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TO:	EXECUTIVE
DATE:	23 March 2017
EXECUTIVE MEMBER:	COUNCILLOR T. SCHOFIELD

KEY DECISION REQUIRED:	YES
WARD (S) AFFECTED:	ALL

SUBJECT:	REIGATE & BANSTEAD LOCAL DEVELOPMENT SCHEME
RECOMMENDATIONS:	
(i) The revised Local Development Scheme (LDS) (Annex 1) be approved and brought into effect from 5 April 2017.	
REASONS FOR RECOMMENDATIONS:	
Reigate & Banstead Borough Council is required to prepare and maintain a Local Development Scheme (LDS) by the Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008 and the Localism Act 2011.	
EXECUTIVE SUMMARY:	
Reigate & Banstead Borough Council is required to prepare and maintain a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. The LDS needs to include information about the Development Plan Documents (DPDs) to be prepared by the Council, including a timetable for their preparation.	
This report presents an updated LDS (Annex 1), which has been revised to extend the timetable for preparation of the Development Management Plan and its accompanying Policies Map. The revised LDS allows more time for additional evidence gathering, for recent Government policy changes to be taken into account, and to strengthen consensus on the complex and sensitive issues that this plan needs to cover.	

Executive has authority to approve the above recommendations

STATUTORY POWERS

1. Reigate & Banstead Borough Council is required to prepare and maintain a Local Development Scheme (LDS) by section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008 and the Localism Act 2011.

2. The LDS is not a formal Development Plan Document, therefore it can be adopted by the Executive.

BACKGROUND

3. The LDS sets out the programme for the preparation of documents that make up the Local Plan (formerly the Local Development Framework). The Council is required to keep the LDS up-to-date and make it publicly available. The statutory process for preparation of Local Plan documents is set out in the Town and Country (Local Planning) (England) Regulations 2012.
4. The LDS was last revised in November 2015.

KEY INFORMATION

5. The proposed updated LDS is included at **Annex 1**. It contains information about the formal Local Plan documents (known in legislation as DPDs) that will be prepared, including their scope, the timetables for their production and the resources associated with document preparation.
6. The main focus of this LDS is the Development Management Plan (DMP), along with its accompanying Policies Map (which will give a spatial dimension to the policies within the DMP). The Council has also committed to commence a review of the Core Strategy in 2019: further information on the programme for this will be provided in a subsequent update of the LDS.
7. The timetable for preparation of the DMP in the LDS has been updated and extended. The preparation time for the draft Plan has been extended to allow for additional evidence gathering, for the implications of recent Government policy announcements to be considered (including the Housing White Paper), and to allow more time to strengthen consensus on the complex and sensitive issues that this plan needs to cover.
8. The second stage of public consultation (Regulation 19 consultation), on the final draft DMP prior to its submission to the Secretary of State for examination, is now programmed for early 2018. The anticipated adoption date for the DMP and Policies Map is now Autumn 2018.

OPTIONS

9. The following options are available to the Executive:
 - a. Approve the LDS: Approving the LDS will ensure that the Council is complying with the requirements of Planning and Compulsory Purchase Act 2004. In addition, having an up-to-date LDS provides certainty for local communities and other stakeholders about what Local Plan documents are being prepared and the timetable for their production.
 - b. Do not approve the LDS: Without an up to date LDS, the Council would fail to comply with the requirements of the Planning and Compulsory Purchase Act 2004.
10. On the basis of the above, it is recommended that the Executive approve the LDS for publication on the Council's website.

LEGAL IMPLICATIONS

11. As noted above, the Council is required to prepare and maintain a LDS. No additional legal implications have been identified.

FINANCIAL IMPLICATIONS

12. There are no direct financial implications arising from the revision of the LDS. The preparation of the DMP will be funded from Corporate Plan Delivery Fund and agreed Planning Policy budgets. This will include staff costs, supporting studies and assessments, costs associated with public consultation exercises, and costs associated with the public examination process (Planning Inspector and Programme Officer fees).

