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# Shaping Elmbridge A New Local Plan

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**Draft Local Development Scheme 2022-2025**

February 2022



**Elmbridge**  
Borough Council  
*... bridging the communities ...*

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# 1. Introduction

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## What is a Local Development Scheme?

- 1.1 A Local Development Scheme (LDS) is a public work programme that sets out the timetable for the production of Local Plan documents over the next three years. Together, these documents provide the planning framework for the coordinated delivery of new development and infrastructure, ensuring that the high quality of life enjoyed by Borough residents continues; that new development brings benefits to local communities; and that essential infrastructure needed to support our growing population is provided at the right time and in the right place.
- 1.2 An LDS must be made available to the public and kept up to date. Whilst there is no longer a requirement to submit a LDS to the Secretary of State, the [Housing and Planning Act 2016](#) gives them significant power to intervene in local plan preparation should they consider it necessary. Part of these new powers includes more detailed monitoring of the progress of local authorities in preparing and reviewing local plans and the publication of progress against timetables.

## Delivery

- 1.3 Whilst Elmbridge Borough Council is responsible for the delivery of many local services, there are several other important players who are responsible for key areas of service provision and infrastructure. To make the most efficient and effective use of resources, and with the aim of delivering 'more for less', the Council's key role is as coordinator and facilitator across public, private and community organisations. The key to successful delivery is through joint working and coordinated and complementary delivery.
- 1.4 In setting out this work programme, the Council has had to take account of the resources available and the realism of delivery. Priorities have had to be set, but all work undertaken will contribute to a distinctive Local Plan for Elmbridge and its residents, which will guide the delivery of new infrastructure and development across the Borough. The Local Plan will be regularly monitored, and reviewed as necessary, in order to ensure that it keeps abreast of changing circumstances and is responsive to the wishes of local people.

## Promoting a local approach

- 1.5 In recent times the Government has made some radical changes to the way in which planning is delivered. Principally by giving local people much more control over the way in which their local areas develop by

handing power, responsibility and financial resources to those who wish to embrace these new opportunities.

- 1.6 Elmbridge is committed to engaging local people and enable them to have a greater influence on local decisions. The Local Plan Strategic Options Consultation 2016/2017, Options Consultation 2019 and Creating our vision and objectives and direction of development management policies 2020 are recent examples of this and such engagement will continue as the production of the Local Plan progresses.
- 1.7 The Council's challenge is to consider the views and aspirations of local people, whilst ensuring that we plan for sustainable growth. Local decisions will be numerous and varied, but they do have to accord with national planning policy at all times.

### **Statement of Community Involvement**

- 1.8 The Statement of Community Involvement (SCI) explains how the local authority will involve the community in local plan preparation and development management decisions. It must be up to date regarding changes in legislation / regulation and good practice, including any temporary legislation in relation to Covid-19 measures.
- 1.9 The latest SCI document was adopted by the Council in September 2021. Public consultation and engagement during the preparation of Local Plan documents set out in the LDS 2022-2025 will be carried out in conformity with the SCI 2021.

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## 2. Local Plan Work Programme 2022-2025

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- 2.1 This Local Development Scheme (LDS) sets out an ambitious timetable over the next three years for the production of all documents that will form part of the Elmbridge Local Plan including Supplementary Planning Documents (SPDs), Neighbourhood Development Plans (NDPs) and supporting documents. This updates the previous LDS published in June 2021.
- 2.2 The following sections (sections 2-4) of the LDS set out:
- overview of each of the documents to be prepared as part of the Local Plan, including SPDs, NDPs and supporting documents, in the next three years.
  - a summary of the LDS programme and a Local Plan and Supporting Document Diagram covering the period 2022-2025.
  - the political procedures and protocols in place which will help guide and monitor the progress of preparing Local Plan documents; the evidence base and other supporting documents including the process for agreeing documents for consultation; publication; submission; examination; and adoption.
  - the potential risks to the Council implementing this LDS.

