



SIGNED OFF BY	Head of Planning
AUTHOR	Billy Clements, Planning Policy Manager
TELEPHONE	01737 276175
EMAIL	billy.clements@reigate-banstead.gov.uk
TO	Council
DATE	Tuesday, 2 July 2019
EXECUTIVE MEMBER	Portfolio Holder for Planning Policy

KEY DECISION REQUIRED	Y
WARDS AFFECTED	(All Wards);

SUBJECT	Local Development Scheme - July 2019
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RECOMMENDATIONS

- (i) **That subject to the approval of agenda item 5, the revised Local Development Scheme (LDS) (Annex 1) be adopted and take immediate effect**

REASONS FOR RECOMMENDATIONS

- (i) The Planning and Compulsory Purchase Act 2004 requires that the Council prepares and maintains a Local Development Scheme (LDS) setting out the timetable for preparation of Local Plan documents. The LDS requires updating to reflect the most up-to-date position in respect of the Core Strategy and progress with the Development Management Plan (DMP) examination.

EXECUTIVE SUMMARY

Planning law requires that the Council prepares a Local Development Scheme (LDS) setting out the timetable for preparation of Local Plan documents and subsequently keeps it up to date.

As a result of the review of the Core Strategy, which has concluded that the Core Strategy is up to date and that none of the policies within it are currently in need of updating or modification, the LDS is revised to reflect this.

It is also updated to reflect the revised timetable for the adoption of the DMP given the Council will not be in a position to adopt the plan in May-June as previously envisaged due

to timing of receipt of the Inspector's Report.

The above recommendations are subject to approval by Full 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 associated regulations (including the Town and Country (Local Planning) (England) Regulations 2012 ('the 2012 Regulations')), set the statutory framework for the production of local plan documents by the Local Planning Authority and the requirements for a Local Development Scheme. National policy in relation to the production of local plan documents is provided through the National Planning Policy Framework, supported by National Planning Practice Guidance.
2. Specifically, Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires that local planning authorities prepare and maintain a Local Development Scheme. Section 15(8) sets out that local planning authorities must revise their local development scheme at such time as they consider appropriate, or if otherwise directed to do so by the Secretary of State.

BACKGROUND

1. A Local Development Scheme (LDS), is a document setting out (among other matters) which documents are intended to form part of the development plan, their scope (subject and geographic area), and the timetable for production, preparation and review. It is a national legal requirement that plans are prepared in accordance with the LDS; this is considered as part of the examination process.
2. LDSs must be made publicly available and be kept up-to-date, so that local communities and other stakeholders can keep track of, and be informed about, proposed plan-making activity and the key timeframes for such activities.
3. There is no longer a requirement for LDSs to be approved by the Secretary of State to bring them into effect. As such, the responsibility to adopt the LDS rests entirely with the Council.
4. The Council's last LDS was adopted in February 2019.

KEY INFORMATION

5. As described above, the Local Development Scheme (LDS) (Annex 1) is effectively the programme for the production of plans. An up to date LDS will give communities and other stakeholders certainty as to the Council's intended plan-making activities, so that they are aware and can engage at the appropriate time.
6. The Council's last LDS, which was amended in February 2019, anticipated adoption of the Development Management Plan (DMP) occurring in May/June 2019. However, the Council has only very recently received the 'fact check' version of the Inspector's Report. This delay in receiving the Report, together with the time which will be required to review its contents as part of the 'fact checking' process, means that an adoption in June is no longer achievable. For these reasons, the LDS must be revised to take account of this and now sets out a more realistic adoption date of

September 2019. Separate reports will be brought forward in due course to Council to seek adoption of the DMP.

7. The previous iterations of the LDS also set out an initial timetable for potential preparation of a new Local Plan document to replace the current Core Strategy. However, at this stage, a review of the document – in accordance with Regulation 10A of the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended) had not been completed.
8. This legally required review has now been completed and is presented to Council for adoption as a separate item at this meeting. Importantly, the review has concluded that none of the policies within the Core Strategy currently require modification or updating.
9. Subject to Council approving and adopting the conclusions of that review, it is therefore unnecessary to set out at this stage a programme/timetable for preparing a new plan. Hence, the revised LDS (Annex 1) therefore no longer includes such a timetable as, to do so, would provide uncertainty and confusion for communities and stakeholders.
10. Instead, the focus should be on continued positive delivery against the adopted plan. Adoption of the DMP in accordance with the timetable now set out in the LDS will support this ambition.
11. In accordance with national policy, the Council will need to continue to monitor and review the performance of the Core Strategy (and other adopted development plan documents). Should circumstances change such that it is concluded that any of the adopted documents (or policies within them) do require a partial or full update, the timetable for carrying out such work will be set out in subsequent iterations of the LDS, which would be brought forward for adoption by Council at the appropriate time.

OPTIONS

12. The options available to Council are set out below:
13. Option 1: Approve the LDS. Approving the LDS will ensure that the Council is complying with the requirements of Planning and Compulsory Purchase Act 2004. In addition, having an up-to-date LDS provides clarity for local communities and other stakeholders about what Local Plan documents are being prepared, the timetable for their production and when they may have formal opportunities to get involved.
14. Option 2: Do not approve the LDS: Without an up to date LDS, the Council would fail to comply with the requirements of the Planning and Compulsory Purchase Act 2004.

LEGAL IMPLICATIONS

15. The LDS must specify— (a) the local development documents which are to be development plan documents; (b) the subject matter and geographical area to which each development plan document is to relate; (c) which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities; (d) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee; and (e) the timetable for the preparation and revision of the development plan documents. The revised LDS at

Annex 1 is considered to satisfy these requirements.

16. There are no statutory consultation requirements necessary for the preparation of a LDS.

FINANCIAL IMPLICATIONS

17. There are no direct financial implications arising from the adoption of the revised LDS.
18. Costs associated with preparing the Development Management Plan are already budgeted for. Costs associated with preparation of any future Local Plan documents that may be identified in subsequent iterations of the LDS will be identified and secured through the Council's normal processes for financial planning and budget setting.

EQUALITIES IMPLICATIONS

19. Adoption of the revised LDS is not considered to give rise to any equality implications. Equalities implications arising from the policies within any emerging or future Local Plan documents will be addressed through the preparation of those documents, with Equalities Impact Assessments carried out as necessary.

COMMUNICATION IMPLICATIONS

20. There are no communications implications arising from adoption of the LDS. The document will be made publicly available on the Council's website in the normal way, and in accordance with the relevant legislation.

HUMAN RESOURCES IMPLICATIONS (if applicable)

21. There are no direct financial implications arising from the adoption of the revised LDS.
22. Any human resources issues associated with preparation of any future Local Plan documents that may be identified in subsequent iterations of the LDS will be addressed through future reports on those documents. Preparation of Local Plan documents is normally carried out within the existing staffing structure and staff resources of the Planning Policy team.

RISK MANAGEMENT CONSIDERATIONS

23. There are no specific risk management issues associated with the adoption of the revised LDS.

OTHER IMPLICATIONS

24. No other implications have been identified.

CONSULTATION

25. No consultation has been undertaken or planned in respect of the LDS. There is no statutory requirement for public consultation when preparing or revising an LDS, nor

any commitment to do so within the Council's Statement of Community Involvement (SCI).

POLICY FRAMEWORK

26. The LDS sets out the scope and timetable for the preparation of the Development Plan documents, which form part of the Council's Policy Framework.

BACKGROUND PAPERS

- Local Development Scheme (February 2019): http://www.reigate-banstead.gov.uk/download/downloads/id/5400/local_development_scheme_revised_february_2019.pdf