

Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	Yes	3/3/26
Commissioner engagement (if report focused on issues of concern to Commissioners such as Finance, Assets etc)	Yes	5/3/26
Relevant Group Head review	Yes	26/2/26
MAT+ review (to have been circulated at least 5 working days before Stage 2)		
This item is on the Forward Plan for the relevant committee	Yes	22/5/2025
	Reviewed by	
Finance comments (circulate to Finance)		
Risk comments (circulate to Lee O’Neil)	LO	06/03/26
Legal comments (circulate to Legal team)	WB LH	06/03/26 11/03/26
HR comments (if applicable)	N/A	N/A

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	11/03/26
S151 Officer commentary – at least 5 working days before MAT	T.Collier	6/3/26
Confirm final report cleared by MAT		

Council

17 March 2026

Title	Adoption of the Spelthorne Local Plan 2024-2039/40
Purpose of the report	To make a decision
Report Author	Jane Robinson Local Plans and Infrastructure Manager
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Community Addressing Housing Need Environment
Recommendations	<p>Council is asked to:</p> <ol style="list-style-type: none">1. Note that the Council is still under Direction 3 as set out in the letter from the Minister of State for Housing and Planning dated 14 September 2023 (Appendix A) that requires on conclusion of the examination of the Plan that consideration is given to adopting the Plan, including any main modifications recommended by the Planning Inspector.2. Note the contents of the Inspector's Report on the Examination of the Spelthorne Local Plan (included as Appendix B1 and B2).3. Adopt the Spelthorne Local Plan 2024-2039/40 (as set out in Appendix C), which incorporates the Main Modifications, as set out in the Inspector's Report on the Examination of the Spelthorne Local Plan, and other Additional (minor) Modifications (as set out in Appendix D).4. Subject to recommendation 3, adopt the Policies Map (included as Appendix E) and agree to publish it alongside the Spelthorne Local Plan 2024-2039/40.5. Subject to recommendation 3, note the Spelthorne Local Plan 2024-2039/40 replaces the following documents and by adopting the Spelthorne Local Plan 2024-2039/40 they no longer form part of the Council's development plan:<ol style="list-style-type: none">a. Core Strategy and Policies Development Plan Document (adopted 26 February 2009),b. Spelthorne Allocations Development Plan Document (adopted 17 December 2009), andc. Spelthorne Borough Local Plan 2001 Saved Policies and Proposals as at 28 September 2007 (Updated December 2009).

	<p>6. Subject to recommendation 3, give delegated authority to the Deputy Chief Executive in agreement with the Chair of the Environment and Sustainability Committee, to agree any further (non-material) Additional Modifications to the Plan and its accompanying Policies Map before its publication.</p> <p>7. Subject to recommendation 3, accept the content of the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Report (as set out in Appendix F) and Habitats Regulations Assessment (HRA): Addendum of Proposed Modifications (as set out in Appendix G), and agree to publish them in accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004.</p>
<p>Reason for Recommendation</p>	<p>The Council has a statutory duty to develop and maintain an up-to-date Local Plan.</p> <p>The Inspector issued his report on 4 March 2026 and has found Spelthorne Local Plan to be sound provided his recommended main modifications are made to it.</p> <p>In accordance with Direction 3 of the letter from the Secretary of State (14 September 2023) the Council is required:</p> <p><i>“On conclusion of the examination, to consider adopting the plan, including any main modifications recommended by the Planning Inspector deemed necessary to make the plan sound.”</i></p> <p>An Extraordinary meeting of the Environment and Sustainability Committee is scheduled on 16 March to debate this matter and make a recommendation to Council.</p>

1. Executive summary of the report (expand detail in Key Issues section below)

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The Plan has been found sound, subject to the Inspector’s recommended modifications. The Council now needs to resolve whether the Plan will be formally adopted. 	<ul style="list-style-type: none"> Adoption of the Plan will give the Council an up-to-date local plan providing a robust policy framework to guide development in the borough until 2039/40. Once adopted, the Council will be able to demonstrate a five-year housing land supply against the housing requirement set out within the Plan, strengthening our position in planning decisions and appeals. An Extraordinary meeting of the Environment and Sustainability

