Examination of the Runnymede 2030 Draft Local Plan

Examination Hearing Statement

on behalf of Tarmac Trading Limited

Matter 1: Legal Requirements, the Duty to Co-operate and the Plan Period

November 2018
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1 INTRODUCTION

1.1.1 This Hearing Statement has been prepared by Heaton Planning Limited (“HPL”) on behalf of Tarmac Trading Limited (“our Client”).

1.1.2 Our Client is the freehold owner of an area of land (~11Ha) located to the north of Thorpe Industrial Estate, Thorpe Lea. Referred to hereon as “the site”, it has been previously considered by the Council through previous consultation on the Draft Plan. Relevant references used by the Council to identify the site include:

• “Site 18 – Land North of Thorpe Industrial Estate” (SLAA, Sustainability Appraisal, Site Selection Methodology and Assessment); and,

• “Sub Area 87” (Green Belt Review).

1.1.3 HPL are instructed to promote the site for employment development. In doing so we are seeking revisions to the Plan as submitted for examination which secure the removal of the site from the Green Belt and its allocation for employment use.

1.1.4 This statement follows from previous representations to the plan (ID representor 1937) and should be read in conjunction with the previous representations.

1.1.5 We have responded where appropriate to the questions highlighted within examination document ID/02. It is our intention to play an active role in the examination hearing sessions. This may include participation in some of the other questions for which answers have not been provided here although which still relate to matters raised within representations previously made. This is consistent with the published guidance.
2 MATTER 1 – LEGAL REQUIREMENTS, THE DUTY TO CO-OPERATE AND THE PLAN PERIOD

Question 1.2 – Is the Habitat Regulation Assessment and the Sustainability Appraisal (SA) adequate? Does the SA Demonstrate the Plan has been tested against all reasonable alternatives?

2.1.1 We do not consider that the Sustainability Appraisal (SA) is adequate. Whilst the detailed merits of the our client’s landholding will be considered at later stages of the examination process, it is worrying that the approach to non-absolute constraints is inaccurate and is not reflective of the characteristics of our site. In summary, our previous representations have raised issues regarding:

- **Flood Risk** – The developable area of the site falls within Flood Zone 1. The ‘minor negative’ scoring within the SA is incorrect and has not been addressed.

- **Minerals / Waste** – There are no constraints posed by Mineral Safeguarding Area as suggested by the SA, the site is owned and promoted by an established and respected mineral operator and it has no further use as mineral site. The minor negative scoring within the SA is incorrect and has not been addressed.

- **Heritage** – The SA has assessed the site as being constrained by below ground archaeology, yet it is an area that has been worked for mineral and subsequently restored. It is likely that all significant below ground archaeology has been destroyed. The minor negative scoring within the SA is incorrect and has not been addressed.

- **Open Space** – The SA and underlying “Runnymede Open Space Study” (2016) has incorrectly identified the site as being of a “Parks and Gardens” open space typology. This classification is entirely erroneous and the significant negative scoring within the SA is incorrect. This issue has not been addressed.
2.1.2 These issues have not been addressed by the Council following submission of these representations and it is unclear how the Council has responded to the identified deficiencies raised. Amendments are required to the SA to rectify the identified deficiencies.
Question 1.5 – Is the Plan period (2015-2030) justified? If not, how should this be rectified?

2.1.3 Paragraph 157 of the Framework requires plans to be drawn up over an appropriate timescale (preferably 15 years) and take account of longer term requirements. The plan as submitted will not reflect such a plan period at the point it could be adopted and it is therefore not consistent with the Framework.

2.1.4 The characteristics of Runnymede including its geographic location, land use designations (Green Belt) and strategic priorities require a consistent, long term vision for the area.

2.1.5 We have identified issues relating to the quantum of employment land and ability to meet identified employment requirements in our previous representations. These raise important soundness issues which flow from the decision of the Council to reduce its plan period from 2015-2035 to 2015-2030.

