

Planning Advisory Service – Local Plan Gateway Review

Epsom and Ewell Local Plan

May 2021

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Background

Karen Moore (KJM Planning & Management, part of the DAC Planning & Arup project team), with Sara Dilmamode (CITIESMODE, part of the DAC Planning & Arup project team), carried out a Gateway Review with members of the Epsom and Ewell Planning Policy Team. The [Gateway Review](#) considers the challenges and opportunities that the Council is currently facing in progressing their Local Plan towards meeting the Government's target that all local planning authorities should have an up to date plan in place by the end of 2023. This note provides a summary of the findings from the Gateway Review and the recommended next steps.

The Gateway Review takes a light-touch, critical friend approach. The advice and recommendations have been formulated following discussions with members of the Council's Planning Policy Team, a high-level desktop review of documentation and information provided to PAS during a scoping meeting held on 25 March 2021, this follows an initial meeting focussed on the Local Development Scheme on 27 January 2021 (the outcomes of which are included as Appendix 1). Other evidence or information may exist that has not been reviewed, which might lead to other comments, advice, or conclusions. This note is advisory only rather than a legal view, and it should be read in the context of relevant legislation, national planning policy and guidance.

Summary of Main Risks

Key operational risk(s)

- The approach to meeting housing need, site selection, and any Duty to Cooperate activity related to unmet need, is likely to be the subject of a high degree of scrutiny at the independent examination of the Local Plan. Failure to demonstrate a rigorous approach that justifies the spatial strategy and selection of individual sites could pose a risk to Local Plan progress.
- Considerable work has been undertaken by the Council to develop a new Local Development Scheme and secure resources; however, the lack of a more detailed day-to-day project plan could make keeping the timetable 'on track' challenging.

Key political risk(s)

- There is a risk of low political buy-in to the emerging spatial strategy. If the approach to the Regulation 18 (Stage 2) Issues and Options consultation is insufficiently detailed, this may further compound this risk and could lead to significant delay in progressing to the Regulation 19 publication stage.

Local Plan Gateway Review

Local Plan Context

- Epsom and Ewell's adopted development plan consists of: [Epsom and Ewell Core Strategy \(2007\)](#), [Plan E - An Area Action Plan for Epsom Town Centre \(2011\)](#) and [Epsom and Ewell Development Management Policies Document \(2015\)](#).
- The Epsom and Ewell Residents Association runs the Council which operates on a committee system without the Leader or Portfolio Holder roles common to other councils ([see Epsom and Ewell Constitution, updated July 2020](#)). The Chair of Licensing and Planning Policy Committee (LPPC) is effectively the lead member for Planning.
- Work has commenced on the new Local Plan. Consultation on Issues and Options (Part 1) concluded in 2017, and responses to the questionnaire are set out in the [Epsom & Ewell Local Plan Partial Review of Core Strategy – Consultation Response, December 2017](#). The Allies and Morrison [Draft Epsom & Ewell Masterplan, 2019](#) was endorsed by the LPPC in September 2019.
- Officers advised that the Council intended to publish a Regulation 18 (Stage 2) Issues and Options consultation early in 2020. Covid-19 impacts, uncertainty caused by the publication of the [Planning White Paper](#) in August 2020, and a lack of clarity on housing numbers have delayed plan making.
- The Council's new Local Development Scheme (LDS) (2021) was approved by [committee on 4 March 2021](#) following PAS interim advice (see Appendix 1). Consultation on Regulation 18 (Stage 2) Issues and Options is anticipated in November 2021.
- The capacity of the Planning Policy Team is being increased to support delivery of the new Local Plan, but the team is currently very small. A new Local Plan Manager started in post in February 2021; new planner and senior planner posts have been created. Officers have identified economic development as a skills gap and a policy area where more input is needed. A budget of £750,000 was secured at a [committee meeting on 30 March 2021](#) to support Local Plan development.
- Officers are currently reviewing and updating the evidence base to support preparation of the Local Plan. This includes considering whether the Council may need to commission transport modelling due to lack of capacity at Surrey County Council to take this forward before 2022. Work to commission Sustainability Appraisal consultants is underway and officers have identified that further viability work is not required until the Regulation 19 publication stage. The Council has also commissioned an update of the Spatial Economic Growth Strategy (February 2020).
- There is a fortnightly meeting between the Head of Planning and the Lead Member for Planning. There is also a monthly meeting with the chairs of committees. The Council does not have a Councillor Local Plan Advisory Group or working group of any kind.
- The Housing Delivery Test 2020 measurement (published in January 2021) identified that the Council's Local Housing Need requirement over 3 years was 1,519 dwellings with only 34% of this being delivered. The presumption in favour of sustainable development now applies.
- Regular meetings are held with neighbouring Surrey authorities and the London Borough of Kingston. The authorities have been clear that they will not be meeting unmet housing need from other authority areas. It is anticipated that Elmbridge Council, whose Local Plan timetable is running ahead of the other Councils, will formally write to the Epsom and Ewell Council for support in meeting its unmet housing need. This is to ensure a clear audit trail and enable formal confirmation to be provided by Epsom and Ewell Council that it will not be able to assist its neighbours.
- The Borough is 47% Green Belt and this, combined with environmental designations, presents a challenging plan making context. There is considerable resistance to Green Belt release locally, and there has been a culture of a more prohibitive approach to higher density development.

