

Council

14 September 2023



Title	Spelthorne Local Plan
Purpose of the report	To make a decision
Report Author	Ann Biggs, Service Lead for Strategic Planning and Enterprise
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Affordable housing Recovery Environment Service delivery
Recommendations	<p>To make a decision on the future direction of the Local Plan examination, based on the following options from the Critical Friend report:</p> <ol style="list-style-type: none">1. Continue with the plan as drafted but introduce robust risk management measures to help address some of key risks identified in the review, or2. 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, or3. Withdraw the Local Plan from examination and prepare a new Local Plan
Reason for Recommendation	<p>The Spelthorne Local Plan examination is currently paused, following a motion agreed by Council on 6 June 2023 as follows:</p> <p>“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.”</p>

	The actions required by the motion have been undertaken (see main report for full information) so the Council is now required by the motion to decide what action to take.
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1. Summary of the report

This report sets out the background to the current Local Plan position, the actions undertaken during the pause and the options available for Members to agree in terms of how to take the Local Plan forward, now that the requested three-month pause has expired. It provides an overview of the key findings from the 'critical friend' review carried out during the pause and an officer review of that report. It also explains the risks associated with the options provided to Members, as well as the financial implications of each option.

2. Key issues

Background

- 2.1 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 has 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 has 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. Members may feel that not enough emphasis has been given for the provision for a strategy that delivers "a positive vision for the future of each area" in accordance with the National Planning Policy Framework (para 15).
- 2.2 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. The letter is available to view [here](#). Mr Bridgwater replied on 8 June to agree, under the specific circumstances, to the pause in the hearings. That response can be viewed [here](#). Officers have been updating the Programme Officer throughout the pause to advise on the activities being undertaken and the likely timeframe for Council to reconvene at the end of the three months.
- 2.3 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.

Training

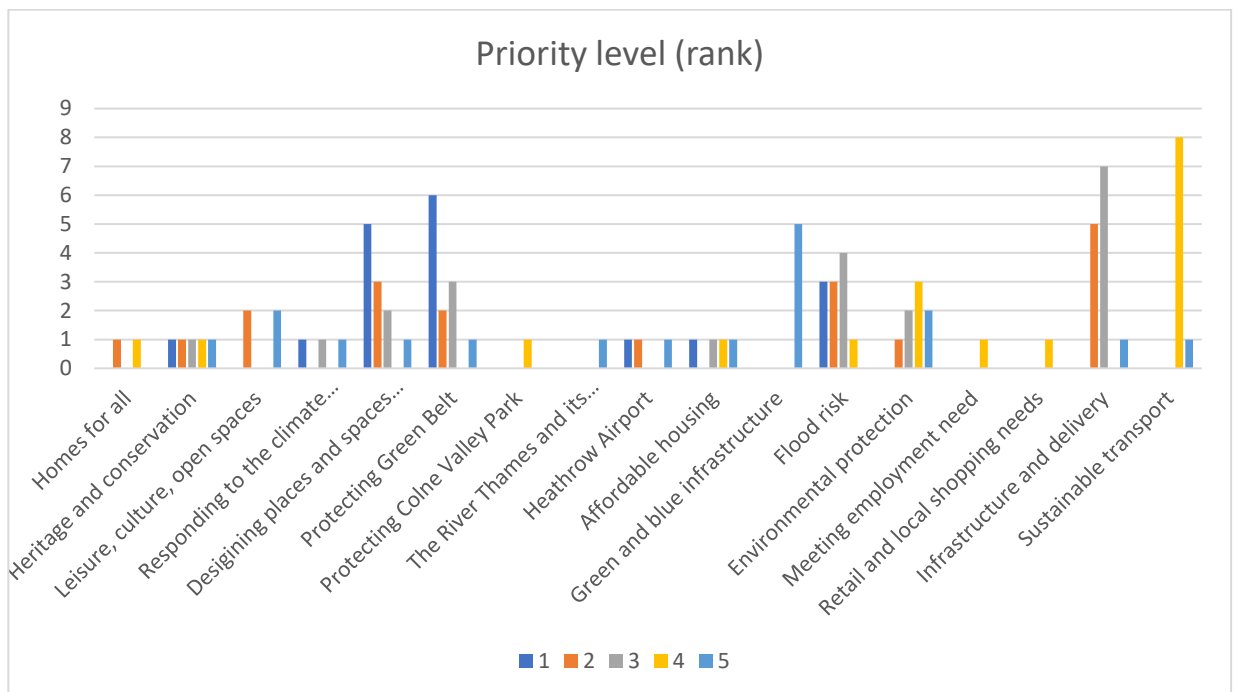
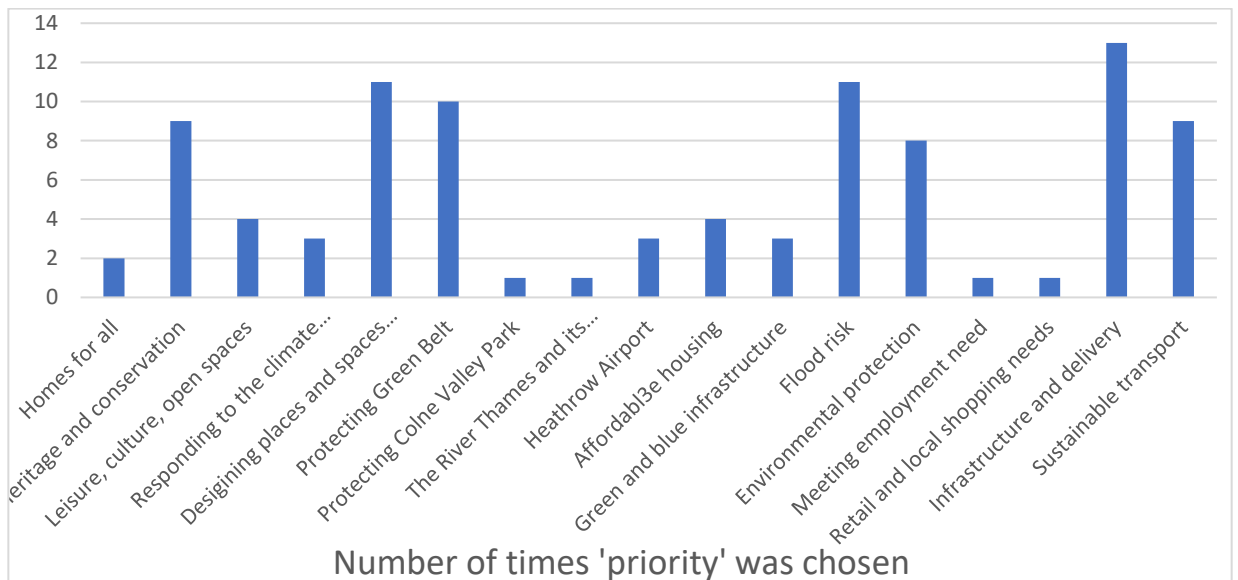
2.4 Officers in the Strategic Planning team ran two training sessions for all Members. These were held on 5 and 24 July and were well attended, totalling around 7 hours including opportunities for questions and answers. The topics covered were as follows:

