

COUNCIL



19 July 2023

Title	<i>Local Plan – Critical Friend review</i>
Purpose of the report	To make a Key Decision
Report Author	Management Team, Strategic Planning, Governance, Communications
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	
Corporate Priority	Community Affordable housing Environment Service delivery
Recommendations	Council is asked to: Agree the specification of work to be undertaken by the critical friend as set out in Appendix A, and the timetable at para 11.2.
Reason for Recommendation	The CPRC committee made a decision to have a critical friend lead a review exercise on the key features and issues in the Spelthorne Local Plan. All group leaders (minus the Conservatives) requested that the full Council agrees the specification of works

1. Summary of the report

- 1.1 The Leader (in discussion with other Group Leaders minus the Conservatives) has requested that a report comes to Council to agree the work to be undertaken by the critical friend, Catriona Riddell Associates (CRA), in relation to the Local Plan (CRA's appointment was agreed at CPRC on 26 June). It sets out the high-level scope of the work and the proposed timetable. Council needs to make a decision on whether to agree the proposal.
- 1.2 This report is deliberately narrow at this stage, and does not focus on the wider risks, which have been covered in previous reports and will form a major component of the report which comes back to the Extraordinary Council Meeting (ECM) on 14 September.

- 1.3 Council will recall the ECM held on 6 June 2023, where it was agreed to pause the Local Plan Examination hearings for three months.
- 1.4 [Exta Council – motion to pause LP 06.23 short.pdf \(spelthorne.gov.uk\)](#)
- 1.5 CPRC on 26 June 2023, asked councillors to make a number of decisions on a range of proposed actions that all Group Leaders (minus the Conservatives) wished to see undertaken to deliver the outcomes outlined in the motion of 6 June.
- 1.6 <https://democracy.spelthorne.gov.uk/documents/s54181/Draft%20Local%20Plan%20Pause%20-%20Review%20by%20Critical%20Friend%20Report%20-%20Final.pdf>
- 1.7 At that meeting, the Committee agreed four of the nine recommendations:
- to issue a direct award contract to Catriona Riddell Associates (CRA) to undertake a review of the Local Plan.
 - that the costs for the review would come from the corporate budget.
 - to set a date of 14 September 2023 for an ECM in line with the motion agreed at the ECM on 6 June 2023.
 - to note the risk considerations.

2. Key issues

- 2.1 This report is seeking Council agreement for the specification of works to be undertaken by Catriona Riddell Associates (**Appendix A**).
- 2.8 Councillors should already be aware of the officer training that is taking place in parallel to the above (5 and 24 July). These sessions are covering:
- National planning policy and guidance
 - Development plans and the process of preparation and adoption
 - Proposed changes to the national planning system
 - The existing Spelthorne Core Strategy 2009 and guidance documents
 - The proposed new Spelthorne Local Plan
 - The proposed Staines Development Framework
 - Future work associated with the Local Plan
 - The role of councillors in plan-making
 - The role of officers in plan-making
 - Key planning issues affecting the Local Plan, including (but not limited to) housing and employment need, Green Belt, flood risk, biodiversity and infrastructure.
- 2.2 The first officer training and CRA assessment sessions have been held. Both sets of sessions will be recorded so they are available for those councillors who are not able to attend in person or dial in.
- 2.3 Council need to decide on the proposed work to be undertaken by the critical friend as set out in **Appendix A** and the timetable at para 11.2.

3. Options analysis and proposal

Option 1 – agree the scope of the critical friend review and timetable

- 3.1 It will be for members of the Council to decide whether they agree with the specification of work as set out in Appendix A, and the timeframes as set out in the timetable at para 11.2. It can be delivered within the three-month pause, which was agreed at the ECM on 6 June 2023, as long as the timetable is strictly adhered to (see section 11 below for timetable and assumptions).

Option 2 – agree a revised scope for the review and timetable.

- 3.2 Council could decide they wish to alter/amend/expand the specification of works. Councillors would need to be clear about what required amending, especially if the remit is expanded as this might adversely impact on the budget and timescales which have been agreed.
- 3.3 Members need to note that if the timetable were to be extended this would not align with the decision of the Council on 6 June to pause the Local Plan Examinations for a three-month period. Shortening the timetable would run the considerable risk of a poor-quality end product.

4. Financial implications

- 4.1 CPRC agreed on 26 June that the cost of the review would be funded from the corporate budget. It encompasses the review by the critical friend (£5k)
- 4.2 This report is solely focused on the work of the critical friend over the summer period. Any other wider financial implications which might arise as a result of the recommendations of the CRA report will be considered and addressed in full in the report that will be coming back to the ECM on 14 September 2023.

