



Signed off by	Head of Planning
Author	Ian Dunsford, Planning Policy Manager
Telephone	01737276889
Email	ian.dunsford@reigate-banstead.gov.uk
To	Overview and Scrutiny Committee
Date	Thursday, 12 October 2023
Executive Member	Portfolio Holder for Place, Planning and Regulatory Services

Key Decision Required	N
Wards Affected	(All Wards);

Subject	New Local Plan Update
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Recommendations
That Overview & Scrutiny Committee
(i) Notes the progress of the Council's new Local Plan.
Reasons for Recommendations
This report provides an update on work being undertaken for a new Local Plan and the implications of the changes to the style of Local Plans included in the Levelling Up and Regeneration Bill.
Executive Summary
The preparation of a new Local Plan has been underway since October 2022 when the Local Development Scheme (LDS) was approved at Full Council. This report identifies the work currently underway, including the evidence base studies currently being prepared and the duty to co-operate framework. It considers the challenges with the procurement process and how these are being rerun, the impact of other workstreams and the Government's proposed 'new' style local plans being introduced from autumn 2024.
The report does not consider the review of the current Core Strategy which is required to be completed before July 2024 and is on track to meet this requirement.

Statutory Powers

1. The Council is the Local Planning Authority and has a requirement to maintain an up to date Local Plan to be used in the determination of planning applications.
2. The Town and Country Planning Act 1990, The Planning and Compulsory Purchase Act 2004, the Planning Act 2008.

Background

3. Due to the corporate significance of a new Local Plan, the Overview and Scrutiny Committee has requested updates every six months on the progress being made on the new Local Plan. This is the first update.

Key Information

Project start up

4. On 27th October 2022 the Council agreed to support the preparation of a new Local Plan to replace both the Core Strategy and the Development Management Policies.
5. On 1st February 2023 a Local Plan launch event was held in the Old Council Chamber in the Town Hall. The meeting was well attended with over 50 people present. The purpose of the meeting was to outline the project timetable for the Local Plan and processes.

Procurement

6. Work was undertaken on identifying areas where specialist support was needed and areas which could be undertaken in house.
7. The programme requires a number of procurements of specialist services. The initial batch of procurements was initiated in May but had to be rerun due to technical problems. Procurement was subsequently brought in-house, and we are currently finalising the appointment of specialists to undertail the Retail, Leisure and Town Centre Study. We were also seeking a digital tool to facilitate the sites assessment work but due to the very high cost quoted we have brought that piece of work back in house.
8. Unfortunately, we had no bidders for the Habitats Assessment, or the Sustainability Appraisal commissions. On the Habitats Assessment, this may be due to the shortage of ecologists with the introduction of Biodiversity Net Gain. On the Sustainability Appraisal, the Government are introducing a new Environmental Outcomes Report approach as a result of the Environment Act, 2021. Unfortunately, there is currently no guidance on how these should be undertaken which makes bidding for this work problematic.

Other Studies

9. Other work areas being progressed include:
 - Review of the current Local Plan policies,
 - Housing Needs/ Market Area Assessment,

- Economic Needs Assessment,
- Visitor Accommodation Assessment
- Green Infrastructure Strategy with Action Plan.
- Surrey County Council are also preparing an initial transport assessment
- Decarbonisation in new development (with Surrey County Council).

As these drafts are completed from early 2024, they will be shared with the Local Plan Advisory Group (LPAG), a working group of elected members.

Duty to Co-operate Framework

10. In Spring 2023 the Planning Policy Team prepared and consulted on a Duty to Co-operate (DtC) Framework with neighbouring authorities, agencies, and utility partners. This has subsequently been finalised. It represents the first stage in this part of the local plan making process. How the DtC is undertaken with the different bodies is currently a critical element in the current plan making process. We are currently arranging a meeting to discuss the Housing Market Area work, currently being undertaken.

Media Support

11. Officers have also been working with the Communications team to develop a brief to bring to procure specialist support to create bespoke communications materials to assist in the promotion of the new Local Plan. The support would focus on a standard graphics palette for use on plan documents, social media, exhibition posters and other communications materials and, a package of short videos for use on social media and at exhibitions. These short videos would include drone footage, some 'vox pop' style interviews and animations to encourage wider engagement in the plan making process. Having high quality communication materials for different online and offline communication channels and consultation platforms. has become a key consideration in the local plan engagement process and is strongly encouraged by Government.

Resourcing

12. The new Local Plan, whilst being a priority for the Council, must be undertaken alongside other tasks which can impede progress. Over the past year, the Principal Planning Officer has been working on the Strategic CIL allocations as agreed by Council in March 2023 and thereafter on a number of the CIL Spending Agreements. Fortunately, a new lawyer has recently joined the legal team who will be assisting in preparing the agreements. This will enable the Principal Planning officer to move onto wider local plan work, including infrastructure provision and gypsy and traveller needs.
13. The Gatwick Northern Runway Development Consent Order (DCO) application has also had resource implications with the Planning Policy Manager drafting and coordinating the council's relevant representations to PINS, the Local Impact Report (with the other Surrey authorities) and working through the Statements of Common Ground and s106 agreement. Consideration has been made to bringing in temporary support and some specialist advice has been procured and collaborative work is being undertaken with the Gatwick authorities. This has helped but significant local

knowledge is needed to comment on local impacts which is where we will focus our efforts in responding and is why we have decided to manage the DCO workstreams with in-house resources. The DCO Examination will impact resourcing into 2024 and will culminate in the hearings and mitigations discussions anticipated to be largely completed by summer 2024.

