

Environment and Sustainability Committee



3 December 2024

Title	<i>Update to the Local Development Scheme</i>
Purpose of the report	To make a decision
Report Author	Jane Robinson, Local Plans Manager and Joint Interim Service Lead for Strategic Planning
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Addressing Housing Need Environment Services
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Agree the publication of the updated Local Development Scheme 2. Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to agree any modifications to Local Plan policy wording and it's supporting text, and any minor modifications, to propose to the Inspector.
Reason for Recommendation	The timetable for preparing the new Local Plan has been updated to reflect current progress and anticipated timescales for the remainder of its preparation through to adoption. Committee approval is needed prior to publication of the timetable within the Local Development Scheme (LDS). For expediency and in order to meet the timetable set out in the LDS and achieve the adoption of the Local Plan by September 2025, delegated authority is being requested to agree any modifications to Local Plan policy wording to propose to the Inspector.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • The Local Plan Examination is 'on pause' 	<ul style="list-style-type: none"> • The Local Development Scheme (LDS) sets out the timetable for producing a new Local

<ul style="list-style-type: none"> Proposed Main Modifications were agreed by E&S Committee 29 February 2024 (green belt and flooding) Proposed Main Modifications were agreed by Council 24 October 2024 Chair of E&S Committee wrote to the Inspector on 25 October and requested resumption of the Local Plan Examination in Public Hearings 	<p>Plan, including the production of new or revised documents it will contain. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) that the LDS is prepared and maintained.</p> <ul style="list-style-type: none"> The current LDS was published in November 2022 and is now out of date so a further update is required.
<p>This is what we want to do about it</p>	<p>These are the next steps</p>
<ul style="list-style-type: none"> Agree the updated LDS Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to agree any modifications to Local Plan policy wording to propose to the Inspector. 	<ul style="list-style-type: none"> Send the revised LDS to the Planning Inspector and Publish on the website. Send document to the Planning Inspector as agreed by Council 24 October 2024 and as agreed by the Chair of E&S Committee.

1.1 This report seeks agreement for the publication of the updated Local Development Scheme.

1.2 Agreement is also sought to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to agree any modifications to Local Plan policy wording to propose to the Inspector.

2. Key issues

2.1 The Local Development Scheme (LDS) sets out the timetable for producing a new Local Plan, including the production of new or revised documents it will contain. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) that the LDS is prepared and maintained.

2.2 The current LDS was published in November 2022 and a further update is needed to submit with the new Local Plan. It reflects on the Local Plan journey over the last few years.

2.3 The significant milestones have been;

- May 2022 - the Council agreed the Submission Version of the Local Plan for the final Regulation 19 consultation
- 25 November 2022 - Submission to the Secretary of State

- 23 to 25 May 2023 - Examination in Public Hearings Week One held
- 2.4 Following the Extraordinary Council Meeting on 6 June 2023 where a motion was agreed to pause the remainder of the Local Plan examination hearings, the Chief Executive wrote to the Planning Inspector to put forward this request on behalf of the Council. The Inspector, Mr Bridgwater replied on 8 June to agree, under the specific circumstances, to the pause in the hearings. On conclusion of the training and review, an Extraordinary Council meeting took place on 14 September 2023 as the three-month pause had come to an end. On the day of the meeting, a letter was received from the Housing and Planning Minister to direct the Council that it could not withdraw the Local Plan from Examination. The Council agreed to extend the pause in the Examination timetable until the proposed changes to the National Planning Policy Framework have been published (expected in the autumn) before determining the next steps and to take immediate legal advice to confirm the validity of the minister's directive. The Inspector agreed to this further pause until publication of the revised NPPF, which was subsequently published on 19 December 2023.
- 2.5 On 29 February 2024 a report was taken to E&S Committee asking for a decision on issues around (1) green belt (2) flooding (3) Staines Development Framework (SDF). The decisions on the latter two are set out in the meeting minutes Agenda Template ([spelthorne.gov.uk](https://www.spelthorne.gov.uk)). The Committee was asked to vote on three options regarding Green Belt sites and resolved to propose to the Inspector that all Green Belt allocations should be removed from the Local Plan, with the exception of the two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople. Following this meeting on 6 March the Chair of the E&S Committee wrote a letter to the Inspector setting out the decisions of the Committee and a timeline for gathering further information from the EA.
- 2.6 A further report was taken to Corporate Policy and Resources Committee on 8 July 2024 regarding the Local Plan – Resumption of Examination. The Committee resolved to
1. *Make a recommendation to Council to propose a Main Modification to the Inspector to remove Bridge Street car park/Hanover House/Sea Cadet building (ST4/002) and Riverside surface car park (ST4/010) as site allocations from the Local Plan*
 2. *Make a recommendation to Council to propose a Main Modification to the Inspector to agree to new policy wording in relation to site allocations at risk from access and egress issues (flooding)*
 3. *Make a recommendation to Council that the Chair of the E&S Committee write to the Inspector with further proposed Main Modifications (if agreed) in order to progress the Local Plan back to Examination*
- 2.7 Following the meetings of Corporate Policy and Resources Committee and full Council, on 23 July 2024 the Chair of the Environment and Sustainability Committee wrote a letter to the Planning Inspector requesting resumption of the Local Plan Examination.
- 2.8 On 24 October 2024 Council resolved to:

1. *Note that the Environment Agency had signed a Statement of Common Ground (SoCG),*
2. *Agree to keep the Green Belt allocations in the Local Plan as submitted to the Planning Inspectorate on 25 November 2022,*
3. *Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to undertake any further consultation required by the Planning Inspector; and*
4. *Agree to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to prepare a main modification to the Local Plan, for the new policy on 'Local Plan Early Review'.*

2.9 Following the meeting the Chair of Environment and Sustainability Committee wrote to the Inspector on 25 October to let him know the outcome of the meeting and further request resumption of the Examination Hearings. We have yet to hear back from the Inspector formally but hope he will return to the Examination in Public Hearing sessions early in the new year, as set out in the timetable in **Appendix A**. We await his letter to confirm dates and the topics for each Hearing session.

2.10 Further information and the provisional 'milestones' for the production of the Local Plan that need to be achieved in order to progress towards adoption are set out in **Appendix A**.

2.11 For expediency and in order to meet the deadlines set out in **Appendix A**, the report is seeking agreement to delegate authority to the Group Head of Place, Protection and Prosperity in consultation with the Chair of the Environment and Sustainability Committee, to agree any modifications to Local Plan policy wording to propose to the Inspector.

2.12 A further LDS update will be produced when the Local Plan is adopted.

3. Options analysis and proposal

Option 1 – agree the LDS and delegation (recommended)

3.1 The LDS is a regulatory requirement so it must be maintained. The timescales have been carefully considered by officers based on the work needed to reach the relevant stages and also reflects the timescales in the previous LDS so there is little scope to adjust without reasoned evidence for doing so. Given the regulatory requirement to have an up-to-date Local Development Scheme, approval is required before we return to Examination in Public Hearing sessions which officers estimate will take place in January and February 2025.

3.2 We are in the Inspector's hands regarding the dates for the resumption of the Examination in Public Hearing sessions. After these, officers will liaise with the Inspector regarding a consultation on Main Modifications to the Local Plan which will run for a statutory period of six weeks. The Inspector will be sent the consultation responses and will then write a report to the Council setting out whether the Local Plan is sound, unsound or can be made sound with

modifications. If found sound or sound with modifications, the report will be taken to Council who will decide whether to adopt the Local Plan.

- 3.3 Delegated authority is being sought in order to progress the Local Plan in a timely manner as we reach a key point in the Examination process, where a quick turnaround in decision making is critical. Officers need to send a number of documents to the Planning Inspector next week to ensure we can get back to Examination hearings in January 2025.

Option 2 – Do not agree the LDS and delegation(not recommended)

- 3.4 Failure to have an up-to-date LDS means we would be acting outside the regulations. There is a significant risk that the Inspector would not allow us to get back to Examination until we have one in place. Any delay would mean that we lose the prospect of getting back to Examination early next year as a new set of potential dates would need to be found. Failure to agree a timetable at all could potentially risk the whole process moving forwards.
- 3.5 Without the necessary delegations in place deadlines will be missed which puts at risk the opportunity to return to Examination in January. Missing these will push the timetable back and risk missing the estimated date for adoption of the Plan in September 2025.
- 3.6 By not agreeing the recommended option there is a risk that the Inspector could potentially advise us to withdraw the current Local Plan - meaning we would have to start developing a new Local Plan under the new NPPF with a higher housing number.

4. Financial management comments

- 4.1 There are no direct implications arising from the update to the LDS itself.

5. Risk management comments

- 5.1 It is a legal requirement to have an up-to-date Local Development Scheme so this is required before we return to Examination in Public Hearing sessions. Delegated authority is being sought in order to progress the Local Plan in a timely manner. Without either of these there is potential for further delay in the Local Plan process. Officers need to send a number of documents to the Planning Inspector next week and if this deadline is missed it puts at risk the opportunity to return to Examination hearings in January 2025. These taking place later in the year will push the timetable back and risk missing the estimated date for adoption of the Plan in September 2025.

6. Procurement comments

- 6.1 N/A

7. Legal comments

The legislative requirements of the Planning and Compulsory Purchase Act 2004 needs to be satisfied by having an updated LDS.

8. Other considerations

- 8.1 No further considerations.

9. Equality and Diversity

9.1 None identified

10. Sustainability/Climate Change Implications

10.1 None identified directly

11. Timetable for implementation

11.1 If approved, the LDS will be published immediately afterwards and submitted to the Planning Inspector.

12. Contact

12.1 Jane Robinson, Local Plans Manager and Joint Interim Service Lead for Strategic Planning, j.robinson@spelthorne.gov.uk

**Please submit any material questions to the Committee Chair and Officer
Contact by two days in advance of the meeting.**

Background papers: There are none.

Appendices:

Appendix A: Local Development Scheme – update 2024