



Signed off by	Head of Planning
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To	Executive Meeting Council Meeting
Date	Thursday, 21 March 2024 Thursday, 28 March 2024
Executive Member	Portfolio Holder for Place, Planning and Regulatory Services

Key Decision Required	Y
Wards Affected	(All Wards);

Subject	Local plan (Core Strategy) Review, and Indicative New Local Plan Timetable and Statement of Community Involvement (SCI) Update.
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Recommendations	
<p>Executive is asked to approve :</p> <p>(i) and adopt the updated Reigate & Banstead Statement of Community Involvement (SCI) in Planning (Annex 5); and</p> <p>(ii) a review of the Statement of Community Involvement’s (SCI’s) requirements on publication of names and postal addresses from comments on planning and related applications.</p> <p>Council is asked to approve and adopt:</p> <p>(iii) the review of the Reigate & Banstead local plan: Core Strategy policies (Annex 1), which concludes that the Core Strategy policies remain “up to</p>	

date” and effective for the purposes of planning decisions, and that it be published; and

- (iv) That, subject to the approval of Recommendation (iii), an indicative timetable for a new local plan (Annex 4) be approved.**

Reasons for Recommendations

The local plan Core Strategy forms part of the Council’s Policy Framework and the Borough’s development plan, and was adopted 3 July 2014. The Council is legally required to review its local plan policies every 5 years from the date of adoption to consider whether they remain up to date and effective for assessing development proposals.

With the first review of the local plan Core Strategy approved and adopted by the Council on 2 July 2019, its policies have been reviewed again to comply with legal requirements and to ensure that it remains effective for determining applications for development (it needs to be updated if the review shows it to be out of date).

Adopting and publishing the review will ensure compliance with statutory requirements and confirms their continued effectiveness for decision making.

The Local Development Scheme (LDS) sets out the Council’s timetable for the scope and preparation stages of its local plan and associated policies map. The current LDS was adopted by the Council on 27 October 2022. In October 2023, government passed a new Act, the Levelling-up and Regeneration Act 2023, which includes a new system for making local plans, with different stages, which the current LDS does not reflect, and which removes the need for a LDS, and replaces this with a local plan “timetable”. The Council therefore needs a new timetable for preparing its next local plan.

The Statement of Community Involvement (SCI) is a statutory document that the Council is required to prepare and maintain, which sets out how it will involve people who may have an interest in the development of the Borough in decisions about its planning and development. The current SCI was adopted April 2019 and must be reviewed at least every 5 years, and updated when needed.

The SCI includes the requirement for names and addresses of those commenting on planning and related applications to be published. This has been a fundamental part of the transparency and accountability of the planning process but is governed by new guidance meaning a fully informed and considered review is recommended.

Executive Summary

As a statutory planning document and part of the Council’s Policy Framework, the local plan Core Strategy is a key strategy for the Borough and is part of the Borough’s development plan. It sets the Vision, development needs and the policy framework for the management and development of the Borough for the period 2012 to 2027. The strategy identifies where, when and how these needs will be provided.

A thorough review of the local plan Core Strategy is set out in Annex 1. The Review demonstrates that the Core Strategy remains up-to-date and effective, is in general

conformity with national policy, and has not become outdated by local evidence or circumstances. It remains effective in delivering its strategy, as demonstrated by Council monitoring and national housing delivery monitoring. As all the Core Strategy policies remain up-to-date and effective, they can continue to be used to assess planning applications and appeals.

Production of a new local plan, which will establish the development needs for the 15 years post-2027, was commenced in early 2023 with a formal launch in February 2023. The Council is currently preparing evidence and collating data which will inform the new local plan. Notwithstanding this new local plan work, there remains a statutory requirement to review our adopted local plan policies every 5 years from adoption, and to publish the review where it determines that policies do not need updating.

Recommendations (i) and (ii) are subject to approval by Executive.

