

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Thursday, 11 March 2021

To: The Members of the Surrey Heath Borough Council

Dear Councillor,

You are hereby summoned to attend an extraordinary meeting of Surrey Heath Borough Council to be held in the Council Chamber, Surrey Heath House on Friday, 19 March 2021 at 6.00 pm. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded and live streamed on
<https://www.youtube.com/user/SurreyHeathBC>

Yours sincerely

Damian Roberts

Chief Executive

1. **Apologies for Absence**

To report apologies for absence.

2. **Declarations of Interest**

Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting.

3. **Motions**

Councillor Tim FitzGerald to move that

- (i) this Council notes that
 - a) the most recent Surrey Heath local plan dates from 2000 and is now over 20 years old. In 2007, many of these policies were “saved”. During the creation of the Core Strategy and Development

Management Policies (CSDMP) in 2012, most of these were removed;

- b) Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community;
- c) Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand. Plans may be found sound conditional upon a plan update in whole or in part within 5 years of the date of adoption. Where a review was undertaken prior to publication of the Framework (27 July 2018) but within the last 5 years, then that plan will continue to constitute the up-to-date plan policies unless there have been significant changes as outlined below;
- d) the Local Government Association (LGA) advice in their Pre-Application Suite is that Councils should, in the circumstances of a major proposal, “ensure that all those whose comments will affect the final decision are encouraged to participate e.g. Council highways, statutory consultees, parish councils” at the pre-application stage;
- e) the LGA also states that, “this service requires leadership from the council”. Further to this, the LGA state that, “The council should also lead discussion on the early engagement of the community if the prospective applicant has not already commenced conversations with these groups”. This may take the form of:
 - i. “Early briefing and discussions with town and parish councils and neighbourhood forums”
 - ii. “Wider community engagement (developer forums etc. or creation of working groups with the community)”
 - iii. “Early reporting on progress to the planning committee”;
- f) in 2014, these recommendations were formalised as ‘commitments’ in the document ‘10 commitments for effective pre-application engagement’, which was developed by a cross sector working group and endorsed by the LGA;
- g) the new NPPF further codifies the necessity of effective pre-application community engagement in paragraphs;
- h) Parish Councils in Surrey Heath have never received pre-application information nor have been invited to participate in pre-application discussion or consultation. They also only receive the planning

portal number when an application is submitted and told a date by when they must respond by leaving Parish Councils without adequate information to make decisions on responses;

(ii) this Council believes that:

- a) In the case of the Chapel Lane Planning Inspectorate appeal, the Council's case was harmed by no up-to-date local plan being in force. In the Planning Inspectorate Decision, it says, "The objective of the brief was to guide development in accordance with the policies of the LP. However, a number of the policies and the national guidance on which it relied are no longer extant;"
- b) the Inspector goes on to explain further that "Given the changes to national and local planning policy since it [Surrey Heath Local Plan 2000] was published, the failure to comply with specific requirements within the brief is not determinative;"
- c) the CALA homes proposal for 44 homes at Chapel Lane, was formulated at the pre-application stage, without sufficient community participation (or encouragement of that participation) from the Council, and that the Council did not demonstrate the required levels of leadership, as envisaged by the LGA;
- d) the failure of the pre-application process, in the Chapel Lane case, led to the developer proposing 44 dwellings in the final application, rather than the originally identified 16 dwellings in the local plan. The lack of concern and absence of objections at the pre-application stage to this increased density subsequently worked against the Council and the community at the Planning Inspectorate appeal;
- e) in the Planning Inspectorate Decision, it says that "...this greater quantum has been informed by recent planning applications which although not determined appear to have been considered acceptable by the Council...". The lack of meaningful community participation is evidenced by the consultation responses to the emerging local plan, to which only 13 local Bagshot residents replied;
- f) the Council must do more to engage with residents and other statutory consultees;

(iii) this Council resolves to:

- a) commit to always review the Surrey Heath local plan, in full, at least every 5 years, in line with Government recommendations;
- b) ensure that the LGA pre-application good practice should always be adhered to. This includes pre-application consultation with statutory

consultees, town and parish councils, neighbourhood forums, and early reporting to the Planning Applications Committee and ward councillors; and

- c) for major developments i.e., over ten dwellings or for change of use applications, a standard letter should be sent to all pre-application enquiries, which makes clear to developers on what consultation the borough council expects them to carry out, and regular checks should occur to ensure that best practice is adhered to by developers. If developers have been found to have not consulted adequately (according to LGA advice), the council must show leadership and engage in its own consultation.