



REPORT OF:	LUCI MOULD, HEAD OF PLACES AND PLANNING
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TO:	EXECUTIVE
DATE:	9 November 2017
EXECUTIVE MEMBER:	COUNCILLOR K FOREMAN

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

SUBJECT:	DEVELOPMENT MANAGEMENT PLAN PRE-SUBMISSION "REGULATION 19" CONSULTATION AND SUBMISSION
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RECOMMENDATIONS:

- (i) That the Evidence Base, Sustainability Appraisal and Consultation Statement in support of the Development Management Plan be noted and approved;
- (ii) That the Head of Places and Planning be authorised, in consultation with the Executive Member for Planning Policy, to make any necessary amendments or factual clarifications to the Draft Development Management Plan (Annex A) and Policies Map (Annex B) and any necessary additions and amendments to the Evidence Base, and associated documents, as required to support the "Regulation 19" process as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (iii) That the Draft Reigate and Banstead Development Management Plan (DMP) (Annex A) and Policies Map (Annex B) be endorsed as sound and approved for publication and consultation as the "Regulation 19" submission document;
- (iv) That the Head of Places and Planning be authorised, in consultation with the Executive Member for Planning Policy, to submit the Draft Development Management Plan and Policies Map to the Secretary of State for Communities and Local Government under the Planning and Compulsory Purchase Act 2004 Section 20;
- (v) That the Head of Places and Planning be authorised, in consultation with the Executive Member for Planning Policy, to submit the representations received and duly made in accordance with Regulations, to the Secretary of State together with a Summary of the Issues; and,
- (vi) That the content of this report be endorsed to ensure that Reigate & Banstead Borough Council continues to be a plan-led authority.

REASONS FOR RECOMMENDATIONS:

- (i) The DMP, and accompanying Policies Map, is based on up to date and relevant evidence from which the Plan policies and proposals can be demonstrated to be derived and to be current, well-formed and robust and has been subject to Sustainability Appraisal and informed by consultation including the Regulation 18 Consultation 2016.
- (ii) To enable the representation period to commence in a timely manner following Executive agreement
- (iii) To allow Members of the public and other bodies to see, and therefore either support or record their objection, which will be considered at examination by the Inspector, to what the Council considers to be the most appropriate and sound planning policies and proposals including allocations being advanced to meet the issues and needs identified in the Core Strategy and DMP and previously consulted upon at the earlier Regulation 18 stage.
- (iv) Undertaking Regulation 19 consultation will allow the Development Management Plan preparation process to be progressed in line with the agreed timetable set out in the adopted Local Development Scheme, and will enable representations to be made on the draft Development Management Plan and Policies Map to be submitted together with the draft DMP and Policies Map to the Planning Inspectorate for examination in accordance with the statutory provisions
- (v) As required by the Regulations and Good Practice Guidance from the Secretary of State
- (vi) To reiterate the Council's commitment to advancing the preparation of the Development Management Plan and to provide certainty for stakeholders and local residents in relation to future development in the borough.

EXECUTIVE SUMMARY:

Preparing the Development Management Plan (DMP) (and the accompanying Policies Map) represents the next step in completing the replacement of the borough's 2005 Local Plan, following on from the adoption of the Core Strategy in July 2014. The DMP will provide the detailed policies, designations and site allocations that allow the development principles in the Core Strategy to be delivered.

Regulation 19 consultation is a statutory stage, prior to the submission of the draft Plan to the Secretary of State which allows representations to be made on the draft Plan which the Council considers to be ready for examination. The opportunity to participate will be extended to any person who wishes, including the full range of stakeholders and interested persons including those who have previously commented at earlier stages (under Regulation 18) of the draft Plan content. The draft Plan has been informed by Regulation 18 consultation undertaken between 1 August and 10 October 2016. Consultation has taken place in accordance with the Statement of Community Involvement. A summary of the responses received and how they have informed the plan is available in the Consultation Statement (set out in Annex C to this report and also available at www.reigate-banstead.gov.uk/dmp.)

Subject to agreement at Executive and Full Council, the draft Plan will be published and

representations invited in early January for a 6 week period. This and a full suite of documents including evidence base and sustainability appraisal will be submitted to the Secretary of State by the end of March 2018.