Recommendations (iii) and (iv) are subject to approval by Council

Statutory Powers

1. The Planning and Compulsory Purchase Act 2004, The Planning Act 2008, The Localism Act 2011, the Housing and Planning Act 2016 and the Town and Country (Local Planning) (England) Regulations 2012 (as amended) ('the Local Plan Regulations 2012'), provide the current statutory framework for the preparation and review of local plan documents by the Local Planning Authority.
2. National policy in relation to the review of local plan documents is provided by the National Planning Policy Framework (NPPF) December 2023, and the Planning policy for traveller sites 2023 (PPTS 2023), the former supported by National Planning Practice Guidance (PPG).
3. Regulation 10A was introduced into the of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) on 6 April 2018, and requires Councils to complete a review of local plan documents every five years, starting from the date of adoption of the document. If a review shows that any policies are out of date because of changes to national policy or local evidence and circumstances or other factors, the policies should be updated, using the same process as for preparing a new local plan.

Background

4. The statutory requirement to complete a review of local plan documents every 5 years, from the date of their adoption was introduced in 2018 through the 'Local Plan Regulations'. The Reigate and Banstead local plan Core Strategy (CS) sets out the strategic development needs for the Borough over the 15 year period 2012-2027 (often referred to as "the plan period", and where, when and how these development needs will be provided for. It was adopted on 3 July 2014, and its first review, which concluded it remained up to date and effective, was approved and adopted by the Council on 2 July 2019, within 5 years of its adoption. In the period since then, the

second part of the Borough's local plan, the Development Management Plan (DMP) was adopted on 26 September 2019.

5. Together with Surrey County Council's Minerals and Waste local plans, the CS and DMP constitute the Borough's statutory development plan for the purposes of section 38 "development plan" of the Planning and Compulsory Purchase Act 2004 (as amended).
6. The Core Strategy was prepared in accordance with relevant legislation (as confirmed in the Core Strategy Inspector's report) and was therefore found to be legally compliant. The Core Strategy was also deemed "sound" subject to making a number of main modifications, when assessed against national policy that was in force at the time of the examination (the National Planning Policy Framework 2012). The Core Strategy was amended to reflect the Main Modifications and subject to consultation and regulatory appraisals before it was adopted.
7. Alongside the additional requirement added to the Local Plan Regulations, the NPPF was updated in 2018 to reflect the requirement for local planning authorities to complete a review of each local plan every 5 years of its adoption. NPPF paragraph 33 requires policies in local plans to "*be reviewed to assess whether they need updating at least once every five years,*" from the date of their adoption, "*and should then be updated as necessary*". There is a clear distinction in law and policy between the requirement for a review of local plan policies, which is an assessment of whether a policy remains up to date and effective, and a subsequent update of local plan policies, if judged to be required. Whether, having reviewed local plan policies and update of policies is required, is a matter of judgement for the Council to make.
8. The local plan review process ensures that a local plan and its policies remain effective. Review of local plan policies at least every 5 years is crucial in ensuring that development plan policies are up to date for determination of applications. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.
9. National planning policy (NPPF paragraph 31) requires the review of all policies to be underpinned by relevant and up to date evidence, which should be adequate and proportionate, and take into account relevant market signals.
10. The PPG advises (Paragraph Reference 61-065-20190723; Revision date: 23 07 2019) that when determining whether a plan or policies within a plan should be updated, a local authority "can consider information such as (but not exclusively):
 - conformity with national planning policy (note the NPPF uses the synonym "consistent")
 - changes to local circumstances; such as a change in Local Housing Need;

- their Housing Delivery Test performance;
- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
- the impact of changes to higher tier plans;
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
- significant economic changes that may impact on viability; and
- whether any new social, environmental or economic priorities may have arisen”

In reviewing local plans, a Council can consider the above information, but is not required to, and may it also consider other information not included in the list, including, as the PPG advises, any relevant up to date evidence.

