

Review of the Runnymede 2030 Local Plan (Planning Policy, Judith Orr)

Synopsis of report:

This report seeks the agreement of the Planning Committee of the high-level timetable to be followed for the remainder of the review of the Runnymede 2030 Local Plan. This is in recognition of the fact that the commencement of the planned Issues and Options consultation was paused in August/September 2022 until a new Prime Minister had been appointed and their intentions in relation to the Levelling Up agenda and planning reforms were clearly understood. The 2020 Local Development Scheme (LDS) is now out of date in the light of this pause, and it is considered that it would be helpful for all stakeholders involved in the Plan Making process in Runnymede to have some certainty on the direction of travel moving forwards.

Three options have been considered by officers for resuming work on the review of the Local Plan, and the pros and cons associated with each of them, are set out in the report. However, given the deadlines imposed by the government, in the December 2022 NPPF prospectus, for submitting and adopting Local Plans under the existing plan making system, officers are of the view that there is now realistically only one option available, and this is to wait for the new plan making regime to be introduced (expected to be in late 2024) and to review the Local Plan under these new arrangements.

It is proposed that once the next iteration of the NPPF is published, a new detailed Local Development Scheme is drawn up and brought back to this Committee for approval before being taken to Full Council for final approval.

Recommendations: The Planning Committee are recommended to AGREE:

- i) The work on the next iteration of the Plan should be based around the option for preparing a Plan under the new plan-making arrangements; and
- ii) That once the Government publishes the next iteration of the NPPF, that a new Local Development Scheme (LDS) should be produced based around the option of preparing a Plan under the new plan-making arrangements, and brought back to this Committee, prior to being taken to Full Council for final approval.

1. Context of report

- 1.1 The Local Plan timetable for the review of the Runnymede 2030 Local Plan was set out in the September 2020 Local Development Scheme (LDS). The LDS included a three-stage consultation period for the reviewed Local Plan. This included an Issues and Options (consultation stage) in August-September 2022, a consultation on the Draft Plan in the summer of 2023 and a pre-submission/ publication consultation (representation stage) in early 2024.
- 1.2 Work on the review of the Runnymede 2030 Local Plan was underway, with the Planning Policy Team on course to publish the Issues and Options consultation on the revised Plan in October 2022, a slight delay to that envisaged in the 2020 LDS, subject to the approval of the Planning Committee.

- 1.3 Members will recall that at the Planning Committee meeting held on 7th September 2022, it was agreed to pause work on the review of the Runnymede 2030 Local Plan (2015-2030) until there was more certainty about the Government's planning reforms which were, in part, expected as part of the wider Levelling up and Regeneration Bill (LURB) agenda.
 - 1.4 It should be noted at the outset that the pause in working on the Borough Local Plan, due to the continued uncertainty at a national level on the planning reforms, is not unique to Runnymede and a large number of Local Plans, particularly in the South East of England, have been similarly paused or delayed¹.
 - 1.5 On 22nd December, the Government published the National Planning Policy Framework Prospectus (NPPF) for consultation. This consultation included a tracked change version of the 2021 NPPF, with a number of proposed changes set out within it, and an accompanying LURB paper setting out proposals for longer term changes to the planning system. The Government's intention was that a new NPPF, based on the track change version of the consultation document, would be published in the spring of 2023. In addition, the Government is also proposing to consult on a number of substantive changes to the planning system in separate consultations, with a view to consulting on a full update to the NPPF in 2024.
 - 1.6 A briefing session was held with members of the Planning Committee in January 2023 on the proposed planning reforms contained within the consultation material. At this briefing, options for pursuing an update to the Runnymede 2030 Local Plan under the existing and new planning systems were discussed and the steer given informally at this time was that there was a Member preference to wait for the new planning system to be introduced before moving forwards with the Local Plan Review.
 - 1.7 Officers had been hoping to bring a report back to the Planning Committee once the revised NPPF had been published in Spring 2023, but now that this date has passed (with it being unclear when the revised NPPF will now be published), and also given the amount of time that has elapsed since the 7th September 2022 report on the Local Plan pause, it is considered that an indication of how Members wish to proceed with Plan Making is required, to give all stakeholders involved in the Plan Making process some certainty moving forwards, even if a detailed amended LDS is not produced at the current time.
 - 1.8 The remainder of this report considers the main implications of what the proposed consultation changes to the NPPF, as set out in the NPPF prospectus and the Levelling Up and Regeneration Bill, are likely to mean in terms of the timetable for the work on the review of the Runnymede 2030 Local Plan. Three options for plan preparation have been considered in drafting this report – two based around the existing plan making system and a third, which assumes that the Council waits until the new planning making system is introduced, at the end of 2024, and then a full review of the Local Plan is undertaken. These options are set out below together with the officer view on whether each of the timetables is achievable, and the pros and cons of each.
- 2. Report and options considered**
- 2.1 One of the key changes proposed by the Government in the NPPF Prospectus consultation (December 2022) is that in the future, under the new Plan Making

¹ [Delayed local plans \(hbf.co.uk\)](https://www.hbf.co.uk)

system, a Local Plan review will need to be completed in 30 months. This is opposed to the current plan making system when some commentators suggest that on average, plan preparation takes 7 years.

