims. We are fully aligned with the desire to keep the Examination process alive and providing certainty, that there is support from councillors for a 'Council' Plan and managing the risks for the Council. Consequently, several matters arise from the proposed actions which require the Committee's consideration. These are primarily around the capacity to deliver within the very tight 3-month window and necessary decisions and actions that need to be taken and delivered on. The Committee should understand all the steps that need to be taken to ensure that the proposed actions from the Group Leaders can be delivered in the way envisaged.

2.5 **Vision** - The Vision for Spelthorne referred to in the proposed actions was previously considered by Full Council on 9 December 2021, but the motion to use it to inform the Local Plan and its policies was not passed (see **Appendix B** for background, vision and strategic objectives). A Committee recommendation to full Council would therefore need to agree to adopt the Vision as a baseline document (to review the Local Plan against) in order to use it as outlined.

2.6 Committee members need to be aware that if, after the visioning process, a revised document which moves away from the 2021 Vision is produced, then the amended Vision would also require a full Council decision to formally adopt it. Committee members should note that the draft provisional specification of works received late afternoon of 22 June 2023 at section 3 (1) states:

- "As a matter of urgency, **revisit the Vision for Spelthorne** previously developed to see whether this still reflects the priorities of the new Council and if not, what needs to change. This will then provide a high level framework within which to test the draft local plan strategy and consider whether it is still appropriate and if not, how significant the changes are likely to be to bring the draft local plan into line with the vision."

- If there are changes to the 2021 Vision as a result of the critical friend visioning exercises, then this may need to go to Council in August (depending on what the outcome of those conversations are).
- 2.7 It is also worth councillors noting the Local Plan already sets out very clearly how it aligns with and will deliver on the five CARES priorities set out in the Council's Corporate Plan 2021 – 23 (which was adopted by Council). **Appendix C** provides more detail.
- 2.8 **Critical Friend** - Officers agree there is a need to bring Councillors up to speed with the Local Plan process, and indeed offered their full professional support. As the Chief Executive was instructed to cancel the proposed officer briefings and 1-2-1 sessions are not currently taking place, any 'critical friend' that is appointed would need to be confident there is sufficient scope within the proposed 2-3 visioning sessions to bring Councillors up to speed about the Local Plan process (legislative framework), and some basic training on the Spelthorne Local Plan and planning policy, before Councillors can understand the vision and its purpose, and then undertake review of the policies. There are 26 policies in the Local Plan as well as 55 individual proposed sites allocations. This will present a significant challenge within the time available.
- 2.9 Members will need to consider whether the suggestion set out in 2.8 is what they would expect to see as opposed to the provisional draft specification of works (**Appendix D**), which is to:
- “provide an effective challenge role that helps both officers and Members explore all options, including those that have not yet been considered, and determine the key risks. [XXX] will not undertake a forensic analysis of all technical evidence or local plan but will aim to help ensure that all avenues are explored in developing a sound and legally compliant plan that can be supported by the council going forward either through the current process or through a revised process.”
- 2.10 **Specification of work** – the proposed actions outline a range of work to be undertaken by any appointed 'critical friend' but is very high level. A provisional draft specification of works was received late on 22 June 2023. (**Appendix D**). The Committee will need to decide in principle whether they are comfortable with draft specification or whether amendments should be made. A specification of works is necessary to ensure full transparency on the scope/outcomes plus any key performance indicators the consultant is required to achieve and focus discussion at the visioning sessions.
- 2.11 **Procurement of consultant** - Group Leaders have requested the direct appointment of Catriona Ridell Associates (CRA) who undertook the previous visioning work outlined in section 2.3. Officers would normally go out to market to obtain quotations from appropriate consultants for the work outlined in the proposed actions. The Committee will therefore need to decide whether to make a direct appointment in this instance and whether to give delegated authority to the Chief Executive in conjunction with the Group Head of Corporate Governance to enter any contract to appoint CRA (this is on the understanding the contract value would be under £5k).
- 2.12 **Public engagement** – the proposed actions outline the need to enter an intense period of public engagement, and this will need to include all interested parties – communities, residents, businesses, visitors, landowners,

and developers. Committee will need to decide what this intense engagement should involve (e.g., face to face stakeholder engagement, digital and print campaigns and the timeframe). Committee are asked to note the time needed for responses to be received, collated, analysed and reported back on. This is particularly important bearing in mind that we are about to move into the summer holiday period (when many officers, members of the public and other stakeholders are likely to be away) and the resourcing required to undertake this work. It is unlikely that sophisticated, qualitative surveys would be achievable within the timeframes of a three month pause.