Key Information

11. *‘Reigate & Banstead 2025’* is the Council’s five-year plan (for 2020 to 2025) which sets out its priorities for the next five years, including its plans to tackle climate change and how it will support the Borough’s towns and villages, and local businesses. To support its delivery, the Council has adopted several strategies; its *‘Housing Delivery Strategy 2020-2025’*, *‘Environmental Sustainability Strategy’*, *‘Economic Development Framework’*, and *‘Commercial Strategy’*. Alongside the Core Strategy and Development Management Plan, these Council strategies help the Council to achieve the desired changes in the Borough set out in the Council’s 5-year plan. The Council has started work on a new Council plan for the period 2026-2031. Progress on delivery against all of these Council strategies is reported on our website annually.

Review of the local plan Core Strategy

12. As legally required, the Council must review its local plan Core Strategy every 5 years starting from the date of its adoption. With the first review of the local plan Core Strategy approved and adopted by the Council on 2 July 2019, its policies have been assessed again to comply with legal requirements and to ensure that it remains up to date and effective for determining applications and appeals for development.
13. It is important to note that there is a clear distinction between a review of a local plan, and a subsequent revision or update to a local plan. The Local Plan Regulations require a review but whether, having conducted the review, an update is required, is a matter of judgment for the Council. The NPPF 2023 (paragraph 32) makes this distinction clear by confirming that policies in local plans “*should be reviewed to*

assess whether they need updating at least once every five years, and then should be updated as necessary", confirming that a review may be a precursor to preparation of a new or updated plan if the review assessment shows the policies to be out of date and therefore no longer effective.

14. The Planning Advisory Service (PAS) has produced detailed advice to assist Councils reviewing, updating, or preparing local plans, in the form of a '*Local Plan Route Mapper*' along with a four-part *Toolkit* (October 2021). In carrying out this review of the Core Strategy, officers have considered the advice in the PAS '*Route Mapper*', in particular the section '*Reviewing the need to update your local plan policies*' at pages 14 to 20. Part 1 '*Local Plan Review Assessment*' of the PAS Toolkit is a matrix consisting of a set of questions to help local planning authorities in reviewing their local plan policies to decide whether they remain up to date and effective for decision making, or whether they will need updating. The aim of the PAS Route Mapper Part 1 toolkit is to enable councils to demonstrate that a local plan review has been undertaken in a robust and objective way. In reviewing each policy and completing the local plan review document (Annex 1), Council officers have completed PAS Toolkit Part 1 "Local Plan Review" which is provided at Annex 3. The other parts of the PAS Toolkit relate to updating or preparing a new local plan.
15. Whilst there is no prescribed format for a local plan review, the PPG (Paragraph Reference: 61-070-20190315) advises that "*if a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years of the adoption date of the plan. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating.*" This amplifies the requirements at section 17(6B) (b) of the 2004 Planning and Compulsory Purchase Act (as amended).
16. As part of the review process and in accordance with national planning guidance (Reference ID: 61-075-20190723), Council officers have engaged with our Duty to Co-operate partners regarding the draft local plan review. Duty to Cooperate bodies include a specific prescribed set of other public bodies as set out in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council also went beyond the list of prescribed bodies to invite comments from the Council's "specific consultation bodies", which includes County Councils, adjoining and other nearby Local Planning Authorities and Parish Councils, and infrastructure providers to let us know of any comments they might have on our draft local plan review. All of these were invited to contribute to the review of the Core Strategy with their comments. A formal consultation of all specific and general consultation bodies and prescribed bodies is not required for local plan reviews and would be disproportionate.
17. A summary of the comments received on the draft Core Strategy Review from the ten organisations that responded, and officer responses is provided at Annex 2. These comments have been taken into account in finalising the Review.

18. In producing a new local plan, for which early evidence work has been commenced, the Council will engage with local communities and with organisations with interest in the Borough's development and / or preservation, as summarised in the SCI.
19. Should Recommendation iii of this report be agreed, the adoption and publishing of the local plan review will ensure compliance with statutory requirements and confirm their continued effectiveness for decision making.