- 2.2 Another key change proposed, as part of the Levelling Up and Regeneration Bill, is the introduction of a series of 'Gateway' checks during plan production, to help spot and correct any problems at an early stage in Plan production.² The details of these checks have yet to be released but, for the purposes of this report, it has been assumed that a number of Gateway checks will be needed and these 'Gateway checks' will need to be built into the 30 month timetable for the production of any Local Plan under the new plan making system.
- 2.3 A third key change, proposed in the NPPF Prospectus is that if a decision is taken to progress a Local Plan under the existing Plan making system, that the plan would need to be submitted for Examination in Public by the 30th of June 2025, and adopted 18 months later, by 31st December 2026.
- 2.4 Given these tight time constraints, for both the existing and new plan making systems, it is considered that there is no longer the possibility of going for the three-stage consultation period, as envisaged in the September 2020 LDS, for any of the 3 options presented in this report. It is therefore proposed that the second consultation on the draft Plan at Regulation 18 is removed from all the proposed future timetables and that instead a two-stage consultation approach is adopted.
- 2.5 This will mean, that the first document that the Council produces will be the (Regulation 18) Issues and Options and Preferred Options Consultation Document – the Council will therefore need to have more of the evidence available earlier in the Plan making period so as to identify not only what issues and options are available but which, based on the available evidence, is the Council's preferred option in each case. This will necessitate a much more upfront evidence base being available, including site specific evidence, at this early stage in the process. The second stage of consultation will be pre-submission/ publication (Regulation 19) draft of the Plan. This will largely consist of the preferred options, identified in the first consultation, but refined to take account of comments/ representations received in the earlier consultation and any additional evidence findings that have arisen which may have a bearing on their contents.
- 2.6 A summary of the broad timelines for the three options considered, and the pros and cons of each is set out below.

Options considered for progressing the review of the Runnymede 2030 Local Plan

Option one –Full review undertaken under the existing planning system.

Conclusion: NOT DELIVERABLE

- 2.7 This option involves undertaking a full review of the Local Plan under the current planning system. Moving forward with this option would therefore necessitate meeting the deadlines set out in the NPPF prospectus (see para. 2.3 above). An attempt was made to draw up a timetable for this option, which met the proposed deadlines for submitting and examining the Plan. This is shown below.
 - 2.8 Working backwards from the government deadline of submitting the Plan in June 2025, means that the Council would need to:
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- March/ May 2025 - Summarise the key issues raised in the Regulation 19 consultation for the government Inspector and prepare the documents for submission in June 2025 (latest date possible is 30th June 2025).
- Late 2024/ early 2025 - Carry out (Regulation 19) pre-submission consultation.
- October/ November 2024 - Planning Committee report and approval.
- June and September 2024 - Produce the pre-submission (Regulation 19) document and supporting policies map and community engagement material.
- April/ May 2024 - Planning Committee and Full Council approval needed.
- January/ March 2024 – Amend the preferred options in the light of the representations received.
- November/ December 2023 – Consultation on Issues and Options and Preferred Options.
- September/ October 2023 – Planning Committee and Full Council approval needed for the consultation on the Issues and Options and Preferred Options
- June/ August 2023 – to produce and procure the evidence needed for the Plan.

2.9 Officers don't believe that the above timeline is achievable, as it leaves only three months to complete the evidence base needed for the Plan. Given that the Procurement team estimates that it takes 3-4 months alone to get a tender document through for appointment (and that this would be needed for at least 5 documents), this demonstrates that there is insufficient time, under this option, to produce a robust evidence base for the Plan in the time available.