- CPRE (and a number of other special interest groups) are particularly active in Epsom and Ewell and in response, the Council adopted a [Local Plan Draft Communications and Engagement Strategy](#) in August 2020. In recent weeks, there have been meetings with promoters of sites keen to understand the next steps on the Local Plan. Epsom Civic Society is keen to be involved in Local Plan development.

Key Risks and Issues

Risk / Issue	Mitigation
<p>1. The approach to meeting housing need, site selection, and any Duty to Cooperate activity related to unmet need, are likely to be the subject of a high degree of scrutiny at the independent examination of the Local Plan. Failure to demonstrate a rigorous approach that justifies the spatial strategy and selection of individual sites could pose a risk to Local Plan progress.</p> <p>The Council is still developing its approach to site selection but considers that meeting its housing needs will be a challenging task in a compact Borough with significant environmental and policy constraints. Knowledge gaps arising from the high recent turnover of staff adds a further layer of challenge to progressing work on the evidence for newly appointed Officers.</p> <p>The Council has completed a Green Belt review, which shows the Borough's Green Belt is largely performing well. Officers acknowledged that Members will have difficult decisions to make.</p> <p>Officers also consider that the statements from Government in response to consultation on Changes to the Planning System, published in April 2021, reinforce that Local Housing Need does not 'trump' local constraints such as Green Belt on the basis that it: <i>"provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt"</i>.</p> <p>The approach to site selection including the approach to Green Belt will inevitably be a major</p>	<p>Suggested Approach: The Local Plan needs to be supported by a robust approach to testing realistic scenarios for the quantum of new homes and distribution of this development. A robust approach to site selection is needed which ensures that, both short term and longer term, local housing needs will be met. While addressing local housing need is a starting point, rather than a fixed target, the Council must seek to accommodate it, where sustainable to do so or where it cannot, unequivocally demonstrate it is not possible to meet needs and still comply with national planning policy.</p> <p>It will be vitally important to ensure that the approach towards meeting the Duty to Cooperate will ultimately provide robust and convincing evidence.</p> <p>Suggested Mitigation: The Council will need to clearly show how options for accommodating the Borough's housing needs have been assessed through the Sustainability Appraisal and how the options have been informed by a robust site assessment and selection process. This evidence will need to demonstrate that the Council has sought to deliver the maximum amount of its housing needs that can be sustainably delivered, and where it cannot meet needs in full demonstrate why this is not possible.</p> <p>While the link between economic development and housing growth was not explored in detail in the scoping meeting, this needs to be factored into emerging work on the spatial strategy.</p> <p>In accordance with national planning policy, the spatial strategy and supporting evidence should demonstrate that:</p> <ul style="list-style-type: none"> • suitable brownfield sites and underutilised land have been maximised as much as possible – this should include previously developed land