EQUALITIES IMPLICATIONS

13. An equalities impact screening assessment has been undertaken. No equalities implications have been identified as resulting from the LDS. Individual planning policy documents will be subject to their own equalities impact assessments.

RISK MANAGEMENT CONSIDERATIONS

14. The following risk management considerations have been identified:
15. Strategic – Governance and Resource Management:
 - a. It is a legal requirement that all local planning authorities have an up-to-date LDS; without this, the Council will be failing to comply with the relevant legislation. To ensure that the Council is able to adopt a DMP, it is important that all statutory requirements are met.
 - b. It is important that the Council continues to demonstrate its commitment to pursuing the DMP and - more generally - to the plan-led approach to managing development. Without a clear programme for the preparation of the DMP in a timely manner, the Council's commitment to being plan-led may be questioned and/or challenged through speculative planning applications.
16. Operational – Customers:
 - a. Without a revised LDS, the Council is failing to provide up-to-date information to local residents and interest groups about the timetable for preparation of local plan documents.
17. These risks can be managed by approving the revised LDS at **Annex 1**.

OTHER IMPLICATIONS

18. No other implications have been identified.

CONSULTATION

19. The Council's Legal and Finance teams have been consulted on this report. No additional consultation is required or proposed.

POLICY FRAMEWORK

20. The LDS forms part of the Council's Local Development Framework and is a statutory requirement. It sets out the scope and timetable for the preparation of the Development Plan documents, which form part of the Council's Policy Framework.

Background Papers: Equalities Impact Assessment Screening

Executive
23 March 2017

Agenda Item: 7 Annex 1
Reigate & Banstead Local Development Scheme

Reigate & Banstead Borough Council

Local Development Scheme

Revised April 2017

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1. Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and the Localism Act 2011) requires a Local Planning Authority to prepare and maintain a Local Development Scheme (LDS). The LDS must set out the scope, and timetable for production/review, of Local Plan documents¹.
- 1.2 This LDS superseded the previous version that was agreed in November 2015, and covers the period to 2018.
- 1.3 Following changes in legislation in 2011 and 2012² there is no longer a requirement for Local Planning Authorities to specify the timetables for producing other planning policy documents (such as Supplementary Planning Documents (SPD), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI)) in the LDS.
- 1.4 This LDS was approved by the Council's Executive on 23 March 2017 and is brought into effect from 5 April 2017. A glossary of terms is provided at Annex 1.

2. Policy context

Legislation

- 2.1 The Planning and Compulsory Purchase Act 2004: This Act introduced new requirements for the preparation of planning policy documents across England and Wales. This included requirements for Local Planning authorities to prepare Development Plan Documents (DPDs), a Statement of Community Involvement, and a Local Development Scheme
- 2.2 The Localism Act 2011: This Act introduced further changes to the planning system, including the abolition of regional spatial strategies, the introduction of a new duty to cooperate on local authorities, and new arrangements for neighbourhood planning.
- 2.3 The Town and Country Planning (Local Planning)(England) Regulations 2012: These regulations prescribe the form and content of a Local Plan documents and the Policies Map, and set out revised procedural arrangements for preparing Local Plans.
- 2.4 All legislation is available to view at <http://www.legislation.gov.uk>.

¹ Known in the legislation as Development Plan Documents (DPDs)

² The Localism Act 2011 and the Town and Country Planning (Local Planning)(England) Regulations 2012

National policy and guidance

- 2.5 National Planning Policy Framework (NPPF): The NPPF was published in March 2012. It requires that local authorities plan positively to meet the development needs of their area; and that each local authority should produce a Local Plan for its area. Local Plans should be based around a presumption in favour of sustainable development and should set out strategic priorities for the area. The NPPF requires that plans are kept up-to-date, are based on joint working to address larger than local issues, and should provide a practical framework within which decisions on planning applications can be made.
- 2.6 National Planning Practice Guidance (NPPG): The NPPG provides more detail about how the NPPF should be applied in practice. It provides more information about the process for preparing Local Plans, including evidence gathering, sustainability appraisal and public consultation.
- 2.7 The NPPF and NPPG are available online at <http://planningguidance.planningportal.gov.uk>.