- 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.

2.5 The presentations from the training were made available for Members who couldn't attend or who wished to read back through the material after the sessions.

Critical friend review

2.6 As part of the Local Plan review, CRA held two sessions with Members, and with officer attendance, on 11 July and 16 August. Between these sessions there was a public engagement exercise undertaken with local residents associations. This took the form of a focused 'sense-check' survey on what they feel are the most important concerns for their area that will be impacted by the new Local Plan. It was explained to participants that this was not a formal consultation and we could not guarantee that this would have any influence on the draft plan, given the late stage in the process. It was intended to provide greater clarity for the Council going forward in terms of the priorities for our local communities. The survey was open between 13 and 30 July and the full results can be found at Appendix B, with the summary graphs below:



2.7 The first of the CRA Local Plan Assessment sessions, held on 11 July, focused on providing the national context on the changing planning regime and how it could affect the Spelthorne Local Plan, including how other local authorities were navigating the current position in their own Plans. It covered the following key points:

- The **balance between meeting development 'needs' and compromising other national policy priorities** (as set out in the NPPF) and how other councils are addressing this.
- The **changing national planning system and government priorities**, especially in relation to housing numbers, Green Belt, design and quality of development, the environment and climate resilience (e.g. net zero, floodrisk, nature recovery) – to be updated.

- The **role of the Examination process** and how changes to draft local plans can be managed through this – as well as some of the risks attached.
- 2.8 The second CRA Local Plan Assessment session on 16 August covered the feedback from the engagement exercise with residents associations via the survey and consider the advice provided by the critical friend around options for taking the plan forward. It included a high level review of the Staines Development Framework by Andy von Bradsky, former Government Chief Architect, and its relationship with design codes.
- 2.9 CRA produced a report following the sessions, which can be found in full at Appendix A. The key conclusion derived from the review work is that the Spelthorne Local Plan, as currently drafted, does not provide sufficient confidence that it will provide a place shaping strategy that delivers ‘good’ growth, enabling positive outcomes for people and places. Although it will inevitably result in changes to existing places and more development, the ambition should be to meet the needs of its area and communities, especially in relation to new homes, whilst improving the overall quality of the natural and built environment. The report goes on to give reasons for this conclusion:
- The **lack of a clearly articulated long term spatial vision** for Spelthorne to help guide key issues, such as how much new housing could be accommodated without compromising other national priorities and objectives around improving overall quality of places, reducing flood risk and protecting the Green Belt.
 - The **potential weaknesses in the approach to ensuring high quality development** across the Borough but particularly through the plans to transform Staines Upon Thames.
 - The **impact the spatial strategy may have on the strategic role of the Metropolitan Green Belt**, particularly when the cumulative effect of local plans is taken into account.
- 2.10 Before considering these conclusions in more depth, it is worth noting that the CRA report does not, and was not intended to, assess technical matters of soundness or review the evidence base. As CRA point out, it is for the Inspector to assess and conclude on whether the Plan is legally compliant and technically sound. CRA also explain that the Inspector can only suggest modifications to the Plan on the basis of soundness and legal compliance, i.e. those changes required to make the Plan sound. More significant changes, especially those that are fundamental to the overall strategy, are likely to require withdrawing the Local Plan and preparing then resubmitting a new Plan.
- 2.11 The conclusions outlined above have led CRA to suggest three options for how the Council could take the Plan forward. These represent the possible ways that the conclusions could be addressed, and it is for Members to consider the benefits and risks of each before deciding upon which to pursue. Officers have reviewed the options and will comment on these in this report to Council. CRA have not recommended one option over the others and neither have officers. It will be for Members to exercise their judgement based on the review and in light of officers’ comments in this report. The options are set out below and the consideration of the CRA conclusions will refer to these.