Risk / Issue	Mitigation
<p>focus of scrutiny at independent examination. Given the level of challenge through judicial review to Local Plan adoption experienced in the sub-region, this evidence may also be a focus of such a challenge.</p> <p>If the Council cannot demonstrate to the independent examination that the approach to site selection is robust and justified by the evidence, or that the Local Plan will provide for local housing needs to be met in the short or longer-term, there is a considerable risk of an extended independent examination or worst case risk that the Council would have to withdraw the plan from examination.</p> <p>Discussions on meeting (unmet) housing need, with neighbouring authorities, currently lack formality. While there <i>are</i> regular meetings, the Council has only recently started to record the key issues discussed. Failure to capture and evidence this Duty to Cooperate activity - and not just the issues identified but also outcomes and actions in response - could be a significant obstacle to plan progress.</p> <p>The Council must ensure that the Duty to Cooperate has been met prior to the submission of the Local Plan. Any potential failure in meeting the Duty to Cooperate cannot be rectified through the independent examination process, and therefore would require the withdrawal of the Plan. This would significantly delay the adoption of the Local Plan and leave the Borough without an up to date Local Plan for an extended timescale, reducing the ability of the Council to strategically plan growth and infrastructure required to meet the needs of the Borough.</p>	<ul style="list-style-type: none"> in the Green Belt and present the rationale for continuing to protect urban open space(s); the density of development is optimised, including a significant uplift in minimum density standards in town centres and other locations well served by public transport – this could be informed by an urban characterisation or capacity study; it has been informed by discussions with neighbouring authorities about whether they could accommodate identified housing needs and the outcomes of these discussions documented through Statement(s) of Common Ground; and consideration has been given to whether exceptional circumstances exist to support the release of land in the Green Belt. Where it has, preference should be given to locations well-served by public transport before other locations are considered. <p>PAS could undertake a critical friend review of the evidence base prepared to-date to support the identification of the preferred spatial strategy and provide independent advice on further work required.</p> <p>The process followed in working with other authorities to seek to meet unmet needs, and critically the outcomes agreed must be formally documented in a Statement of Common Ground to demonstrate the requirements under the Duty to Cooperate have been met. The Council therefore needs to demonstrate early, and on-going engagement with its neighbours in respect of this and any other cross boundary matters through Statements of Common Ground.</p> <p>The risk may be mitigated by a review of work undertaken to date and the planned next steps. PAS could potentially provide independent advice on further work required and how this process could be expedited.</p> <p>If Green Belt release is required to meet development needs, the Council will need to ensure that exceptional circumstances can be demonstrated in accordance with the requirements of the National Planning Policy Framework (and specifically paragraphs 137 and</p>