The current Development Plan for Reigate & Banstead

- 2.8 Legislation and national planning policy require that decisions on planning applications are made in accordance with the Development Plan for a local area, unless material considerations indicate otherwise. The Development Plan in Reigate & Banstead comprises:
- a. The Core Strategy: The Reigate & Banstead Core Strategy was adopted in July 2014. It sets the overarching framework for planning and development in the borough until 2027, including the scale and location of growth. The Core Strategy is available on the Council's website at www.reigate-banstead.gov.uk/corestrategy.
 - b. The Borough Local Plan: The Reigate & Banstead Borough Local Plan (BLP) was adopted in 2005. The majority of policies in the BLP were 'saved' by the Secretary of State in Autumn 2007. A small number of saved policies were replaced by policies within the Core Strategy, however the majority of BLP policies remain in effect, until such time as they are replaced by new policies. The BLP, and accompanying Proposals Map, is available on the Council's website at <http://www.reigate-banstead.gov.uk/blp>.
 - c. Minerals and Waste Planning Documents: Minerals and waste planning documents are prepared by Surrey County Council but form part of the Development Plan for the borough. The Surrey Minerals and Waste Development Framework comprises the following documents:
 - (i) Surrey Waste Plan (2008)
 - (ii) Surrey Minerals Plan Core Strategy and Primary Aggregates Development Plan Document (2011)
 - (iii) Aggregates Recycling Joint Development Plan Document (2013).

- 2.9 These are available at <http://www.surreycc.gov.uk/environment-housing-and-planning/minerals-and-waste-policies-and-plans>.

Supplementary Planning Documents and Guidance

- 2.10 The Council has adopted a range of Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) to provide supporting information and additional detail on the implementation of policies included within adopted Development Plan documents. Whilst not a formal part of the Development Plan, SPD and SPG are material considerations in the determination of planning applications.
- 2.11 The Council's adopted SPD and SPG are available on the Council's website.

Background evidence

- 2.12 Local Plans are prepared drawing on a wide range of technical evidence, to ensure that future planning policies and decisions are based on robust and up-to-date information. Assessment of the implications of Local Plan documents is also required, including Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). Evidence and appraisal documents are available on the Council's website at <http://www.reigate-banstead.gov.uk/planningpolicy>.

3. New planning policy documents

- 3.1 The following section provides a summary of the work planned on formal Local Plan documents, the Development Management Plan and the Policies Map. Separate documents setting out the timetables for preparation of new/updated SPDs are available on the Council's website.
- 3.2 In addition to the below, the Core Strategy states that a review of the Core Strategy will commence within 5 years of its adoption date. As such, a review of the Core Strategy will be required in 2019; further information on the programme for this will be provided in a subsequent update of the LDS.