OPTION 1	Continue with the plan as drafted but introduce robust risk management measures to help address some of key risks identified in the review
OPTION 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
OPTION 3	Withdraw the draft local plan from Examination and prepare a new local plan

Officer review of CRA conclusions

Lack of a clearly articulated long term spatial vision for Spelthorne

- 2.12 The CRA report advises that Spelthorne would benefit from a long-term vision for the Borough with spatially specific priorities. The submission version of the Local Plan contains a section titled 'Destination and Objectives', which sets out the how the Plan and its policies will deliver on the corporate CARES priorities. These priorities are due to be revisited as the Corporate Plan expires in 2023. This would present the Council with the opportunity to address any need for a longer-term vision for Spelthorne and spatial priorities. A vision of this nature will cover far more than a Local Plan can deliver and will encompass wider strategies for the local authority, including the Council's own investment and regeneration plans, affordable housing and climate change. As CRA point out, this would provide the opportunity to address last year's Local Government Association Peer Challenge recommendation to develop a longer-term vision and strategy to provide an agreed direction for the Council.
- 2.13 CRA consider the new corporate vision could be used to guide implementation of the Local Plan, other supplementary documents and future reviews. Whilst Local Plans should cover 15 years, they are required to be reviewed every five years and are often updated at that point to address changes in circumstances or national policy. As such, developing a vision can be achieved under Option 1 without needing to withdraw the Local Plan, although producing a new Local Plan as per Option 3 would mean the vision can be incorporated from the outset. Under Option 2, this would depend on the timescales for the vision and whether any significant changes are proposed as a result, which would be down to our Inspector as to whether they can be accommodated without triggering withdrawal of the Plan. Officers' view is that a vision is not required for technical soundness of the Local Plan and it can continue to be examined. The Inspector has not made comments so far on the absence of a vision or similar overarching strategy in his Matters, Issues and Questions or on Day 1 of the hearings which addressed Main Matter 2: Spatial Development Strategy. That is not to say he has reached any conclusions on whether such a vision would be helpful to the

Local Plan and the implementation of its policies and future supplementary work.

- 2.14 It will be for the Members to decide whether a new corporate vision is produced and integrated into a new corporate plan as a way of guiding the strategic priorities for the Council over the next four years, or whether it is a fundamental requirement for the Council to demonstrate a clear break in its strategic approach and vision before the Local Plan examination hearings proceed.
- 2.15 As part of CRA's consideration of a clear vision for Spelthorne, the report discusses the issue of a housing target for the Local Plan. It is recognised that the Borough is highly constrained in terms of Green Belt and flood risk particularly, which presents challenges to meeting development need in full. A change to the strategy following reconsideration as to whether Spelthorne could or should meet its housing need is likely to require withdrawal of the Local Plan as per Option 3, a risk also highlighted by CRA in the report. CRA make the point that other authorities have sought to capitalise on the proposed changes before they have been published, providing examples of specific Local Plans. Whilst going on to say that there is no guarantee this approach will be successful, CRA explain that all these areas have different challenges and councils have made different judgements as to how they interpret national policy, as well as how best to use the Local Plan to deliver their own place-making visions, without compromising the character and quality of their areas. They have also exhausted any possibility of their neighbours helping to meet any unmet needs through the Duty to Cooperate, as they are all in a similar situation.
- 2.16 Officers have reviewed the proposed changes to the National Planning Policy Framework (NPPF) and presented their findings to Environment and Sustainability Committee on 31 January 2023, which can be found [here](#). The conclusion by officers, which was 'noted' by the majority of the committee at the time, was that whilst the Council could take the opportunity to seek to rely on the changes and withdraw the Plan, there were positive reasons to continue with the Plan as submitted to release a small amount of Green Belt in order to deliver affordable housing, family homes with gardens, and community benefits. The presentation explains that a lower housing target would not necessarily mean fewer homes delivered in Staines as this is a sustainable town centre and the target would not act as a 'cap' to development here. There would need to be a policy reason to restrict further buildings in urban areas as applications can continue to come forward without being allocated in the Local Plan, whereas the Green Belt allocation sites require the Plan to be adopted in order to amend the boundaries and release them from this designation. Not meeting need in full could risk the 'zoning' approach in Staines, where some areas of the town would have height and/or density limitations. Members should be mindful of these issues when considering Option 2 to seek a further pause to the examination hearings in order to wait for the NPPF changes to be published.

