

Signed off by	Director of Place
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To	Overview and Scrutiny Committee, Executive, Full Council
Date	Thursday 8 th September 2022
Executive Member	Portfolio Holder for Planning Policy and Place Delivery

Key Decision Required	Yes
Wards Affected	(All Wards);
Subject	Local Plan - Local Development Scheme

Recommendations
<p>That the Overview and Scrutiny Committee notes the contents of this report and makes any observations to the Executive.</p> <p>The recommendations for Executive and Full Council are:</p> <p>i). Agree and publish the new Local Development Scheme and thereby commence work on a new local plan</p> <p>ii). Approve the allocation of funding from the Corporate Plan Delivery Plan Reserve to fund 2022/23 expenditure.</p> <p>iii). Agree to consider budget growth proposals, as part of service & financial planning 2023/24, to establish a budget for preparation of a new Local Plan</p>
Reasons for Recommendations

To establish a timetable and budget for the delivery of a new Local Plan to ensure that the Council has an up to date local plan from July 2027 for the determination of planning applications.

Executive Summary

The Local Plan Core Strategy is scheduled to run until July 2027. As the local planning authority, the Council is required to maintain an up to date Local Plan to help meet needs, protect the local environment and ensure that the infrastructure needed is delivered in a timely way.

Local Plans and the accompanying Policies Map typically take 5 years to prepare and examine and should last a minimum of 15 years from the date of adoption. This report seeks permission and funding to develop a new local plan for Reigate and Banstead to ensure that the Council has a plan in place from July 2027.

Not having an up to date local plan from July 2027 could result in the application of the 'presumption in favour of new development' which would likely result in a more sporadic/less joined up approach to new development in the borough, costly legal challenges and undermine bids to raise external funding for infrastructure and other national initiatives.

Due to the time to prepare, financial commitment and long term ease of use, the preferred approach to a new Local Plan is to include strategic, development management and site allocation policies in a single plan.

Appendix 1 of this report contains a draft Local Development Scheme (or project plan) for the preparation of a new local plan along with an initial risks log.

The proposals in this report cannot be accommodated within existing service budgets therefore a budget to fund additional specialist advice, bespoke software, engagement, and legal support along with the cost of a 'fair wind' examination will have to be established as part of service & financial planning for 2023/24 onwards. Budget estimates are based on the assumption that the current Planning Policy Team will be undertaking most of the work.

**Recommendations (i) and (iii) are subject to approval by Full Council.
Recommendation (ii) can be approved by Executive.**

Statutory Powers

1. As the local planning authority, the Council is required to determine planning applications in accordance with its Local Planning Policies.
2. The Planning and Compulsory Purchase Act 2004 (as amended) sets the context for Local Planning Authorities to maintain an up to date local plan.
3. Localism Act 2011 introduced a requirement for a Duty to Co-operate, a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans.
4. The Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended) define the regulations on local plan preparation.
5. A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

Background

6. The Local Plan Core Strategy is scheduled to run until July 2027. As the local planning authority, the Council is required to maintain an up to date Local Plan. Local Plans take many years to prepare and examine.

Key Information

7. The Core Strategy and Development Management Plan run until 2027, and so are approaching the end of their lives. The Council is required to have an up to date local plan in place to determine future planning applications. Not having an up to date local plan could result in 'the presumption in favour' of new development applying. This would result in increasing and costly legal challenges, reliance on the National Planning Policy Framework and Planning Practice Guidance, undermine council bids for external funding and growing concerns among local communities as local considerations are increasingly left out of the decision making process in the interests of national objectives.
8. Developing a new local plan is a complex process that typically takes 5 years from start to finish provided no show-stoppers are identified, particularly at the public examination.
9. The first step is the agreement of a Local Development Scheme (LDS) (Project Plan) and budget by Council. The LDS (Draft contained in Appendix 1) sets out the different stages in the process, evidence requirements and risk management considerations. Indicative estimates suggest that a new local plan with a straightforward examination would cost c.£797,900. However, costs can escalate should key issues be identified at examination such as at Tandridge where the examination has already lasted two years. Here and at Guildford, the local plan costs have exceeded £3 million.
10. Cost estimates for each year of a new local plan through to adoption are as follows:
Year 1 2022-2023 £170,000 (specialist support)
Year 2 2023-2024 £257,800 (specialist support, software and consultation)
Year 3 2024-2025 £122,300 (specialist support, software and consultation)
Year 4 2025-2026 £82,800 (specialist/legal support, software and consultation)
Year 5 2026-2027 £165,000 (Examination, post examination consultation, adoption)
Total: £797,900. Inclusion of a 15% contingency will result in a total budget requirement of £918,000.
11. As officers will be seeking to procure specialist support to assist in the delivery of the plan and are required to work closely with stakeholders and neighbouring authorities under the Duty to Co-operate, it is vital that the LDS is agreed at the earliest opportunity so that work can progress, indeed the publication of the LDS will mark the start of the process.
12. Whilst most work will be undertaken in house by the Planning Policy Team working with colleagues and members across the council, specialist support will be needed

to assist officers on more technical areas. These include the sustainability appraisal, viability testing, elements of the housing needs assessment and landscape analysis. Software support will be needed for the engagement/ data storage of the programme. Due to the technical requirements of plan making a bespoke system will be required to support the timely delivery of the different stages of the plan.