3.4 Development Management Plan

Overview	
Geographical area	Borough-wide
Description of content	Detailed policies to guide decision making on planning applications; Development site allocations
Chain of conformity	National Planning Policy Framework; Core Strategy
Type of document	Development Plan Document
Priority	High
Timetable and key milestones	
Preparatory work	Until June 2016
Regulation 18 consultation	August – October 2016
Regulation 19 consultation	January – February 2018
Submission	March 2018
Examination	March – September 2018
Adoption	November 2018
Working arrangements	
Organisational lead	Head of Places and Planning
Political management	Executive Member for Planning and Development Development Management Plan Task Group Development Management Advisory Group
Internal resources	Officers: Planning Policy team; Other Council officers, including from Development Management, Regeneration, Economic Prosperity, and Property. Members: All members input into plan preparation process. Financial: staff costs, costs associated with public consultation, printing and the examination process (Planning Inspector and Programme Officer)
External resources	External consultants as required Stakeholder and community groups Developers and landowners Duty to Cooperate bodies Infrastructure Providers
Stakeholder involvement	Informal engagement with partners and stakeholders during preparatory work, including those organisations that fall within the scope of the Duty to Cooperate. Public consultation on Preferred Options DMP, including a range of consultation methods as described in the Statement of Community Involvement. Statutory publication consultation on issues of soundness and legal compliance, and involvement at Examination stage.
Evidence	
Key pieces of evidence:	Strategic Housing Land Availability Assessment; Green Belt Review; Infrastructure Delivery Plan; Sustainable Urban Extensions Study; Sustainability Appraisal; Habitats Regulations Assessment

3.5 Policies Map

Overview	
Geographical area	Borough-wide
Description of content	Map illustrating geographically the application of policies within the adopted Development Plan, including local and national policy designations and local and county development allocations.
Chain of conformity	Any Development Plan Document (including Core Strategy, DMP, Minerals and Waste Plans)
Type of document	Local Development Document
Priority	High
Timetable and key milestones	
Preparatory work	To be progressed on the same timetable as the DMP, and updated as required to incorporate any changes resulting from the adoption/review of other Development Plan documents.
Regulation 18 consultation	
Regulation 19 consultation	
Submission	
Examination	
Adoption	
Working arrangements	
Organisational lead	Head of Places and Planning
Political management	Executive Member for Planning and Development
Internal resources	Officers: Planning Policy team Financial: Costs associated with printing and online interactive mapping.
External resources	External companies may be required to undertake printing of policies map and preparation of interactive online map.
Stakeholder involvement	Stakeholder engagement undertaken as part of preparation of associated Development Plan documents (over this period, primarily the DMP).
Evidence	
Key pieces of evidence:	n/a

4. Risk assessment

- 4.1 It is important to identify the risks that could affect the work programme set out in this LDS, and consider how the risks may be minimised and mitigated. Identified risks are set out in Annex 2.

5. Monitoring and Review

- 5.1 The Council compiles an Authority Monitoring Report (AMR). Amongst other things this monitors progress against the milestones set out in the LDS. The AMR will identify whether milestones have been met, and if not, the reasons for this, and any proposed actions resulting from delays. It will also outline whether there has been any new technical information, changes to legislation/guidance, or other unforeseen circumstances that may warrant amendments to the LDS.
- 5.2 The AMR will also monitor
- a. Policies in adopted plans to identify whether they are being successfully implemented
 - b. Progress towards the delivery of development targets in adopted plans
 - c. The delivery of allocated sites.
- 5.3 Where policies are not being implemented, development targets are not being met or allocated sites not being delivered, the AMR will identify management actions and / or contingency measures.
- 5.4 The latest AMR is available to view on the Council's website at <http://www.reigate-banstead.gov.uk/planningpolicy>.

6. Further information

- 6.1 For further information about this document, or about the preparation of Local Plan documents in Reigate & Banstead, please contact:

Planning Policy Team
Reigate & Banstead Borough Council
Town Hall, Castlefield Road
Reigate
Surrey RH2 0SH
Tel: 01737 276178
Email: ldf@reigate-banstead.gov.uk

- 6.2 If you wish to be added to our consultation database, to receive notifications about relevant consultations, please email the Planning Policy Team at the above email address or complete our Planning Policy mailing list [online form](#).