Pros of this approach

1. From a reputational point of view, Runnymede would be seen (particularly by site promoters/ the development industry) as following through with its promise to press on with the Local Plan Review in line with the commitment that the Council gave at its Examination in Public;
2. This approach would be in line with the NPPF (2021) requirements which commit local authorities to reviewing their Local Plans at least once every 5 years;

Cons/ risks of this approach

1. Officers are of the view that the timetable is not achievable. Given the need to get all relevant evidence in place prior to the first consultation period and given lead in times for the procurement process necessary to secure the specialist consultancy advice, it is not considered by officers that there is sufficient time to pursue this option.
2. Updating the Local Plan at this stage would mean that the Standard Method was used for calculating Runnymede's housing need for the Plan period. The Standard Method uses a standard formula for calculating the housing needs of an area based on data produced nationally for each local authority. In March 2023 the Office for National Statistics (ONS) released updated housing affordability data for England and Wales, which is one of the required data sets for inclusion in the formula. Runnymede experienced the second highest proportional rise in local housing need in England and Wales as a result of this new data – taking its previous housing need of 548.3 dwellings per annum to 587.2. This will therefore result in the housing need that the Council would need

to try and meet in the reviewed Local Plan being significantly higher than had previously been forecast.

3. The NPPF deadlines, under the 'existing planning system' (see para. 2.3 above), seem to suggest that if the Council were to fail to submit the Plan by 30th June 2025, that there is a real risk of having to restart the review of the Plan under the new system. This could potentially lead to abortive costs if the evidence needed to be refreshed/ redone because of this failure.
4. Existing legal requirements and duties, for example the Duty to Cooperate (DtC), will still apply. The DTC is a mechanism to ensure that planning issues that cross local authority administrative boundaries, such as for example, housing need are considered effectively. Local planning authorities have a legal duty to demonstrate their compliance with the DtC when their Local Plan is examined. This requirement has led to a number of failures to Local Plans at Examination, particularly those where the full housing need requirement could not be met in the Local Plan or in adjoining local authority areas. Whilst the Government has proposed changes to the NPPF, as set out in the NPPF prospectus, which would potentially lessen these risks, it would be a risk none the less.

Option two –Partial review to address Climate Change undertaken under the existing planning system.

Conclusion: NOT DELIVERABLE

- 2.10 This option duplicates the option above to some extent. The main difference between the two is that whereas option one assumed that a full review of the Plan was undertaken, option two instead proposes that the review focuses solely on strengthening the adopted Runnymede 2030 Local Plan policies which address Climate Change issues.
- 2.11 Having looked at other local authorities who have undertaken similar reviews of their Local Plans, the scope of any such review is likely to necessitate looking at policies relating to the economy, sustainable design, energy efficiency and renewable energy, heritage, transport, green and blue infrastructure, water management and ensuring that any requirements needed are viable.
- 2.12 The evidence base needed to be produced for this option in advance of the first Regulation 18 consultation (Issues and Options and Preferred Options) is expected to be less extensive than that needed for a full Local Plan review – likely to need to procure consultants for two, as opposed to the five documents, needed for a full review. However, the steps needed to be undertaken for the review of the Plan (set out above in para. 2.9) are the same as for the full review and consequently it is not considered that this option will save much time compared with undertaking a full review of the Local Plan. As a result, like the full review option, it is not considered by officers that there is sufficient time to pursue this option and meet the deadlines imposed by the government for submission and adoption of the Local Plan.

Pros of this approach

1. The updated Plan will more fully reflect the issues around Climate Change and reputationally the Council will be seen as doing all that it can to strengthen its approach in response to this important issue.

Cons/ risks of this approach

1. The existing adopted Local Plan has only 7 years left to run and so the Council would need to immediately begin another review, immediately after this one, to update the housing figures and update various other issues not covered in this Climate Change partial review.
2. The Government is currently committed to bringing forward significant improvements to building standards to meet its net zero carbon ambitions by 2050, including through further updates to the NPPF and Building Regulations. Embarking on a partial review ahead of these changes could mean that revised policies will become out of date either during Plan preparation or soon after the Plan is adopted.
3. It is expected that some of the issues relating to Climate Change, including net zero policies, might be picked up by the Government in its proposed National Development Management Policies. There is therefore a risk that the Council would duplicate these policies in the Plan and as a result these policies will be replaced soon after adoption (or that the policies will be found to be unnecessary or not justified at examination, as they would achieve the same end reduction in carbon emissions as national policies and Building Regulations).
4. There is a lack of consistency by Inspectors at examination stage as to whether stronger climate change policies, such as those requiring the delivery of net zero carbon development, are required to be consistent with relevant national planning policies and guidance. There is a risk that the Partial Update to the Plan will be amended and watered down at examination. This has been the case in both Lancaster City Council and West Oxfordshire, where the Inspector's Report following their Examination in Public have watered down their Climate Change requirements.
5. There is a risk that the Council will not be able to confine the review to just Climate Change issues, as there will be a real push from developers/ agents for the Council to take account of the housing crisis, particularly given the recent affordability data released by ONS in March 2023 (see above for more detail).
(If the Council were to be successful in confining the review to Climate Change issues it is anticipated that the issues set out in option 1 above relating to the legal requirements (and Duty to Cooperate in particular) and housing numbers would not be applicable in taking forward this option).

