

September 2022

Agenda Item:
Appendix 1

Reigate & Banstead Borough Council

Local Development Scheme

June 2022

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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 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended in 2017) also requires local planning authorities to complete a review of Local Plan documents every five years, starting from the date of their adoption, to determine whether they require updating.
- 1.3 This LDS supersedes the last version that was agreed in June 2019.
- 1.4 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.
- 1.5 This LDS was approved by the Council on XXXXX and is brought into immediate effect. 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 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 (as amended): These regulations prescribe the form and content of a Local Plan documents and the Policies Map, and set out the procedural arrangements for preparing Local Plans. As above, these regulations also prescribe that local planning authorities must review local development documents, including Local Plan documents and the SCI, within five years of their adoption to determine whether they require updating.

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

- 2.4 All legislation is available to view at <http://www.legislation.gov.uk>.

National policy and guidance

- 2.5 National Planning Policy Framework (NPPF): The NPPF was published in July 2021. 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 which should look ahead over a minimum of 15 years from adoption. 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 and deliverable 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 currently comprises:
- a. The Core Strategy: The Reigate & Banstead Core Strategy was adopted on 3 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 was subject to review under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which concluded that none of the policies within it required updating or modification. This review was adopted by the full Council at its meeting on 2 July 2019. The Core Strategy is available on the Council's website at www.reigate-banstead.gov.uk/corestrategy.
 - b. The Development Management Plan (DMP) was adopted 26 September 2019. It includes site allocations and detailed policies for implementing the Core Strategy. The DMP and accompanying policies map can be found at: https://www.reigate-banstead.gov.uk/info/20088/planning_policy/1101/development_plan/3

- c. Minerals and Waste Planning Documents: Minerals and waste plans covering the borough are prepared by Surrey County Council as the Waste and Minerals Planning Authority for the County, including this borough and form part of the Development Plan for the borough. The Surrey Minerals and Waste Development Framework comprises the following documents:
 - (i) Surrey Waste Local Plan (2020)
 - (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 <https://www.surreycc.gov.uk/land-planning-and-development/minerals-and-waste>

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 part of the borough's 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 at <http://www.reigate-banstead.gov.uk/planningpolicy>.

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 evidence and information.
- 2.13 Assessment of the implications of Local Plan documents is also required, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA), and Plan Viability. Evidence and regulatory 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 Local Plan documents. The key priorities are the preparation and adoption of an updated Local Plan. Timetables for the preparation of new/updated SPDs will be made available on the Council's website where such documents are proposed.

3.2 New Local Plan

3.3 The current Local Plan Core Strategy and Development Management Plan (DMP) plan period ends in 2027. A new local plan is therefore proposed to be prepared covering the period 2024 - 2042 which will incorporate both strategic and development management policies including site allocations.

3.4

Overview	
Geographical area	Borough-wide
Description of content	Strategic policies and detailed policies including development site allocations.
Chain of conformity	National Planning Policy Framework
Type of document	Development Plan Document
Priority	High
Timetable and key milestones	
Preparatory work	Until June 2023
Regulation 18 Issues and Options consultation	September to November 2023
Regulation 18 Preferred Options consultation	September to October 2024
Regulation 19 publication	September to October 2025
Submission	August 2026
Examination	August 2026 to February 2027
Adoption	July 2027
Working arrangements	
Organisational lead	Director of Place
Political management	Executive Member for Planning Policy and Place Delivery Development Management Advisory Group Overview and Scrutiny LDF Committee
Internal resources	Officers: Planning Policy team; Other Council officers, including from Development Management, Place Making, Economic Prosperity, Corporate Policy 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	<p>Informal engagement with partners and stakeholders during preparatory work, including those organisations that fall within the scope of the General and Specific Consultation bodies, and Prescribed Bodies for the Duty to Cooperate.</p> <p>Public consultation on Issues and Options and Preferred Options, 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.</p>
Evidence	
Key pieces of evidence:	Housing Needs Assessment, Gypsy and Traveller Needs Assessment, Employment Needs Assessment; Housing and Economic Land Availability Assessment (HELAA); Green Belt Assessment; Infrastructure Delivery Plan; Sustainability Appraisal; Habitats Regulations Assessment; Plan Viability.