- 2.13 Consultations are normally run in-house; however, we do not have the capacity or the technical knowledge to run such an intensive public engagement exercise at this time. There are two options open to the committee:
- If councillors wish to undertake a multi-media consultation with face to face and events, the Committee will need to agree to use an external consultant to undertake the work and identify a budget to be used to fund any additional support required to undertake this work. As an example, the original Leisure Centre consultation that was outsourced in 2018 came in at a significant cost. A Surrey Authority recently outsourced the cost of their communication assets (alone), including digital, video and print collateral for their masterplan, for a cost in the region of £30k.
  - However, if the public engagement strategy was delivered in digital channels only, a limited consultation could take place before the end of September. Committee will need to decide on the form and structure of the engagement as there is currently no direction or understanding of the type of engagement they would like to see enacted and what we are asking stakeholders to respond to.
- 2.14 Committee should note that the Leader has stated that:
- “As mentioned, the easiest way to engage with residents will be via the resident’s associations, setting out 5 key points (wish list) the residents have concerns about and to prioritise these from 1 to 5”.
- 2.15 **Timescales** - Officers agree that it will be essential to keep the examination process ‘live’, otherwise there is an increased risk that it may have to be postponed to a later date and/or that the examination process is stopped altogether, due to the need to draft a new plan with very significant potential additional costs.
- 2.16 Completing all the proposed actions is likely to take more than three months (see outline timetable in section 11). Any extension to the agreed three-month pause would need to go back to Full Council for approval at close to the 6 September as reasonable.
- 2.17 By applying several assumptions, the likely point reached by the beginning of September is one of the four below:
- **either** that the vision exercise and the public engagement only on the consultation will have been completed (assuming a three-week consultation in August). No work will have been done on collating or analysing the responses.

- **or** that the visioning exercise will have been completed by the critical friend and councillors, the intensive engagement strategy will have been developed by the Comms team/or external consultants (with a strategic steer from the Group Leaders to ensure it is reflective of their needs) and the consultation exercise will be ready to start.
- **or** a pared down digital led public consultation could potentially be delivered, dependant on types of questions Committee would like to see being asked, with rudimentary findings reported to Full Council.
- **or** to 'engage with residents will be via the resident's associations, setting out 5 key points (wish list) they residents have concerns about and to prioritise these from 1 to 5'.

### 3. Options analysis and proposal

The Committee is asked to decide a number of matters arising from the proposed actions:

#### **Vision**

#### 3.1 Option 1 - Agree the 'Benchmark' Vision (**Appendix B**)

The 2021 Vision currently has no formal Council status. Whilst it was developed in conjunction with most councillors (under a previous 4-year term), it still 'sits outside the system'. To give the Vision legitimacy as a Council document, Committee must formally recommend it to Council to formally adopt it as a 'Benchmark Vision' against which the Local Plan and its policies can be reviewed (as per the Group Leaders' proposed actions in section 2).

#### 3.2 Option 2 - Not agree the 'Benchmark' Vision

Committee might decide that for reasons of speed and expediency they do not need to agree the Vision on the basis it represented the views of Councillors who sat under the previous 4-year term (who would have attended numerous committee meetings, training sessions and task group meetings).

#### 3.3 Option 3 – agree an alternative 'Benchmark' Vision

It is open to the Committee to decide whether they wish, at this stage, to amend the 2021 Vision so that it is more reflective of the aspiration of the new Council. If the Committee wish to follow this route, then it is recommended they agree the appointment the 'critical friend', hold the visioning session with the express intention of drawing together an alternative vision (there would need to be a different specification of works to cover) At the end of that process, there is the option to bring the alternative Vision back to Council for approval (to lend it legitimacy).

