

**Draft Strategic Land Availability Assessment (SLAA) Methodology  
KKG SUBMISSION**

**15 October 2015**

**Executive Summary**

We welcome this opportunity to submit our comments on the Spelthorne Draft Strategic Land Availability Assessment Methodology.

In summary, the proposed composition of the Development Market Panel unfairly excludes residents, despite the requirement of the PPG that residents should be

*“... involved from the earliest stages of plan preparation, which includes the evidence base in relation to land availability ...”*

The Draft SLAA Methodology should be amended to include representatives of residents as full members of the Development Market Panel.

**1. The composition of the Development Market Panel.**

1.1 After our first reading of the Draft Strategic Land Availability Assessment Methodology paper (Draft SLAAM), we approached the Spelthorne Planning Department in the following terms:

***From:** Alan & Ali Doyle  
**Sent:** 23 September 2015 17:37  
**To:** Planning Policy  
**Subject:** Re: Spelthorne Draft SLAA Methodology Consultation*

*Dear Mr Devonshire*

*In paragraph 19 and following paragraphs of the draft methodology there is mention of a Development Market Panel. In particular at paragraph 21:*

***21. Officers at both Runnymede and Spelthorne identified a list of those who could advise on technical aspects and who would meet the requirements of the PPG to potentially sit on the DMP from their respective Local Plan consultation databases.***

*Please could you tell me which particular paragraphs of the PPG are referred to in the text above?*

*Regards*

*Alan Doyle*

1.2 Spelthorne Planning Department replied as follows:

*Dear Mr Doyle,*

*Thank you for your query regarding the current consultation of the draft methodology for a Strategic Land Availability Assessment (SLAA).*

*Paragraph 21 of the draft SLAA methodology is referring to paragraph 8 of the PPG note Housing & Economic Land Availability Assessments which can be found online at <http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/>*

*Paragraph 8 of the PPG note lists who the Council should work with at the earliest stage of plan preparation including the evidence base in relation to land availability and includes ‘developers, those with land interests, land promoters, local property agents, local communities, partner organisations, Local Enterprise Partnerships (LEPs), business representative organisations, parish and town councils and neighbourhood forums preparing neighbourhood plans’.*

*Paragraph 21 of the draft SLAA methodology identifies those groups outlined in the PPG note (as above) who could advise on the technical aspects of the SLAA through a joint Spelthorne/Runnymede Development Market Panel (DMP) such as developers, those with land interests, land promoters, local property agents. Registered providers have also been included given their particular knowledge of the affordable housing sector. Technical aspects could include viability considerations/assumptions and local market commentary/knowledge for both housing and economic development. The joint DMP will not be a forum for landowners/developers to promote their own or any particular site and this will be made very clear in a Terms of Reference which will be published on the Council’s website in due course.*

*As you will also have read in the draft SLAA Methodology, paragraph 24 sets out how the other groups listed in the PPG note including local communities will be involved in the SLAA process.*

*If you have any other queries regarding the current consultation please do not hesitate to contact me either by reply email or by calling 01784 446345.*

*Regards*

*John Devonshire BSc (Hons), BA (Hons), MSc, MRTPI  
Planning Policy Team Leader (Temp)  
Policy & Implementation  
Spelthorne Borough Council*

1.3 As Spelthorne Planning Department correctly states, Paragraph 8 of the PPG note “Housing & Economic Land Availability Assessments” is the paragraph which is relevant as to the make-up of the Development Market Panel.

The full text of Paragraph 8 is as follows:

Paragraph: 008 Reference ID: 3-008-20140306

**Who should plan makers work with?**

*The assessment should be undertaken and regularly reviewed working with other local planning authorities in the relevant housing market area or functional economic market area, in line with the duty to cooperate.*

*The following should be involved from the earliest stages of plan preparation, which includes the evidence base in relation to land availability: developers; those with land interests; land promoters; local property agents; local communities; partner organisations; Local Enterprise Partnerships; businesses and business representative organisations; parish and town councils; neighbourhood forums preparing neighbourhood plans.*

1.4 The table below shows which stakeholders are recommended by Paragraph 8 as being

*“... involved from the earliest stages of plan preparation, which includes the evidence base in relation to land availability ...”*

as against those stakeholders which are proposed as members of the Development Market Panel and the Local Plan Forum.