This timescale will meet with the Department for Communities and Local Government deadline for the receipt of plans which the Planning Inspectorate may consider under the current method for calculating total housing requirement. Members will recall the housing target was established in the Core Strategy 2014 as a maximum 460 homes per annum. It is to this the DMP seeks to conform with appropriate housing land allocations.

The draft Plan contains proposed criteria-based policies to guide decision making on planning applications and proposed designation boundaries (within which specific policies will be applied). It proposes allocation of sites suitable for development in the Plan period to meet the needs identified in the Core Strategy and the DMP. These identified sites include town centre opportunity sites and urban housing sites, 'Reserve' urban extension sites in the areas of search defined in the Core Strategy (Redhill, Merstham, Reigate and Horley), are detailed for release by the Council for housing and associated development to maintain the "five year supply" of housing sites in the event that the supply of other sites within the built up areas is insufficient, and a strategic employment site is proposed to be allocated in Horley.

The document provides for a "safeguarded site" – land set aside for potential development which may be needed post plan period (2012 – 2027). This is intended to ensure the long term protection and permanence of the Green Belt overall in a Plan-Led manner and would only be allocated for development in the next local plan review should compelling evidence demonstrate that further housing development was required and not available from any other source.

The draft Plan has been prepared on the basis of evidence set out on the Council's DMP website and in accordance with national legislation and policy, and informed by a comprehensive sustainability appraisal. It takes due account of the outcomes from informal consultation with local community groups and ward members, earlier "Regulation 18" consultation and ongoing engagement with neighbouring authorities on relevant cross-boundary issues ("Duty to Cooperate") together with the views of other statutory bodies.

Executive and Council agreement of the proposed Regulation 19 documents at Annex A and Annex B is sought. Following the completion of pre-submission publication and receipt of representations made during the consultation period the Development Management Plan will be presented to Secretary of State, together with details of the representations received and a summary of the issues. On submission the Planning Inspectorate will be asked to appoint a Planning Inspector to conduct the Local Plan Examination, who will manage any public hearings. The Inspector will then provide an independent report to the Council, to cover the legality and statutory soundness of the document and to make recommendations, including any modifications considered to be necessary and where further consultation is to be carried out, prior to the final adoption of the Development Management Plan by the Council.

All duly made representations from the Regulation 19 consultation will be sent to the Inspector appointed to examine the draft Plan. The inspector will consider these before

deciding which topics and which participants are to be invited to be involved in public hearings and following this to report to the council whether to recommend that the plan be adopted with or without modification.

**Executive has authority to determine recommendations (i), (ii) and (vi).
Recommendations (iii), (iv) and (v) are subject to Full Council approval.**

STATUTORY POWERS

1. The Planning and Compulsory Purchase Act 2004 (PCPA 2004), The Planning Act 2008, The Localism Act 2011, the Housing and Planning Act 2016 and associated regulations (including the Town and Country (Local Planning) (England) Regulations 2012 ('the 2012 Regulations')), set the statutory framework for the production of Local Plan documents by the Local Planning Authority (LPA). National policy in relation to the production of local plan documents is provided through the National Planning Policy Framework ('the NPPF'), supported by national Planning Practice Guidance ('the NPPG').
2. This report introduces the Regulation 19 consultation document for the draft Development Management Plan and accompanying Policies Map, which is the second part of this Council's updated Local Plan (the first part being the Core Strategy adopted in 2014).

BACKGROUND

3. **The plan making process:** Whilst there is currently no statutory requirement for local planning authorities to adopt a Local Plan, this is a Government priority. The NPPF states that planning should be genuinely plan-led, with local and neighbourhood plans setting a positive vision for the future of an area. Measures in the recently enacted Housing and Planning Act strengthen the powers of the Secretary of State to intervene in local plan making where local plans are not being prepared in a timely manner. For the Council, local plan documents offer benefits by ensuring that it is in the best possible position to manage development pressures in the borough, and by providing certainty to local residents, businesses and other stakeholders about when and where future development in the borough will take place.
4. **Local Development Scheme:** The Council's Local Development Scheme (LDS) sets out the Local Plan documents that will be prepared by the Council, the subject matter and geographical area to which each Local Plan document is to relate and the timetable for the preparation of the documents.
5. The adopted LDS (2017)¹ identifies that the Council will prepare a Development Management Plan and accompanying Policies Map, which will apply borough-wide, and include detailed policies to guide decision making on planning applications, and development site allocations. It outlines that preparatory work on the DMP took place until June 2016, Regulation 18 public consultation was held between August and October 2016, and a second public consultation (Regulation 19) will be held between

¹ http://www.reigate-banstead.gov.uk/downloads/file/3329/local_development_scheme_revised_april_2017

January and February 2018, with a view to submitting the DMP for Examination in March 2018. Adoption of the DMP and Policies Map is anticipated in autumn 2018.