- 2.17 As CRA point out, and as expressed earlier in this report, if fundamental changes are then proposed as a result of the new NPPF, this is also likely to require withdrawal of the Local Plan and the preparation of a new Plan. In officers' view, even minor changes would not be required on a soundness issue as the Plan is considered to remain sound under the proposed NPPF. It will be for the Council to make a positive decision on whether it wants to change the strategy in light of the NPPF, rather than the Inspector requiring modifications. Therefore, there is considerable risk that any changes made on a voluntary basis rather than soundness that affect the strategy will trigger withdrawal. Members should consider carefully the pros and cons of delaying the Local Plan examination further (option 2) as set out in CRA's report before making any decision.

The potential weaknesses in the approach to ensuring high quality development across the Borough and Staines in particular

- 2.18 It is recognised that Staines is an area of considerable development opportunity, and this would be the case with or without the new Local Plan. There are a number of sites available for redevelopment that are likely to come forward at high density, given this sustainable town centre. Earlier in the preparation of the Local Plan it was proposed that Staines could accommodate a further 100 dwellings per year over and above the identified sites but this proposal was dropped after the Preferred Options stage (Regulation 18). Nonetheless, there will be further development of higher density buildings coming forward in Staines. This led to the production of the Staines Development Framework (SDF) to help shape the town, which in turn led to the proposal for zoning, whereby height and density limits would be applied to more visually sensitive areas of the town.
- 2.19 The CRA review has highlighted weaknesses in the SDF, which is planned to be adopted alongside the Local Plan. These were that it lacks a clear vision for the future of Staines and does not contain the necessary 'teeth' to provide a robust mechanism for managing development in Staines in order to protect the character of the town. It should be noted that the SDF was produced as supplementary planning guidance, with Policy SP1 in the Local Plan as the 'parent' policy. It was not developed as a design code, but design guidance is a key feature of the document. The CRA report highlights that 'public engagement was very limited'. Officers carried out 11 consultation events in Staines town centre including two drop-in sessions with the SDF consultants in the Elmsleigh Centre. The SDF was developed with the nine Staines Ward Councillors plus the chair of Environment & Sustainability Committee. With hindsight, Members may agree with the CRA report that this lacked in community engagement.
- 2.20 The CRA recommendation is that design codes, which can be more prescriptive and binding, be accelerated for Staines. Design codes can be produced on a borough-wide basis or focus on individual settlements or towns. It would be a decision for Members if they wished to prioritise a design code for Staines over other areas. A design code can take between one to two years to complete, depending on available resources and the scope of the code, i.e. borough-wide or prioritising specific settlements such as Staines. The work already carried out on the SDF on characterisation and

typologies could reduce the timeframes for a Staines design code, especially if the same consultants were engaged, but this would be a matter for the procurement exercise. The cost is estimated to be around £120,000 to £160,000, depending on the scope of the project and the level of input required by consultants rather than officers. There is limited information on the cost and timescales of design codes at present as only a few authorities are involved in the pilot tranche and many others are not yet complete. An officer from Strategic Planning is attending a 3-day Design Code School the week of the Council meeting so updated information can be provided verbally at the meeting.

- 2.21 The Strategic Planning team had already planned to progress design codes following adoption of the Local Plan when there would be the available officer resources for the project but in light of discussions at the first week of examination hearings, initial scoping and training is already in progress. This work can be further accelerated, with the SDF acting as a starting point for some of this work for the Staines design code, which the CRA report also notes. The work can be accommodated within each of the three options, although officer resources would be more limited with Option 3 as the team would be focusing on preparing a new Local Plan.
- 2.22 Further work was already planned for Staines on the delivery and implementation of the SDF, particularly around transport and highway improvements by working with Surrey County Council to bring forth the proposals within it to improve public realm, accessibility and prioritising pedestrians and cyclists. A Green and Blue Infrastructure (GBI) Strategy is planned for the Borough, which will consider urban areas as well as less developed areas. Ideas for Staines include using GBI as a mechanism for reducing local flood risk by introducing green enhancements that will improve the visual environment as well as surface water drainage, along the lines of the Grey to Green project in Sheffield city centre. This could also be incorporated into the design code work. Key to these projects will be early community engagement and the CRA recommendations around citizens panels or assemblies can be integral to this, not just for Staines but across the Borough.
- 2.23 It is anticipated that a phased approach will be taken to the development of design codes for the Borough, with the initial phase focussing on training and the establishment of a demographically representative citizens' panel. Key to successful design coding is community engagement and a collaborative approach. With this in mind it is proposed that training will be provided for officers, Members and those participating in the citizen panel to allow design coding work to progress from a base of shared knowledge and understanding, to enable a successful outcome. The scale of the training and engagement that can be progressed will depend on the available funding and a bid is being prepared for the Government's Planning Skills Delivery Fund to help kickstart design code work, focusing on training and public engagement (Phase 1 of the design coding process). The deadline for submission is 11 September 2023 and if successful any work funded by the bid must be completed by the 31 March 2024. It is considered that this timescale is sufficient for the first phase of the design coding project, with regard to officer resources, however, if the Council is not successful in its bid consideration will need to be given to possible alternative funding sources.

