

## **Summary of counsel advice on Staines Development Framework**

### **Instructions for legal advice:**

“Members have concerns that the Staines Development Framework puts the Local Plan at risk due to inconsistency with design code work that will be taking place in 2024, particularly in light of the ‘zoning’ proposals (noting that we will be amending the LP policy to reflect the Inspector’s comments on this, i.e. strengthening SP1 and diluting the SDF). As such, we wish to seek your advice on the following points:

1. What would be the implications for planning applications determined before design codes are in place if the SDF is withdrawn as a core document and rather than beginning to carry weight as we progress through examination towards adoption
2. What risks would there be for the Local Plan EiP if the Staines Development Framework (SDF) is maintained as a core document as submitted, even though work on design codes is progressing and the SDF pre-dates this work
3. What are the merits in amending the SDF and resubmitting as a core document to address any inconsistency with current and future work on design codes”

### **Summary response from Wayne Beglan, counsel representing Spelthorne Borough Council at the Local Plan Examination (19 January 2024):**

- Removal of SDF means it could not be given any lawful weight in decision making, resulting in a loss of protections it is capable of providing in terms of detailed guidance and ‘zoning’
- No risks associated with retaining the SDF as a core document and its removal could provoke concern from the Inspector and those third parties who may welcome the additional planning controls in Staines
- Not necessary to amend the SDF now, when the design codes are still at an early stage
- Unjustified delay to the Examination and further hearings would need to be held, which would be a re-run of those on this matter already held
- As the design code nears finalisation, the Council can provide guidance to developers and others to set out the relationship between the SDF and the design code

### **Conclusion**

“Accordingly, as it seems to me in terms of the EiP, the merits of continuing with the SDF in its current form categorically outweigh any potential benefit of redrafting the SDF at this stage. This is particularly so in relation to development management decisions coming forward in the interim. If developers become aware of a relative policy vacuum, then there is a clear incentive to take advantage of that opportunity by providing proposed development which complies with the remainder of the LP and the eLP.”