#### **Specification of works**

#### 3.4 Option 4 - Agree the provisional draft specification of works (**Appendix D**)

Committee need to decide whether the draft specification of works is sufficiently clear to ensure full transparency on the scope of the work and the anticipated outcomes, and that all councillors are clear about what is expected of them, enabling a focused debate on the right issues. Committee

need to note that there is no mention within the specification of training for new Members. The Committee need to be comfortable that the visioning exercises will be productive. New Members will need to consider whether they are comfortable in attending workshops without a fundamental understanding of the planning process, in the knowledge they will be expected to discuss issues around what the Local Plan should deliver and make key decisions on the future of the currently submitted Plan.

Option 5 – Agree whether additional elements are required for inclusion on the draft specification of works

Members of the Committee may wish to consider whether the specification accurately reflects the original or the amended motion agreed by Council on 6 June and whether they would like to see it amended in any way to incorporate councillor training, in order for them to be brought up to speed with the Local Plan, (which was a key purpose of pausing the hearings as per the motion)

It is also open to members of the Committee to decide whether there are any other elements that they might wish to see included.

**Appointment of a ‘critical friend’**

3.5 Option 6 - Agree the direct appointment of Catriona Riddell Associates (CRA)

Council have agreed a three month pause to the Examination process to review the policies and implications of the Local Plan. Group Leaders have said they also want to use CRA to undertake a ‘critical friend’ review. The principle of ‘a second opinion’ on the Local Plan in relation to whether it meets the objectives set out in the previously unadopted 2021 Vision is understood (**Appendix B**).

3.6 If this route is taken it is recommended that the Committee authorise the relevant delegations to ensure any contract is entered into in a timely manner (both from an audit and a risk mitigation point of view).

3.7 Option 7 - Agree to seeking quotations from more than one contractor to act as the ‘critical friend’ in accordance with the Council’s Contract Standing Orders.

There are other external bodies who can provide a similar service, including the Planning Advisory Service (PAS) who are linked to Local Government Association (LGA), the Town and Country Planning Association (TCPA) or the Association for Public Service Excellence (APSE). Members of the Committee do have the option to go out to seek quotes from these alternative bodies and undergo what would effectively be a streamlined procurement process (with or without CRA being included to bid for the work).

3.8 If this route is taken it is recommended that the Committee authorise the relevant delegations to ensure any contract is entered into in a timely manner (both from an audit and a risk mitigation point of view).

**Public engagement**

3.9 Committee will also need to decide on the form, structure and timeframes of the intensive public engagement and how it will resource this.

## **Extraordinary Council meeting (ECM)**

### **3.10 Option 8 – agree ECM date for 14 September 2023**

Members should note that the motion agreed at the ECM on 6 June 2023 was to pause for three months, and to decide what actions may be necessary before the Local Plan examination may proceed. A meeting will need to be held close to the 6 September as practicably possible – Thursday 14 September is being suggested as the most appropriate date (bearing in mind some schools do not go back until the very end of the preceding week and councillors may not be available).

Agreeing a date now will give everyone certainty. It should be noted that the timetable in section 11 clearly sets out the earliest possible place we will have reached in the proposed actions process by that date.

## **4. Financial implications**

### **4.1 Resourcing the proposed actions**

- a. The Strategic Planning team have an allocated budget of £125,000 for the Local Plan for 2023/24 (and the team have already been utilising this budget for EiP costs to date). This figure is based solely on the costs of the EiP (to pay the costs of the examination process, counsel and specialist advisors who need to be available over the EiP), and any other technical work (e.g., 'Modifications') to get to the point of recommending the Local Plan for adoption.
- b. The proposed actions do not have a budget and could result in a Revenue Budget overspend which will need to be funded corporately.
- c. 'Critical friend' costs – It is understood to be £5,000. Last time this exercise was undertaken it came out of a corporate budget.
- d. If any evidence review is to take place before 'vision-setting', this would need to be conducted by an external source. The evidence to support the currently submitted Local Plan has been produced or procured by the Council. The Plan would not have been agreed for submission to the Planning Inspectorate by the Council in 2022 if there were concerns about missing or out of date information. There is no budget for this.
- e. Consultation costs which are estimated could be in the range of £10k to £50k. However, costs are very difficult to quantify at this stage without indication from the Committee on what we are asking stakeholders to engage with, how and when.