- 2.24 The risk management measures set out in Option 1 in the CRA report relating to Staines, in respect of design codes, greater community engagement and strengthening the Local Plan policies relating to Staines and design more generally, can be implemented, in officers' view. The strengthening of Policy SP1 in the Local Plan had already been raised by the Inspector in the first week of hearings and officers suggested amended wording ahead of the later hearings. Modifications can be proposed to the Inspector to include further reference to design codes and strengthen the requirements for design panel reviews for more major development – this already features in Policy PS2: Designing Places and Spaces and as a result of the Regulation 19 consultation officers had suggested modifications to the Inspector to highlight the specific allocations where this would be required, including the major sites in Staines. It will be for the Inspector to consider whether he agrees to these modifications but on the basis that he has already sought amendments to the policy wording, it is likely he would be supportive. Options 2 and 3 also offer the opportunity to put forward these amendments, either to the Plan as submitted (Option 2) or within a new Local Plan (Option 3).
- 2.25 Officers consider it is important for the SDF to remain on track and not be set to one side in favour of design codes and/or rewritten as this would mean losing or significantly delaying the zoning proposals and leave Staines just as vulnerable to high rise development in unsuitable locations as it is today.
- 2.26 All three options allow for the design code work to be accelerated. In making their decision, Members should consider the risk around the delay to the timescales for adoption with Options 2 and 3. If Members wish to proceed with Options 1 or 2 and keep the Plan at examination and either progress with the hearings or seek a further pause, then they need to decide whether they develop the design codes in parallel with the policy in the Local Plan and the SDF or whether they rely on the design codes alone.
- 2.27 The CRA report also refers to concerns over flood risk implications for Staines in particular and notes that there is not yet an agreed position with the Environment Agency (EA). Members will recall that the EA updated their flood risk modelling for the Thames during the Regulation 19 consultation so our consultants, AECOM, updated the Strategic Flood Risk Assessment (SFRA) with the new modelling. When this new SFRA was sent to the EA, they advised that the new data had not yet been published and remained draft, so in order to progress the Local Plan, it was agreed that the previous modelling would be used by AECOM. The other changes made to the SFRA to ensure it incorporates the Aug 2022 updates to the Planning Policy Guidance remain. Officers and AECOM have continued to engage with the EA on this issue throughout the summer and we are still awaiting a formal response from the EA at the time of writing. Had the pause to the examination not taken place, these issues would have been discussed during the hearings with the Inspector and the EA and it is not unusual to have an outstanding Statement of Common Ground by the time the hearings commenced. However, officers have taken the opportunity during the pause to give further consideration to the developments in Staines and the Sequential and Exceptions Tests, which provide the justification for including sites within the Local Plan where flood risk is present.

- 2.28 The updated draft Thames modelling has worsened the flood risk in some parts of Staines so officers have revisited the sites proposed for allocation. This would mean some sites are removed from the Local Plan as allocations where the risk is highest, reducing the delivery of homes by approximately 300 units (comprising three sites closest to the River Thames in Staines, although two others in Knowle Green were removed before the examination hearings commenced). Some other sites would be pushed back in the Plan to a later delivery period (e.g. from years 1-5 to years 6-10, or from years 6-10 to years 11-15). These are sites where the flood risk of the site itself is not significant but there are concerns over safe access/egress to a 'dry' location in a flooding event, largely as a result of the pinch points in Staines caused by the railway lines that limit exit routes. The allocation of those sites would be contingent on finding practical solutions and interventions to facilitate safe access/egress, together with enhanced Green and Blue Infrastructure that can reduce surface water flooding, as part of a collaborative piece of work with other departments at Spelthorne, such as Assets, Surrey County Council as the highway authority and Lead Local Flood Authority, and the Council's emergency planning consultants. This would not only benefit new development but having a holistic management plan for Staines would also benefit existing residents as well as the potential for funding from new development for the mitigation measures. Initial scoping work has begun on the management plan.
- 2.29 This revised approach to sites has been discussed with the EA and we are awaiting their response, anticipated by 14 September. This update can be reported verbally at the meeting. Officers and AECOM consider this approach to be a positive and proactive way forward that achieves betterment for Staines and is preferable to the current situation where individual applications are assessed and determined in isolation, often at appeal. The EA have advised that the safe access/egress issues are largely for the local authority to consider and resolve after they have identified the risk. The approach would reduce the impact of development on Staines by reducing the number of homes by 300 units but with a technical reason on soundness grounds to do so, namely to address concerns from a statutory consultee which means officers can propose these changes for the Inspector to consider as Main Modifications to the submitted Local Plan rather than necessarily requiring withdrawal as a fundamental change to the strategy.
- 2.30 Officers consider the Plan would still be able to meet Spelthorne's overall housing need for the 15-year life of the Plan whilst reducing impacts on Staines with this approach but it would affect the trajectory in terms of when the sites would be delivered, which requires justification for the Inspector to consider. It should be noted that modelling data for the River Thames Scheme (RTS) is beginning to be shared with local authorities and initial comments indicate that there would be a degree of improvement to Staines from the flood alleviation measures, although these have not been analysed by Spelthorne's officers yet. The five-year review stage of the Local Plan would present the opportunity to review housing delivery at that stage if the RTS is operational by then. Officers would seek to establish an agreed position with the EA on all these matters before any hearings are recommenced. Although flood risk was discussed with Members at Local Plan Task Group meetings during the development of policies, the latest modelling

was not issued until the Regulation 19 stage so this was not available for discussion at those meetings.