14. A new planning officer has recently moved across from development management and is helping to prepare evidence 3 days per week.

'New' Style Local Plans

15. Whilst we could make up some of the time caused by the delays mentioned above, on 25th July the Government released details of its implementation of local plan reforms contained in the Levelling Up and Regeneration Bill with a consultation running to 18 October. This was followed up on 3rd August 2023 with a Planning Advisory Service seminar where officials from the Department for Levelling Up, Homes and Communities introduced the government's 'new style' local plans and announced the forthcoming introduction of national development management policies, the replacement of the Duty to Cooperate with an alignment policy and replacement of supplementary planning documents for supplementary plans where a new plan is in place.
16. No 'old' style plans can be submitted to the Planning Inspectorate for examination after 30th June 2025. The current Reigate & Banstead Local Development Scheme (LDS) schedules the plan's submission in 2026 which would effectively miss the cut-off date. A new Local Plan statutory instrument and guidance on preparing new style plans is scheduled for introduction by Government in autumn 2024.
17. These proposed changes fundamentally impact on the new Local Plan programme given the need to switch to 'new' style local plans. The Government are also looking for c.10 authorities to become Frontrunners which would benefit from DLUHC support, just as the Council did for the Redhill Horley Design Code. The programme for a new style Local Plan would impact the existing Local Development Scheme (LDS) and a report to Council will be prepared in due course. The Head of Planning has also requested a meeting with the DLUHC Local Plans team to discuss the Council's options and opportunities. It should be noted that the evidence base, currently being prepared will be used to inform the next Local Plan be it 'old' or 'new' style. However, some evidence will be delayed (such as the new Environmental Outcomes Report which will be a statutory requirement of new style plans but for which there is not yet any legislation or guidance governing it). Having a 'new' style Local Plan would mean that we will not have an up to date Local Plan until 2028 and is discussed in the risks below.
18. Although we will need to move to the new style plan system, we still wish to be a plan led authority and are proceeding on that basis. Whilst the change in timeframe with the new style plans is unfortunate, best efforts will be made to minimise any delays

in the plan's adoption. Below is an indicative time scale of the preparation of a new style local plan.

Indicative timetable for 'new' style local plan based on draft DLUHC approach and RBBC committee cycles

Date	Stage	Actions
September 2023	Pre commencement	Procure external specialist support Continue preparation of evidence base to support new local plan From January 2024 LPAG's to be held to share evidence and engagement materials Apply to become Local Plan Pathfinder Authority Develop Programme Plan (Once guidance available)
October 2024	Give Notice of Start of New style Local Plan	Scoping and early participation with internal & external partners Continue preparing evidence and engagement materials November 2024 Start drafting Vision & Strategy Document
January 2025	Vision & Strategy Consultation document	Finalise draft consultation document, support materials and committee reports for February and March 2025 Consideration by LPAG & Leaders February 2025 of draft Vision & Strategy Document Continue preparing evidence
March 2025	Gateway 1 check	Continue preparing evidence Consideration by Executive of Vision & Strategy Document for Consultation Prepare for consultation
July 2025	Seek Council approval to consult on Vision & Strategy	Finalise consultation arrangements
August to September 2025	8 week consultation on Vision & Strategic Direction	Engagement
October to December 2025	Review consultation responses	Finalise evidence base & start drafting new Local Plan by end of year
January 2026	Gateway 2 check	Continue drafting Local Plan
June/ July 2026	Seek authority to consult on draft Local Plan	Draft Local Plan to LPAG Draft Local Plan to Leaders

September 2026	Seek Council approval to consult on Draft Local Plan	Early September 2026 Draft Local Plan to Executive for agreement to consult Late September 2026 full council
October to November 2026	6 week Consultation on draft plan	
December 2026 to March 2027	Review and draft responses to consultation representations & proposing changes to draft plan Seek authority to submit local plan	LPAG February 2027 Leaders February 2027 Executive March 2027
April 2027	Gateway Check 3 – Stop - Go	
July 2027	Seek council approval to submit new Local Plan for Examination	
Late July 2027	Submit Plan & Evidence	
August 2027 – February 2028	Examination	
March or July 2028	Finalise new local plan & seek Adoption by Council	

Legal Implications

19. There are no additional legal implications arising from the recommendations in this report

Financial Implications

20. As part of budget setting for 2023/24 it was agreed that the cost of developing the Local Plan will be a call on the Corporate Plan Delivery Fund Revenue Reserve over future years as expenditure is incurred. At that time an estimated cost of £1.00 million was forecast.
21. To date approximately £0.032 million has been committed to fund the Housing Market Needs Assessment and economic data sets.
22. A 'new' style plan would still require an extensive evidence base to support the policy development and widespread engagement. Many of the core strategy policies will be refreshed and new site allocation policies will need to be prepared. Whilst many development management policies would be set nationally, there will still be a need for a few spatially specific policies such as town and local centre policies and there would be some supplementary planning document areas we may wish to turn into policy before the demise of supplementary planning documents.
23. Although the new style local plan proposals do not require a formal consultation stage, the reduced costs and resourcing as a consequence would be offset by a more widespread engagement.