6. **Core Strategy:** The content of the Development Management Plan is guided by the overall spatial strategy and scale of growth set out in the Council's adopted Local Plan: Core Strategy (July 2014)². There are some principles which are, therefore, already established and agreed by the Council, and it would not be appropriate for the DMP to seek to amend.
7. These include the overall scale of growth (for example, the housing target of 460 homes per year), and the principle that – whilst development will be focused in urban areas as a priority – the opportunity for urban extension sites will need to be explored as part of the DMP preparation process. Three specific 'areas of search' for urban extensions are identified in the Core Strategy – the countryside around Horley (up to 200 dwellings), and land that is currently Green Belt to the East of Redhill and Merstham (up to 500-700 dwellings) and to the South / South West of Reigate (up to 500-700 dwellings).
8. **The content of a Local Plan:** Section 39 of the PCPA 2004 requires that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. The NPPF builds on this and requires that Local Plans should be based upon and reflect the presumption in favour of sustainable development. This means that the Council should positively seek opportunities to meet the development needs of an area, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
9. A Local Plan document can (under the 2012 Regulations) include statements regarding: the development and use of land which the local planning authority (LPA) wishes to encourage; the allocation of sites for a particular development or use; environmental, social, design and economic objectives related to and necessary to achieve the development and use of land; and/or development management and site allocation policies intended to guide the determination of planning applications.
10. Under Regulation 9 of the 2012 Regulations, LPAs are also required to prepare a policies map, which illustrates geographically the application of policies in the Local Plan.
11. **Publication of the pre-submission version.** Regulation 19 provides the formal opportunity for the local community and other interests to consider the Development Plan document, which the local planning authority would like to adopt and comment on the soundness of the Plan – that is that the plan is positively prepared, justified, effective and consistent with national policy – and the legal compliance of the Plan. Representations arising from this consultation will be considered by the Inspector
12. **White Paper.** DCLG has published the White Paper "Planning for the right homes in the right places" for consultation earlier in 2017. This includes a response to the Local Plans Expert Group who reported to Ministers in 2016 on how Plan making may be made more efficient and effective. Further consultation is now underway on several aspects including a new method for calculating housing need and to aid this debate a table has been published by DCLG which illustrates the outcome of this new simpler methodology. This suggests a "Current local assessment of housing

² <http://www.reigate-banstead.gov.uk/corestrategy>

need" for Reigate and Banstead of 600-640 dpa 2016-26. Government has suggested that following consultation this approach (with or without changes) will become binding. The Chief Planner has written to advise that, to avoid a hiatus, Plans which have made substantial progress in preparation and submitted to the Planning Inspectorate before 31st March 2018 will be assessed against present arrangements for assessing "Objectively Assessed Housing Need" and establishing the housing requirement for a Local Plan area.

13. For Reigate and Banstead the housing requirement has been settled through the examination and adoption of the Core Strategy 2014. DGLG has indicated informally that provided the intended submission date remains as advised the DMP will fall for consideration in accordance with the Chief Planner's Note, although authority for the conduct of the examination of the Plan for soundness and legal compliance remains with the Planning Inspectorate. DCLG also advise that it is likely that there will be Government Statements and alterations to the National Planning Policy Framework and national guidance likely to be emerging from government early 2018 following on from this year's White Paper and rounds of consultation in 2017. However it is not the Government's intentions to delay the production of local plans whilst awaiting these changes to national planning policy.