2.1.6 The reason for this has been evidenced by Council committee papers dated 20/12/2017 (see Appendix 1) which state that:

“Of particular note, following a review of the Duty to Cooperate outcomes achieved during Plan preparation up to September 2017, it has become clear that none of the 20 local authority partners who Runnymede has approached to assist with meeting unmet needs from the Borough over the period of the Local Plan have expressed a willingness or ability to offer any practical assistance. On this basis, officers recommend that the Plan period is reduced from 20 to 15 years (the latter is the minimum length of time that the NPPF (para 157) recommends that Local Plans should cover)”

2.1.7 This confirms that the Council is facing continued difficulties with regard to the obligations placed upon it to plan for full objectively assessed needs and plan with other authorities to meet such needs if it is deemed impossible to meet its own needs.

2.1.8 The shortening of the plan period is not justified and it should be extended to cover at least the period to 2035.
In our opinion, the shortened plan period represents a convenient option to avoid selecting other sites for removal from the Green Belt and safeguarding land to meet longer term needs — as is explicitly encouraged by the Framework. It indicates that previous legal compliance issues and soundness arising from the Duty to Cooperate remain (which led to the previous withdrawal of the Local Plan Core Strategy) and are yet to be fully overcome.

The impact of this reduction in plan period (assuming the plan passes examination and is adopted in 2019 or 2020) is that it will have an effective plan period of around 10-11 years, not the 15 years as required by paragraph 157 of the Framework.

It would also appear that the Council acknowledges the need to respond to true longer term needs, such as the identified regional deficiency in employment land (which may also involve meeting yet to be determined development needs from within Spelthorne BC) through a subsequent review of its plan. Paragraph 5.27 of the draft plan clarifies this position and states that:

“Runnymede Borough Council will seek to ensure delivery of the housing need that cannot be met within the Borough is met within the wider HMA in the first instance. As evidenced through the SHMA, Runnymede has the strongest functional links with Spelthorne Borough Council. However, Spelthorne BC is only at the early stages of the preparation of its Local Plan and is therefore not currently in a position to confirm what proportion of the HMA’s objectively assessed housing needs it will be able to meet. A first review of the Local Plan will occur within 5 years of adoption in line with the recommended timescales for review in the PPG when there will be a greater certainty about what Spelthorne can deliver through its Local Plan, and Runnymede will have had additional time to seek to resolve any issues associated with the redistribution of unmet development needs outside of the Borough in the longer term, if any such issues are found to exist.” (HPL emphasis underlined)

This statement appears to relate to housing need and there is no mention specifically of the regional deficiency (identified by Regeneris Consulting for the LEP) in employment land. The existence of significant issues such as Heathrow expansion and a related Southern Rail link also merit further
consideration and will inevitably require a longer term view than 10-11 years currently envisaged.

2.1.13 This is also particularly important given that any review of the plan to meet additional development needs (reflecting either a longer plan period or needs that cannot be met within Runnymede) will invariably involve further review of the Green Belt, a matter further developed in our statement for Matter 4.
Planning Committee
Wednesday 20 December 2017 at 7.30pm
Council Chamber
Runnymede Civic Centre, Addlestone

Members of the Committee

Councillors Mrs G M Kingerley (Chairman), D W Parr (Vice-Chairman), D E Anderson-Bassey, J Broadhead, D A Cotty, R J Edis, Mrs E Gill, D J Knight, M T Kusneraitis, Mrs Y P Lay, M J Maddox, B W Pitt, Mrs G Warner, M Willingale and one vacancy

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the committee, if they are not a member of this Committee.

AGENDA

Notes:

1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.

2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to Mr B A Fleckney, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).

3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.

4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
1. **FIRE PRECAUTIONS**

   The Chairman will read the Fire Precautions, which set out the procedures to be followed in the event of fire or other emergency.

2. **NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP**

3. **APOLOGIES FOR ABSENCE**

4. **DECLARATIONS OF INTEREST**

   If Members have an interest in an agenda item please record the interest on the orange coloured form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings. **Members are advised to contact the Council’s Legal Section prior to the meeting if they wish to seek advice on a potential interest.**

   Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council’s representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

   Members who have previously declared interests, which are recorded in the Minutes to be considered at this meeting, need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member’s judgement of the public interest.