New Plan Programme

13. The initial work will be focused on procurement of specialists, evidence preparation, having an agreed sustainability appraisal scope and developing an Issues and Options document for consultation. As part of the Member engagement, it is envisaged that a working group (Development Management Advisory Group (DMAG) or similar) would be working with officers on reviewing the work being undertaken and the content of the Issues and Options consultation document and the emerging evidence base. Agreement to consult would be reviewed by Overview and Scrutiny and subject to Executive approval. Indicative timetabling suggests that the Issues and Options consultation could take place in autumn 2023. Evidence submitted for examination should be up to date.
14. Once the Issues and Options consultation has been undertaken, further work will be progressed on the consultation statement, emerging evidence base, and the preparation of a Regulation 18 Preferred Options Local Plan. This would follow the same iterative process described with the Issues and Options with consultation potentially scheduled for Autumn 2024. Whilst a Preferred Options Local Plan is not strictly required under the regulations it helps to de-risk the project by providing an opportunity to undertake further evidence gathering and adapting approaches.
15. This process would then be repeated for the Regulation 19 Pre-submission Local Plan where consultation could be scheduled for early summer 2025. This would be followed in early 2026 by the submission version of the Local Plan and would need to be approved by full Council. It would then be submitted along with the evidence base and the consultation responses for examination (Regulation 22). With a fair wind, the examination, further Inspector modifications consultation, inspector's report, and Council adoption is possible by July 2027. The Plan would need to have a life expectancy of 15 years from the date of adoption.

A single plan

16. One area to consider in the new Local Plan is whether to have a single local plan or a separate Core Strategy and a separate Development Management Plan as is the current position. A single plan is the now favoured approach as it is more cost effective than preparing and examining two separate plans and provides the opportunity to update a number of policies in the Development Management Plan. Furthermore, the Levelling-up and Regeneration Bill includes proposals to rely on the National Planning Policy Guidance for a number of policy areas including flooding, green belt, natural and historic conservation and climate change rather than replicating them in local plans, the extent to which it will affect this plan should become clear over the next couple of years.

Housing

17. The final housing number is likely to be the main area of contention with a new Local Plan, together with how and where this will be delivered. It is very likely that new housing allocations will need to be identified through urban capacity studies and further assessment of the Borough's rural areas. The starting point will be the nationally set housing number (currently 1,119 homes per year) but through the borough's constraints – flooding, landscape and greenbelt this could be challenged but will need to be supported by a very strong evidence base where every possible housing site has been assessed.

Engagement

18. Community engagement will be a critical element in preparing a new plan and officers are currently assessing a number of new engagement and spatial analytic tools that have recently been developed that could support the work. Elements of this will be identified in an updated Statement of Community Involvement. There will be extensive Member engagement including policy workshops and working groups.

Risk

19. Preparing a local plan has many areas of risk. Potential key risks include legislative changes such as the Levelling-up and Regeneration Bill and updates to the National Planning Policy Framework, changes to local government structures, resource availability and the changing political landscape. Details of the risk management considerations are contained in Annex 2 of the draft Local Development Scheme. However, we are fortunate that we have a number of neighbours ahead of us with their new local plans which we can learn from their examination experience which could help reduce some of the risk to ourselves. However not having an up to date local plan could result in new development taking place with little or no say from members and the communities they represent.

Local Plan Review

20. As the local planning authority, the Council is required to complete a review of the local plan no later than 5 years from the adoption date of the plan (and every 5 years thereafter) to ensure that the policies are up to date and consistent with national policy, regardless of a new plan in preparation.
21. Both the Core Strategy and Development Management Plan will need to be reviewed by their fifth anniversaries in July and September 2024 respectively and this process will likely take place in tandem with work on the new plan. The reviews would need to be agreed by Full Council.

Options

22. Adopt the Local Development Scheme and budget to support the timely delivery of a new local plan in accordance with the Planning and Compulsory Purchase Act 2004 (as amended). This is the option is recommended.
23. Adopt the Local Development Scheme but not the programme budget. This would mean work could start on the project but is not recommended as work would be delayed extending beyond 2027 potentially resulting in the 'presumption in favour' being applied to planning applications until a new Plan was in place.

24. Not adopt the Local Development Scheme and budget. This is not recommended as it would likely result in the ‘presumption in favour’ being applied to planning applications from 2027 and the potential risk of Government managing future plan delivery i.e. special measures.