KEY INFORMATION

Content of the draft DMP

14. The draft Development Management Plan is included at Annex A. It includes the following:
15. **Criteria based policies:** Criteria based policies are proposed to replace policies in the 2005 Borough Local Plan. These policies cover a wide range of topic areas, including:
 - a. Policies to guide provision of employment, commercial, and retail development.
 - b. Policies to ensure that new development is well designed and protects local character and amenity, and that the impacts of the development process on local residents is minimised.
 - c. Policies to ensure an appropriate mix of housing types, tenures and sizes.
 - d. Policies to protect valuable urban open spaces, to provide appropriate outdoor sport and recreation facilities and to require the provision of open space as part of new development.
 - e. Policies to ensure that new development includes appropriate parking provision and that development access and servicing is safe and well designed.
 - f. Policies to direct development away from flood zones and protect new and existing developments from flooding.
 - g. Policies to guide climate change mitigation
 - h. Policies to protect landscapes and biodiversity, to help secure a green infrastructure network across the borough, to control development in the Green Belt and to conserve and enhance heritage assets.
 - i. Policy to guide provision of cemeteries and/or crematoriums
16. **Designation boundaries:** In the majority of instances, existing designation boundaries as set out on the Borough Local Plan policies map have been tested and

been found to be robust. However in some instances changes are proposed to designation boundaries, for example:

- a. Updated boundaries for a number of existing Residential Areas of Special Character (RASCs) and proposals for some new RASCs.
- b. Updated boundaries for a number of Urban Open Space (UOS) sites, proposals for some new UOS sites and removal of some sites from the current Urban Open Land designation.
- c. New Town Centre boundaries, amendment to some Local Shopping Centre boundaries, and several new Local Shopping Centres.
- d. Localised, small scale changes to Green Belt boundaries to amend anomalies.
- e. Removal of Netherne-on-the-Hill, East Surrey Hospital and traveller sites from the Green Belt and inclusion of the Babylon Lane area within the Green Belt.
- f. Amendment of the Rural Surrounds of Horley designation
- g. Proposed changes to the Green Belt boundary as a result of 'Reserve' Urban Extensions and a Safeguarded land location.

17. **Proposed development sites:** Potential development sites are included for the purposes of consultation and further evidence gathering. These include:

- a. Development sites within Town Centres, with information about potential uses and design and mitigation measures that would be required to make development acceptable in the event that the final DMP allocates sites.
- b. Development sites within the rest of the urban area (where these are of a larger scale or would represent a change in use from the existing use).
- c. 'Reserve' urban extension sites, with information about housing capacity, design and mitigation measures that would be required to make development acceptable, and new infrastructure and services that would be required alongside new housing Urban extension sites have been identified within the areas of search defined in the Core Strategy, that is:
 - i. Countryside around Horley
 - ii. East of Redhill and East of Merstham
 - iii. South / South West Reigate
- d. A strategic employment site to the south of Horley.
- e. A "Safeguarded Land" location which could accommodate development beyond the current plan period (i.e. beyond 2027).
- f. Site allocations for traveller accommodation provision
- g. A section on 'Infrastructure to support growth' explaining how infrastructure will be secured alongside new development.
- h. A section on 'Managing Land Supply' outlining how the release of urban extension sites will be managed (in the event that the Council cannot demonstrate a five year housing land supply).

18. **Maps:** The Policies Map at Annex B illustrates geographically, on a map base, the proposed policy designations including where development is proposed and/or restricted. It is therefore an important statutory plan publication to support the DMP. The map will also be able to be accessed via an interactive map on the Council's website.

Evidence base

19. The draft DMP has been developed taking into account the Council's adopted Core Strategy, the scope of the DMP as defined in the LDS, the outcomes of the Regulation 18 consultation (Annex C), national planning policy and guidance and informed by the Sustainability Appraisal (Annex D).
20. The draft Plan is also based on relevant local evidence. A wide range of technical evidence papers have been prepared in support of the draft DMP. These are provided as background papers to this report (available at www.reigate-banstead.gov.uk/dmp), and include:
 - a. Green Belt Review, which provides an assessment of the impact of potential changes to the Green Belt boundary, including the potential impact of taking urban extension site options out of the Green Belt.
 - b. Sustainable Urban Extensions Site Specific Technical Report, which provides an assessment of the constraints and opportunities of potential urban extension sites.
 - c. Evidence in relation to the infrastructure requirements of planned growth, summarised in an Infrastructure Delivery Plan addendum and updated Transport Assessment.
 - d. Updated Strategic Flood Risk Assessment Level 1 and 2. Level 1 provides an overall approach for developers and Level 2 provides site specific assessments of proposed site allocations.
 - e. Strategic Employment Land study to support the proposed strategic employment site.