5. **DRAFT RUNNYMEDE 2030 LOCAL PLAN (PLANNING)**

   **Synopsis of report:**

   Members’ approval is sought to carry out public consultation on the draft Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

   Approval of the contents of the consultation document and date for commencement of the consultation is also sought.

   **Recommendation(s) to Full Council:**

   i) That the Draft Runnymede 2030 Local Plan (Appendix A) be endorsed as sound, and  
   ii) That Full Council endorse the Plan as sound and approve for publication and consultation as the “Regulation 19” submission document, the consultation documentation.

   **ALL MEMBERS ARE KINDLY REQUESTED TO RETAIN THEIR RESPECTIVE HARD COPY OF THESE PAPERS AS NO FURTHER HARD COPIES WILL BE PROVIDED PRIOR TO FULL COUNCIL ON 9TH JANUARY 2018.**

1. **Context of report**

   1.1 Members will be aware that it is a requirement of the Government that all Local Planning Authorities produce up-to-date Local Plans to ensure that in each area
there is an operational framework to provide the homes and jobs that people need. It has been confirmed that where Local Plans are not produced, the Secretary of State for Communities and Local Government will intervene to arrange for them to be written. Members will be aware that the Secretary of State has raised concerns with RBC to ensure the submission of the Plan will be before the deadline expressed by Government of April 2018. This concern does not recognise the adopted Local Plan timetable (LDS) and, as detailed below the Council remains on target for a submission on 28th March 2018.

1.2 Council officers commenced the background work necessary to underpin the new Runnymede Local Plan in April 2014. Since that time a substantial amount of information has been gathered to provide the foundations for the Plan, most of which is original research commissioned especially by the Council.

1.3 Following the preparation of the evidence base, the Council carried out its first round of public consultation on the Local Plan in July and August 2016. This was known as the Issues, Options and Preferred Approaches (IOPA) consultation. A further round of public consultation was carried out in May 2017. This was known as the Additional Sites and Options (ASO) consultation. In this second round of consultation, interested parties were given the opportunity to comment on a number of additional site allocations recommended by the Council and a number of alterations to the Council’s preferred approaches in a number of different policy areas.

1.4 1019 representations were received during the course of the ASO consultation. All of these representations are published on the Council’s website. Alongside these representations is a document summarising the key points made in each representation and the officer responses. At Appendix B of this agenda, officers have sought to provide Members with an overview of the key points which were raised during the ASO consultation along with the officer responses.

1.5 Following consideration of all of the representations made during the Additional Sites and Options consultation, officers, with the support and agreement of the Local Plan Members Working Group have now prepared the draft Local Plan for Members’ consideration. The draft Local Plan can be viewed at Appendix A. It is officers’ recommendation that this draft Local Plan is published for consultation in compliance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Regulation 19 consultation is a statutory stage, prior to the submission of the draft Plan to the Secretary of State which allows representations to be made on the draft Plan which the Council considers to be ready for examination. The opportunity to participate will be extended to any person who wishes, including the full range of stakeholders and interested persons including those who have previously commented at earlier stages (under Regulation 18) of the draft Plan content. The draft Plan has been informed by Regulation 18 responses from both the IOPA and ASO consultations.

2. **Report**

2.1 The Runnymede Local Plan will provide the detailed policies, designations and site allocations that will guide development decisions in Runnymede over a 15 year period from 2015-2030.