### **4.2 Resourcing any changes to the Local Plan**

The 6 June ECM report set out the possible range of financial implications depending on the direction of travel that councillors wished to take. Key information is set out below for ease:

- a. Were the Council to have to refresh its evidence base which is nearing the end of its lifespan (including updating the transport modelling, viability and possibly flooding) we estimate the cost could be around £100k (for which

there is currently no budget). This would be in addition to the costs already incurred to date on the Local Plan.

- b. Over the 6-year period spent getting to this point it is estimated that the figure for consultants, legal advice, and public consultation is around £1m. On a very rough calculation, officer time over the same period is £1.3m.
- c. If we withdrew and took another 2 years to reach the same stage, officer costs alone would be roughly half a million pounds.
- d. Delays to the adoption of the Local Plan are likely to increase the prospect of planning applications coming forwards (on green belt sites in particular). The cost of defending a major appeal at public inquiry will be in the order of £100k per appeal.

In addition, to the above, it is considered that from a resourcing point of view there is a possibility that a landowner or developer (either individually or collectively) may look to bring a judicial review action to the High Court to challenge the Local Plan. There is no budget allocated for this (for comparative purposes the Debenhams judicial review in the High Court has cost the Council just over £100k costs).

If a review of the evidence is necessary after the 'vision-setting', this will need to consider whether the existing evidence base is sufficient to support any changes. If the changes are significant and/or relate to the overall Local Plan strategy, new and/or updated evidence would be required to support a new approach.

## 5. Risk considerations

- 5.1 Firstly, it is important to note there is full agreement between councillors and officers that there are a lot of uncertainties and that a robust risk management process which considers all risks would be beneficial. The officer team will work with internal audit colleagues to develop this.
- 5.2 At the Council meeting on 6 June 2023, officers reported a substantial number of risks associated with pausing the Local Plan process. Some members will be familiar with these, as they have been reported at numerous meetings. Please see link to the report here. ([Public Pack\)Supplementary Agenda - Extraordinary Council - Request to Pause the Local Plan Examination Agenda Supplement for Council, 06/06/2023 19:00 \(spelthorne.gov.uk\)](#))
- 5.3 Appendix A of that report is replicated here as **Appendix E**, so members of the committee do not need to cross refer to the other report.
- 5.4 Some of the key risks are:
  - a. Alienating some parts of the community who want the plan adopted
  - b. Pressure to meet unmet housing need for adjoining boroughs
  - c. Unsuitable development can come forward on green belt sites

- d. Unsuitable development come forwards in Staines
  - e. Cannot bring forward improvements to key community and health infrastructure
  - f. Cannot deliver higher levels of affordable housing which our residents in housing need deserve
  - g. Cannot give the additional protection, such as zoning, to Staines which would be provided by the Development Framework
- 5.5 The proposed actions which have been brought forward by the Group Leaders have been broken down at a rudimentary level to work out how long the process might realistically take. This is set out in section 11 'Timetable for implementation'. If a three-week consultation period were to take place in August, then officers are collectively indicating a final ECM date of mid-November. If the summer holidays were avoided and the process moved back a month, then a final ECM would be in mid-December.
- 5.6 This means that officers collectively are advising that if the full timetable is agreed, then the 'pause' in the Examination hearings would have to be extended by a further 2 or 3 months minimum.
- 5.7 None of the risks around the pause, or the benefits of continuing with the Examinations, identified in the ECM report of 6 June 2023 have changed. However, the likelihood of some of these risks becoming reality are likely to increase the longer the pause takes. For example, a planning application for a travelling show people site adjacent to Desford Way, Ashford (proposed for allocation in the new Local Plan on a green belt site) has just been validated (Ashford South ward).
- 5.8 It is worth noting that the proposed actions do bring additional risks into the process. Due to the very short timescale given for officers to deliver this report it has not been possible to provide an in-depth risk assessment, so the main new key risks are bullet pointed below:
- a. The compressed timetable to deliver the proposed actions after the completion of the proposed review by the 'critical friend' runs the considerable risk of failing to deliver a high quality end product especially due to restricted staff availability over the summer holiday period (5 weeks to review the outcome of the visioning, undertake intensive public engagement, collate and analyse responses, assess those against the Local Plan and pull together a report withal the information as set out the proposed actions is incredibly ambitious).
  - b. An estimated further delay in the adoption of the Local Plan of between five to seven months from June 2023 (see section 11 for more detail). The ECM on 6 June set out a revised timetable which indicated that if there was a pause of four months from June 2023 then the potential adoption would move out to May/June 2024. Delivering the proposed actions will move the potential adoption back by a further one to three months – taking it to June/July or August/September 2024.