A list of the Evidence Base documents in support of the Plan is set out in Annex E to this report. Further Evidence Base Studies will be added to this list as appropriate.

21. As part of the evidence gathering process, informal consultation was carried out with ward members and community groups. Discussions were held with and comments sought from 'Duty to Cooperate' bodies.

Infrastructure

22. As noted above, the draft DMP includes a policy in relation to 'infrastructure required to support growth' which has been informed by liaison with infrastructure providers and also covers funding and delivery mechanisms to ensure infrastructure is provided. This has been included specifically to reflect members' concerns about the need to secure appropriate infrastructure provision to support new development in a timely manner. The draft DMP includes an annex outlining the infrastructure that will be required to support new development.
23. Specifically in relation to the potential infrastructure requirements that would be generated in the event that sites are allocated for urban extensions, consideration has been given to (amongst other things) healthcare, education and transport needs, and details of the infrastructure needed to support any future development are provided in the relevant sections of the consultation document.
24. With regards to safeguarding land and infrastructure, a detailed assessment would be undertaken through the next Local Plan review to ascertain whether the site would

be appropriate; but expectation that appropriate infrastructure would need to be provided to make development acceptable.

Sustainability Appraisal and Strategic Environmental Assessment

25. Section 19 of the PCPA 2004 requires that Local Plan documents are informed and accompanied by a Sustainability Appraisal, which allows the potential social, environmental and economic impacts of the plan proposals to be taken into account throughout the plan-making process. The Environmental Assessment of Plans and Programmes Regulations 2004 implement the requirements of the European Directive 2001/42/EC and require a Strategic Environmental Assessment of the effects of a Local Plan on the environment.
26. The objectives, approaches and options, and the proposed policies and development site allocations, have been subject to appraisal against agreed East Surrey Sustainability Objectives. The appraisal report is available at Annex D of this report and at www.reigate-banstead.gov.uk/dmp.
 - a. The SA assessed different policy options, and recommends preferred policy approaches for inclusion in the consultation document.
 - b. It also assessed the range of potential town centre sites and urban housing sites included in the consultation document, to identify the sustainability implications of development on these sites and measures that would be required to mitigate or avoid negative sustainability impact.
 - c. Appraisal was also carried out on traveller sites and safeguarding sites as well potential urban extension sites, to identify the relative sustainability merits of different potential site options and the mitigation and avoidance measures that should be sought to support development. This appraisal process has informed the content of the consultation document.

Habitats Regulations Assessment

27. The Conservation of Habitats and Species Regulations 2010 implement the requirements of European Directive 92/43/EEC and require that - if it is considered likely that a Local Plan will have significant effects on habitats or species of European importance - a Habitats Regulations Assessment must be carried out.
28. At the Regulation 18 stage, a Habitats Regulations Screening Assessment was carried out on emerging Plan proposals and agreed by Natural England. This assessment has been updated for the Regulation 19 stage, taking account of the latest information available, and has concluded (as at the Regulation 18 stage) that the draft DMP would not be likely, either individually or in combination with other plans or projects, to have a significant effect on any habitat or species of European importance. Natural England's formal views on the Regulation 19 HRA are currently being sought.

Duty to Cooperate

29. The Duty to Cooperate requires that the Council cooperate on strategic matters relating to the sustainable development or use of land that would have a significant impact on at least two planning areas.
30. Officers have engaged with neighbouring authorities and statutory agencies in undertaking work to prepare the DMP consultation document. This has included

engaging with neighbouring authorities in relation to development proposals near shared boundaries or that may have a significant impact within their authority area.

Scope of the Regulation 19 consultation

31. Subject to the agreement of the Executive, Full Council will be asked to approve the draft plan as sound as this is a requirement of the legislation. Agreement to submit is sought, with delegated authority to Head of Places and Planning, in consultation with the Executive Member for Planning Policy, to make any necessary amendments.
32. The scope of this Regulation 19 consultation is set out in national legislation and policy. Comments will be sought in relation to the soundness and legal compliancy of the document, including the proposed objectives, the proposed criteria based policies and designation boundaries, and the proposed development sites identified.
33. It is proposed to publish the DMP Regulation 19 document and accompanying Policies Map for a period of 6 weeks, from early January until mid February.
34. Consultation will be carried out in accordance with the adopted Statement of Community Involvement and as is good practice be as wide as previously carried out under Regulation 18 consultation. It will involve direct notification of statutory and general consultees, publication of information on the Council's website³, and targeted consultation in those areas potentially most affected by proposed development site options. A combination of traditional and social media communication channels will be used.