2.2 Subject to agreement at this Planning Committee and Full Council on 9 January 2018, the draft Local Plan will be published and representations invited in early January for a 6 week period. The Plan alongside a full suite of documents including evidence base and sustainability appraisal will be submitted to the Secretary of State by the end of March 2018.
2.3 This timescale will meet with the Department for Communities and Local Government deadline for the receipt of plans which the Planning Inspectorate may consider under the current method for calculating total housing requirements. Members will recall that Runnymede is located in a Housing Market Area with Spelthorne Borough Council. The 2015 Runnymede-Spelthorne SHMA concluded that the Objectively Assessed Need for the HMA was between 1018 and 1292 homes per year of which 466-535dpa can be attributed to growth in Runnymede. The Runnymede-Spelthorne SHMA is currently being updated. The high level findings from this updated piece of work conclude that the proportion of the Objectively Assessed Need for the HMA that relates to Runnymede is 498dpa. As the Council intends to submit its Local Plan to the Secretary of State by 31st March 2018, it is this updated figure that officers recommend that the Council should rely upon moving forwards in terms of quantifying the level of housing need in the Borough. At this level, over the period of the Local Plan, officers are of the opinion that Runnymede’s proportion of the OAN largely be met through the implementation of the draft Local Plan. If the Government proceeds with implementing the standardised approach to calculating housing needs as set out in the Planning for the Right Homes in the Right Locations consultation (September 2017), the housing need for the HMA would be 1147 of which 557 would be apportioned to Runnymede.

2.4 The draft Plan contains proposed policies to guide decision making on planning applications and proposed designation boundaries (within which specific policies will be applied). It also proposes the allocation of sites suitable for development in the Plan period to help meet the Borough’s identified development needs.

2.5 The draft Plan has been prepared in accordance with national legislation and policy, and informed by a comprehensive Sustainability Appraisal and Habitats Regulations Assessment. The Local Plan had been built on the foundation of a detailed and robust evidence base. It takes due account of the outcomes from earlier rounds of “Regulation 18” consultation and ongoing engagement with neighbouring authorities on relevant cross-boundary issues (“Duty to Cooperate”) together with the views of other statutory bodies. Of particular note, following a review of the Duty to Cooperate outcomes achieved during Plan preparation up to September 2017, it has become clear that none of the 20 local authority partners who Runnymede has approached to assist with meeting unmet needs from the Borough over the period of the Local Plan have expressed a willingness or ability to offer any practical assistance. On this basis, officers recommend that the Plan period is reduced from 20 to 15 years (the latter is the minimum length of time that the NPPF (para 157) recommends that Local Plans should cover). This, in conjunction with additional housing supply work carried out by the Council since the ASO consultation, and the evidence in the updated SHMA work which reduces the objectively assessed level of housing need in Runnymede has assisted in almost completely eliminating the unmet shortfall in housing provision in the Borough over the period of the Local Plan.

2.6 Planning Committee and Council agreement of the proposed Regulation 19 document at Appendix A is sought. Following the completion of the regulation 19 consultation and consideration of representations made during the consultation period, the Local Plan will be presented to Secretary of State, together with details of the representations received and a summary of the issues. On submission, the Planning Inspectorate will be asked to appoint a Planning Inspector to conduct the Local Plan Examination, who will manage any public hearings. The Inspector will then provide an independent report to the Council, to cover the legality and statutory soundness of the document and to make recommendations, including any modifications considered to be necessary and where further consultation is to be carried out, prior to the final adoption of the Local Plan by the Council.
2.7 All duly made representations from the Regulation 19 consultation will be sent to the Inspector appointed to examine the Local Plan. The inspector will consider these before deciding which topics and which participants are to be invited to be involved in public hearings and following this to report to the Council whether to recommend that the Plan be adopted with or without modification.

2.8 The draft Local Plan at Appendix A contains the following:

**Development Management policies:** these policies cover a wide range of topic areas including:

a. Policies to guide provision of housing, commercial, and retail development.
b. Policies to ensure that new development is well designed and protects local character and amenity.
c. Policies to ensure an appropriate mix of housing types, tenures and sizes.
d. Policies to protect valuable open spaces (including Local Green Spaces), and to ensure the provision of open space as part of new development.
e. Policies to ensure that new development is supported by appropriate infrastructure (including transport infrastructure)
f. Policies to direct development away from flood zones, protect new and existing developments from flooding and to help mitigate the impacts of climate change.
g. Policies to protect landscapes and biodiversity, to help maintain and enhance a green and blue infrastructure network across the borough, to control development in the Green Belt and to conserve and enhance heritage assets.