### Progress to date

- 2.3 Work on the new Local Plan commenced in 2014 with the formal decision to prepare a new Local Plan made by Cabinet in September 2016. Following the initial evidence gathering the first key stage of the plan preparation process was to identify the strategic issues and options for the Local Plan. This took the form of the Strategic Options Consultation (SOC). The Strategic Options Consultation 2016, including an initial preferred option, were presented to communities through a formal consultation document. The SOC was open from Friday 16 December 2016 until Friday 24 February 2017.
- 2.4 In light of the SOC 2016 responses, the publication of a new National Planning Policy Framework (July 2018 and updated February 2019), Planning Practice Guidance (in particular the introduction of the new Standard Methodology for calculating housing need) and confirmation of what the Government considered to be exceptional circumstances to justify amendments to Green Belt boundaries, it was considered appropriate to review and re-evaluate the options previously put forward in the SOC 2016.
- 2.5 The review and re-evaluation of the options previously put forward and findings in relation housing growth has included additional technical

work that has led to the identification of five options as to how the Local Plan could respond to housing need. This includes the original three options consulted on in 2016/17 which have evolved and two new options. This resulted in the Council superseding its previously preferred option as set out in the SOC 2016.

- 2.6 The Council has shared the findings of the review and re-evaluation through a further Regulation 18 Options Consultation. As well as outlining five wide ranging options to respond to housing need, the consultation documents introduced the need to review the Development Management policies. The Options Consultation was open from 19 August until 30 September 2019.
- 2.7 The Council adopted the Development Management Plan (DMP) in April 2015 which contained the detailed day-to-day policies against which planning applications and enforcement action are assessed. The aim being to deliver high quality sustainable development.
- 2.8 Initially the Council was not intending to review the DMP as part of the preparation of the new Local Plan as at that time (in 2016) it was considered that the policies were not directly affected by strategic policies on the location and scale of development. In addition, the DMP had been recently adopted and was compliant with the most up to date National Planning Policy Framework (NPPF) applicable at the time. It was anticipated that a review would be undertaken post adoption of the new Local Plan.
- 2.9 However, as the preparation stage of the Local Plan has extended and importantly the revised NPPF has been published in July 2018 and updated 2019, it was considered an appropriate time to take stock of the performance of the DMP policies and undertake a review to ensure they are fit for purpose and capable of supporting the strategic policies.
- 2.10 This review led to a further Regulation 18 consultation, The Creating our vision and objectives and direction of development management policies 2020 consultation, which was open from 27 January to 9 March 2020. This focused on issues around employment, our town and local centres and our approach to tackling climate change as well as how we protect and enhance the environment and heritage assets. The development management policies will be incorporated into the new Local Plan, and along with the strategic policies it will form one document.
- 2.11 The Council adopted a new Parking SPD on 22 July 2020. The purpose of the SPD is to provide more detail on how the Council will apply its adopted Development Management Policy DM7 (Access and parking) across the Borough. It contains guidance regarding parking provision and design, it seeks to encourage modal shift as well as ensuring appropriate mitigation measures are included within developments including the enablement of car free development in

sustainable locations.

- 2.12 In addition, the Council has adopted the Development Contributions SPD on 22 July 2020 (updated April 2021) which provides more detailed guidance on the implementation of policies in relation to Affordable Housing, Thames Basin Heaths and Infrastructure Delivery. The SPD sets out our approach to the collection of S106 and CIL and how this will be distributed to support plan delivery. The SPD is Borough-wide however the SPD sets out specific mitigation measures in relation to the Thames Basin Heaths Mitigation Strategy which will apply to a 7km zone around each Thames Basin Heaths Special Protection Area.

## **LDS 2022-2025**

- 2.13 The revised timetable for the preparation of the new Local Plan, including SPDs, NDPs and supporting documents, is set out below. The progress of the Local Plan work programme and the performance of subsequently adopted policies takes place through the Authority Monitoring Report (AMR).
- 2.14 The approval process for each component of the new Local Plan is set out in section 3 of the LDS.

## **New Elmbridge Local Plan 2037**

- 2.15 The new Local Plan will set out the spatial strategy for the Borough for a 15-year plan period to deliver our vision for how the places and communities will grow. This will include how we want to develop and support our key employment areas, ensure our town and local centres remain vibrant retail, leisure and community hubs, provide housing, particularly affordable housing and continue to protect and enhance our historic and natural environment.
- 2.16 It will include borough-wide strategic and detailed development management policies to deliver sustainable growth. In particular, the Plan will establish a new housing target for the Borough and allocate sites, as well as designate key areas such as Strategic Employment Land and Local Green Space.

## **Supplementary Planning Documents (SPD)**

- 2.17 Supplementary Planning Documents provide more detailed guidance on the implementation of policies set out in the Local Plan.

### *Parking SPD*

- 2.18 The purpose of this SPD is to provide more detail on how the Council will apply its adopted Development Management Policy DM7 (Access

and parking) across the Borough. The SPD may require an update following the adoption of the new Local Plan to reflect any changes in relevant local policy.