Risk / Issue	Mitigation
	<p>138). The strategic and site-specific exceptional circumstances case for this release must be clearly and robustly demonstrated.</p> <p>The PAS Local Plan Route Mapper and Toolkit, drawing on national policy and guidance (particularly parts 2 and 4), can assist in identifying requirements that will need to be met.</p> <p>The Council should seek an advisory meeting with the Planning Inspectorate to obtain preliminary advice from an inspector on this matter and consider seeking legal advice, particularly given the potential risk of legal challenge.</p>
<p>2. Lack of political buy-in to the Local Plan strategy will pose a significant risk to plan progress; failure to have an agreed spatial strategy at an early enough stage in plan preparation could derail the Local Plan later on.</p> <p>Inevitably the level of local housing need that the Local Plan is required to accommodate creates significant political pressures locally. The Local Plan is often a campaigning issue in areas where there is significant Green Belt coverage. There are also community concerns about Green Belt encroachment.</p> <p>The new LDS presents the Regulation 18 (Stage 2) consultation as 'Issues and Options'. As indicated in the initial PAS advice, there are risks associated with this approach if the Council does not at least indicate its preferred approach at the Regulation 18 stage (see Appendix 1). An insufficiently specific Issues and Options consultation could simply be 'kicking the decision down the line' on the preferred spatial strategy. If political buy-in for the preferred approach cannot be achieved, significant delay to the Regulation 19 publication stage, is likely. This risk is evident from the experience of other Councils in the County where the Regulation 18 Stage 2 document has not established a sufficiently clear direction of travel.</p>	<p>Suggested Approach: Ensure all Members are kept closely engaged in the Local Plan's progress and the necessity of planning to meet housing need. The use of governance structures and other supporting material might support plan progression and reduce the likelihood of fundamental changes to the spatial strategy or challenge further down the line.</p> <p>Suggested Mitigation: Consistent and regular engagement with the key Councillors should continue. Consideration should be given to establishing a cross party Local Plan working group in an advisory rather than decision making capacity. This could be supplemented with:</p> <ul style="list-style-type: none"> • Regular (written or verbal) briefings with a wider group of councillors; • Targeted engagement with ward members in areas where more significant growth or change is anticipated; and • Provision of materials for local media and councillors to use with constituents to support accurate and consistent messages. <p>The timetable for this Member engagement should be factored into the project plan (see point 3 below). Based on the new LDS, the plan-making stage from now until the end of the year will be particularly critical to taking Members on this journey.</p> <p>PAS could provide a member briefing session to outline the importance of having an up-to-date Local Plan as well as a robust approach to the</p>

Risk / Issue	Mitigation
	<p>spatial distribution of growth, including site selection.</p> <p>It may be also helpful to consider the role and extent of the proposed Regulation 18 (Stage 2) Issues and Options consultation. Under the Local Plan Regulations (2012) it <i>could</i> be a complete or near complete draft of the intended Regulation 19 Local Plan or at least a plan that indicates the <i>preferred</i> growth strategy in a sufficiently detailed way. This will ensure that Members have committed to a spatial strategy in advance of Regulation 19 publication stage. It would also have the benefit of allowing stakeholders (including the County Council and statutory consultees) to comment on the plan's full text before the Regulation 19 publication stage. This could potentially reduce the extent of main modifications identified as required through the independent examination or any need to re-consult on the Regulation 19 Local Plan ahead of the submission to the Planning Inspectorate should soundness issues be raised.</p>
<p>3. Achieving the new LDS timeline is contingent on the work being underpinned by a project plan for delivery. Without this, it will become difficult to ensure that the plan drafting activity, and evidence that informs it, is on track.</p> <p>The LDS has now been revised and formalised. However, an up-to-date project plan (linked to workplans) is not yet in place. Without a detailed project plan, mapping out the key tasks and responsibilities, it may be difficult to assess whether the LDS is on track – or at risk of falling behind schedule.</p> <p>It was previously recommended (as set out in Appendix 1) that the Regulation 18 (Part 2) consultation should be set out the intended direction of travel. This is to ensure key policies and sites have been consulted on. Failure to do this could inhibit preparation of the Regulation 19 Local Plan and/or potentially require further work after the Regulation 19 publicity has been undertaken, if changes are required to the Local Plan to ensure it is sound prior to it being submitted to the Planning Inspectorate. If insufficient detail is consulted upon at the</p>	<p>Suggested approach: Develop a more detailed project plan which sits below the LDS. While ‘project management’ should not become an industry in itself, a project plan can help monitor plan making progress and signal the need to take action at an early enough stage if key tasks fall behind schedule or if there are changes to the level staff resource available.</p> <p>Suggested Mitigation: The Council is encouraged to ensure that a robust, comprehensive and achievable project plan/programme is put in place. Advice in the PAS Local Plan Route Mapper and Toolkit, (particularly Section B and part 3) can assist in appropriately scoping work requirements and ensuring that procedural requirements are met. The Council should also have regard to the Procedural Guidance produced by the Planning Inspectorate. This project plan/ programme should include timelines for production of key evidence needed to justify the Council’s approach, particularly related to site selection.</p> <p>Key evidence, particularly related to sites and deliverability, and linked to this viability and infrastructure evidence, will need to be in place to</p>