**Designation boundaries:** These are shown on the policies map and include:

a. The boundaries of the Borough’s Local Green Spaces.
b. Updated boundaries for the Borough’s town and local centres, primary and secondary shopping frontages and primary shopping areas.
c. The extent of the Borough’s Strategic Employment Areas.
d. Proposed changes to the Green Belt boundary in Runnymede.

**Proposed development allocations:** These include:

a. Town centre allocations in Addlestone and Egham including information about the residential capacity and the other types of uses which should form part of any schemes which come forward.
b. Housing sites which would form extensions to the Borough’s existing urban areas, with information about residential capacity (including capacity for specialist accommodation such as older people, student and traveller accommodation), infrastructure requirements and other relevant, and site specific factors which any proposed development scheme would be expected to address.
c. A new settlement at the Longcross Garden Village. This allocation is accompanied by a detailed policy which will guide development on this site over the period of the Local Plan.
d. An employment allocation in New Haw.

**Maps:** The Policies Map illustrates geographically, on a map base, the proposed policy designations including where development is proposed and/or restricted. A key diagram is also contained within the Local Plan document.

**Evidence base**

2.9 The draft Local Plan is based on relevant local evidence. A wide range of technical evidence papers have been prepared/are being updated in support of the draft Local Plan. All evidence base documents are published on the Council’s website once finalised. The evidence base includes:
a. Two complementary Green Belt Reviews (2014 and 2017) which consider the performance of the Borough’s Green Belt, a technical review of the Borough’s Green Belt boundary and a Green Belt Villages Review.
b. Evidence in relation to the infrastructure requirements associated with planned growth, summarised in an Infrastructure Delivery Plan. A Water Cycle Study is also being completed.
c. Strategic Highway modelling which considers the impacts of the growth forecasted in the Local Plan and surrounding area on the highway network in the Borough.
d. A suite of evidence base documents which are associated with housing demand and supply including a Strategic Land Availability Assessment, a Strategic Housing Market Assessment and a Gypsy and Traveller Accommodation Assessment.
e. An Employment Land Review which considers the need for employment floor space in the Borough and evidence which seeks to quantify the needs for different uses/floor space over the period of the Local Plan in the Borough’s town and local centres to ensure their continued vitality and viability.
f. Strategic Flood Risk Assessment Level 1 and 2 and strategic sequential test.
g. An Open Space Study and Local Green Space Assessment.
h. Comprehensive site selection and site capacity work.

It should be noted that during the preparation of the evidence base, consultation with Duty to Cooperate partners has occurred where appropriate. Comments made on specific evidence base documents during the earlier rounds of public consultation on the Local Plan have also been considered and addressed where appropriate.

Infrastructure

2.10 As noted above, the draft Local Plan includes a policy relating to ‘infrastructure provision and timing’ and individual allocation policies also contain requirements to deliver the necessary infrastructure to support development. These policy requirements have been included to address concerns raised previously by local residents and Members regarding the need to secure appropriate infrastructure provision to support new development in a timely manner.

2.11 In the Council’s infrastructure work, consideration has been given to (amongst other things) healthcare, education and transport needs, and details of the infrastructure needed to support any future development are provided in the Infrastructure Delivery Plan.

Sustainability Appraisal and Strategic Environmental Assessment

2.12 Section 19 of the Planning and Compulsory Purchase Act 2004 requires that Local Plan documents are informed and accompanied by a Sustainability Appraisal, which allows the potential social, environmental and economic impacts of the plan proposals to be taken into account throughout the plan-making process. The Environmental Assessment of Plans and Programmes Regulations 2004 implement the requirements of the European Directive 2001/42/EC and require a Strategic Environmental Assessment of the effects of a Local Plan on the environment.

2.13 The objectives, approaches and options, and the proposed policies and development site allocations, have been subject to Sustainability Appraisal.