Option three – delay starting work until the new planning system is introduced (expected to be at the end of 2024).

Conclusion: THIS IS CONSIDERED BY OFFICERS TO BE THE ONLY DELIVERABLE APPROACH AVAILABLE TO THE COUNCIL.

- 2.13 This option involves carrying out a full review of the Local Plan as soon as the new system is introduced (expected to be at the end of 2024). It is proposed that some of the evidence gathering, and associated procurement work, needed for this new Plan is undertaken in advance of the introduction of the new system, so that as soon as the new system is in place (expected to be late 2024), the Council starts work on the review of the Local Plan in January 2025. This would therefore mean that the anticipated adoption date for the new Plan would be (30 months later) - circa the summer of 2027.

Pros of this approach

- 1 Runnymede could well be one of the first Council's to get a new Local Plan in place under the new planning system. This would be extremely good reputationally for the Council.
- 2 Under the new NPPF, it is anticipated that the Council would no longer have to demonstrate a 5-year housing land supply (yhls)³ until our current Runnymede 2030 Local Plan was 5 years old (in July 2025). Therefore, the implication is that a developer proposing a speculative development on land not allocated through the adopted Local Plan (i.e., on Green Belt land) could not use the Council not having a 5yhls as a reason to allow their development. In addition, we would have an additional 30 months beyond this to get our new Local Plan in place i.e., the new Plan would need to be in place by 15th January 2028 to avoid a 5yhls challenge.
- 3 Existing legal requirements and duties would not apply, such as the Duty to Cooperate which has resulted in many local plan failures, particularly those where authorities aren't proposing to meet their full housing need requirement. Instead, an Alignment Policy is to be introduced, which would be assessed as part of the overall soundness of the Local Plan.
- 4 The Standard Method, used to calculate an area's housing need, is to be reviewed in 2024 based on the new household projections data in the 2021 Census results. This has the potential for Runnymede's housing need to change. Whilst this could mean an increase or a decrease to our current level of housing need, all of the household projections released by ONS since 2014 have so far reduced the level of housing need in Runnymede.

Cons/ risks of this approach

1. The new system will be untested, and we will be one of the first to go through it and find any issues/ difficulties with it.
2. If we don't pass one of the proposed new Gateway checks and have to delay the adoption of the Plan to beyond January 2028, then this could open the Council up to speculative development.

Conclusion

- 2.14 Having considered all three of the potential options open to the Council, it is the view of officers that, undertaking either a partial review to take more account of Climate Change issues or a full review under the existing planning system would not be possible given the existing deadlines for this system to come to an end. It is officers'

³ 5YHLS is essentially a table or spreadsheet of data about sites where they are expected to come forward to build-out within the next five years. The table or spreadsheet is usually accompanied by a trajectory or graph illustrating how many dwellings are expected to be delivered in each year of the five-year period. When an authority cannot demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed out of date. The NPPF states that planning applications should instead be decided based on the presumption in favour of sustainable development and the [tilted balance](#) (para. 11d) may apply.

view, as supported by members informally at the January 2023 Planning Policy Briefing session, that the Council should wait until the new planning system comes in to review the Local Plan.