Risk / Issue	Mitigation
<p>Regulation 18 (Part 2) consultation, there is a significant risk that the Council will not be able to have an up to date plan in place by December 2023.</p> <p>There are multiple workstreams that must be progressed, and failure to identify, at least at a high level, timescales, responsibilities and any interdependencies associated with these could inhibit progress.</p> <p>The Council is already progressing updates to the Local Plan evidence base and considering how to expedite production where delay is anticipated (for example, the transport modelling). Failure to complete key evidence in a timely fashion will hinder the preparation of the Regulation 18 (Stage 2) Local Plan, which will need to be sufficiently detailed to meet the current LDS timetable. As noted above, knowledge gaps arising from staffing changes has made this exercise more challenging.</p>	<p>support consultation at the Regulation 18 (Part 2) stage. Presenting the outcomes of the site selection process followed and the evidence which has informed the Council's decisions should be made available as part of the Regulation 18 (Part 2) consultation. This will enable a more detailed Regulation 18 (Stage 2) consultation to be undertaken, where potential soundness issues can be 'flushed out', and, where possible, resolved prior to Regulation 19 stage publication.</p> <p>In developing the more detailed project plan, regard should be had to capacity of the Planning Policy Team and the appropriateness of securing additional consultancy support. For example, given the need to stay on track with timelines (and outstanding recruitment efforts), there might be value in commissioning consultancy support in developing the site selection methodology and compiling the associated evidence.</p> <p>As well as factoring in formal decision-making stages by Members and lead in times, the timetable for Member engagement activities should also factored in (see point 2 above). These governance arrangements can expedite plan making – but take time and resource to manage and this should be reflected in any project plan.</p>

Recommended Next Steps

The key potential risk areas and issues identified through the Gateway Review, which could impact upon the timely and successful progression of the Local Plan, are set out above. To help mitigate the potential risks identified the following actions are recommended.

- Recommendations to the Council:
 - Ensure the evidence prepared to support the Local Plan (chiefly the site selection process and Sustainability Appraisal) demonstrates that the Council has sought to accommodate the maximum amount of its housing needs that can be sustainably delivered, and where it cannot meet its housing needs in full, demonstrate why this is not possible with complying with the requirements of national planning policy.
 - Develop, with relevant authorities, a robust audit trail for dealing with strategic planning matters under the Duty to Cooperate and use Statement(s) of Common Ground to document the outcomes of discussions.
 - Develop a structured programme of Member engagement and identify existing or new channels that can be used to provide a manageable level of engagement with a wider group of councillors.
 - Develop a detailed project plan to ensure the LDS timeline stays on track alongside other policy tasks and any dependencies, such as the timing of key evidence, are effectively managed.

- Potential further support from PAS:
 - A critical friend review of the evidence base prepared to-date to support the identification of the preferred spatial strategy and provide independent advice on further work required.
 - An independent review of the arrangements for meeting the Duty to Cooperate and activity undertaken to date, independent advice on further work required and how this process could be expedited.
 - A member briefing session to outline the importance of having an up-to-date Local Plan and the requirement to have a robust approach to the spatial distribution of growth, including site selection.

