

**Examination of the Spelthorne Core Strategy
and Policies DPD**

Topic Paper on Matter 11

Procedural Matters

July 2008

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Procedural Matters

1. Introduction

1.1 This Topic Paper deals with the 'procedural matters' raised by the Inspector.

2. Response to Inspector's questions

(i) **Has the DPD been prepared in accordance with the current Local Development Scheme, and have the relevant details in the LDS been met?**

2.1 The current Local Development Scheme (LDS) was approved by the Council's Executive on 6 March 2007. The First Secretary of State confirmed on 17 April 2007 that the scheme could be brought into effect.

2.2 The LDS proposes the preparation of two DPDs which are the Core Strategy and Policies DPD and an Allocations DPD. They were prepared and submitted at the same time, although the examination of the Allocations DPD will follow after the examination of the Core Strategy and Policies DPD and its adoption.

2.3 The Core Strategy and Policies DPD was proposed for submission in May 2007. It was actually submitted on 14 June 2007, which is within the 14 days tolerance allowed for slippage in programmes. The timescales for the DPD up to and including submission have, therefore, been met.

2.4 Adoption was identified as occurring in July 2008. The LDS notes in the footnote to Annex 1 that dates for adoption are provisional and subject to timing of the Examination and Inspector's report.

2.5 The LDS explains (para 3.9) that the Core Strategy and Policies DPD will set out the Council's vision, objectives and detailed policies for the whole Borough. Para 3.7 sets out the policies in the Spelthorne Borough Local Plan which were to be 'saved'.

2.6 The DPD has set out the vision, objectives and detailed policies as required in the LDS.

(ii) **Has the DPD been prepared in compliance with the Statement of Community Involvement and met the minimum consultation requirements in the 2004 Regulations, including explaining how community involvement has been undertaken and how views have been taken into account? Has the consultation process been adequate?**

2.7 The 'minimum' consultation requirements in the 2004 Regulations are:

a. Regulation 25 in respect of Pre-submission consultation. This requires consultation with:

- (i) 'specific' consultation bodies
- (ii) 'general' consultation bodies

- b. Regulation 26 in respect of Pre-submission public participation (Preferred Options Stage). This requires:
 - (i) copies of documents available for inspection at the Council's offices and other places as the authority consider appropriate
 - (ii) publish documents on the Council web site
 - (iii) send documents and copy of notices to DPD bodies (those consulted at Regulation 25)
 - (iv) give notice in the local newspaper
 - c. Regulation 28 (3)
 - (i) copies of documents at the places previously made available under Regulation 26 (a)
 - (ii) publish documents on the Council web site
 - (iii) send documents and notice to DPD bodies
 - (iv) give notice in the local newspaper
- 2.8 The minimum requirements of the Regulations have been met at each stage of consultation.
- 2.9 The Council's Statement of Community Involvement (CD/SBC/44) was adopted in October 2006. Representations on it were very limited. It sets out measures additional to the statutory minimum. The methods of consultations are summarised at Table 3 (page 8) of the Statement. Those methods additional to the statutory minimum are:
 - a. Articles in the Borough Bulletin up to and including the Preferred Option Stage – Regulation 26.
 - b. Meetings with special groups as appropriate.
 - c. Presentations and discussion at the Council's Area Forums up to and including the Issues and Options stage.
- 2.10 The Council has complied with the requirements of the statement since its adoption and followed methods consistent with it prior to its adoption.
- 2.11 The Council has explained how community involvement prior to submission has been undertaken and how views have been taken into account in three documents:
 - a. Initial Consultation – October/November 2004 (CD/SBC/31) undertaken as part of Regulation 25.
 - b. Spelthorne Development Plan – Report on the Issues and Options Consultation – September/November 2005 (CD/SBC/34) undertaken as part of further consultations at the Regulation 25 stage.
 - c. Spelthorne Development Plan – Report on the Preferred Options Consultation May/June 2006 (CD/SBC/37) undertaken as part of Regulation 26.