5. Risk considerations

- 5.1 This report is solely focused on the work of the critical friend over the summer period. The risks to be identified at this stage around the process include:
- whether public engagement with the RAs takes place as per the timetable and responses can be collated quickly.
 - there is no delay in the completion of the report by CRA which would impact on the ability of the officers to then make an assessment of possible impacts to feed into the report to the ECM on 14 September. Any delay would impact on the ability of the officer team to deliver a high-quality end product for Members to ensure they can make a fully informed decision.
 - that the process of getting any draft ECM report signed off by the chair of vice chair of CPRC does not unduly delay the publication of the report in a timely matter – bearing in mind Council may be asked at that point to make some fundamental decisions on the future progress of the Local Plan.
 - If this work is not done and the local plan is not supported by the majority of Councillors it will not be adopted after examination.
- 5.2 Available officers will be attending the critical friend sessions and contribute as required. They will be more than happy to respond to any technical points or clarifications at those meetings or in the separate officer training sessions.

- 5.3 The Strategic Planning team are professionally confident that the plan as submitted for Examination is sound, subject to any modifications that Inspector deems necessary, and represents an appropriate and balanced strategy for the future of the Borough as a whole.
- 5.4 Members are reminded that any consultation with the RAs (whilst valuable as an indicator) falls 'outside' the public consultation as defined within the legislation which determines the local plan-making process.
- 5.5 There is the prospect that the results of the public engagement/CRA report may direct the future path of the Local Plan should changes to the strategy be agreed as a result. It will be for the Inspector (if Council were to agree to re-start or resume the public hearings) to determine the weight which should be attached and the resulting soundness of the Plan. We would also seek Counsel's opinion on this point prior to issuing the ECM report for 14 September so councillors are able to reach an informed decision.
- 5.6 A risk assessment will need to be prepared which will include the extent to which the Local Plan might be able to be refined after receipt of the CRA report. 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.
- 5.7 The assessment will need to consider and fully address the type and level of risk associated with the recommendations coming out of the CRA report. It will be included as an appendix to the report that will come back to the ECM on 14 September 2023.

6. Procurement considerations

- 6.1 A direct award to CRA was agreed by CPRC on 26 June (to a value not exceeding £5,000).

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.
- 7.3 An agreed specification regarding CRA's appointment will assist to avoid any overlap between planning officers training and what assistance CRA will provide. The contract value should not exceed £5,000 as no alternative quotes were obtained which is a requirement for contracts between the value of £5,000 and £40,000.

8. Other considerations

8.1 Group Leaders (minus the Conservatives) have discussed and agreed the proposed actions with their Group Members.

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. Officers will cover in their training sessions.

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. Officers will cover in their training sessions.

11. Timetable for implementation

11.1 The timetable in para 11.2 is based on 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 based on the following assumptions:

- Entirely dependent on Members making any required decisions in a timely manner, and that they make the decisions that align with the accelerated pared down process.
- Councillors can make the critical friend local plan assessment sessions and the officer training.
- External communications 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) their residents have concerns about and to prioritise these from 1 to 5.

11.2 Any variance from the above will impinge on the ability to deliver in the two-and-a-half-month timescale set out below.

Date	Action
27.06	Appoint critical friend – Catriona Riddell Associates (CRA)
05.07	First officer training session on Local Plan (held)
10.07	Group Leaders and CRA meeting (held)
11.07	First local plan assessment session by CRA and highlight 5 key issues per area/town on which to consult the Residents' Associations (RAs) (held)
19.07	Report to Council on critical friend exercise (this report)
14.07 – 28.07	Email consultation with RA's (done)
24.07	Second officer training session on Local Plan
28.07 – 09.08	Collation and analysis of the RA feedback
16.08	Second local plan assessment session by CRA
w/c 21.08	CRA drafting report (receipt by end 25.08)
30.08 – 06.09*	Officers to comment on CRA report (and provide to CRA)

29.08 – 08.09	Drafting of parallel report (including implications of CRA report, options on next steps and risk assessment) for ECM on 14 September (to provide to CRA)
06.09	ECM agenda published (report to be a 'To Follow')
09 - 10.09	CRA final report received (appendix to main report)
14.09	ECM

Note: Based on the timetable which was laid around at CPRC on 26.06.23 and agreed by the Leader and Deputy Leader at 18.30 on 26.06.23.

Note: Subject to availability of councillors and officers

*This is dependent on the complexity of the draft report and recommendations

12. Contact

12.1 Management Team, Strategic Planning, Communications, Governance

Background papers: There are none.

Appendices:

A Terms of Reference from CRA