Annex 1: Glossary

Abbreviation	Term	Definition
AMR	Authority's Monitoring Report	Previously known as Annual Monitoring Report. Monitors progress in preparing Local Plan documents, and assesses the extent to which planning policies are being implemented successfully. Also updates monitoring information for key subject areas including housing, the economy and the environment.
CIL	Community Infrastructure Levy	Sets the financial contributions to be paid on new development in the borough, to fund a wide range of infrastructure to support development.
DP	Development Plan	Legislation requires decision making on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. Comprises DPDs and saved 'old-style' Local Plan policies
DPD	Development Plan Document	Local Development Documents that have Development Plan Status, and are subject to independent examination.
LDD	Local Development Document	A range of different types of planning policy documents, including DPDs, SPDs, the SCI and the LDS.
LDF	Local Development Framework	An overarching term for the suite of Local Development Documents prepared by a local authority.
LDS	Local Development Scheme	A three year project plan setting out the programme for the production of planning policy documents.
LP	Local Plan	The Development Plan Documents that together comprise the Development Plan for a local authority area.
NPPF	National Planning Policy Framework	Document setting out the Government's planning policies for England and how these are expected to be applied
NPPG/PPG	(National) Planning Policy Guidance	Additional guidance provided by Government about how the NPPF should be implemented.
SA	Sustainability Appraisal	Assesses the social, environmental and economic impact of policy options and proposed plans and projects to inform decision making.
SCI	Statement of Community Involvement	Document setting out who, how and when the Council will involve communities and other stakeholders in the preparation and review of planning policy documents and on planning applications.
SEA	Strategic Environmental Assessment	Assessment of the environmental impact of plans and programmes, required under European legislation.
SPD/SPG	Supplementary Planning Document/Guidance	Document providing supporting information and additional detail on how Local Plan policies should be implemented.

Annex 2: Risk Management

Risk	Likelihood	Impact	Possible consequences and mitigation
National policy changes	High	Medium	Further changes to legislation/national guidance may place different requirements on local authorities. Emerging legislation/policy will be monitored, and officers will work closely with CLG, PINs etc as required. Local Plan documents will be based on best information available at the time.
Changes in local political control/leadership	Medium	Medium	Changes in corporate priorities may result. Officers will work closely with the Leader & Portfolio Holder, and other members through existing groups, to understand and manage any policy changes required.
Staffing and resources	Medium	High	Government spending cuts will continue, placing more pressure on Council resources. However the Council's plans to mitigate these are well advanced. There may, however, be pressures to reduce planning policy staff or budgets. Project planning will help understand resourcing pressures. External consultants may be used. As a last resort, document preparation timetables may be adjusted.
Resourcing of external agencies	High	Medium	Spending cuts may also impact on Government agencies/bodies, including the Planning Inspectorate and statutory consultees. If these organisations have insufficient resources, delays to document production timetables may result. Officers will work closely with external agencies to understand possible risks as early as possible and maintain positive working relationships. Officers will keep PINs informed about any timetable alterations
Legal challenge	Medium	High	External parties may seek to legally challenge all or part of Local Plan documents. Officers will seek to ensure that all local plan documents are legally compliant and sound, and work closely with the Legal team and PINs to ensure that requirements are met. External legal advice may also be sought.
High levels of public interest/high volume of consultation responses	High	Medium	These risks place pressures on staff and other resources due to the need to respond to enquiries and process and consider representations. Officers will work closely with the Council's Communications Team when issues that are likely to generate a high level of interest are consulted upon. Additional time may need to be programmed into project plans to allow for the proper analysis of representations.
Evidence base becomes dated	Medium	Medium	External factors may lead to the Council's evidence base becoming out of date. Additional delays to document preparation timetables as the result of other risk factors may also result in evidence documents becoming out of date. Officers will monitor changes and prepare or commission updated evidence studies where necessary.
Joint working with neighbouring authorities	Medium	High	Joint working with neighbouring authorities is a statutory requirement of the Localism Act (the Duty to Cooperate). In addition, some topic areas require the preparation of joint evidence bases. Different local authorities are at different stages in the plan making process, which means that joint working is not always straightforward. Officers will continue to work closely with neighbouring authorities to share plan development timetables, identify where joint working is needed, and maintain positive working relationships.