

**MINUTES OF A MEETING OF SURREY  
HEATH BOROUGH COUNCIL held on  
19 March 2021**

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+ Cllr Pat Tedder (Mayor)  
+ Cllr Sarah Jane Croke (Deputy Mayor)

+ Cllr Dan Adams	+ Cllr David Lewis
+ Cllr Graham Alleway	+ Cllr David Mansfield
+ Cllr Peter Barnett	+ Cllr Emma-Jane McGrath
+ Cllr Rodney Bates	+ Cllr Charlotte Morley
+ Cllr Cliff Betton	+ Cllr Alan McClafferty
+ Cllr Richard Brooks	+ Cllr Sashi Mylvaganam
+ Cllr Vivienne Chapman	+ Cllr Adrian Page
- Cllr Paul Deach	+ Cllr Robin Perry
+ Cllr Colin Dougan	+ Cllr Darryl Ratiram
+ Cllr Tim FitzGerald	+ Cllr Morgan Rise
+ Cllr Sharon Galliford	+ Cllr John Skipper
+ Cllr Shaun Garrett	+ Cllr Graham Tapper
+ Cllr Edward Hawkins	+ Cllr Victoria Wheeler
+ Cllr Josephine Hawkins	+ Cllr Helen Whitcroft
+ Cllr Rebecca Jennings-Evans	+ Cllr Valerie White
- Cllr Ben Leach	+ Cllr Kristian Wrenn

+ Present  
- Apologies for absence presented

**75/C Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Paul Deach and Ben Leach.

**76/C Motions**

It was moved by Councillor Fitzgerald and seconded by Councillor Cliff Betton 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;”

- a) 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;”
  - b) 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;
  - c) 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;
  - d) 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;
  - e) the Council must do more to engage with residents and other statutory consultees;
- (i) 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.

It was moved by Councillor Victoria Wheeler and seconded by Councillor Rodney Bates that the motion be amended by the deletion of (i) a) to h), (ii) a) to f) and the substitution of (iii) a) to d) as set out below:

- (i) this Council resolves to
- a) conduct an internal review of the Surrey Heath Local Plan and bring a suggested programme of work to the Scrutiny committee no later than October 2021. Thereafter the plan should continue to be reviewed on an annual basis internally and recommend, as necessary any sections of the plan for fuller review as a rolling programme of work including appropriate level consultations to ensure that our local plan remains consistent with government and locally adopted policies;
  - b) adopt a transparent modus operandi by amending the planning engagement stage to include a statement to applicants that says 'Your Pre-Application request, together with any documents or response made by the Council, will be made available for public inspection unless you confirm in writing to us that the information provided is commercially sensitive. If the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to this pre-application enquiry, they may be obliged to do so unless the information is deemed exempt under the Act. Please outline in the table below (or one similar within your Pre-Application covering letter) items which you consider are confidential and genuinely commercially sensitive and which are not for disclosure in respect of your application. Commercially sensitive documents not for disclosure to third parties under the Freedom of Information Act 2000 (FOI) or Environmental Information Regulations 2004 (EIR);
  - c) extend this approach and associate publication to include all correspondence that relates to Non Material Amendments which should be published on the planning portal within 10 days of issue/receipt; and
  - d) for major developments i.e., over ten dwellings or for change of use applications, to send a standard letter to all pre-application enquiries, which makes clear to developers on what consultation the borough council expects them to carry out and an applicant should be encouraged not to progress the application until this can be demonstrated.

Members debated the proposed amendment. In relation to the internal review of the Surrey Heath Local Plan and a programme of work being considered by the Scrutiny Committee, it was suggested that they also be considered by the Local Plan Working Group.

The amendment was put to the vote and carried. The voting was as follows

In favour of the amendment:

Councillors Dan Adams, Graham Alleway, Peter Barnett, Rodney Bates, Richard Brooks, Sarah Jane Croke, Vivienne Chapman, Colin Dougan, Sharon Galliford, Shaun Garrett, Edward Hawkins, Josephine Hawkins, Rebecca Jennings-Evans, David Lewis, David Mansfield, Alan McClafferty, Emma McGrath, Charlotte

Morley, Adrian Page, Robin Perry, Darryl Ratiram, Pat Tedder, Victoria Wheeler, Valerie White.

Against the amendment:

Councillors Cliff Betton, Tim FitzGerald, Sashi Mylvaganam, Morgan Rise, John Skipper, Graham Tapper, Helen Whitcroft, Kristian Wrenn.

The amendment became the substantive motion, was put to the vote and carried.

**RESOLVED to**

- (i) conduct an internal review of the Surrey Heath Local Plan and bring a suggested programme of work to the Local Plan Working Group and the Scrutiny Committee no later than October 2021. Thereafter the plan should continue to be reviewed on an annual basis internally and recommend, as necessary any sections of the plan for fuller review as a rolling programme of work including appropriate level consultations to ensure that our local plan remains consistent with government and locally adopted policies;**
- (ii) adopt a transparent modus operandi by amending the planning engagement stage to include a statement to applicants that says 'Your Pre-Application request, together with any documents or response made by the Council, will be made available for public inspection unless you confirm in writing to us that the information provided is commercially sensitive. If the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to this pre-application enquiry, they may be obliged to do so unless the information is deemed exempt under the Act. Please outline in the table set out in Note 2 below (or one similar within your Pre-Application covering letter) items which you consider are confidential and genuinely commercially sensitive and which are not for disclosure in respect of your application. Commercially sensitive documents not for disclosure to third parties under the Freedom of Information Act 2000 (FOI) or Environmental Information Regulations 2004 (EIR);**
- (iii) extend this approach and associate publication to include all correspondence that relates to Non Material Amendments which should be published on the planning portal within 10 days of issue/receipt; and**
- (iv) 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 an applicant should be encouraged not to progress the application until this can be demonstrated.**

Note 1

In accordance with Council Procedure Rule 17.4, a recorded vote was taken.

In favour of the motion:

Councillors Dan Adams, Graham Alleway, Peter Barnett, Rodney Bates, Richard Brooks, Sarah Jane Croke, Vivienne Chapman, Colin Dougan, Sharon Galliford, Shaun Garrett, Edward Hawkins, Josephine Hawkins, Rebecca Jennings-Evans, David Lewis, David Mansfield, Alan McClafferty, Emma McGrath, Charlotte Morley, Adrian Page, Robin Perry, Darryl Ratiram, Pat Tedder, Victoria Wheeler, Valerie White.

Against the motion:

Councillors Cliff Betton, Tim FitzGerald, Sashi Mylvaganam, Morgan Rise, John Skipper, Graham Tapper, Helen Whitcroft, Kristian Wrenn.

Note 2

<b>Name of Applicant /Agent</b>			
<b>Information/Document</b>	<b>Reference/Page Number</b>	<b>Reasons for non disclosure (Cite FOI/EIR exemptions) to be considered</b>	<b>Duration of confidentiality</b>

Mayor