New local plan timetable

20. A requirement of the current system of making local plans is to prepare a local plan in accordance with the scope and timetable set out in a Local Development Scheme (LDS). The current LDS was adopted by the Council 27 October 2022, and sets out the Council's timetable for preparation of a single new local plan and associated Policies Map. However, the Levelling-up and Regeneration Act 2023 includes provisions for introducing a new system of making local plans, which the current LDS does not reflect.
21. The new system of local plan making has not yet come into force, but the LUR Act specifies that it will on a day that the Secretary of State may appoint by regulation, which is currently unknown, but which Government have indicated may be around Autumn 2024..
22. It is the government's stated intention that new local plans currently being prepared will need to be submitted for independent examination by 30 June 2025 (or proactively working towards that date) and adopted by the end of 2026 to be prepared under the current plan making system (government consultations "*Levelling-up and Regeneration Bill: reforms to national planning policy*" December 2022 to March 2023 and reiterated in its "*Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms*" July to October 2023). Local plans which will be submitted after 30 June 2025 will need to be prepared under the newly emerging plan system. As is demonstrated through the Council's current 2022 LDS, it is not possible for the Council to prepare a robust effective new local plan to submit in that timescale.
23. Therefore a new "local plan timetable" has been prepared, based on the requirements of section 15B of the LUR Act 2023 and other information from government's consultation material about the new local plan making system.
24. The indicative "local plan timetable" is presented at Annex 4, and it is recommended that this be adopted and subsequently published online should Recommendation iii be agreed. As required, it would take effect from the date of its publication, and will be maintained and updated through the stages in preparation of the new local plan.

Revision of the Statement of Community Involvement

25. The Planning and Compulsory Purchase Act 2004 requires each local authority to prepare and maintain a Statement of Community Involvement (SCI) that sets out how

and when the Council will engage with the community and other stakeholders regarding planning matters.

26. Councils are legally required to review their SCI at least every five years. The Statement of Community Involvement (SCI) does not necessarily need to be updated if a review shows it to be up to date. The current SCI was adopted and published in April 2019. Whilst there have been no changes to legal requirements nor to guidance about SCIs, our review assessment of the current SCI indicated that it would benefit from minor updates. These amendments to the SCI are to make it more accessible, to reflect new technology, and to improve the document for readers with visual impairments.
27. The SCI includes the Council's practice of publishing the names and addresses of those commenting on planning and related applications. This has been a long-standing requirement and is the norm amongst local planning authorities nationwide. However, it has recently been clarified by the Information Commissioner's Office (ICO) that local planning authorities have discretion about whether to publish such information and it is therefore prudent to undertake a review of the practice, fully informed by relevant guidance and an understanding of the arguments for and against making such a change.

Options

28. Executive has the following Options:

Recommendation (i)

Option 1: To approve and publish the revised Statement of Community Involvement (SCI) in Planning, to advise communities and interested groups and individuals how they can be involved in planning the future development and preservation of the Borough.

This is the recommended Option.

Option 2: To not approve and publish the revised Statement of Community Involvement (SCI) in Planning. This option would mean that people, communities and local groups may not always be aware of the various ways to be involved in the Borough's planning, including through using the latest digital technology.

This option is not recommended.

Recommendation (ii)

Option 1: That the Executive agrees to review the section in the Statement of Community Involvement (SCI) on publication of names and postal addresses from comments on planning and related applications.

This would allow an informed and considered approach to the practice to take account of latest guidance and arguments for and against.

This is the recommended Option.

Option 2: To not review the section in the Statement of Community Involvement (SCI) on publication of names and postal addresses from comments on planning and related applications.

This would not allow for a review of the matter taking account of the latest guidance.

This option is not recommended

29. Council has the following Options:

Recommendation (iii)

Option 1: To approve, adopt and publish the review of the Reigate & Banstead Local Plan: Core Strategy.

The Council is required to complete a review of the local plan Core Strategy by 2nd July in order to comply with legislative requirements.

