

# Topic Paper 11: AS1/011 and Further Proposed Main Modifications

## 1. Background

- 1.1 In order to demonstrate the deliverability of individual site allocations within the Spelthorne Local Plan, the Council sought to produce a Statement of Common Ground (SoCG) with each developer or promoter of each allocated site. Requesting information on availability, suitability and deliverability covering land ownership, planning history, build out rates, engagement with statutory bodies and technical constraints.
- 1.2 The initial SoCG were uploaded to the Spelthorne Local Plan examination website on 5 May 2023 with document reference CD025, titled '[Site Allocations Statements of Common Ground](#)'. This document contains an agreed SoCG signed by Spelthorne Borough Council and the developer/site promoter of site allocation AS1/011 Land at former Bulldog Nurseries which was signed in April 2023. This statement sets out agreement from both parties of the availability, suitability and deliverability of the site for 20-25 flats. It is understood that, at the time of the agreed statement, the freehold was owned by Falcon Investments.
- 1.3 The examination was paused on 6 June 2023. Prior to the examination hearings reopening in January and February 2025, the Council sought to produce an up-to-date set of signed Statements of Common Ground to again demonstrate the availability, suitability and deliverability of each of the allocated sites.
- 1.4 The subsequent document was published on the examination website as three versions, with the latest and most up-to-date version being published on 23 January 2025 with document reference [CD025h](#).
- 1.5 This document contains a signed SoCG between the Council and the site promoter acting on behalf of Falcon Investments dated 5 September 2024,

again reiterating the availability, suitability and deliverability of the site for 25 residential units.

1.6 On 4 October 2024, a planning application with reference 24/01182/FUL was submitted to the council. The proposal was for the development of electric vehicle charging points with supporting equipment cabinets, substation infrastructure and soft landscaping. The application remains undetermined and can be viewed on the [council website](#).

1.7 Following correspondence with Mr. Tom Baguley, the agent of Enzygo Ltd, it was made clear that:

- Edgbaston SSL Ltd had purchased the freehold of the site from Falcon Investments on 20 October 2023.
- The allocation site was subsequently sold to The Partakis Pension Scheme on 14 November 2023.
- The allocation was sold back to Edgbaston SSL Ltd on 4 April 2024.

1.8 The Council understand that the site promoter, acting on behalf of Falcon Investments, who signed the SoCG on 5 September 2024, did so in good faith. They had not been made aware that Falcon Investments no longer owned the freehold and therefore that they were no longer representing the current owner of the site. As such, this SoCG cannot be relied upon to prove availability of the site therefore the site does not meet the definition of deliverable as set out in Annex 2 of the National Planning Policy Framework (NPPF) 2021 under which the Local Plan is being examined.

1.9 The current freeholder has written to the council and the Planning Inspector and confirmed that they are not intending on developing the site for residential use.

1.10 To date, neither the agent nor the freeholder have made any representations to any of the consultations held for this plan, nor did they attend the in-person

examination hearings in January and February 2025. Throughout the preparation of the Local Plan, Examination and Main Modifications consultation no representations were received in specific relation to AS1/011.

## **2. Further proposed modifications to Spelthorne Local Plan**

2.1 Following the above and position of the current freeholder, the Council does not consider AS1/011 Land at former Bulldog Nurseries deliverable. As such, it is proposed that this site allocation is removed from the Spelthorne Local Plan. This modification would in turn cause further modifications having to be made.

2.2 As site AS1/011 Land at former Bulldog Nurseries will not be allocated in the Spelthorne Local Plan, it will remain in the green belt.

2.3 All references to AS1/011 Land at former Bulldog Nurseries will be removed from the plan.

2.4 The total sources of housing supply over the plan period would be adjusted from 9,911 to 9,900 new homes. For full details please see HOU16A Summary of changes to housing trajectory January 2025)

2.5 An Atlas of Further Proposed Changes has been created to reflect the changes to the policies map as a result of the removal of this site allocation.

2.6 The full list and details of required modifications will be consulted on and include: MM01A, MM11A, MM13A, MM14A, MM15A, MM16A, MM17A, MM19A, MM122A, MM145A and MM146A.