

**Reigate & Banstead  
Borough Council**



# **Local Development Scheme**

**Revised February 2019**

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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 documents<sup>1</sup>.
- 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 and updates the previous version that was agreed in June 2018, and covers the period to 2023.
- 1.4 Following changes in legislation in 2011 and 2012<sup>2</sup> 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's Executive on 21 February 2019 and is brought into effect from 28 February 2019. 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 revised procedural arrangements for preparing Local Plans. As above, these regulations also prescribe that local planning authorities must review local development

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<sup>1</sup> Known in the legislation as Development Plan Documents (DPDs)

<sup>2</sup> The Localism Act 2011 and the Town and Country Planning (Local Planning)(England) Regulations 2012

documents, including Local Plan documents and the SCI, within five years of their adoption to determine whether they require updating.

- 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 2018. 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 in 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 is available on the Council's website at [www.reigate-banstead.gov.uk/corestrategy](http://www.reigate-banstead.gov.uk/corestrategy).
  - b. The Borough Local Plan: The Reigate & Banstead Borough Local Plan (BLP) was adopted in 2005. The majority of policies in the BLP were 'saved' by the Secretary of State in Autumn 2007. A small number of saved policies were replaced by policies within the Core Strategy; however the majority of BLP policies remain in effect, until such time as they are replaced by new policies. The BLP, and accompanying Proposals Map, is available on the Council's website at <http://www.reigate-banstead.gov.uk/blp>.
  - c. Minerals and Waste Planning Documents: Minerals and waste planning documents are prepared by Surrey County Council but form part of the Development Plan for the borough. The Surrey Minerals and Waste Development Framework comprises the following documents:

- (i) Surrey Waste Plan (2008)
- (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 <http://www.surreycc.gov.uk/environment-housing-and-planning/minerals-and-waste-policies-and-plans>.

### **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 a formal part of the 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 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). Evidence and 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 formal Local Plan documents. The key priorities are the preparation and adoption of the Development Management Plan and preparation of a new Local Plan Core Strategy. Separate documents setting out the timetables for preparation of new/updated SPDs will be available on the Council's website where such documents are proposed.

#### 3.2 Development Management Plan

3.3 At the time of preparation of this LDS, the Development Management Plan is undergoing Examination. The update to the timetable for this document reflects the need to carry out a period of further consultation on Main Modifications arising from the Examination process. This period of additional consultation will extend the timetable for the Examination process and, by consequence, the anticipated date of adoption of the document.

#### Overview

Geographical area	Borough-wide
Description of content	Detailed policies to guide decision making on planning applications; Development site allocations
Chain of conformity	National Planning Policy Framework; Core Strategy
Type of document	Development Plan Document
Priority	High

#### Timetable and key milestones

Preparatory work	Until June 2016
Regulation 18 consultation	August – October 2016
Regulation 19 publication	January – May 2018
Submission	August 2018
Examination	August 2018 – April 2019
Adoption	May-June 2019

#### Working arrangements

Organisational lead	Director of Place
Political management	Executive Member for Planning Policy Development Management Plan Task Group Development Management Advisory Group
Internal resources	Officers: Planning Policy team; Other Council officers, including from Development Management, Regeneration, Economic Prosperity, 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	Informal engagement with partners and stakeholders during preparatory work, including those organisations that fall within the scope of the Duty to Cooperate. Public consultation on Preferred Options DMP, 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.

**Evidence**

Key pieces of evidence:	Strategic Housing Land Availability Assessment; Green Belt Review; Infrastructure Delivery Plan; Sustainable Urban Extensions Study; Sustainability Appraisal; Habitats Regulations Assessment
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**3.4 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 (including Core Strategy, DMP, Minerals and Waste Plans)
Type of document	Local Development Document
Priority	High

**Timetable and key milestones**

Preparatory work	To be progressed on the same timetable as the DMP, and updated as required to incorporate any changes resulting from the adoption/review of other Development Plan documents.
Regulation 18 consultation	
Regulation 19 publication	
Submission	
Examination	
Adoption	

**Working arrangements**

Organisational lead	Director of Place
Political management	Executive Member for Planning Policy
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
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### 3.5 New Local Plan Core Strategy

- 3.6 In addition to the above, the current Core Strategy (adopted in July 2014) includes within it a commitment to commence a review within 5 years of its adoption date. As such, a review of the Core Strategy will be required to commence in 2019.
- 3.7 This is also consistent with the requirements of the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended in 2017) which require that Local Plan documents must be subject to review at least once every 5 years in order to determine whether they require updating.

### Overview

Geographical area	Borough-wide
Description of content	Overall strategy for the future amount and pattern of development, including housing, employment and infrastructure, in the Borough and strategic policies to guide future development and the conservation of the natural and built environment.
Chain of conformity	National Planning Policy Framework
Type of document	Development Plan Document
Priority	High

### Timetable and key milestones

Preparatory work	Commencing January 2019
Regulation 18 consultation	January-February 2020
Regulation 18 consultation	November-December 2020
Regulation 19 publication	April-May 2021
Submission	June 2021
Examination	July 2021-July 2022
Adoption	September 2022

### Working arrangements

Organisational lead	Director of Place
Political management	Executive Member for Planning Policy Local Plan Task Group/LDF Scrutiny Panel Development Management Advisory Group
Internal resources	Officers: Planning Policy team; Other Council officers, including from Development Management, Regeneration, Economic Prosperity, Housing, Health & Wellbeing and Property. Members: All members input into plan preparation process.



	Financial: staff costs, costs associated with evidence gathering, 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	Engagement with partners and stakeholders during preparatory work, including those organisations that fall within the scope of the Duty to Cooperate, including preparation of Statements of Common Ground. Public consultation on 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.

**Evidence**

Key pieces of evidence (anticipated, not exhaustive)	Needs Assessments in respect of Housing, Employment, Retail and Leisure; Land Availability Assessment; Urban Capacity Study; Strategic Flood Risk Assessment; Green Belt Review; Infrastructure Needs Assessment & Funding Strategy; Transport Assessment and Modelling; Viability Assessment; Sustainability Appraisal; Habitats Regulations Assessment
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#### **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. Further information**

- 6.1 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](mailto:ldf@reigate-banstead.gov.uk)  
Post: Planning Policy Team, Reigate & Banstead Borough Council,  
Town Hall, Castlefield Road, Reigate, Surrey RH2 0SH  
Tel: 01737 276178

- 6.2 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/SPG	Supplementary Planning Document/Guidance	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 MHCLG) 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 &amp; 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> Government spending cuts will continue, placing more pressure on Council resources. The effects of this on the Local Plan preparation 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 of the Local Plan). There are also separate risks in relation to staff retention and recruitment: the departure of members of staff from the team has 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's plans to mitigate overall budgetary pressures are well advanced 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>

Risk	Likelihood	Impact	Possible consequences and mitigation
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 Highways England or the Environment Agency. If these organisations have insufficient resources to respond to consultations or input into evidence in a timely 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. 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>

Risk	Likelihood	Impact	Possible consequences and mitigation
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 of 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 in this respect have been heightened through the 2018 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 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 &amp; 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>