The impact the spatial strategy may have on the strategic role of the Metropolitan Green Belt

- 2.31 CRA considers that the evidence to support 'exceptional circumstances' to release Green Belt appears to be comprehensive but expresses concerns over the impact on the strategic Green Belt. This is not necessarily an issue that can be addressed at a local authority level and requires more strategic thinking around a wider review of Green Belt. CRA are of the view that no further review of Spelthorne's Green Belt should take place for the life of the Local Plan (15 years) and that compensatory measures to maximise the multi-functional use of remaining Green Belt should be considered.
- 2.32 Throughout preparation of the Local Plan, there has been significant discussion and concern over the loss of any Green Belt. The Council has responded by reducing the number of Green Belt allocations proposed at Regulation 18 to the currently proposed 0.7% loss that would result in the submission version of the Local Plan. It is clear that there will always be those who object to any loss of Green Belt, however it is these sites that can deliver affordable housing at a much greater level (50% rather than up to 30% on urban sites due to viability), family homes with gardens and the community benefits such as improvements to sports and recreation facilities, a replacement community centre and a new sixth form college. We would also fail to meet our need for Gypsies, Travellers and Travelling Showpeople as no sites in the urban area were identified.
- 2.33 Respondents to the residents association survey highlighted protection of the Green Belt as a key priority, although from the narrative answers some considered that protecting the areas of Green Belt not proposed for removal was the priority rather than all Green Belt and that the Local Plan as submitted would provide that protection and should continue without delay.
- 2.34 Officers agree with the CRA view that Green Belt assessments should be conducted at the strategic level, although there has not been the political will from London or Surrey to commit to a wider review, potentially due to the implications for those authorities who may be concerned it could lead to wider release than they are prepared to consider in their own areas. This should be taken up at a Leader/Chief Executive level.
- 2.35 The CRA report recommends proposing a modification to Policy SP4: Green Belt in the Local Plan, if Option 1 is taken forward, to make it clear that no further review of the Green Belt will take place for the life of the Plan (15 years) if adopted. It will be for the Inspector to decide whether this policy provision is acceptable as it would tie the Council's hands for a considerable period of time, during which there could be many changes to national planning policy or circumstances. Furthermore, Local Plans need to be reviewed every 5 years. If Members supported this recommendation and opt for Option 1, a modification to the policy for the 15-year life of the Plan could be proposed to the Inspector and it would be for him to consider its soundness. This would have regard to Paragraph 140 of the NPPF and the intended permanence of Green Belt in the long term, allowing for the proposal to be considered through the examination process.

- 2.36 Officers agree with the suggestion that Policy SP4 could be modified to include reference to multi-functional use of Green Belt. This would tie in with planned work on Green and Blue Infrastructure, Biodiversity Net Gain and Surrey's Local Nature Recovery Strategy, as also suggested by CRA.
- 2.37 All three options allow for these changes to be made. It will be for Council to consider the pros and cons around each of the options and how the timeframes might impact on delivering this change.

Conclusions

- 2.38 The above review of the CRA report sets out that the recommendations can be accommodated and supported either in the Local Plan as submitted or within a new Local Plan. The decision for Members is whether they agree with these recommendations and whether they wish to continue with the plan as drafted but introduce robust risk management measures to help address some of key risks identified in the review (Option 1), 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 (Option 2), or withdraw the Local Plan from examination and prepare a new Local Plan (Option 3).
- 2.39 The actions within the motion agreed by Council on 6 June 2023 are considered to have been met and the three-month pause is now at an end. Whilst not setting out a preferred option or recommendation, CRA and officers concur that the best course of action for Spelthorne is to have a new Local Plan adopted as soon as possible but this should be the Plan that the Council can support in order to deliver for our communities.

Options	Timescales
<p><u>Option 1</u></p> <p>Continue with the plan as drafted but introduce robust risk management measures to help address some of key risks identified in the review</p>	<p>The risk management measures relating directly to the Local Plan, namely proposing modifications to the Inspector on Policies SP1: Staines upon Thames, PS2: Designing Places and Spaces, and SP4: Green Belt can result in the resumption of hearings later this year, subject to the Inspector's availability.</p> <p>Measures on incorporating the vision into the Corporate Plan, accelerating design codes and setting up community engagement mechanisms would be carried out alongside the remainder of the Local Plan examination process and beyond.</p>
<p><u>Option 2</u></p> <p>Seek a further pause in the Examination timetable until the proposed changes to</p>	<p>There is no date yet for publication of the proposed changes to the NPPF. The timescales are therefore dependent on the Government and</p>