#### *Development Contributions SPD*

- 2.19 In addition, the Council has reviewed and prepared a revised version of the Development Contributions SPD. The SPDs' purpose to provide more detailed guidance on the implementation of policies in relation to Affordable Housing, Thames Basin Heaths and Infrastructure Delivery. The SPD may require a minor update following the adoption of the new Local Plan to reflect any changes in relevant local policy.

#### *Elmbridge Design Code*

- 2.20 The Council will be preparing a Local Design Code. This will support the implementation of new local policies in relation to design matters. The scope and detail of the Code will depend on how the strategic and development management policies evolve in the Local Plan preparation. The Elmbridge Design Code will supersede the Design and Character SPD and Companion Guides (2012).

#### *Climate Change and Renewables SPD*

- 2.21 The Council will be preparing a new SPD on Climate Change and Renewables. This will support the implementation of new policies in relation to sustainability and climate change matters. The scope and detail of the SPD will depend on how the strategic and development management policies evolve in the Local Plan preparation.

#### *Flood Risk SPD*

- 2.22 Following the adoption of the Local Plan a review of the Flood Risk SPD (2016) will be undertaken and where necessary amended to reflect any forthcoming new local policy.

### **Review of Community Infrastructure Levy (CIL) charging Schedule**

- 2.23 The CIL Charging Schedule sets out the rate per sqm that the Council intends to charge on all appropriate new development in the Borough. This rate can be varied on the basis of the type of development and location to reflect the different levels of viability by area and use. The Levy is collected to fund the delivery of infrastructure improvements needed to support the delivery of new development.
- 2.24 The CIL Charging Schedule is affected by the outcomes of the Local Plan evidence review therefore, consultation, examination and adoption an updated CIL Charging Schedule will track the timetable for the new Local Plan. This will be prepared in conformity with the Planning Compulsory Purchase Act 2008 and CIL Regulations 2010 (As amended) and Planning Practice Guidance.