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
Type of document	Local Development Document
Priority	High
Timetable and key milestones	
Preparatory work	To be progressed on the same timetable as the new Local Plan and updated as required to incorporate any changes.
Regulation 18 consultation	
Regulation 19 consultation	
Submission	
Examination	
Adoption	
Working arrangements	
Organisational lead	Director of Place
Political management	Executive Member for Planning Policy and Place Delivery
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. 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.
- 5.2 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.
- 5.3 The latest AMR is available to view on the Council's website at <http://www.reigate-banstead.gov.uk/planningpolicy>.

6.0 Infrastructure Funding Statement

- 6.1 The Council's Infrastructure Funding Statement is prepared annually and sets out the developer contributions received, allocated and spent by the Local Authority, through CIL or section 106 obligations. The statement sets out the projects, or types of infrastructure, that have been allocated funds to deliver infrastructure. This is published in December each year and can be found at: [Annual Infrastructure Funding Statement | Plan Monitoring | Reigate and Banstead \(reigate-banstead.gov.uk\)](http://www.reigate-banstead.gov.uk/infrastructure-funding-statement)

7.0 Further information

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

Email: ldf@reigate-banstead.gov.uk

Post: Planning Policy Team, Reigate & Banstead Borough Council,
Town Hall, Castlefield Road, Reigate, Surrey RH2 0SH
Tel: 01737 276178

7.2 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	Supplementary Planning Document	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	<p><u>Possible consequences:</u> Further changes to legislation/national policy and guidance may place different requirements on local authorities. The impact of these will be greater where they relate to strategic or cross-boundary issues such as housing needs. Such changes may require evidence to be reviewed and/or the content of any emerging plans to be adapted in response.</p> <p><u>Mitigation:</u> Emerging national legislation/policy will be closely monitored. Officers will carefully review and respond to Government consultations where these are likely to have implications for local plan making and, where relevant and necessary, will seek to engage with, relevant Government departments (such as the Department for Levelling Up, Homes and Communities) and the Planning Inspectorate. Local Plan documents will be based on best information available at the time. Where possible and appropriate, flexibility will be built into evidence, external consultancy projects and draft policies to help minimise the impact of possible changes.</p>
Changes in local political control/leadership	Medium	Medium	<p><u>Possible consequences:</u> Changes political control or leadership could filter down into changes in corporate priorities which may have implications for the direction of travel for Local Plan documents. Political uncertainties may also result in delays in obtaining the necessary political approvals for consultation, submission or adoption of Local Plan documents.</p> <p><u>Mitigation:</u> Officers will work closely with the Leader & relevant Portfolio Holder, and other members through existing established advisory groups, to ensure that there is broad political understanding of the context, constraints and direction of travel for emerging Local Plan documents. Wider member engagement events may be held on important topics to assist with understanding and identify key issues or policy changes.</p>
Staffing and resources	Medium	High	<p><u>Possible consequences:</u> The ongoing reduction in real terms of Council resources and budgets could impact on the delivery of the projects identified. The effects of this on the preparation of Local Plan documents could be direct (through pressures on planning policy staffing levels or budget) or indirect (through pressures on resources of other teams, which may affect their ability to support preparation). There are also separate risks in relation to staff retention and recruitment: the departure of members of staff from the team has the potential to disrupt work on Local Plan documents, particularly if there are delays in recruiting suitable replacements.</p> <p><u>Mitigation:</u> At the macro level, the Council continues to mitigate overall budgetary pressures and should avoid significant unexpected resourcing changes or pressures. Robust and realistic budgeting will be undertaken as part of the project management of Local Plan documents to ensure that likely costs and resource implications are fully understood at the outset. Staff retention will be carefully monitored. The use of external consultants in the preparation of Local Plan documents will be tailored to reflect any pressures which may arise (e.g. a greater reliance of consultancy may be necessary if there is a sudden, prolonged staffing pressure or may be reduced – through preparing more evidence in-house should a budgetary pressure arise). As a last resort, document preparation timetables may be adjusted.</p>
Resourcing of external agencies	High	Medium	<p><u>Possible consequences:</u> Spending cuts may also impact on Government agencies/bodies, including the Planning Inspectorate or statutory consultees such as National Highways or the Environment Agency. If these organisations have insufficient resources to respond to consultations or input into evidence in a timely</p>