Next steps beyond the Regulation 19 consultation

35. Following the close of the Regulation 19 publication period, officers will analyse representations and identify the main issues arising to be passed to the Planning Inspectorate.
36. The Planning Inspectorate will be presented with the publication version of the Plan and the full range of supporting documents as required by legislation and good practice together with the representations duly made and the summary of issues etc. Following receipt of the statement on behalf of the Council that Regulation 19 has been satisfied, that a Development Plan is submitted which the Council considers to be sound and that a Programme Officer has been appointed by the Council. The Planning Inspectorate will carry out preliminary checks and if satisfied they have received all that is required will notify the Council that an Inspector is appointed to carry out an independent examination. The Inspector will communicate with the Council on the timing of preliminary meetings and public hearings and liaise with the Programme Officer who will arrange for the administration of the hearings including dealing with objectors and other parties at the hearings.
37. It is currently anticipated that the Inspector's final report on the Examination may be submitted to the Council by the Inspector by Autumn 2018 following Public Hearings on topics chosen by the Inspector and any modifications and public consultations advised by the Inspector to allow the Council to proceed to adoption by late 2018.

³ www.reigate-banstead.gov.uk/dmp

OPTIONS

38. The following options have been identified as being available to the Executive:

Recommendation 1

39. Option 1: Approve the Evidence Base and associated Local Plan documents. This option will allow the Council to demonstrate that the DMP and accompanying Policies Map is evidence led and for the public and other interested bodies to be clear on the basis on which the Council is able to say that the Plan is sound. An important role of the Examination conducted by the Inspector will be to investigate and be satisfied as to the robustness of the evidence and the policies and proposals that this supports, to permit the Inspector to recommend to the Council that the Plan can be adopted.
40. Option 2: Do not approve the Evidence Base and other documents. This option will prevent the furtherance of the Plan. It is not recommended because it would raise doubt and uncertainty as to what evidence the council regards as supporting the draft DMP policies and proposals.

Recommendation 2.

41. Option 1. Approve delegated arrangements to deal with corrections and updates. This option will allow for the processing of the DMP and associated documents to be expedited in a timely manner.
42. Option 2. Do not approve delegated arrangements. This option will delay the process of satisfying Regulation 19 and the achievement of the Plan timetable. This option is not recommended as it could lead to delay in the consultation period should clarifications need to be made to the consultation document (which would need to be brought back to Executive and would result in delay), or confusion if clarifications are not able to be made.

Recommendation 3.

43. Option 1. To recommend to Council the DMP and Policies Map are sound and publish for the purposes of inviting representations in support or objection. This option will allow the Plan to progress forwards in accordance with the statutory provisions and in a timely manner and for the views of statutory consultees, service providers and local residents/community groups to be sought on the content of the draft DMP which the Council intends to submit for Independent Examination. This option is recommended to ensure progress on the DMP is maintained in accordance with the statutory provisions
44. Option 2. Not to recommend to Council the DMP and Policies Map are sound and not publish. This option will stymie the Plan from progressing and prevent reaching the important next stage of testing the Council's Plan against the views of local people and other stakeholders to be taken forward for consideration as part of the independent examination of soundness and legal compliance. This option is not recommended as it will lead to delay in submitting the Plan to the inspectorate and updating the policies that are used to guide decision making on planning applications, and continuing uncertainty in relation to the likely location of future development. Delay may necessitate a re-examination of housing need which may well have implications for housing site allocations and other aspects of the DMP. The Core Strategy is also committed to a review in 2019 so delay may impact on this commitment.

Recommendation 4

45. Option 1 To recommend to Council the submission of the DMP and Policies Map to the Secretary of State. This option is recommended will allow the Plan to satisfy Regulation 19 publication and consultation and to progress forwards to reach the Secretary of State with the council's endorsement in a timely and expeditious manner.
46. Option 2. Not to recommend to Council submission of the DMP and Policies Map. This would delay the achievement of the Plan timetable and/or necessitate further consultation to be carried out (additional Regulation 18 iterations) by which time it is likely that further evidence gathering would be necessary and this to be incorporated into the draft Plan leading to further delay in the completion of the final Plan and uncertainty for decision taking by the council and stakeholders.