APPENDIX 1

Summary of Interim advice and recommendations provided in February 2021

Background

1. The DAC Planning and Arup led Project team appointed to deliver this support met with Viv Evans, Head of Planning, and Wai-Po Poon, Senior Planning Officer in the Planning Policy Team on 27 January 2021. This scoping meeting was to discuss and clarify the issues and the range of challenges the Council is facing in progressing the Local Plan. The Council has requested PAS assistance to sense check and “*take a critical friend look at LDS*” immediately to enable officers to meet their LPPC deadline in February 2021. The Council wanted to publish a new [Local Development Scheme](#) (LDS).
2. At the time of writing this initial advice there was a degree of flux in staffing levels. The Council had recently appointed a new Planning Policy Officer, who will start on 15th February 2021, and brings considerable Local Plan experience. However, the team's Senior Policy Planner (and most senior remaining team member) will be on maternity leave from the end of April for one year.
3. The published LDS dates and the proposed new dates the Council **initially** intended to report to LPPC are set out below (now superseded as set out in the main advice note).

Key Stages	Published LDS Dates (at 2020)	Proposed new LDS Dates (at Jan 2021)
Issues & Options and Call for Sites Consultations (Regulation 18 Part 1)	September – December 2017	September – December 2017
Consideration of Consultation Responses	December 2017 – March 2018	December 2017 – March 2018
Preparation and Production of the Masterplan for Epsom & Ewell	June 2018 – June 2019	June 2018 – June 2019
Preparation of the Epsom & Ewell Duty to Co-operate Engagement Plan	September – October 2018	September – October 2018
Final Issues & Options Consultation (Regulation 18 Part 2)	November - December 2020	November - December 2021
Consider consultation responses and prepare revised draft Local Plan	January – June 2021	January – June 2022
Report to LPPC Reg.19 Publication Version of the Draft Local Plan	June 2021	June 2022
Pre-Submission Reg 19 Public Consultation	July – September 2021	July – September 2022
Date of Submission to Secretary of State	October 2021	October 2022
Pre-Examination Meeting	December 2021	December 2022
Public Hearing	January 2022	January 2023
Estimated Date for Adoption	December 2022	December 2023

4. The remainder of this Appendix sets out the interim advice provided to the authority in February and specific to the initial draft LDS which has now been replaced.

Interim Advice on the draft LDS

5. A Local Development Scheme can set a timetable and the authority define the resources required to put in place to deliver this – or more commonly it can be led by resource decisions with the LDS an output of the resource planning exercise. Most often it will be some reconciliation of the two. The comments in this note related to timetable are made with the caveat that forthcoming resource decisions – and the degree to which these can be realised will impact the timetable. This may lead to a need for revisions to the LDS. In any case observations are made with this caveat in mind and are set out below with reference to the main plan making stages defined in the LDS.
6. In order to avoid a certain revisit of the LDS it is strongly recommended that if possible, the Council awaits the arrival of the new Planning Policy Manager to endorse the LDS prior to agreement by members and pushes back the LDS approval to be undertaken simultaneously with the resources plan to meet it. The Planning Policy Manager will have a key role in mustering and managing the resources to deliver the LDS and should have ownership of it.
7. That said, it is not advisable to include a stage in the LDS that notes the “preparation of the Epsom & Ewell Duty to Co-operate Engagement Plan” starting after plan production began. This might suggest that the Council has not undertaken its obligations under the Duty to Co-operate from an early stage and in an ongoing manner. It is recommended that this line of the LDS is deleted.

Key Stages	Published LDS Dates (at 2020)	Proposed LDS Dates (at Jan 2021)
Preparation of the Epsom & Ewell Duty to Co-operate Engagement Plan	September – October 2018	September – October 2018
Final Issues & Options Consultation (Regulation 18 Part 2)	November - December 2020	November - December 2021