- 2.15 In terms of Climate Change, it is considered that there is a lot that can be done to address this issue without undertaking a partial review of the Plan. The Government has already tightened Building Regulations standards for ventilation (Part F); set out minimum energy performance targets, airtightness, and insulation standards (Part L); and introduced a new regulation designed to address overheating (Part O). Further changes to Building Regulations are expected to take place through the introduction of a full Future Homes Standard (FHS) and Future Buildings Standard (FBS) from 2025. The FHS aims to ensure that new homes built from 2025 will produce at least 75-80% less carbon emissions relative to homes built to Part L 2013 standards and be 'net zero ready' through their use of lower-carbon heating and high fabric standards. Additional new Building Regulations standards will also be introduced for non-residential buildings and extensions to existing buildings. The Department for Levelling-Up Housing and Communities is expected to issue a detailed consultation on the FHS this year.
- 2.16 It is considered that several Supplementary Planning Documents (SPDs)/guidance documents could also possibly be introduced to help ensure that the existing policies in the Local Plan relating to Climate Change are implemented more effectively. These SPDs would use the wording in existing Local Plan policies, such as policies SD7: Sustainable Design and SD8: Renewable & Low Carbon Energy, as 'hooks' and could cover topics such as energy statements and what they should include applying the energy hierarchy; using renewable and/or low carbon technologies to meet a minimum proportion of a new development's energy needs; and ensuring the efficient use of new and reused materials in development proposals.
- 2.17 In addition, another option might be to work more closely with Neighbourhood Fora to ensure that Climate Change policies in emerging Neighbourhood Plans in the borough incorporate more detailed coverage of these issues. However, this coverage would obviously not be borough wide as currently only Virginia Water and Ottershaw are in the process of drawing up Neighbourhood Plans (with the Englefield Green Neighbourhood Plan currently being independently examined).
- 2.18 On a purely practical level, it is the view of officers, that there is simply no need to review the plan ahead of the introduction of the new system, as the existing Plan remains up to date. If the Council begins to prepare a new plan under the new-plan-making arrangements, whilst the Runnymede 2030 Local Plan will become more than 5 years old during the first 30 months of the new system, under the recent consultation proposals, it will continue to be treated as up to date for the first 30-months that the new system is in force. This means that a developer will not be able to challenge the Council on the grounds of not having a 5yhl until around 15th January 2028.
- 2.19 It is therefore recommended that the option for reviewing the Runnymede 2030 Local Plan under the new-plan-making arrangements is taken forward. Once the next iteration of the NPPF is published a new Local Development Scheme should be drawn up and brought back to this Committee for approval before being taken to Full Council. In the meantime, Officers in the Planning Policy team will focus on:

-Working with Members and local communities to produce a Design Code for the Borough;

- Introducing supplementary climate change guidance documents to support the policies in the Runnymede 2030 Local Plan;
- Updating the Communications Strategy for the Local Plan;
- Updating the Call for Sites and Strategic Land Availability Assessment;
- Updating the Strategic Flood Risk Assessment for the Borough (to ensure that the functional floodplain in Runnymede is up to date with the latest Government definition);
- Supporting the Climate Change team where necessary;
- Finalising existing Supplementary Planning Documents which will support the current Runnymede 2030 Local Plan (relating to Environmental Protection and Gypsies and Travellers)
- Preparing tender documentation and completing tender process for consultants in advance of new planning system coming into force to enable the Planning Policy Team to 'hit the ground running'.

3. Policy framework and legal implications

- 3.1 As set out earlier in this report, the Runnymede 2030 Local Plan (2015-2030) was adopted in July 2020. The Local Plan indicates at paragraph 5.19 that the Council will begin a review of the Plan immediately and complete it within 5 years. However, this undertaking is not a Plan policy. Nor is it a policy for early review, as the NPPF requires all plans to be reviewed within 5 years. Not starting a review until the new planning system comes in will not render the plan out-of-date. On the contrary, under the new system the Government is proposing that the Plan would be deemed to be up to date until 15th January 2028 i.e., the 5-year period from the date of adoption plus the additional 30 months allowed for the completion of the new Plan under the new Plan making system.
- 3.2 The views set out in the paragraph above, were confirmed by the Council's counsel, Tim Leader, as being a correct interpretation of the NPPF prospectus advice.

4. Financial and resource implications

- 4.1 The Planning Policy team has an annual budget to carry out planning policy work associated with both Local Plan preparation and the production of other planning policy documents. During the Local Plan Review process, spend will be closely monitored.

5. Equality implications

- 5.1 The Council has a Public Sector Duty under the Equalities Act 2020 to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment or victimisation;
 - b) Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
 - c) Foster good relations between those who share a relevant characteristic and persons who do not share those characteristics;

in relation to the 9 'Protected Characteristics' stated within the Act.

- 5.2 An Equality Impact Assessment will be undertaken for the new Local Plan as a whole and equalities considerations associated with each Local Plan policy robustly assessed.

6. **Environmental/Sustainability/Biodiversity Implications**

- 6.1 The review of the Local Plan will strengthen the policies relating to Climate Change set out in the adopted Local Plan, including creating a strong, well-considered network of green and blue corridors and spaces, supporting adaption and resilience to climate change, helping to halt the loss of, and improving biodiversity, and contributing to the health and wellbeing of our communities.
- 6.2 In addition, as part of the production of the review of the Local Plan, a Sustainability/ Strategic Environment Appraisal (SA/SEA) will be produced at each stage in the process. The SA/SEA document will ensure that environmental/ economic and social issues are taken into account throughout the production of the Plan.

7. **Other Implications**

- 7.1 None.

(To resolve)

Background papers

None.