	Committee is scheduled on 16 March to debate this matter and make a recommendation to Council.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> The Council needs to consider the adoption of the Plan in accordance with Direction 3 as set out in the letter from the Minister of State for Housing and Planning dated 14 September 2023 (included as Appendix A). Adoption would ensure the Plan carries full statutory weight and replaces older policies. 	<ul style="list-style-type: none"> If the Council resolves to adopt the Local Plan, it will take effect immediately and be used in the determination of planning applications.

2. Key issues

- 2.1 On 4 March 2026, the Council received the Inspector's Report on the Examination of the Spelthorne Local Plan ("Local Plan") ("the Report"). The Report (as set out in Appendix B1) was published on 5 March 2026. Receipt of the Inspector's Report completes the Examination of the Local Plan.
- 2.2 The Inspector concludes that, subject to the Main Modifications recommended in his Report, the Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and provides an appropriate basis for the planning of the borough. He confirms that:
- the Duty to Cooperate has been met, and
 - all other legal, procedural, and regulatory requirements have been complied with and therefore finds the Plan is sound.
- 2.3 The recommended Main Modifications can be summarised as follows:
- The introduction of an Immediate Partial Review Policy ST3;
 - The deletion of a number of site allocations to take into account of flood risk that cannot be mitigated;
 - Revision of flood risk policy E3 to take account of national guidance; and
 - Updating the Housing Trajectory to reflect revisions in site allocations;
 - Adding, amending, or deleting policies and explanatory text to guide development;
 - Updating Policy requirements in relation to a number of site allocations to ensure each Policy wording is clear, precise, and effective; and

- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.
- 2.4 The Council remains subject to the Direction issued by the Minister of State for Housing and Planning on 14 September 2023 (as set out in Appendix A). This Direction requires the Council to consider adopting the Local Plan, including any Main Modifications recommended by the Planning Inspector deemed necessary to make the Plan sound.
- 2.5 An Extraordinary meeting of the Environment and Sustainability Committee is scheduled on 16 March to debate this matter and make a recommendation to Council.
- 2.6 It is now for the Council to consider adoption of the Local Plan (as set out in Appendix C) and the approval of the Policies Map (as set out in Appendix D). At the same time, to also note the content of the final Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Report (as set out in Appendix F) and Habitats Regulations Assessment (HRA) (as set out in Appendix G) and to agree their publication in accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 2.7 Once adopted, the Local Plan becomes part of the Development Plan for the borough. It will then form a key material consideration in the determination of all planning applications.

Local Plan Adoption Background

- 2.8 The current development plan for Spelthorne consists of:
- Core Strategy and Policies Development Plan Document (2009),
 - Allocations Development Plan Document (2009),
 - Spelthorne Borough Local Plan 2001 Saved Policies and Proposals,
 - Adopted Proposals Map (December 2009).

These documents will be replaced upon adoption of the new Local Plan.

- 2.9 Under the Planning and Compulsory Purchase Act 2004, local planning authorities must prepare a local plan for their area. Local plans are expected to be in conformity with the Government's planning policy, of which the National Planning Policy Framework (NPPF) is the principal document. The most recent version of the NPPF was published in December 2024.
- 2.10 The Plan has been subject to five rounds of public consultation including:
- Regulation 18 Consultation on "Issues and Options" (2018)
 - Regulation 18 Consultation on a "Preferred Options" (2019-2020)
 - Regulation 19 Consultation on the "Pre-Submission Spelthorne Local Plan" (2022)
 - Main Modifications Consultation (2025)
 - Further Main Modifications (2025-2026)
- 2.11 On 29 November 2022, Spelthorne Borough Council submitted its draft version of the Spelthorne Local Plan to the Secretary of State for Levelling

Up, Homes, and Communities for examination. On 20 December 2022 Jameson Bridgwater PGDip TP MRTPI was appointed the Planning Inspector to examine the Plan.