- c. A risk assessment will need to be prepared in line with the proposed actions which will include the extent to which the Local Plan might be able to be refined. This will be prepared and released on completion. Committee should also note that it will ultimately be the Inspector's decision as to the level of change that can be accommodated within the existing Examination.
- c. If Councillors decide they wish to amend that 2021 Vision to reflect their new aspirations, at that stage it would be recommended that officers undertake a review of any revised vision against the current Local Plan, to assess the risks of potentially starting a new process. This amended vision would need to come back to a further Extraordinary Council meeting for formal agreement before going out to intensive public engagement (adding further delays).
- d. There is a risk that the public would not be sure about the purpose of the public consultation and what it is looking to achieve, particularly when many of them may have already responded to the wide-scale consultation already undertaken on the Local Plan. There needs to be consideration on whether the engagement will be full-scale or a pared down consultation. The consultation strategy for the Local Plan lasted 3 months and included briefings, events and a digital and print campaign. There is a risk we may not get engagement because it is not normally advisable to consult during the summer. There is a reputational risk that residents and other stakeholder groups could view this consultation as not meaningful and rushed.
- e. The provisional draft specification of works refers to discussions with local stakeholders and in particular local communities and the development community. It is not clear whether this is as part of the 'intense period of public engagement' or separate discussions and to what extent these discussions will inform future progress during and after the 'vision-setting'. The development community is not a single body and will represent different interests.
- f. Using the residents associations as the conduit for public engagement on the vision would exclude the public, a large number of other stakeholders and interested parties, including statutory consultees, who we would normally seek views from when plan-making and what the Local Plan should deliver. Although this exercise could be seen as 'outside' the plan-making process, it will inevitably direct the future path of the Local Plan should changes to the strategy be agreed as a result.
- e. The public could form a different view on the alignment of the Local Plan and the benchmark vision (to that of councillors) which would then need to be accurately reflected in the report back to the ECM.
- f. As a principle we cannot engage an external consultant to lead on the intensive public engagement until Council has agreed on the vision and the Committee has decided what we are asking for residents to engage on.

- g. There is a limited risk that a third party asks DLUHC to intervene to continue with the Examination process, or that ministers themselves decide to intervene.
- h. Extending beyond 3 months risks the availability of the current Inspector which could result in a further delay if he is already programmed in to deal with another EiP. We do not know whether this might result in having to start the EiP process again with a new Inspector.
- i. At a time of a tight budget position creating the risk of significant additional budget pressures as set out in the report above
- j. The cancellation of the proposed training sessions with Councillors has delayed the opportunity to bring them up to speed on the Local Plan.
- k. If further evidence is required, this could take several months to obtain and incorporate, and would have significant resourcing and cost implications.
- l. Discussions with neighbouring authorities are integral to the Duty to Cooperate (DtC). Even if the hearings resume after the three-month pause, there will be the need to update the Inspector on aspects of legal compliance, which includes DtC, and certainly in the case of a much longer pause and/or change to the Local Plan strategy. In any case, updated DtC statements of common ground are needed for other DtC partners' own Local Plans, such as Elmbridge who are expected to submit their Plan to the Secretary of State later this summer. There may be challenges with engaging immediately when it is not clear what the engagement will be discussing.

## **6. Procurement considerations**

- 6.1 The Council's Contract Standing Order require that where a contract is awarded below £5,000 initially local suppliers must be sought. If no local supplier can be found, then regional suppliers should be sought. If the selected supplier is not local or regional then approval to proceed must be sought from the Group Head, and the variation must be added to the Contract Standing Orders Exemption Report.