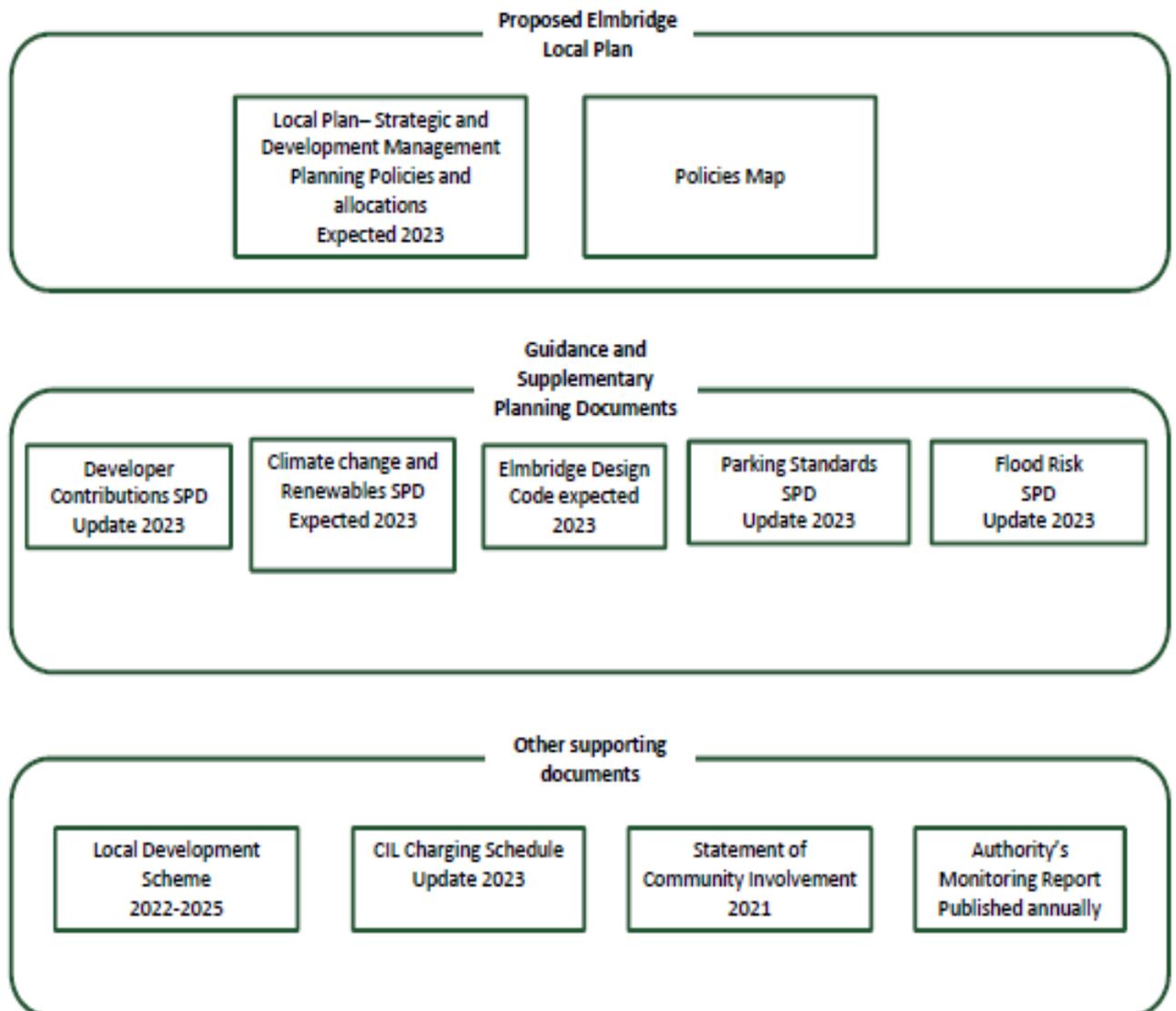
## **Burwood Park Neighbourhood Plan**

- 2.25 Introduced by the Localism Act in 2011, neighbourhood planning is the Government's initiative of empowering local communities to help make and take forward planning proposals at a local level. Neighbourhood Development Plans set out the vision for the local area, as determined by its residents and other stakeholders, and general policies to guide development in the neighbourhood. Once adopted a neighbourhood plan will form part of the Local Plan for the Borough allowing officers to use this when considering applications in the neighbourhood area.
- 2.26 A forum and area were designated around Burwood Park but the Council currently understands that they do not intend to take the neighbourhood plan forward.

## Summary of LDS Programme

Item	Status	Commenced?	Consultation/ Representation	Consultation period	Submission	Examination	Adoption
<b>Elmbridge Local Plan</b>	Local Plan	Yes	Reg.19 draft plan (Representation): Summer 2022	6 wk	Autumn 2022	Winter 2022	Summer 2023
<b>Review of the Community Infrastructure Levy Charging Schedule</b>	The charging schedule for the Community Infrastructure Levy will go through an examination and payment will be a legal requirement as set out in the Planning and Compulsory Purchase Act 2008 and CIL Regulations 2010 (as amended).	Yes	Draft Schedule: Autumn 2022	6 wk	Winter 2022	Spring 2023	Summer 2023
<b>Elmbridge Design Code</b>	The document will provide more detailed guidance on the implementation policies set out in the Local Plan.	Yes	Various through 2022	4wk	N/A	N/A	Winter 2022
<b>Climate change and Renewables SPD</b>	The document is a Supplementary Planning Document and will provide more detailed guidance on the implementation of policies set out in the Local Plan.	Autumn 2022	Summer 2023	4wk	N/A	N/A	By Autumn 2023
<b>Review of Flood Risk SPD</b>	The document is a Supplementary Planning Document and will provide more detailed guidance on the implementation of policies set out in the Local Plan.	Autumn 2022	Summer 2023	4wk	N/A	N/A	By Autumn 2023
<b>Review of Parking SPD</b>	The document is a Supplementary Planning Document and will provide more detailed guidance on the implementation of policies set out in the Local Plan.	Autumn 2022	Summer 2023	4wk	N/A	N/A	By Autumn 2023
<b>Review of Development Contributions SPD</b>	The document is a Supplementary Planning Document and will provide more detailed guidance on the implementation of policies set out in the Local Plan.	Summer 2022	Summer 2023	4wk	N/A	N/A	By Autumn 2023

## The Local Plan and Supporting Document Diagram



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## 3. Council Procedures and Reporting Protocols