- 2.12 The Examination Hearing sessions began on 23 May 2023 and ran until 25 May 2023. On 6 June 2023, a pause to the Examination of the Plan was agreed by an Extraordinary Meeting of the Council. The Council resolved to:

“formally request 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.”

- 2.13 On 14 September 2023, the Minister of State for Housing and Planning set out directions in a letter (Appendix A) which prevented the Council from taking any step to withdraw the Plan from examination, and on conclusion of the examination directed the Council to publish the Inspector’s report and to consider adopting the Plan, including any Main Modifications recommended by the Planning Inspector.

- 2.14 Following an Extraordinary Council Meeting on the evening of 14 September 2023, Councillors voted to:

“Extend the pause in the Examination timetable until the proposed changes to the National Planning Policy Framework (NPPF) have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the Minister’s directive..”

The Inspector [agreed to a further pause](#) as per the request of the Chief Executive.

- 2.15 Following the Environment Agency signing a Statement of Common Ground in October 2024, the examination hearings resumed and ran between 28 January and 18 February 2025. Upon conclusion of the hearings, the Council produced proposed main modifications to the Plan in order to make it sound. These modifications were subject to public consultation between 3 April and 15 May 2025. The Council then summarised the representations received and produced a response to each. This summary and responses document was shared with the Inspector and published on 9 July 2025.

- 2.16 The Council was then made aware of a change in circumstances of site allocation AS1/011 Land at former Bulldog Nurseries, meaning the site was no longer deliverable for residential development. More information on the circumstances leading to this can be found in [TOP011 Topic Paper 11: AS1/011](#) and Further Proposed Main Modifications (which can be viewed via [this link](#)). This change required the Council to propose Further Main Modifications to the Plan which were subject to a public consultation running from 14 November 2025 to 4 January 2026. The representations made during this consultation were submitted to the Inspector in early January 2026, along with officer responses to them.

- 2.17 The Inspector’s Report was issued on 4 March 2026. The Council now needs to consider adopting the Plan. If adopted this Plan would, together with the

Policies Map, replace the documents listed in paragraph 2.7 above as the development plan for Spelthorne Borough.

3. Options appraisal and proposal

3.1 The preferred option is for the Council to adopt the Local Plan.

3.2 Adoption would provide an up to date and robust planning framework to guide how new development and infrastructure comes forward in a sustainable manner in Spelthorne over the plan period of 2024-2039/40.

3.3 The Plan makes provision for 9,900 new dwellings over the plan period (an average of 619 per annum). Adoption would enable the Council to demonstrate a five-year housing land supply. This in turn means the Council will have up-to-date policies to be used in decision-making.

3.4 The Plan also provides a strategy for providing necessary infrastructure to support the growth of the borough.

3.5 The risks associated with adopting the Plan are low. The Inspector's Report concluded that "*with the recommended main modifications ... the Spelthorne Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound*". As with all Local Plans, it should be noted that there is a six-week window following adoption of the Plan where a legal challenge to the decision to adopt the Plan could be made by making an application to the High Court.

3.6 Alternatively, the Council could not to adopt the Local Plan.

3.7 This would mean that the Council would not be able to demonstrate a five-year housing land supply, engaging the tilted balance in decision-making. The tilted balance is where the presumption in favour of sustainable development is engaged. This means that planning permission must be granted unless the adverse impacts of a proposal would significantly and demonstrably outweigh its benefits when assessed against national policy taken as a whole. In practice, this greatly reduces the weight that can be given to the Council's existing (and much older) local planning policies and increases the likelihood that speculative or less suitable development proposals could be approved at appeal. The tilted balance would continue to apply until an adopted Local Plan is in place and a five-year housing land supply can be demonstrated.

