



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

January 2024

Introduction

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

Key changes to National Policy

Local plan housing targets

3. Paragraph 11 of the NPPF requires Local Planning Authorities (LPAs) to meet their objectively assessed needs (OAN) for housing unless other national priorities provide “*a strong reason for restricting the overall scale, type or distribution of development in the plan area*”. The OAN for each local planning area is set nationally through a ‘standard method’. There has been much criticism of the methodology itself, especially in terms of the use of significantly out of date demographic data², but there have also been considerable concerns about its interpretation and rigid application at local plan examinations.

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

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

4. In August 2020, the Government consulted on changes to the methodology but in 2021, in its [response to](#) the consultation, decided not to take these forward. The Government did, however, take the opportunity at this point to clarify that ***“the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”*** This was also subsequently reiterated through the December 2022 consultation on proposed changes to the NPPF. This means that for the purposes of plan-making, the standard method target should be considered a ‘policy off’ target used to develop a local plan’s housing provision which might be different once national policies (and local policies, where justified) have been applied, resulting in a local plan ‘policy on’ target.
5. Despite this clarification and the very clear caveat set out in Paragraph 11 of the NPPF, since the introduction of the standard method it has proved very challenging for LPAs to achieve a ‘sound’ local plan with a local plan target that is less than the nationally set target³. That said, this has not been tested by many councils as the risks of failing at the last hurdle following a lengthy and expensive process, have been considered too great. In many areas, this has therefore resulted in local plan targets that are much higher than previous local plans - in Spelthorne’s case, nearly four times that in the existing local plan⁴ - and significant challenges in meeting these in full without compromising other national policy priorities, especially the Green Belt.
6. The revised NPPF now states clearly that the standard method should be treated as ***“an advisory starting-point for establishing a housing requirement for the area”***. The accompanying Written Ministerial Statement clarifies this further, stating that the ***“standard method for assessing Local Housing Need ensures that plan-making is informed by an unconstrained assessment of the number of homes needed.”*** This is therefore not considered to be new national policy but simply clarifies the status of the standard method which may allow a more flexible interpretation and testing through the examination process.
7. This was again confirmed by the Minister, Lee Rowley, on the 24th January when, during a [House of Commons Debate](#) on the NPPF, he stated ***“we have been consistently clear that the standard method is a starting point for local authorities in assessing what to plan for and that it does not set a mandatory target. The framework now sets that out in national policy. Local authorities should be in no doubt that the outcome of the standard method is an advisory starting point for establishing housing requirements through plan-making.”***

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

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

Exceptional circumstances for releasing Green Belt

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

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

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

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

Transitional arrangements

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

Potential implications for the Spelthorne Local Plan

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

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

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

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

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

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

Conclusions

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

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

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

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