Recommendation 5

47. Option 1. To recommend to Council to authorise delegated arrangements for the submission of Regulation 19 representations received on the published Plan to the Secretary of State. This option will allow the Regulations to be satisfied and for the Examination to be commenced by an Independent Inspector in accordance with the Council's timetable
48. Option 2. Not to recommend to Council delegated arrangements for the submission of Regulation 19 submission. This option will prevent the Planning inspectorate from receiving what they would regard as a duly made Plan and their acceptance that the Plan has met the legal provisions thus an Inspector would not be appointed and the independent examination could not be carried out.

Recommendation 6

49. Option 1: Confirm the Executive's commitment for Reigate & Banstead Borough Council to be a plan-led authority. This option is recommended as it formalises and reiterates the Council's support for progressing with the preparation of the Development Management Plan.
50. Option 2: Do not confirm any commitment for the Council to be a plan-led authority. This option is not recommended – it would represent a missed opportunity for the Executive to make a clear statement to local residents and stakeholders and in due course to the independent Inspector of its recognition of the benefits of the plan-making process.

LEGAL IMPLICATIONS

51. The legal requirements related to the preparation of Local Plan documents are set out in the earlier sections of this report. It is important all relevant legal requirements are complied with.
52. Regulation 19 consultation is a statutory stage in the preparation of a Local Plan document introduced by the 2012 Regulations following new legislation which allowed authorities to dispense with the earlier practice of consultation on a preferred Plan which the Government believes can cause delay in the production of up to date development plans. Section 19 of the PCPA 2004 requires that consultation is also carried in accordance with the Council's adopted Statement of Community

Involvement (2013)⁴. Representations received as part of the earlier Regulation 18 consultation have been taken into account in preparing the Development Management Plan for Regulation 19 publication for submission. The draft DMP and accompanying Policies Map will be forwarded to the Secretary of State's Planning Inspectorate for examination together with representations duly made under Regulation 19.

FINANCIAL IMPLICATIONS

53. Publicity will be carried out by the Policy Team and the Communications Team and delivered within previously approved budget allocations.
54. Future costs associated with the DMP include the examination process (inspector and programme officer fees) in 2018 and any consultation arising from modifications recommended by the Inspector. It is not possible to allocate an exact cost at this stage, although it is estimated that costs may be up to £100,000. These costs are reflected in the current Service Business Plan.

EQUALITIES IMPLICATIONS

55. An Equalities Impact Assessment (EIA) screening has been undertaken to ensure that equalities implications are mainstreamed in the document.
56. The EIA screening is attached as a www.reigate-banstead.gov.uk/dmp. It identifies no negative equalities impacts, and identifies positive equalities impacts in relation to: older people, younger people and children, disability, pregnancy and maternity, racial and ethnic groups (Romany Gypsies and Irish Travellers).

RISK MANAGEMENT CONSIDERATIONS

57. The Council's Strategic Risk Register identifies that the process for the allocation of specific sites for development will be politically sensitive and could result in negative publicity and impact on the Council reputation. It also notes that delay to the adoption of the DMP could increase the risk of speculative planning applications.
 - a. Reputation: The Regulation 19 consultation document includes proposed development sites and safeguarded land. As noted above, a range of communication channels will be used as part of the consultation to assist in managing reputational impact.
 - b. Governance and resource management: To ensure that the Council is able to adopt a Development Management Plan, it is important that all statutory requirements are met, but also that Plan development proceeds in line with the agreed timetable. The DMP process will continue to be carefully managed to ensure that this adoption date is met.
58. Operational risks:
 - a. Legal: Publication in accordance with Regulation 19 of the 2012 Regulations to invite representations is required as part of the Local Plan preparation process. Agreeing the documents at Annex A and Annex B as the documents which the

⁴ http://www.reigate-banstead.gov.uk/info/20276/about_planning_policy/36/community_involvement_in_planning

Council considers is ready for examination will allow progress towards meeting this statutory requirement.