Legal Implications

25. It is a statutory requirement to have an up to date Local Plan in place. Approval of the LDS and commencement of workstreams for a new plan will ensure an appropriate transition once the existing Local Plan period comes to an end in 2027.
26. With any Local Plan there are legal and procedural requirements to be followed and there is a high risk of legal challenge. Counsel advice may be sought at appropriate times throughout the process to help de-risk this.

Financial Implications

27. Indicative costs for each year of the project are included in the body of this report; inclusion of a 15% contingency will result in a total revenue budget requirement of £918,000 from 2022/23 to 2026/27.
28. In terms of financial risks, a 15% contingency has been included to manage cost inflation risks. It also acknowledges the risks that changing national requirements or demands from national stakeholders may require additional work to be outsourced during the delivery of the project.
29. The costs for a future examination in public are based the expectation of a straightforward examination. However, there is a risk that some examinations may take longer and require significant additional resourcing.
30. There is not currently any provision for this expenditure in the approved Revenue Budget for 2022/3 or Medium Term Financial Plan forecasts.

2022/23 Forecast Expenditure - £170,000

31. The costs that will be incurred during 2022/23 cannot be accommodated within the service’s existing approved budget and will therefore require a call on the Corporate Plan Delivery Fund.

Forecast Expenditure 2023/24 Onwards

	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m
Forecast additional costs	0.258	0.122	0.083	0.165

32. As these costs cannot be accommodated within existing service budgets, Executive will be required to consider budget growth proposals, as part of service & financial planning 2023/24, in order to establish a budget for preparation of a new Local Plan. If the proposals are adopted they will then be included in the budget reported to Council for approval in February 2023.

Equalities Implications

33. Whilst this report itself does not have equalities implications, the delivery process of a new local plan and future contents could have implications and will be subject to an equalities impact assessment.

Communication Implications

34. A new local plan requires significant engagement with local communities. Initial discussions on a communications plan are underway with Planning Policy and the Corporate Communications Team. Multiple platforms will be used to engage with local communities which will require bespoke materials being produced. Lines to take will be agreed with the Comms Team, Head of Planning and the Portfolio Holder for Planning Policy. There will be a minimum of three rounds of consultation prior to submission of the Plan to the Planning Inspectorate. FAQs will be prepared to address different situations. Members will be offered a briefing prior to each consultation.

Environmental Sustainability Implications

35. Since the publication of the Core Strategy and Development Management Plan, the Environment Bill was enacted in 2021 which has introduced a number of new requirements and significant changes have been made to the Building Regulations in 2022 which have made our current Local Plan policies outdated. Furthermore, the Council has adopted its own Environmental Sustainability Strategy and Action Plan (2020).
36. A new local plan provides the opportunity to strengthen existing sustainability policies and make them consistent with national policy whilst developing stronger linkages with the Council's own Environmental Sustainability Strategy. All policies will need to be tested through a Sustainability Appraisal/ Strategic Environmental Assessment.

Risk Management Considerations

37. Risk management considerations, their impacts and mitigation are contained in Appendix 1 The draft Local Development Scheme Annex 2.

Other Implications

38. Delivering a new local plan and its evidence base will place significant demands on the planning policy team and will be the team's primary objective. Other than the mandatory monitoring, CIL and planning consultation work, any additional demands would require additional capacity.

Consultation

39. This report has been to Leaders with an agreement to progress the Local Development Scheme through to Full Council. No external consultation is required at this stage of the Local Plan making process but both member and external consultation will be embedded into the future work programme.

Policy Framework

40. Adoption of a new Local Development Scheme would support the delivery of a new Local Plan. A new local plan would take account of the latest national policies including the National Planning Policy Framework and Planning Practice Guidance. Locally it would provide the means to update and strengthen policy linkages with the latest corporate plan and other corporate strategies.

Background Powers

1. Corporate Plan 2025 - https://www.reigate-banstead.gov.uk/info/20205/plans_and_policies/280/reigate_and_banstead_2025
2. Reigate and Banstead Local Plan Core Strategy adopted 2014 Reviewed 2019
https://www.reigate-banstead.gov.uk/info/20088/planning_policy/1101/development_plan/2
3. Reigate and Banstead Development Management Plan 2019
https://www.reigate-banstead.gov.uk/info/20088/planning_policy/1101/development_plan/3
4. Reigate and Banstead Policies Map
https://www.reigate-banstead.gov.uk/info/20088/planning_policy/1101/development_plan/4
5. Reigate and Banstead Statement of Community Involvement
https://www.reigate-banstead.gov.uk/info/20088/planning_policy/1105/community_involvement_in_planning
6. Planning and Compulsory Purchase Act 2004 (as amended)
<https://www.legislation.gov.uk/ukpga/2004/5/contents>
7. National Planning Policy Framework 2021
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
8. Planning Practice Guidance

<https://www.gov.uk/guidance/plan-making#statutory-duty-and-the-role-of-plans>