<p>the NPPF have been published (expected in the Autumn) before agreeing next steps</p>	<p>the further pause would not have a specific date as to when this would come to an end.</p> <p>Following publication, Members would then need to consider and agree to next steps. If only minor changes result from that exercise, the hearings could resume in early 2024, depending on the Inspector's availability. If more fundamental changes to the Local Plan strategy are agreed by Members, this is likely to trigger withdrawal of the Local Plan and preparation of a new one, for which the timescales would be as per Option 3 below.</p>
<p><u>Option 3</u></p> <p>Withdraw the Local Plan from examination and prepare a new Local Plan</p>	<p>Preparing a new Local Plan would take appx 18 months to 2 years in order to update or produce the necessary evidence to support a new strategy, statutory public consultation, engagement with Duty to Cooperate partners and other stakeholders, finalise the publication of the Plan and submission to the Secretary of State.</p> <p>The timescales from submission to examination and adoption would be dependent on the availability of a new inspector and how long the examination process will take.</p>

2.40 It is for Members to consider the balance between advancing the remainder of the Local Plan examination and to what extent changes could be accommodated without triggering withdrawal of the Plan or, indeed, whether they wish to start again with a new strategy.

3. Financial implications

3.1 The financial implications of each options are set out in the table below, although full details on costs will not necessarily be known at this stage as they will depend on matters such as procurement of external resources and, in the case of Options 2 & 3, what changes would be proposed to the Local Plan or within a new Plan and what evidence would be needed to support the strategy. However, a more detailed breakdown will be provided to Members ahead of the meeting.

3.2 Councillors need to be aware that none of the costs below have been factored into the strategic planning budget for 2023/24. The current budget for the examination, which could only be estimated at the time that budget was set, has already been spent on the costs to date, even though the hearings were not completed. If Council decide to move forwards with some of the options outlined above, then a decision will need to be made on how this will be funded at a subsequent Council meeting- through an in-year growth bid, being offset by savings elsewhere across the Council (which would need to be identified) or via an overspend in the budget which would need to be

addressed at the end of the financial year 2023/34. Some costs may be spread over more than one financial year (in particular options 2 and 3). Members should also have regard to the wider financial horizon for Spelthorne and the [report](#) to Corporate Policy & Resources Committee on 11 September on the Council's housing delivery strategy.

Option 1		<ul style="list-style-type: none"> • Cost estimate of £120,000 to £160,000 to produce design codes but depends on scope, i.e. Staines focus or borough-wide, and extent to which consultants will lead on this work • This work would have taken place after adoption of the Local Plan so part of this cost would be to accelerate the work and have design codes in place quicker than originally anticipated • Government funding from the Planning Skills Delivery Fund will be sought to cover some of the design code initial training and community engagement costs. If the Council is successful in its bid the funding would cover a reasonable proportion of the cost for Phase 1 of the design code project only (training and initial community engagement). A significant portion of the cost of the project in its entirety would need to be met by the Council. • Further examination costs of appx £30-50,000 (examination fees, cost of appearance at examination by technical consultants and legal representation for hearings not yet held, any further evidence or supplementary work required by the Inspector before the hearings can resume). These costs would be incurred due to the pause even if the CRA suggestions for risk mitigation were not taken forward and the Plan remained as submitted • Setting up citizens panels or similar to facilitate enhanced
Design codes	£120k - £160k	
Further costs to resume examination	£30k - £50k	
Community engagement	Not yet known (also depends on bid for skills fund)	
Total	£150k - £210k	

		community engagement for plan-making. Some of this cost is likely to form part of the bid for Government funding as above but is not included within the design code work. Further information is being sought from other authorities to give a clearer picture of costs and can be reported verbally to Council
Option 2		
Design codes	£120k - £150k	
Further costs to resume examination	Minimum of £30k to £50k but likely to be higher	
Community engagement	Not yet known (also depends on bid for skills fund)	
Total	<p>Minimum of £150k - £210k if no changes are made or changes don't trigger withdrawal of the Local Plan.</p> <p>Minimum of £620k to £650k if changes trigger withdrawal, in which case the costs are as per Option 3</p>	<ul style="list-style-type: none"> • No initial financial costs, other than for design code work as identified under Option 1 • Further costs will depend the length of the additional pause, whether Members decide to make changes to the Plan as a result and whether further new evidence is required to support the changes (or whether there is any scope to update existing evidence). • Cost to resume hearings would still be incurred if Members do not seek further significant changes as a result of the additional pause but are likely to be higher than Option 1 due to the increased length of time since the original hearings • More financial detail would be provided in a future report to Council if this option were chosen – i.e. once councillors have advised on the extent of the changes desired which officers can then cost up with more accuracy • If the changes are significant and require withdrawal of the Local Plan and submission of a new Plan, the costs will be as per Option 3 below • It is assumed design code work and further community engagement would still be required as a result of this option

Option 3		
Preparation of new Local Plan	Minimum of £500k	<ul style="list-style-type: none"> • Estimates of expenditure to date for producing the Local Plan are circa £1million, not including officer salaries • Producing a new Plan will require updating or producing new evidence to support a revised strategy. • Costs will be dependent on what evidence can still be relied upon from the submitted Local Plan and that will depend on how the strategy would differ from it. • Estimated £500,000 as a minimum for a further two years' work in preparing a new Local Plan, producing the evidence to support it, public consultation and examination costs • Design code and community engagement work costs would also need to be added to these costs if these are to run in tandem with a new Plan • Cost of defending appeals for speculative development in the event of refusal, circa £100,000 for each major scheme at public inquiry
Design codes	£120k - £150k	
Community engagement	Not yet known (also depends on bid for skills fund)	
Total	Minimum of £620k - £650k	