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- 3.1 A small non-executive Members Working Group known as the Local Plan Working Group (LPWG) has been established to oversee production of the Local Plan and promote cross-party support for potentially contentious issues. The Group reports to the Cabinet and makes recommendations on draft documents prior to consultation and adoption. The group comprises of representatives from the Planning Committee and Planning Sub Committees. The Portfolio Holder for Planning Services also attends meetings of the Group. Minutes of meetings are reported to the Planning Committee.
- 3.2 Responsibility for some Cabinet functions is exercised by Individual Cabinet Members and planning policy lies with the portfolio holder for Planning Services. The Council's Overview and Scrutiny Committee have the opportunity to call in decisions of the Cabinet and its individual Members for consideration.
- 3.3 In order to ensure that decision making processes support the timetable for producing Local Plan documents, the facility for calling special meetings of the Council, Cabinet, Planning Committee and Local Plan Working Group may need to be invoked. All Members of the Council are notified electronically when an agenda for the Local Plan Working Group is sent out.
- 3.4 The following protocol sets out:
- An agreed and transparent process for approving and adopting each element of the Local Plan within the timescales set out in this Local Development Scheme.
  - Clear understanding about which body should be approving each stage (Council, Cabinet or Individual Cabinet Member Decision Making (ICMDM)).
  - Clear understanding about if, when and how often the Planning Committee should be consulted at each stage, to minimise the incidence of 'call-in'.

## The approval process for each component of the Elmbridge Local Plan

### Local Development Scheme (LDS)

Stage	Member Input	Approving Body
Agreement of LDS <sup>1</sup>	Consideration by Local Plan Working Group with other members informed.	Cabinet

### Local Plan

Stage	Member Input	Approving Body
Early community engagement, preparation of evidence base, generation of issues and options and initial draft document for formal consultation (may be more than one stage of consultation).	Main consideration by Local Plan Working Group prior to submission of consultation documents to Cabinet.	Cabinet
Draft Plan published for final representation period, followed by Submission of draft Plan to Secretary of State.	Opportunity for any further updates/ responses to modifications after representation period and / or the Examination in Public to be considered by Local Plan Working Group and referred to Cabinet and Council again if necessary.	Cabinet and Council
Adoption of Local Plan document following Inspector's ruling on soundness.	None – the Council has to adopt in accordance with Inspector's ruling.	Cabinet and Council

<sup>1</sup> Local Development Schemes are produced for the community rather than for the Secretary of State.

## Supplementary Planning Documents (SPDs) (including Elmbridge Design Code)

Stage	Member Input	Approving Body
Preparation of draft document for consultation	Main consideration by Local Plan Working Group.	Cabinet
Adoption of SPD/ Local Design Code following analysis of consultation	Consideration by Local Plan Working Group.	Cabinet and Council

## Neighbourhood Development Plans (NDPs)

Stage	Member Input	Approving Body
Consultation on the draft Neighbourhood Development Plan	Main consideration by Local Plan Working Group.	Cabinet
Adoption of NDP following examination and referendum	None – the Council has to adopt in accordance with the Examiners' ruling and referendum results.	Cabinet and Council

## Authorities Monitoring Report

Stage	Member Input	Approving Body
Agreement of Authorities Monitoring Report for Publication	Reported to Local Plan Working Group for information.	ICMDM

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## 4. Risk Assessment

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- 4.1 In preparing the LDS and the Elmbridge Local Plan, the main areas of risk relate to:

### Financial resources

- 4.2 Given the radical changes in the way in which local government is financed, the Government's commitment to deliver more for less, and the strain on local government finances following the Covid-19 pandemic, there is a potential risk that finances may not be available to support existing staffing levels in the planning policy team or additional resources required to meet peaks in workflow. Through prudent financial management, the Council has been able to maintain appropriate staffing levels and secured funds to support the delivery of the new Local Plan. The Council has ensured value for money in conjunction with procurement and hence the estimates take into account framework agreements and lessons learnt from prior experience and neighbouring authorities.
- 4.3 One of the largest costs of preparing a new Local Plan is preparing the evidence base. This is a suite of technical documents and assessments. Delays in preparing the Local Plan may result in completed evidence base documents being considered out of date and updates being required.

### Community participation and leadership

- 4.4 Local people have the opportunity to have a much greater influence on the way in which local services are delivered and plans prepared. Whilst the Borough benefits from many community groups, it is not known how much capacity local groups will have to become actively involved in the preparation of future planning documents. It is difficult to gauge how much of a facilitating role will be expected to be provided by Council planning officers. Therefore, it is generally difficult to assess whether greater community involvement will result in speeding up or slowing down the programme.
- 4.5 However, to manage this uncertainty, the Statement of Community Involvement along with specific consultation strategies prepared and agreed for each public consultation stage will set out how the Council will engage with its residents and community groups.