8. Officers advised that the planned Final Issues and Options (Regulation 18 Part 2) Consultation is likely to take a scenario-based approach centred on the following three ‘options’:
 - Meeting the housing needs identified.
 - A more modest target avoiding land with environmental constraints and Green Belt.
 - Low target low/ limited growth approach.
9. This mirrors the three option approach taken by Elmbridge District Council Strategic Options Consultation Document. There is no agreement with neighbouring authorities to accommodate any unmet housing need.
10. The existing team appears under-resourced to deliver the Final Issues and Options (Regulation 18 Part 2) document by 2020, associated evidence and manage the necessary councillor engagement. While the appointment of a new experienced Planning Policy Manager is an excellent decision and will support faster plan-making progress, the one-year absence of senior planner from April with knowledge of internal processes and sites is a significant loss – albeit a temporary one. At present, there appears insufficient resilience in the Planning Policy Team to ensure service sustainability over the life of the Local Plan preparation. There is a need to expand the team and possibly the skills base, as well as back fill the Senior Planner post as expected. If approval for this is not achieved until March, new officer(s), allowing for recruitment and notice periods, may not be in post until May. This compresses the time available to draft the document and for engagement with councillors.

11. Linked to this, there may be a need to rethink the three scenario based options approach presentation (set out above), particularly the low growth 'option' which is not a genuine option, and unless it can be shown that full need can be delivered by avoiding the Green Belt (including that being provided by neighbours) the second option also is not a genuine option. This approach has been adopted in the sub-region by other authorities. But it is noted that this has neither speeded up nor added certainty to these authorities' plan-making process, none of whom have yet reached examination stage. The Local Plan is highly unlikely to be 'found sound' by a planning inspector at an examination if it is not based on an option that demonstrably meets needs sustainably or *unequivocally demonstrates it is not possible to meet needs and still comply with National policy*.
12. Considerable work on the evidence base has been undertaken, but this will need to be developed and updated and funding will be needed to meet consultancy costs. The Council should recognise that procuring and managing contracts will also take officer time.
13. The proposed consultation period of two months falls short of the indicative 12-week minimum that has recently been publicly endorsed by the Council in the [Local Plan Draft Communications and Engagement Strategy](#). Riding back from this commitment might be unwise (or politically unacceptable) and it may need to be extended to 12 weeks.

Key Stages	Published LDS Dates (at 2020)	Proposed LDS Dates (at Jan 2021)
Report to LPPC Reg.19 Publication Version of the Draft Local Plan	June 2021	June 2022
Pre-Submission Reg 19 Public Consultation	July – September 2021	July – September 2022
Date of Submission to Secretary of State	October 2021	October 2022

14. The proposed timeline allows for six months from the close of consultation on the Final Issues and Options (Part 2 Regulation 18) document to develop a Regulation 19 Local Plan. If the Council pursue three equally weighted scenarios at Regulation 19 and fails to secure a decision on the preferred option, this timeline may not be achievable.
15. The risk of delay is increased if a very large number of consultation responses is received (something already anticipated by officers). Only a month has been allowed from the close of consultation to the submission to PINS. This could be very tight if a large number of responses are received. There will still be a requirement to ready submission documents and to provide a summary of main issues. There is a need to ensure that resource is in place to deal with this surge in activity required to deal with consultation responses and submit to PINS.

Key Stages	Published LDS Dates (at 2020)	Proposed LDS Dates (at Jan 2021)
Pre-Examination Meeting	December 2021	December 2022
Public Hearing	January 2022	January 2023
Estimated Date for Adoption	December 2022	December 2023

16. The Council advised that the lengthy period between the Public Hearing and estimated adoption date is to allow time in programme for a potential judicial review. Judicial review has become a common feature of plan-making for this part of the country most recently experienced in Waverly.

17. Based on our experience, an *average* Local Plan independent examination takes around one-year under current procedures only on the assumption that significant rework of the local plan is not required as part of the independent examination. Many extend beyond a year.
18. Based on this, a 12-month period seems prudent. PINS *are* working to increase the speed of examinations, and their improvement programme may have achieved this objective by 2023. This is a more relevant consideration than trying to predict any risk of judicial review.
19. A minor point is that there may or may not be a pre-examination meeting. A Planning Inspector determines the need for a pre-examination meeting, and they are becoming rare. The Council should delete this from the LDS.
20. Adoption of the Local Plan must be a decision of Full Council as prescribed in planning regulations. It is prudent to work with democratic services to forward plan this to ensure the December 2023 deadline is achievable and achieved. This point also applies to working back from Regulation 19 publication date in respect of the governance path for approval as a key issue in setting LDS milestones.