- b. Environmental: There will be environmental implications arising from development proposed in the final DMP. Integrating the sustainability appraisal, strategic environmental assessment and habitats regulations assessment as part of the plan preparation process allows for potential environmental implications to be identified, and for mitigation and / or avoidance measures to be identified. Criteria based and site specific policies within the final DMP will be used to secure measures to minimise the environmental impact of new development.
- c. Customers: Some borough residents are hard to reach when it comes to consultation. A consultation strategy for the DMP Regulation 19 consultation has been prepared in conjunction with the Communications team. This includes using a range of different channels and methods to raise awareness of the consultation process, thus helping to manage the risk associated with residents being unaware of plan proposals.

OTHER IMPLICATIONS

59. No other implications have been identified.

CONSULTATION

60. Consultation on this report has been carried out with the Council's Legal Services and Finance Teams
61. In preparing the draft DMP and accompanying Policies Map, a range of informal and formal consultation has been undertaken. This has included:
 - a. Informal consultation with local community groups inviting suggestions about potential development sites and designations. Comments provided have been incorporated within the evidence base development work.
 - b. Considerable informal consultation with all members on the main aspects within the DMP consultation document. This has included through the Development Management Advisory Group, member workshops, briefing sessions and one-to-one meetings. Comments have been used to inform the preparation of the consultation document.
 - c. Input from neighbouring authorities and other 'duty to cooperate' bodies.
 - d. The 2016 Regulation 18 consultation (a summary of which is available at Annex C)
62. The Executive are now being asked to agree Annex A and Annex B for the purposes of formal public consultation on the Council's policies and proposals for the purposes of Regulation 19.
63. The LDF Scrutiny Panel met on 2 and 12 October 2017 to consider the DMP principles and processes followed in preparing the plan.
64. The Overview and Scrutiny Committee on 12 October 2017 received the Panel's report from its meeting on 2 October and a verbal report from the Chairman of the Panel from its meeting earlier that evening (12 October).

65. The Committee noted the Panel's review of the process of the Development Management Plan from the Regulation 18 consultation document to the proposed Regulation 19 submission. The Panel was broadly satisfied that the feedback from the consultation process had been appropriately considered and applied, and that it was therefore satisfied that the process had been followed correctly.
66. The Committee noted the Panel's suggestion that a summary of changes between the previous and current versions of the plan be provided which it was envisaged would be provided to accompany the publication of the submission.
67. The Committee noted a detailed point in relation to clarifying the wording of the parking standards which would be reviewed before final submission of the plan.
68. The Committee also noted that the Regulation 20 representations would not require approval from the Executive.
69. Following this further public consultation on the draft DMP, the document will be submitted to and examined by a planning inspector appointed by the Secretary of State.

POLICY FRAMEWORK

70. The Development Management Plan is part of the Council's Policy Framework. Agreeing the DMP Regulation 19 document for consultation and submission will enable progression towards adoption of the DMP, which is anticipated to take place in late 2018 following independent examination and the recommendations of the planning Inspector. Responsibility for adopting the final DMP will lie with Full Council.

Annexes to Report.

- A. Proposed Submission Draft Development Management Plan – Regulation 19
- B. Proposed Submission Draft Policies Map
- C. Consultation Statement
- D. Sustainability Appraisal
- E. Evidence Base Documents

Notes.

Annex A. The hard copy "tracked change" version of A is provided in the Member's Room together with Annex B, Annex C and Annex D. In due course "hard copy" versions of Annexes A, B, C and D will be provided for residents etc. to be able to view in local libraries as part of the consultation under Reg. 19 Annex C sets out the consultation responses received from the DMP Regulation 18 Consultation August 2016 together with the responses received. Annex D contains the Sustainability Appraisal which is in itself part of the Evidence Base and therefore listed also in Annex E. Other Evidence Base documents will be available to view on the Council website only.

Background Papers:

- Reigate and Banstead Development Management Plan Regulation 18 Consultation August 2016 (www.reigate-banstead.gov.uk/dmp)
- Report to Reigate and Banstead Borough Council on the Examination of the Core Strategy January 2014 (www.reigate-banstead.gov.uk/corestrategy)
- DCLG Planning Update Newsletter 31 July 2017 (<https://www.gov.uk/government/publications?departments%5B%5D=department-for-communities-and-local-government>)
- Housing White Paper - Planning for the Right Homes in the Right Places 2017 (<https://www.gov.uk/government/collections/housing-white-paper>)
- Planning for the right homes in the right places: consultation proposals. September 2017 (<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>)
- Consultation Statement and Evidence Base documents as listed (www.reigate-banstead.gov.uk/dmp)