24. It is also not yet clear whether we will be required to pay for the proposed Gateway checks to monitor the progress of the 'new' style plan but that could offset some of the costs of an examination.
25. As a result, it is currently estimated that cost of developing a new style plan will be similar to that previously estimated. The timescales for the call on Reserve funding would be delayed slightly at the start of the project.

Equalities Implications

26. The new Local Plan will be subject to an Equalities Impact Assessment and will proactively consider opportunities for positive equalities and diversity opportunities from the outset, weaving such benefits into the plan where possible, particularly with regards policies which have the potential to impact certain protected characteristic groups e.g. planning for travellers or older people.

Communication Implications

27. A Local Plan Engagement strategy is being finalised by the Communications and Planning Policy teams to support the delivery of the new Local Plan. An article on the New Local Plan encouraging people to become involved in the process and join a Local Plan Community Panel is being included in the resident magazine, next published in November 2023.
28. The council's website will also be updated, throughout the process, to include completed procedural and evidence documents, together with reports to council committees.

Environmental Sustainability Implications

29. Environmental Sustainability considerations will be an important element of the next Local Plan – for example as highlighted by the Habitats, Sustainability and Carbon work being commissioned/ undertaken. Furthermore, Planning Policy is working with the Sustainability Team and colleagues across the council to ensure that the Environmental Sustainability Strategy update can be integrated into the Local Plan work thereby achieving positive outcomes on:
 - Reducing energy use and carbon emissions
 - Reducing the consumption of natural resources
 - Protecting and enhancing nature and the environment
 - Climate resilience and adaptation
30. However, it is recognised that national policy is fast evolving in this regard and may impact what can be achieved through the local plan, for example if national development management policies are introduced.

Risk Management Considerations

31. Delays to local plans are unfortunate but not uncommon. The Government's introduction of 'new' style local plans will push back the adoption date for the new plan, but it does enable the council to undertake wider pre consultation engagement

to inform the plan making process, maximise new technologies and digitalisation and potentially allow the new plan to endure for longer than would otherwise be the case.

32. Given the need to move to a new style Local Plan there will be a period from 2nd July 2027 until a new plan is adopted (c.9 months later than originally scheduled), when the council will not have an up to date Core Strategy. During this period the council could face risk associated with speculative housing schemes proposed in the borough. The borough's 5 year housing supply could be based on the much higher local housing need calculated using the standard method rather than the 460 requirement identified in the current plan. However, the council should be at examination by that date with the new emerging plan a significant material consideration which should help defend against such speculative applications.
33. With a raft of new legislation in-train and with a general election coming before early 2025, there are likely to be legislative and policy changes that may affect the plan and cause further delays. For example, current policy suggests a further Green Belt review should not be necessary and that Green Belt release is not required to meet housing needs. However, this could alter so requiring a Green Belt review be undertaken, again potentially affecting timescales. Such risks can be minimised by seeking front-runner status, working collaboratively and adopting a flexible approach to enable new requirements to be met as they arise.
34. The new plan could be found unsound at examination despite the delays. However, by adopting the new approach to local plan making, the Gateway checks should help reduce such an occurrence taking place. Should Reigate & Banstead become a front runner authority it would have the additional input from DLUHC officials.
35. Another risk is that process for a 'new' style plan will require additional learning and consideration which could slow progress. However, through the Policy Team's own abilities coupled with DLUHC advice, we remain confident that delays would be minimised.

Other Implications

36. Human Rights issues will be considered as part of the Equalities Impact Assessment prepared for the next Local Plan. Similarly, these issues are considered as part of the engagement and consultation process.
37. FOI requests on the preparation of the Local Plan will be minimised by adding completed procedural and evidence documents to the website together with reports to council committees.

Consultation

38. A local Plan launch event was held on 1st February 2023. Borough wide statutory consultations will be undertaken in accordance with the Statement of Community Involvement.

Policy Framework

39. Local Plan documents are defined in the Constitution as being part of the Council's formal Policy Framework.

40. The new Local Plan will contain new spatial policies and will be a local interpretation of national policy linked to the Council's own strategies as appropriate.

Background Papers

1. Local Plan-Local Development Scheme 27th October 2022 Full Council Report
2. Department for Levelling Up, Housing and Communities Plan-making reforms: consultation on implementation