



Department for Levelling Up, Housing & Communities

Rachel Maclean MP

Minister of State for Housing and Planning

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Councillor Joanne Sexton
Leader of Spelthorne Borough Council
Spelthorne Borough Council
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14 September 2023

Dear Councillor Sexton

S.27 Planning and Compulsory Purchase Act 2004 Local Plan Intervention

In my role as Minister of State for Housing and Planning, I am writing to you over concerns that Spelthorne Borough Council ('the Council') may withdraw the emerging local plan ('the plan') from examination.

The Government is clear that local plans are at the heart of the planning system, and it is essential that up-to-date plans are in place and are kept up to date. Section 19 of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') requires that each local planning authority must identify the strategic priorities for the development and use of land in the authority's area, and policies to address those priorities must be set out in the local planning authority's development plan documents such as the local plan.

The last Spelthorne Local Plan was adopted in 2009, it should have been reviewed and updated many years ago. Withdrawing the plan at this advanced stage of preparation will extend the already unacceptable period in which the Council has had no up-to-date local plan in place.

Given the Council's proposed intention to vote on withdrawing the plan, consideration has been given to the steps that can be taken in connection with the failure to have an up-to-date plan in place, including intervention by the Secretary of State.

The Secretary of State has powers to intervene under section 27 of the 2004 Act, if he thinks that a local planning authority is failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of their local plan. It is considered that withdrawing the plan from examination would be a clear failure by the Council of the statutory test set out in section 27(1) of the 2004 Act.

I have also considered the Local Plan intervention criteria in the 2017 White Paper "Fixing our broken housing market", to assist me in determining priority and whether intervention should take place. The applicable criteria are:

- The least progress in plan-making has been made: More than 90% of English Councils have adopted a local plan since Spelthorne (February 2009). If the Council withdraws the plan, it would be left with one of the oldest adopted local plans in the country.
- Policies in plans have not been kept up to date: The adopted local plan is now over 14 years old, and it is reasonable to assume, given the age of the plan, that many of the policies it contains will not be up to date.

- There was higher housing pressure: I note in recent years that the Council has not performed well against the Housing Delivery Test and affordability in Spelthorne is worse than in three quarters of the country. I can therefore conclude that there is higher housing pressure.
- Intervention would have the greatest impact in accelerating Local Plan production: Considering the average time taken to prepare a local plan is seven years and we are approaching the phased introduction of a new planning system, withdrawing the plan at this stage could only lead to significant further delay whilst a new plan is prepared. Intervening would therefore accelerate plan production given the current plan is submitted and at examination.

Having considered Spelthorne's performance against the intervention policy criteria and the statutory test set out in section 27(1) of the 2004 Act, I am satisfied that intervention is justified.

Accordingly, the Secretary of State is exercising his powers under section 27 of the 2004 Act and directs the Council as follows:

- 1. Per section 27(2)(b): Not to take any step to withdraw the plan from examination and report monthly (from the date of this letter) to my officials on the progress with the examination.** In accordance with section 27(8) of the 2004 Act, the Secretary of State's reason for making this direction is to avoid the unnecessary additional delay to having an up-to-date plan in place and additional expense that withdrawing the plan and preparing a new plan would cause.
- 2. Per section 27(4)(b): On conclusion of the examination, to publish the Planning Inspector's recommendations and reasons.**
- 3. Per section 27(5)(b): 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.** In accordance with section 27(8) of the 2004 Act, the Secretary of State's reason for making this direction is to give the people of Spelthorne the best chance of having a sound local plan adopted in the near future, protecting the area in which they live from speculative development.

The above directions:

- 1. Do not prevent the Council from deciding to continue progressing the plan through examination; and**
- 2. Will remain in force until withdrawn by the Secretary of State.**

Should a significant delay occur to progressing the examination, and should you fail to comply with the directions in this letter, I will consider taking further intervention action to ensure that an up-to-date local plan is in place.

In the meantime, my officials will continue to engage with your officers.

Yours sincerely,



RACHEL MACLEAN MP
Minister of State for Housing and Planning