A comprehensive review of all local plan Core Strategy policies has been conducted, taking account of relevant legislation, policy and guidance. It has considered many factors, as advised by the Planning Practice Guidance, including conformity with current national policy, local circumstances (including any changes in circumstances), and relevant evidence and monitoring data as to the current local situation and performance of the plan.

The review has concluded that none of the policies presently require updating or modification. Adopting and publishing the review will provide certainty and clarity to all stakeholders in respect of the status of the Core Strategy.

This is the recommended Option.

Option 2: To not approve, adopt and publish the review of the Reigate & Banstead Local Plan: Core Strategy.

The Council is required to complete a review of the local plan Core Strategy by 2nd July in order to comply with legislative requirements. Failing to adopt the review would mean that the Council does not comply with its statutory obligations, and may well have adverse consequences for how much weight / consideration the Core Strategy policies are given in the determination of planning applications and planning appeals, particularly given national policy regarding calculating housing land supply, and could give rise to considerable uncertainty for all parties.

This option is not recommended.

Option 3: Adopt a review with different conclusions to those set out.

Council could chose to adopt a review that concludes that one or more of the policies in the Core Strategy does require updating or modification. However, as above, a comprehensive review has been conducted; taking account of relevant legislation, policy and guidance and this has concluded that none of the policies presently requires updating or modification. Clear evidence or explanation would be needed

to support alternative conclusions. A conclusion that policies do need updating would have implications for the weight which might be afforded to those policies in the determination of planning applications until such time as the Council had completed the full (or partial) updating of those policies through the normal plan-making process.

This option is not recommended.

Recommendation (iv)

Option 1: To approve and publish the new indicative timetable for preparation of a new local plan.

This recommended option would confirm the Council's intended progress towards preparing and adopting a single new local plan, which will include strategic, local, and design code policies and site allocations for the Borough as well as a Policies Map under the new system for preparing local plans.

Despite the current considerable legislative and policy uncertainty relating to local plan preparation, it is helpful to the Council and to interested parties to have an indication of dates being worked to.

This is the recommended Option.

Option 2: To not approve the new timetable for preparing a local plan under the new system

The current published timetable, the Council's Local Development Scheme (LDS) has submission of the local plan in August 2026 and adoption in July 2027, which would not be possible under the government's stated intended "cut off dates" for plans to be examined and adopted under the current plan-making system. The Council would need to take a report with new timetable for agreement at a future date.

This option is not recommended.

Legal Implications

30. The review of the local plan Core Strategy has been carried out in accordance with the relevant legislative requirements, policy and guidance.
31. The risk of legal challenge in relation to the review is considered below, under the Risk Management Section of this report.

Financial Implications

32. The local plan Core Strategy review has been undertaken within the approved revenue budget of the Planning Policy Team.
33. The approval, adoption and publication of the local plan review will not result in any additional financial implications.

Equalities Implications

34. As a public authority, in exercising its public functions, service provision and internal operations, the Council is required (under the Equality Act 2010) to consider the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a 'protected characteristic' and people who do not; and foster good relations between people who share a 'protected characteristic' and people who do not. The term 'protected characteristic' refers to age, disability, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, and gender reassignment. If we fail to consider how a policy or proposal might affect different groups in different ways, the policy is unlikely to have the intended effect, and could contribute to greater inequality and poor outcomes for some.
35. In preparing its Core Strategy, as a new policy, the Council carried out an Equalities Impact Assessment in 2009 to identify any potential equalities issues that might arise, and to enable them to be addressed through preparation of the policies. The equalities assessment concluded that the Core Strategy would have a positive impact on a number of groups with protected characteristics, and a neutral impact on others.
36. The local plan Core Strategy review considers whether the Council's existing policies remain up to date, and that review concluded that the policies do not currently need updating. However as the baseline equalities data has changed since the Core Strategy was examined, the adopted Core Strategy policies have been subject to Equality Impact Assessment again, which also concluded that the Core Strategy would have a positive impact on a number of groups with protected characteristics, and a neutral impact on others.
37. The Statement of Community Involvement in Planning has been updated to reflect changes in document accessibility for people with limited vision, technological and social media changes and greater use of visual on-line methods for engaging people who we rarely hear from.