2.14 It also assessed each of the proposed allocations to identify the sustainability implications of development on these sites and measures that would be required to mitigate or avoid negative sustainability impact.

2.15 This appraisal process has informed the content of the consultation document.

Habitats Regulations Assessment
2.16 The Conservation of Habitats and Species Regulations 2010 implement the requirements of European Directive 92/43/EEC and require that - if it is considered likely that a Local Plan will have significant effects on habitats or species of European importance - a Habitats Regulations Assessment must be carried out.

2.17 At the Regulation 18 stage, a Habitats Regulations Screening and Assessment was carried out on emerging Plan proposals. This assessment has been updated for the Regulation 19 stage, taking account of the latest information available, and has concluded (as at the Regulation 18 stage) that the draft Local Plan would not be likely, either individually or in combination with other plans or projects, to have a significant effect on any habitat or species of European importance.

3. Council Policy

3.1 Once adopted, the new Local Plan will replace the Runnymede Borough Local Plan, 2001 (Second Alteration) and all of its saved policies and supplementary planning guidance. It will guide the decision making process for determining planning applications in the Borough over the period of the Local Plan.

4. Resource implications

4.1 The costs associated with this work are contained within the Council's approved 2017/2018 budget.

5. Legal implications

5.1 Consultation on the Local Plan is required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“LPR”). The provisions relating to consultation on the draft Local Plan are addressed by Regulations 18 and 19.

5.2 Representations received as part of the earlier Regulation 18 consultation have been taken into account in preparing the Local Plan for Regulation 19 publication for submission. The draft Local Plan and accompanying policies and evidence will be forwarded to the Secretary of State’s Planning Inspectorate for examination together with representations duly made under Regulation 19.

5.3 Section 110 of the Localism Act 2011 imposes a Duty to Co-operate. The duty requires the Council to engage constructively, actively and on an on-going basis with other organisations as appropriate. Looking ahead to the Examination in Public, the Council will have to show the Inspector that it has discharged this duty from the earliest stages of the Plan’s preparation. The Council will be required to demonstrate how co-operation with its partners and neighbouring councils has fed into the Plan-making process. In this regard, Para 1.7 of the draft Local Plan states:

1.7 The Council has started working with partners to negotiate the signing of Statements of Common Ground (SoCG) and Memorandums of Understanding (MoU). It is anticipated that prior to the Council’s Examination in Public, SoCG or MoU will have been signed with all of the Council’s key partners which set out the cross boundary matters of relevance between those organisations party to the SoCG, and confirm where agreement on cross boundary matters has and has not been reached.

5.4 Before submitting a local plan to the Secretary of State for independent examination, the Council acting in its capacity as Local Planning Authority (LPA) must make available a copy of each of the following documents:

- The local plan which the LPA propose to submit to the Secretary of State.
• A submission policies map, if the adoption of the local plan would result in changes to the adopted policies map.
• The sustainability appraisal report.
• A statement setting out:
  o which bodies and persons were invited to make representations;
  o how those bodies and persons were invited to make representations;
  o a summary of the main issues raised by those representations; and
  o how those main issues have been addressed in the local plan.
• Any supporting documents that the LPA believes are relevant to the preparation of the local plan.
• A "statement of the representations procedure" that specifies:
  o the title of the local plan;
  o the subject matter of, and the area covered by, the local plan;
  o the date by which representations about the local plan must be received by the LPA, which must be not less than six weeks from the day on which the statement is published;
  o the address to which representations about the local plan must be made;
  o that representations about the local plan must be made in writing or by e-mail; and
  o that representations can be accompanied by a request to be notified at a specified address of certain specified matters.

(Regulation 17 and regulation 19(a), LPR 2012.)

5.5 The Council must also send a statement of the representations procedure, and a statement of the fact that the proposed submission documents are available for inspection, and where and when they can be inspected, to each of the consultation bodies invited to make representations under regulation 18(1) of the LPR 2012 (regulation 19(b), LPR 2012). This publication and notification stage provides a formal opportunity for the local community and other interested parties to consider the proposed local plan. Failure to comply as a minimum with the Council’s own adopted Statement of Community Involvement could put the Council at risk of a potential legal challenge.