Key Risks & Issues

Risk / Issue	Mitigation / Option
There are insufficient staff resources in house to achieve Regulation 18 deadlines (ensuring evidence is in place and aligned with NPPF requirements and using this evidence to support plan making). The current level of staffing would not provide resilience across the plan preparation timeline. Failure to address this will make achieving the proposed LDS timeline challenging and put adoption by December 2023 at risk.	Expand the team (at more senior levels) to achieve greater resilience. If the Council cannot make appropriate appointments, commissioning options for drafting the local plan should be explored. Consideration should also be given to delaying finalising the LDS until the Planning Policy Manager is in place.
The proposed LDS does not provide for consultation on a full draft Local Plan until Regulation 19 stage. A short turnaround is required between Regulation 18 consultation and Regulation 19 to meet the proposed timeline. There is limited scope to expand the period allocated to the Regulation 19 preparation stage (without compressing consultation periods).	Ensure the Regulation 18 draft is advanced/complete enough to set out the intended direction of travel to ensure key policies and sites have been consulted on. This will also help to expedite Regulation 19 Local Plan preparation.
There has been a public commitment to 12-week consultations – and significant engagement as part of this.	Ensure resources are in place to manage consultation responses and analysis – establishing templates in advance and identifying short-term consultancy/ in house support should it be required to process reps.
There remains the risk of a lengthy examination and requirement for consultation on proposed main modifications, the latter is common.	Keep PINS apprised of progress at Reg 19 and identify short term consultancy/ in house support should it be required to cover peak periods of demand associated with the examination.

Next steps and Recommendations regarding other matters

21. It is recommended that the Council consider the following actions to improve their chances of successful plan adoption by 2023 and bear these in mind in respect of the LDS:

- Secure adequate additional staff resource, budget and the Planning Policy Manager actively manages the overall project to ensure all workstreams stay on track. The broad timelines proposed for the LDS, may be achievable if the Council can:
 - Ensure that adequate resource in-house (or outsourced) is in place to deliver the Final Issues and Options (Part 2, Regulation 18), if these cannot be secured within the next 3 – 4 months this will put achieving the proposed LDS timeline at significant risk and the plan-making approach will need to be revisited.
 - Ensure that there is sufficient time in the programme to properly assess the evidence and use it to develop the strategy and policies in the plan.
 - Ensure that Final Issues and Options (Part 2, Regulation 18), is sufficiently detailed and decisive on important policy matters to enable swift development of a Regulation 19 Local Plan.
 - Ensure the governance path (including any lead-in dates for committee meetings) has been properly factored into the LDS timeline.
 - Update Statement of Community Involvement and ensure it is accounted for in the Programme for the LDS.
 - Retain the current one year allowed from submission to adoption, which seems reasonable allowing for the likelihood of a proposed main modifications consultation.
 - Delete reference to a Pre-Examination meeting and duty to cooperate as line items in the LDS.
- Establish a clear councillor engagement programme with the objective of achieving support for a preferred option by Regulation 18 stage – and taking this beyond an issues and options style document to establish a clear direction of travel making difficult policy choices explicit. This is likely to be more akin to a draft Regulation 19 stage Local Plan or as a minimum a consultation document that clearly articulates the preferred option(s) addressing key policy areas and sites. This avoids deferring difficult decisions to later in the timeline – for which there is not really time in the programme i.e. there may not be time to resolve and agree approaches in the six months between the close of Regulation 18 stage consultation and the start of Regulation 19.

Options for further support

- A meeting is between the Project Team and the Council's Planning Policy Team on 3 February 2021 (as part of this support package) to discuss this advice and consider define the approach to the next stage of the Gateway Review Support.