- 2.12 At the submission stage (Regulation 28) the statutory requirements have been met and copies of the published statutory notice in the local newspaper and consultee lists (including all 'specific' and 'general' consultation bodies – including anyone who has requested to be notified or previously made a presentation at earlier consultation stages) has been forwarded to the Planning Inspectorate and thereby made available to the Inspector. All relevant material was placed on the Council's web site and documents are available at the Council Offices, local libraries and two day centres.
- 2.13 In addition to the requirements of Regulation 28 the Council has re-consulted on the DPD between April-May 2008. Whilst this was a non-statutory process it followed exactly the same consultation arrangements as at the submissions stage. It met the concerns raised about the effect of the clarity of the submission documentation on the previous consultation.
- 2.14 The Council has sought to give adequate publicity to the DPD through the means described above. On three occasions during the plan making process the Council has used its Borough Bulletin, either in the form of a special edition (September 2005), a centre page pull-out (October 2004), or articles to give publicity. The Bulletin is delivered to every home and business in the Borough, it is a particularly effective way of engaging with everyone in the Borough.
- 2.15 Presentations have been made on the DPD with question and answer sessions, at the Borough's five Area Forums on several occasions. A number of Presentations have been made to the Executive of the Local Strategic Partnerships.
- (iii) Has the DPD been subject to Sustainability Appraisal, which has identified the process carried out, the baseline information used and the outcomes of the process? Is the Sustainability Appraisal of the DPD adequate? Is the Appropriate Assessment of the DPD adequate?**
- 2.16 The DPD has been subject to SA. The following SA documents have been published and also noted are other background documents which have provided both evidence for the preparation of the DPD and also function as part of the SA as well. The documents listed support both the Core Strategy and Policies DPD and the Allocations (Proposals) DPD.
- a. SA Scoping Report – March 2005 (CD/SBC/38)
 - b. SA Progress Report – September 2005 (CD/SBC/39)
 - c. SA Report of the Strategy and Policies DPD and Proposals DPD – May 2006 (CD/SBC/40) Appendices (CD/SBC/41) Non-Technical Summary (CD/SBC/42)
 - d. SA Report – April 2007 (CD/SBC/04)
 - e. SA Report – Appendices – April 2007 (CD/SBC/05)
 - f. SA Report – Non-Technical Summary – April 2007 (CD/SBC/06)

- g. Strategic Flood Risk Assessment – Jacobs Report (CD/SBC/10) and SFRA Part II (CD/SBC/11)
 - h. Transport Statement – January 2007 (CD/SBC/22)
 - i. Appropriate Assessment – April 2007 (CD/SBC/07)
 - j. Air Quality Assessment – (CD/SBC/023) (and related reports) (CD/SBC/47-49)
- 2.17 The Council has been assisted by a consultant, Mr Tom Jones, in preparing the SA to ensure the assessment complies with statutory requirements and published guidance and is thorough and adequate in all respects.
- 2.18 The SA has followed the ‘process’ for SAs set out in government guidance. The SA Scoping Report described the five stage process set out in the guidance. In September 2005 the Council published a Progress Report. Whilst this is not now formally required by government guidance, it was published at the time to provide information on the progress of the SA.
- 2.19 The SA Scoping Report identified the relevant baseline information available at the time the process commenced (see pages 15-16 and pages 90-106).
- 2.20 The Reports, which were prepared at four stages in the process, show at each stage how the outcomes of the SA were influencing the formulation and testing of the DPD. Pages 23-37 of the SA Report prepared at the submission stage summarises the predicted impacts of the DPD and each of the seven strategic policies which express the strategy of the DPD. Cross reference is also made to detailed policies. Options are also summarised and amendments made to the DPD, following the Preferred Options stage, are identified.
- 2.21 An overview is provided in the ‘submitted’ Non-Technical Summary and detailed supporting information (245 pages) is provided in a separately bound Appendices.
- 2.22 An Appropriate Assessment has been undertaken. It is supported by Natural England. It has taken a precautionary approach and ‘screened’ the potential affect of both DPDs on all Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) within 15 kilometres of the Borough boundary.
- 2.23 The report was prepared in consultation with Natural England. The initial screening identified that only the South West London Waterbodies SPA should be considered in more detail. Part of this SPA is within the Borough. After further consideration the report concludes there would be no significant effect on any European Natura 2000 sites and any appraisal to consider adverse impacts was not required.
- 2.24 The Council is satisfied that both the SA and Appropriate Assessment have been correctly, thoroughly and adequately undertaken.