5.6 Anyone can make representations to the Council about a local plan before the deadline date specified in the statement of the representations procedure (regulation 20, LPR 2012). Where they do, the Council must consider representations and can propose further changes to the local plan. If of a substantial nature, these changes should be further consulted on, and subject to, a sustainability appraisal before submission. It is a basic requirement of consultation that the Council must give sufficient reasons for any proposal to permit intelligent consideration and response so as to ensure that any interested party is able to participate in the plan-making process. Members should be aware that objectors may threaten judicial review proceedings if they take the view that the Council has failed to do something that it ought to have done or provided robust/sufficient evidence to justify its conclusions. In addition, should changes to the Plan be accepted post-Consultation, the Council may face legal challenge unless they agree to run a further Regulation 19 consultation should objectors suggest that they transform the Plan into something substantially different to that which was subject to consultation.

5.7 Having considered any representations received, the council (acting as LPA) must submit the local plan and any proposed changes to the Secretary of State for independent examination, together with the following documents (section 20(1)-(3), Planning and Compulsory Purchase Act 2004 (as amended) (“PCPA 2004”):
• The sustainability appraisal report.
• A submission policies map (if the adoption of the local plan would result in changes to the adopted policies map).
• A statement setting out:
o which bodies and persons the LPA invited to make representations under regulation 18 of the LPR 2012;
o how those bodies and persons were invited to make representations;
o a summary of the main issues raised by the representations;
o how any representations have been taken into account;
o if representations were made pursuant to regulation 20 of the LPR 2012, the number of representations made and a summary of the main issues raised in those representations; and
o if no representations were made under regulation 20, that no such representations were made.

- Copies of any representations made in accordance with regulation 20.
- Any supporting documents that the LPA believes are relevant to the preparation of the local plan.

(Regulation 22(1), LPR 2012.)

5.8 After submission to the Secretary of State, they will appoint a planning inspector to examine the local plan (section 20(4), PCPA 2004).
  - If the local plan is very straightforward and uncontentious, the inspector can deal with the examination by written representations.
  - The planning inspector will make an initial assessment of the local plan. If any major concerns are identified, in relation to the soundness of the plan, the duty to co-operate, or other procedural requirements, the inspector will write to the LPA setting out these concerns. If the issues cannot be addressed through correspondence the inspector may arrange an exploratory meeting.
  - If the inspector considers that the LPA has not met the duty to co-operate or other procedural requirements, then the inspector may suggest that the plan is withdrawn to allow these issues to be rectified.
  - If there are significant concerns about the soundness of the plan, the inspector may suggest that the plan is withdrawn, but exceptionally may also suspend the examination process to give the LPA time to undertake further work to address the issues raised.

5.9 Anyone who made representations seeking to change a local plan must, if they request, be given the opportunity of appearing and being heard at the examination (section 20(6), PCPA 2004). During the examination, the planning inspector will assess whether the local plan:
  - Has been prepared in accordance with the:
    o relevant statutory requirements contained in sections 19 and 24(1)(b) of the PCPA 2004;
    o procedural requirements contained in the LPR 2012; and
    o duty to co-operate.
  - Is sound.

(Section 20(5), PCPA 2004).

5.10 At the end of the examination, the planning inspector will make one of the following recommendations:

Recommendation to adopt

The planning inspector must recommend adoption of the local plan, if it is reasonable to conclude that:

- The plan satisfies the statutory requirements contained in section 20(5)(a) of the PCPA 2004.
- The plan is sound.
- The LPA has complied with its duty to co-operate.
(Section 20(7), PCPA 2004).

**Recommendation not to adopt**

If the planning inspector concludes that the statutory requirements contained in sections 20(5)(a) of the PCPA 2004 have not been met, or there are fundamental issues regarding the soundness of the plan that cannot be addressed through modifications, the inspector must recommend that the plan is not adopted (section 20(7A), PCPA 2004).