4. Risk implications

4.1 There is a significant risk of government intervention should the Council decline to adopt the Local Plan now that it has received the Inspector's Report, which concluded that "*with the recommended main modifications ... the Spelthorne Local Plan ... is sound*." MHCLG cannot mandate the Council to adopt the Plan but has the authority to approve the Plan, which would then have the same weight as an adopted plan in decision making of planning applications.

4.2 In the event that central government assumes control of the Plan, the Council must reimburse the Secretary of State for any expenditure incurred in connection with this intervention.

- 4.3 There would be implications for reputational risk to the Council if the Local Plan was not adopted now that it has been found sound by the Planning Inspector.
- 4.4 Not having an adopted Local Plan will place the Council at significant risk of having to plan for a substantially higher housing requirement under the government's updated standard methodology. This would increase the annual housing requirement in the first five years of the plan from 757 homes per annum (631 plus the required 20% buffer) to 952 homes per annum (793 plus a 20% buffer). For remainder of the Plan period, the housing figure would increase from 631 to 793 homes per annum. The 20% buffer must be applied to the first five years because the borough has failed the Housing Delivery Test for the previous three years. Without an adopted Plan, the likelihood of speculative development at appeal increases significantly resulting in additional appeal costs and resourcing implications.
- 4.5 A number of key planning documents would also be delayed. The Design Code could not be adopted, the proposed Managing the Development of Houses in Multiple Occupation (HMO) SPD could not progress and the forthcoming Supplementary Planning Documents on Affordable Housing and Climate Change could not be adopted before the 30 June 2026 deadline, thus limiting the Council's ability to secure high-quality development and robust mitigation measures.

5. Financial implications

- 5.1 If the Council decide not to adopt the Plan, there would be significant financial cost as set out in 4.1 and 4.2 above and money spent on the Examination (set out in 5.3) would be wasted.
- 5.2 Getting the Local Plan to this point has incurred significant costs in producing the lengthy evidence base and public consultation. The evidence base has cost over £360,000 to produce, plus additional costs such as £31,000 for Conservation Area Appraisal. Consultation (including software) and marketing has cost approx. £20,000.
- 5.3 Taking the Local Plan through Examination has incurred the Planning Inspector's fees (over £98,000 to 28 February 2026 and awaiting billing for final total), Legal fees (around £158,000 since 2020), Programme Officer fees (£14,100 to mid-March 2025 and awaiting billing for final total) and other associated costs including consultants appearing at Examination to provide advice (approx £40,000). This investment (£310,000 already and further to be billed) would be wasted if the Council opt not to adopt the Local Plan.
- 5.4 The below table summarises expenditure incurred to produce the Local Plan since the 2018/19 financial year to 2025/26 (end of Feb) financial year. The table below excludes staffing costs, relating to officer time, which would also add costs to the below. Costs relating to the Staines Development Framework, Staines Masterplan and Design Codes are also excluded.

Expenditure Type	Total
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Evidence base	£362,297
Consultants at Examination	£40,036
Legal fees	£158,552
Planning Inspectorate	£98,072
Programme Officer	£14,100
Consultation (incl software) and marketing	£20,347
Critical Friend	£17,015
Conservation Area Appraisal	£31,000
	£741,419

5.5 There will be more costs incurred from invoices relating to expenditure incurred with the Planning Inspectorate and Programme Officer for the final months of the financial year.

6. Legal comments

- 6.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to submit its proposed Local Plan to the Secretary of State for independent examination by an Inspector appointed by the Secretary of State. The Inspector is required to determine whether the proposed Plan has been prepared in accordance with the relevant legislation, is “sound” and the Council has complied with the “duty to cooperate.”
- 6.2 The Inspector’s Report has confirmed that all relevant legal requirements have been met, and the proposed Plan is sound. Consequently, the Council has two choices – to adopt the proposed Plan or to reject the proposed Plan. If Council chooses to reject the proposed Plan, the reasons for disagreeing with the Inspector’s conclusion that the proposed Plan is sound and may be adopted will need to be clearly identified and substantiated.
- 6.3 The legal implications of not adopting the Local Plan means planning decisions are governed exclusively by national policies rather than local policies relevant to the Borough of Spelthorne and local requirements. The Planning and Compulsory Purchase Act 2004 (as amended) gives the Secretary of State powers to intervene – should the Council not follow the conclusion of the Inspector; it is highly likely that MHCLG will intervene.
- 6.4 Under the provisions of the Planning and Compulsory Purchase Act 2024 (as amended) a statutory challenge may be brought by an application to the High Court during a period of 6 weeks from the adoption date.
- 6.5 Adoption of the Local Plan is a matter for Council (Article 4 para 4.1(a) of the Constitution).