Group	PPG recommends	DMP includes	LPF includes
Developers	✓	✓	X
Those with land interests	✓	✓	X
Land promoters	✓	✓	X
Local property agents	✓	✓	X
Local communities	✓	X	✓
Partner organisations	✓	X	✓
LEPs	✓	X	✓
Business/ business representative organisations	✓	X	✓
Parish/Town Councils	✓	na	na
Neighbourhood forums	✓	na	na

It is clear therefore that the statement in the reply we received (see 1.2 above) that:

*“the panel would include being made up of a mix of the parties as identified in the PPG”*

actually means:

*“the panel would include being made up of a mix of **SOME OF** the parties as identified in the PPG.”*

1.5 Spelthorne Planning Department's reply to us goes on to say:

*"... paragraph 24 sets out how the other groups listed in the PPG note including local communities will be involved in the SLAA process."*

Paragraph 24 of the Draft SLAAM says:

*"Runnymede Borough Council is also proposing to set up a Community Panel and the Spelthorne Statement of Community Involvement (SCI) proposes a Local Plan Forum. These will include groups identified through the PPG as follows: local communities; partner organisations; Local Enterprise Partnerships; businesses and business representative organisations; parish and town councils; neighbourhood forums preparing neighbourhood plans (where applicable). A number of documents in relation to each Local Plan may be considered by these panels, including the SLAA."*

So, what the Draft SLAAM proposes that is that SOME of the stakeholders set out in Paragraph 8 of the PPG note (developers, those with land interests, land promoters, land property agents) will sit on the Development Market Panel, while all other stakeholders will be sidelined to be part of the Local Plan Forum.

These are, according to the legal advice we have taken, not equivalent roles. The Development Market Panel will decide on crucial issues regarding the SLAA, while the Local Plan Forum, especially given our experience of the previous Local Plan Forum held in connection with the SHMA, is merely a talking shop.

It is unacceptable, from the point of view of the residents of Spelthorne, that they should be excluded from the Development Market Panel. The views of residents should be allowed to be heard in a vital committee which will decide whether particular parcels of land will be given development status or not.

Paragraph 8 of the relevant PPG note specifically says they should be included, "*from the earliest stages*". At the very least there is nothing in any of the sections of the "*Housing & Economic Land Availability Assessments*" PPG note which says that residents should not be included on the Development Market Panel.

More broadly, residents also have a right to be included on the Development Market Panel in terms of the principles of natural justice as outlined at length from the Supreme Court judgement and associated legal opinion set out in the KKG response to the Spelthorne Draft Statement of Community Involvement, which is a matter of public record and which is too lengthy to reproduce here.

1.6 Spelthorne Planning Department's reply to us also says:

*"The joint DMP will not be a forum for landowners/developers to promote their own or any particular site and this will be made very clear in a Terms of Reference which will be published on the Council's website in due course."*

We look forward to reading the Terms of Reference for the Development Market Panel. We assume from the sentence immediately above that they will include a provision disallowing developers, those with land Interests, land promoters, and land property agents from expressing views on the development status of any parcel of land in which they have a direct influence.

But even if such a provision is included in the Terms of Reference of the Development Market Panel, we are strongly unconvinced that the Panel, constituted as proposed by the draft SLAAM, will be able to come to any objective conclusions as to the development status of any particular parcel of land within the Borough. To claim otherwise is to ignore the following:

\* the inbuilt bias which developers, those with land Interests, land promoters, and land property agents will have towards allowing development status for ANY parcel of land, regardless of whether they have a direct interest in it or not. This is a fact of life – one would not expect anything other than such a bias in anyone whose business is the development of land. By arguing for allowing development status for Parcel A (in which the developer, etc does not have an interest) they lay the way open of such development status, if granted, to create a legal precedent for Parcel B (in which they do have a direct interest).

\* The possibility of collusion between developers, those with land Interests, land promoters, and land property agents who do not have a direct interest in a particular parcel of land, and those who do have such an interest in that particular parcel of land.

1.7 It might be argued that residents are technically unqualified to sit on the Development Market Panel. Indeed, Paragraph 21 of the Draft SLAAM explicitly says:

*“The panel will also consist of representatives who have the knowledge/experience to comment on the draft methodology/sites that are proposed for economic development in terms of their viability.”*

It would be a very mistaken conclusion to draw that there is no-one amongst the various resident groups on Spelthorne who is capable of expressing an informed opinion on the *“draft methodology/sites that are proposed for economic development”*.

There are a number of people who we know of (and there are certainly bound to be others which we do not know directly of) who come from this planning and development area of business life (and who come from other relevant disciplines and have other relevant experience) who are eminently qualified to sit on the Development Market Panel. In any case, membership of the Panel should not be limited by such a requirement for technical experience (as explained fully in the Supreme Court judgement and associated legal opinion referred to previously in 1.5 above), and as also set out in Paragraph 8 of the PPG note *Housing & Economic Land Availability Assessments* .