### Community expectations

- 4.6 It is likely that different community groups will have different expectations with regards to the amount of work that is involved in document preparation, the level of detail that is considered appropriate, their scope of influence, and the resources available to the Council for production. It will be important that the

community are fully informed with regards to ‘time, quality and resources’ in order to ensure that the programme is delivered efficiently and effectively.

## Procedural issues

- 4.7 Arrangements have been put in place to streamline the decision-making processes to avoid unnecessary delay, and to ensure inclusive member and community involvement at all key stages.

## Changing planning context

- 4.8 The Government has introduced some radical changes to the way in which planning is undertaken, including the Planning White Paper and changes to permitted development and the Use Classes Order.
- 4.9 In August 2020 the Government released consultations on changes to the planning system. The Planning White Paper: Planning for the Future proposed reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals. In addition to this, the Changes to the current planning system consultation proposed to change the way housing need is calculated, extend permission in principle, temporarily lifting the small sites threshold for affordable housing and securing first homes through developer contributions. The Government announced in December 2020 that they were not intending to amend the Standard Methodology as set out in the Changes to the planning system consultation. However, the outcome and the timetable for the introduction of any of the wider reforms and other proposed changes is currently unknown.
- 4.10 The Government consulted on changes through the National Planning Policy Framework and National Model Design Code: consultation proposals (January 2021). Most of the changes relate to policies on the design of new development with revisions to the text seeking to implement the recommendations of the [Building Better Building Beautiful Commission “Living with Beauty”](#) report that was commissioned to find practical ways to champion beauty in the built environment.
- 4.11 In July 2021 the Government updated the NPPF. The changes to the NPPF focused on design, and the quality of design in places and individual sites and the creation of well-designed, beautiful and safe places (paragraph 8b). The NPPF in paragraph 128 now requires all local planning authorities "should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences".
- 4.12 Alongside the changes to the NPPF the Government published the National Model Design Code, to provide detailed guidance on the production of design codes, guides and policies to promote successful design. This guidance will inform the production of the Elmbridge Design Code.

- 4.13 Ministerial announcements relating to planning and housing are released regularly, and this makes it very difficult to plan with any certainty. The amended National Planning Policy Framework was published in July 2018 and updated in February 2019 and July 2021. The Environment Act 2021 passed into UK law in November 2021 and has to be considered as part of plan preparation. However at this time the Council is aware of any further guidance or regulations which the Council must prepare its Local Plan in accordance with, will be published in the future. Planning Practice Guidance is also frequently updated.
- 4.14 Given the changing national and regional planning context, the Council must try and plan in line with the best information available at the time.

### **Legal challenge**

- 4.15 As seen with neighbouring authority's experiences, regardless of the policy position of the Local Plan, there is significant risk of legal challenge to the adoption of the Local Plan from either residents, landowners or developers.
- 4.16 The Council will minimise the likelihood of this by the use of appropriate legal counsel at key stages of the preparation of the plan and during the examination and by ensuring that all documents are founded on a robust evidence base and Sustainability Appraisal, as well as developing improved stakeholder and community engagement systems.

### **Capacity of other agencies / delivery partners and the Planning Inspectorate**

- 4.17 This is beyond the Council's control but it is acknowledged that many public services are being asked to produce 'more for less', and some will experience significant reductions in public funding. Some agencies are now charging for advice on evidence base documents and work outside of the statutory Local Plan consultation stages. In order to minimise the risk of non-delivery by third parties, the Council will continue to liaise with all parties involved in delivering the Local Plan to ensure plans can be put in place for co-operative working and cost recovery frameworks agreed where appropriate.

### **Duty to Cooperate**

- 4.18 Introduced by the Localism Act 2011, the Council is bound to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities as identified in paragraph 20 of the Framework. The Government expects effective and on-going joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities. This is considered integral to the production of a positively prepared and justified strategy.

- 4.19 In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Accordingly, the Government has introduced a Statement of Common Ground policy requiring local authorities to produce a statement with their housing market area or other agreed geographical area where appropriate and justified. This should set out cross boundary matters, including the housing need for an area, distribution and proposals for meeting any shortfalls. The statement should record where agreement has and has not been reached.
- 4.20 The Council will use existing work already undertaken to take forward the duty to help prepare Statements of Common Ground and ensure that the requirements of this are met. To reduce the risk of not complying with the duty to cooperate Planning Services has identified for each document those cross boundary strategic issues that may arise, which bodies need to be engaged with, and an action plan for continued engagement. An audit trail relating to strategic issues will be produced for the examination of Local Plan documents. Compliance with the duty is a legal requirement.