4. Risk considerations

- 4.1 The conclusions of the CRA report explain from the outset that it is always better to have an up-to-date Local Plan in place as it gives the Council more control over where and how development is delivered. The options Members are asked to consider have different implications in terms of how quickly Spelthorne would have a new Local Plan adopted, noting that the existing Core Strategy 2009 is significantly out of date. The CRA report draws out the risks within each options, which then need to be balanced against the advantages of selecting the option, again as set out in the CRA report. The key risks to the options, in comparison to progressing the Local Plan without following any of the options or conclusions identified by CRA, can be summarised in the table below. Members should also take account of the Council's Risk Register, which in the [report](#) and [appendix A](#) to Corporate Policy & Resources Committee on 11 September confirm the risk status to the housing and affordable housing categories (1a and 1b) remain 'Red' and includes commentary around the Local Plan pause.

Risk	Implications
<p>Delay in adopting new Local Plan</p> <p>Option 1 – minimal</p> <p>Option 2 – dependent on whether changes trigger withdrawal and the preparation of a new Local Plan</p> <p>Option 3 – significant</p>	<ul style="list-style-type: none"> • SBC does not have a 5-year housing land supply and risks losing appeals against speculative development • Continued uncertainty for residents • Delay to infrastructure delivery, key community benefits and delivering affordable housing and sites for Gypsies and Travellers, largely through non-release of Green Belt for these allocations • Development in Staines continuing to come forward without the zoning provisions and design guidance in the SDF • Further delay risks some of our existing evidence to support the submitted Local Plan becoming out of date
<p>Cost of additional work that has not been budgeted for</p> <p>Option 1 – much of the work was already planned (e.g. design codes) so additional risk is around the cost of accelerating this work</p> <p>Option 2 – dependent on what changes Members seek after the NPPF changes are published</p> <p>Option 3 – significant</p>	<ul style="list-style-type: none"> • Significant financial implications for Option 3, withdrawing the Local Plan and producing a new Plan or if Option 2 results in the same effect • The perception by communities for having seen to be ‘wasting’ money spent over the past 6 years to reach the current stage of Local Plan preparation • Withdrawing the Local Plan and submitting a new one will result in considerable cost to update or produce evidence to support a different strategy, none of which is currently budgeted for • Cost of defending appeals for speculative development, which is more likely without an up to date Local Plan in place and adoption several years away
<p>Further changes to the planning system beyond those currently proposed</p> <p>Option 1 – minimal as this option is likely to see the Local Plan progressing towards adoption before</p>	<ul style="list-style-type: none"> • Potential for a new national government with a general election expected to take place in 2024 • With under-delivery of homes under the current system, there could be changes that seek to boost supply

<p>any further national planning policy changes can take effect</p> <p>Option 2 – dependent on what changes Members seek to the Local Plan and the resulting timescales for progressing the current Local Plan or if a new Plan is required</p> <p>Option 3 – greater risk due to extended timescales for preparing a new Plan</p>	<p>further than the submitted Local Plan aims to deliver</p> <ul style="list-style-type: none"> Continued uncertainty for residents and concerns over speculative development in the interim without an up to date Local Plan
<p>Potential for intervention by Government</p> <p>Option 1 – low risk if progress is made to resume the hearings and complete the examination</p> <p>Option 2 – dependent on what changes Members seek to the Local Plan and the resulting timescales for progressing the current Local Plan or if a new Plan is required</p> <p>Option 3 – no significant risk but will require a new Local Development Scheme timetable to meet key milestones to avoid intervention</p>	<ul style="list-style-type: none"> Not currently a likely threat as many local authorities have paused due to the Government’s own proposed changes that have created uncertainty If the NPPF changes are agreed, there will be deadlines put in place for Plans to be submitted, plus transition arrangement for Plans at an advanced stage

5. Procurement considerations

- 5.1 None directly related to this report. However, all options have procurement implications in respect of producing design codes in particular, which would be discussed with the Procurement Team once a decision has been made on this report.

6. Legal considerations

- 6.1 Legal implications in terms of examination of the Local Plan, proposed planning reform and legal requirements to have an up to date Local Plan are covered in the CRA report and this report.

7. Other considerations

- 7.1 See report to Council on [6 June 2023](#) for other considerations related to the pause to the Local Plan, which remain relevant to this report.

8. Equality and Diversity

- 8.1 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.

9. Sustainability/Climate Change Implications

9.1 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.

10. Timetable for implementation

10.1 See above timetable at Para. 2.39.

11. Contact

11.1 Ann Biggs, Service Lead for Strategic Planning and Enterprise
(a.biggs@spelthorne.gov.uk)

Background papers: There are none

Appendices:

Appendix A – Catriona Riddell & Associates report, Aug 2023

Appendix B – Local Plan Priorities Survey Report