Corporate implications

7. S151 Officer comments

- 7.1 The S151 Officer confirms that all financial implications have been taken into account and that the preferred option and recommendations are fully funded from within the 2026-27 budget.

8. Monitoring Officer comments

- 8.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

9. Procurement comments

- 9.1 External consultancy support for the preparation of the Plan was appointed with the assistance of the Procurement Team.

10. Equality and Diversity

- 10.1 An EIA was undertaken for the Local Plan. It is attached at appendix H.

11. Sustainability/Climate Change Implications

- 11.1 The adoption of the Local Plan will significantly strengthen the Council's ability to address the sustainability and climate change challenges facing the borough. The Plan embeds climate mitigation and adaptation across its strategic framework, explicitly setting out requirements to conserve and enhance the natural environment while "mitigating and adapting to climate change" in future development decisions. This will ensure that new growth is steered toward sustainable locations, incorporates low carbon and energy efficient design, and supports long-term resilience to known local risks such as flooding. Together, these measures will help reduce borough wide emissions, improve environmental quality, and enhance the resilience of communities and infrastructure.
- 11.2 Additionally, the Local Plan provides the hooks for the previously adopted 'Climate Change Supplementary Planning Document' that outlines the Council's expectations for sustainable design, energy efficiency, water management, and biodiversity enhancement. Considered together, these frameworks will provide a coherent, legally robust foundation for driving sustainability improvements across the borough.

12. Other considerations

- 12.1 As outlined in the Inspector's Report and reflected in the introduction of Policy ST3, the Immediate Review policy means that the Council must review the Local Plan and submit an updated or replacement Plan for examination within two years of adoption. This requirement reflects the Inspector's recognition that the Plan provides a sound and robust basis for adoption, and that an early review offers the opportunity to build on this position within the new plan making system. This ensures the Plan continues to reflect the latest national policy and most up to date evidence. The review will support the Council in

proactively addressing longer term needs such as the borough's future housing and employment requirements while monitoring delivery on allocated sites. This approach gives the Council flexibility to respond to changing circumstances and ensures the Plan remains effective and forward looking.

13. Timetable for implementation

- 13.1 Once adopted by full Council, the Local Plan will immediately form part of the statutory development plan for Spelthorne. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, it will be used in the determination of any planning application from the following day, notwithstanding the statutory six-week period during which the Plan may be subject to legal challenge.

14. Contact

- 14.1 Jane Robinson, Local Plans and Infrastructure Manager,
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:

6 June 2023 – Extraordinary Council - [Request to Pause the Local Plan Examination Hearings](#)

14 September 2023 - Extraordinary Council – [Spelthorne Local Plan](#)

Appendices:

Appendix A: DHULC S.27 Planning and Compulsory Purchase Act 2004 Local Plan Intervention Letter – 14 September 2023

Appendix B1: Planning Inspectorate - Report on the Examination of the Spelthorne Local Plan - 4 March 2026

Appendix B2: Spelthorne Local Plan – Schedule of Main Modifications

Appendix C: Spelthorne Local Plan 2024-2039/40

Appendix D: Spelthorne Local Plan 2024-2039/40 Policies Map (A4 compressed version provided for Committee report)

Appendix E: Additional (minor) Modifications

Appendix F: Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Report

Appendix G: Habitats Regulations Assessment (HRA)

Appendix H: Equalities Impact Assessment