Communication Implications

38. Should the Council approve and adopt the local plan Core Strategy review, it will be published on the Council's website, which will meet the PPG requirements summarised in paragraph 10 above. The conclusions of the local plan review will be of interest to local communities and stakeholders. Any enquiries will be dealt with by the Planning Policy team with support from the Communications team as appropriate.
39. The revised Reigate & Banstead Statement of Community Involvement (SCI) in Planning, and the indicative timetable for producing a new local plan will also be published on the Council's website, and will be made available by the Planning Policy Team in other formats, such as large print or other languages if required.

Environmental Sustainability Implications

40. As the first, strategic part of the Borough's Local Plan, the Core Strategy sets the high level policy and strategy, including Policies CS10 'Sustainable Development' and CS11 'Sustainable Construction', both of which have been found to remain up to date and effective in the local plan Core Strategy Review (Annex 1). These policies have subsequently been supplemented by the Council's adoption of detailed DMP policies and SPD guidance in relation to Climate Change and Sustainable Construction.
41. Given the issues it covers, the Council's Statement of Community Involvement (SCI) in Planning does not have implications for environmental sustainability.

Risk Management Considerations

42. Relevant national legislation, policy and guidance have all been considered. We have invited comments on the draft local plan Review from stakeholders categorised as 'prescribed bodies' under the Duty to Co-operate, and from specific consultees. In following the legal and guidance requirements we are minimising the risk of legal challenge to the Review.

Consultation

43. National planning guidance (PPG Reference ID: 61-068-20190723) is clear that local authorities are expected to have due regard to the Duty to Cooperate when reviewing local plans to assess if they need updating. Accordingly we sought the views of, and invited comments on the draft LP CS Review from stakeholders categorised as 'prescribed bodies' under the Duty to co-operate, and also additionally from specific consultees. There is not requirement to undertake a full public consultation on a local plan review. The comments received (see Annex 2 for comments and officer responses) were taken into account in finalising the local plan Core Strategy Review.
44. The draft local plan Core Strategy Review was also presented at meetings of the Council's Leaders and Local Plan Advisory Group (LPAG), and to the Council's Executive for comments.
45. Should the Council agree to Recommendation iii, to adopt the LP CS Review, it will be published on the Council's website as required.

Policy Framework

46. The Council's Policy Framework includes this Local Plan Core Strategy as a development plan document prepared in accordance with the Planning and Compulsory Purchase Act 2004 (or as subsequently amended). The full Council can approve or adopt the policy framework, which includes the Core Strategy.

Background Powers

1. Review of the Reigate & Banstead local plan: Core Strategy – Report to Council, 2 July 2019 and Minute [Agenda for Council on Tuesday, 2nd July, 2019, 8.30 pm | Reigate and Banstead Borough Council \(moderngov.co.uk\)](#)

2. National Planning Policy Framework December 2023
3. Planning Practice Guidance (PPG)
4. Planning Advisory Service (PAS) 'Local Plan Route Mapper' Oct 2021; particularly Section A (pages 14-20)
5. Housing Monitors 2019, 2020, 2021, 2022, 2023
6. Local Development Scheme (LDS), Oct 2022
7. Statement of Community Involvement (SCI), April 2019

Annexes

Annex 1: Local Plan Core Strategy Review, March 2024

Annex 2: Duty to Co-operate Responses to the draft Local Plan Core Strategy Review 2024

Annex 3: Completed Planning Advisory Service (PAS) Local Plan Route Mapper 'Toolkit Part 1: Local Plan Review', March 2024

Annex 4: Indicative new Local Plan timetable, March 2024

Annex 5: Statement of Community Involvement (SCI) in Planning, March 2024

Annex 6 Equalities Impact Assessment of local plan review, March 2024