			<p>manner, delays to document production timetables may result.</p> <p><u>Mitigation:</u> Officers will work closely, and maintain positive working relationships with, external agencies and will approach them as early as reasonably practicable where their input is required. This will provide the maximum possible time for possible resourcing risks to be identified and addressed. Flexibility will be built into the project management where input of external agencies is required. Officers will keep PINS informed about any timetable alterations</p>
High levels of public interest/high volume of consultation responses	High	Medium	<p><u>Possible consequences:</u> This risk would place pressures on staff and other resources due to the need to respond to enquiries, process, summarise and consider representations.</p> <p><u>Mitigation:</u> Where controversial topics are involved, high volumes of responses are to a degree unavoidable, particularly as the Council is tasked with ensuring that consultation reaches all those persons/organisations that may have an interest. 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 to put in place an appropriate strategy for communications. Procedures and consultation measures will seek to ensure that consultation responses can be processed as efficiently as possible including the potential use of coding algorithms. Additional time may need to be programmed into project plans to allow for the proper analysis of representations.</p>
Local Plan found not to be 'sound' or legally compliant	Low	High	<p><u>Possible consequences:</u> Matters of 'soundness' can generally be reconciled through modifications to the plan by the Inspector; however, this would potentially give rise to delays whilst additional evidence is prepared or consultation undertaken. Failings in the legal compliance of the preparation of the document would be more significant and would result in the need to revert back to earlier steps in the preparation process to correct deficiencies.</p> <p><u>Mitigation:</u> Officers will put in place procedures to ensure that all Local Plan documents are legally compliant and that all relevant statutory procedures/obligations associated with their preparation are satisfied, particularly in respect of Duty to Cooperate, Sustainability Appraisal, Habitats Regulations and public consultation. Appropriate working arrangements will be established with Duty to Cooperate bodies and these will be maintained throughout the preparation of Local Plan documents. Officers will seek to ensure that all evidence is robust and that an appropriate strategy is put forward in the Plan to minimise the risk of the document being found unsound. Early advice will be sought from PINS to ensure that soundness issues can be addressed promptly should they be identified.</p>
Evidence base becomes dated	Medium	Medium	<p><u>Possible consequences:</u> 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.</p> <p><u>Mitigation:</u> Officers will monitor circumstances and national policy to ensure that, where changes can be anticipated, these are built into the preparation or evidence or the specification for external commissions. If unanticipated changes or delays render evidence dated, Officers will prepare or commission updated evidence studies where necessary and as quickly as possible.</p>
Joint working with neighbouring authorities	Medium	High	<p><u>Possible consequences:</u> Joint working with neighbouring authorities is a statutory requirement of the Localism Act (the Duty to Cooperate) and the requirements contained in the 2021 NPPF. Reaching common ground on challenging strategic issues such as unmet housing needs is not always straightforward and achieving the necessary officer and political sign up may take time resulting in delays. Different local authorities are at</p>

			<p>different stages in the plan making process which can also present challenges.</p> <p><u>Mitigation:</u> Appropriate working arrangements will be established with Duty to Cooperate bodies and these will be maintained throughout the preparation of Local Plan documents. Officers will continue to work closely with neighbouring authorities to share plan development timetables and will maintain positive working relationships. Officers will work closely with the Leader & relevant Portfolio Holder to ensure appropriate political engagement.</p>
Legal challenge	Medium	High	<p><u>Possible consequences:</u> External parties may seek to legally challenge all or part of Local Plan documents. Even an unsuccessful challenge would introduce risk of significant delay to formal adoption, along with associated cost in resisting such a challenge through the Courts.</p> <p><u>Mitigation:</u> Officers will put in place procedures to ensure that all Local Plan documents are legally compliant and that all relevant statutory procedures/obligations associated with their preparation are satisfied, particularly in respect of Duty to Cooperate, Sustainability Appraisal, Habitats Regulations and public consultation. Close working with the Council's Legal team will be maintained throughout the preparation process and external legal advice (Counsel opinion) may also be sought should specific issues arise. Officers will also maintain a close dialogue with PINS to ensure procedures are satisfied.</p>