## **7. Legal considerations**

- 7.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) require local planning authorities to review Local Plans (such as the Borough Local Plan) every five years to ensure policies remain relevant and effectively address the needs of the local community. This is reflected in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), which sets out the process that should be followed to review local plans. Reviews should be completed no later than five years from the adoption date of the Plan.
- 7.2 The Council undertook to meet its statutory requirement set out above by reviewing the relevant planning documents and policies as part of the production of a whole new Local Plan in 2017, in large part as a result of the publication of the National Planning Policy Framework.

## 8. Other considerations

- 8.1 It is assumed that Group Leaders have discussed and agreed the proposed actions with their Group Members.
- 8.2 Internal audit resource will need to be allocated to develop the robust risk management process, which may mean other work currently undertaken by the team will need to be re-prioritised.

## 9. Equality and Diversity

- 9.1 These matters have been addressed throughout the development of the Local Plan. It will be for the internal critical friend to address in their sessions with councillors.

## 10. Sustainability/Climate Change Implications

- 10.1 These matters have been addressed throughout the development of the Local Plan. It will be for the critical friend to address in their sessions with councillors.

## 11. Timetable for implementation

The timetable is based on several assumptions (below), the proposed actions received from the Group Leaders and is estimated to be the absolute minimum period within which the proposed actions could be met:

- Entirely dependent on members making decisions in a timely manner but that they make the decisions that align with the accelerated pare down process (e.g. quickest route possible in time period agreed by Full Council)
- Immediate consultant availability if Committee approve the engagement of CRA (now confirmed in provisional draft specification).
- Councillors can make the visioning sessions.
- Council decision on 13 July is to agree the 2021 Vision in parallel with/before the critical friend sessions.
- No Council decision required after the critical friend sessions if an alternative Vision were agreed (and before any consultation).
- External comms consultants can be mobilised immediately if required.
- All the necessary staff are available throughout the entire summer holiday period to prioritise this work.
- The intensive public engagement will be via the residents associations, setting out 5 key points (wish list) the residents have concerns about and to prioritise these from 1 to 5
- Any variance from the above will impinge on the ability to deliver in the three-month timescale.

<b>Action</b>	<b>Timeframe Consult in Aug</b>	<b>Timeframe Avoid August</b>
CPRC decision	26 June	26 June
Appoint critical friend (assuming Committee approve their engagement – can be done at	27 June	27 June

risk in advance of the Vision being agreed by Council)		
Set visioning specification between Group Leaders and CRA	10 July	10 July
Council to consider Recommendation for the 2021 Vision	13 July	13 July
Councillor visioning session (relevant officers invited to attend**)	24, 25, 27 July	24, 25, 27 July
Critical friend draft report (assuming above dates work)	By 4 August	By 4 August
Initial officer review of critical friend draft (subject to no need for new evidence or a revised Vision)	w/c 7 August	w/c 7 August
Critical friend final report (Group Leaders sign off)	Second week August	First week August
Preparation of documentation for consultation and engagement (twin tracked)	Second week August	August
The Council undertake intensive public engagement via the residents associations* (using external consultants)	Last two weeks August	First two weeks in September
Very rudimentary assessment of the outcome of the public engagement and assessment against the Submission version of the Local Plan, writing report, receiving strategic steer, finalising report, issuing report	First two weeks in September	
<b>ECM</b> Options will be: agree the work done, or a further period of pause for more work to carried out	<b>14 September</b>	<b>14 September</b>

The above timetable indicates the quickest route to proceeding to Full Council with the results of the pared down public consultation.

\*Noting that this is not aligned with the Council's Communications and Engagement Strategy and Council's Statement of Community Involvement (in relation to the Local Plan).

\*\* subject to availability over the summer holiday

## 12. Contact

12.1 Management Team, Strategic Planning, Communications, Governance

**Background papers: There are none.**

**Appendices:**

- A** Background to decision making
- B** Proposed 'benchmark' vision (December 2021)
- C** Local Plan preparation, destination and objectives
- D** Provisional draft specification of works
- E** Appendix A from ECM on 6 June 2023