In these circumstances the Council will be expected to withdraw the local plan in accordance with regulation 27 of the LPR 2012 (paragraph 025, Local Plans, Publication and examination of a local plan, Planning Practice Guidance). If that occurs, until a revised local plan is brought forward to adoption, any existing local plan policies will remain in place, although some of those existing policies are likely to become increasingly out-of-date (paragraph 004, Local Plans, Key issues, Planning Practice Guidance).

**Main modifications**

If requested by the Council, the planning inspector must recommend modifications of the local plan, if by doing so the local plan would comply with the requirements set out in sections 20(5)(a) and 20(5)(b) of the PCPA 2004 (section 20(7C), PCPA 2004) (main modifications).

If, however, the main modifications are so extensive as to require a virtual re-write of the local plan, the inspector can suggest that the LPA withdraws the plan (paragraph 024, Local Plans, Publication and examination of a local plan, Planning Practice Guidance).

The LPA must consult on all proposed main modifications. Depending on the scope of the modifications, a further sustainability appraisal may also be required (see Sustainability appraisal and report) (paragraph 024, Local Plans, Publication and examination of a local plan, Planning Practice Guidance).

The inspector’s report on the local plan will only be issued once the LPA has consulted on the main modifications and the inspector has had the opportunity to consider any representations on these and any further sustainability appraisal report (paragraph 024, Local Plans, Publication and examination of a local plan, Planning Practice Guidance).

5.11 The LPA must publish the recommendations and the report of the planning inspector following an examination (section 20(8), PCPA 2004 and regulation 25(2)(a), LPR 2012).

This must be done as soon as reasonably practicable after receipt of the planning inspector’s recommendation and report (regulation 25(1)(a), LPR 2012) or if the Secretary of State has given a direction under section 21(1) or 21(4) of the PCPA 2004 (regulation 25(1)(b), LPR 2012).

The LPA must also notify those persons who requested to be notified of the publication of the inspector’s recommendations that the recommendations are available (regulation 25(2)(b), LPR 2012).

The examination process is then complete. Once this point in the process is achieved, Members will be informed and further advice as to the adoption of the approved Plan will follow at that stage.
5.12 Members should note that a Plan may be challenged by judicial review before it is adopted or under section 113 of the Planning and Compulsory Purchase Act 2004 if it has been adopted, but only on a point of law.

6. Equality implications

6.1 The Local Plan will have an impact on the local communities in Runnymede but the intention is to bring positive benefits for the whole community. An Equalities Impact Assessment screening has been prepared in support of the consultation on the draft Local Plan. It identifies that there may be either negative or positive equalities impacts in relation to age, disability, pregnancy /maternity and racial and ethnic groups. In light of this, a full equality impact assessment shall be carried out prior to submitting the local plan and any proposed changes to the Secretary of State for independent examination.

7. Conclusions

7.1 The Council needs an up-to-date Local Plan to enable it to plan properly for the future growth of the Borough. It is of great importance that Runnymede’s local communities are given appropriate opportunity to assist with the future development strategy for the Borough; the public consultation allows interested parties to make their views on the draft Local Plan known before the document is submitted to the Secretary of State. Members are accordingly asked to make a recommendation to Full Council to endorse and approve for publication and consultation the appended Local Plan.

(To recommend to Full Council)

Background papers

1. Officer Summary of key points and responses – Additional Sites and Options Regulation 18 consultation
2. Habitat Regulations Assessment – Local Plan
3. Draft Sustainability Appraisal Report – Local Plan
4. Equalities Impact Assessment Screening dated 6.12.17
5. Local Plan Evidence Base (see website)

6. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing report in private, it is the OFFICERS’ RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the relevant report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Schedule 12A of the Act.

(To resolve)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection.
a) **Exempt Information**
(No reports to be considered under this heading)

b) **Confidential Information**
(No reports to be considered under this heading)