

REVIEW OF DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT (DPD)

Executive Summary

In accordance with paragraph 33 of the National Planning Policy Framework (NPPF), the Council has a statutory duty to review its development plan documents to assess whether they need updating at least once every five years. The Development Management Policies DPD was adopted in October 2016, and as such is due for a reviewed before October of this year. The review has been conducted, and it is recommended that no immediate modification is required. The recommendations of the report had been supported by the LDF Working Group at its meeting on 22 July 2021. A copy of the review of the DPD is in Appendix 1. The Draft Minute of the LDF Working Group meeting is in Appendix 2.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

- (i) the review of the Development Management Policies DPD, included in Appendix 1 to the report, be approved;**
- (ii) the Development Management Policies DPD continue to be up to date for the purposes of managing development across the Borough;**
- (iii) the details of the review be published on the Council's website as soon as it is reasonable to do so after Council's approval; and**
- (iv) authority be delegated to the Director of Planning, in consultation with the Portfolio Holder for Planning, to approve any minor changes to the review to reflect new information, including any national guidance before it is published.**

Reasons for Decision

Reason: To enable the Council to meet its statutory duty to review the Development Management Policies Development Plan Document in accordance with paragraph 33 of the National Planning Policy Framework (NPPF).

The items above will need to be dealt with by way of a recommendation to Council.

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Background Papers: [Woking Core Strategy](#).
[Development Management Policies Development Plan Document](#).
[Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#).

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Date Published: 1 September 2021

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1.0 Introduction

- 1.1 As a consequence of an amendment to Town and Country (Local Planning) (England) Regulations 2012 (as amended), a local planning authority is required to review a development plan document within the following time periods:
 - (a) in respect of a local plan, the review must be completed every five years, starting from the date of the adoption of the local plan, in accordance with Section 23 of the Act (adoption of local development documents).
- 1.2 Paragraph 33 of the National Planning Policy Framework (NPPF) clarifies this further by emphasising that policies in local and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. The review should be completed no later than five years from the adoption date of the plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy.
- 1.3 The Development Management Policies DPD was adopted in October 2016 with a clear objective to enable the delivery of the Core Strategy by providing detailed policies for determining day to day planning applications. It is nearly five years old. It therefore has to be reviewed to satisfy the above requirements, and to determine whether a modification might be necessary. If Members felt that a modification is required, a programme to do so would be prepared and reflected in the Council's Local Development Scheme (LDS). A copy of the Development Management Policies DPD is on the website and can be accessed by visiting: <https://www.woking2027.info/developmentplan/management>.
- 1.4 There is no detailed Government guidance on how the five yearly local plan reviews should be undertaken. The Planning Practice Guidance however, sets out a number of factors to be taken into account when undertaking the review. This include conformity of the DPD with national planning policy and changes to local circumstance. The Ministry of Housing, Communities and Local Government (MHCLG) has also confirmed that there is a clear distinction between 'review' and 'modification' and what the Regulation requires first and foremost, is a review of the Local Plan to determining whether a modification might be necessary. Given that the Development Management Policies DPD is nearly five years old, the Council must undertake a review to assess whether modifications to the plan would be necessary.
- 1.5 It is expected that due regard should be given to the Duty to Cooperate when undertaking the review to decide if a modification is necessary. Ministry for Housing Communities Local Government (MHCLG) expects the Council to publish the outcome of the review on its website. If the review were to lead to modifications, it is expected that a programme for the preparation of the revised Plan will be prepared and reflected in the Local Development Scheme. The outcome of the review does not require the approval of MHCLG to be published on the website.
- 1.6 Community and stakeholder engagement have been an integral part of the decision making process. The Duty to Cooperate bodies, including all the districts and boroughs in Surrey, the County Council and the statutory consultees were engaged. All Resident Associations, Neighbourhood Forums and developers were also engaged and invited to comment on whether the DPD should be modified. The outcome of the engagement had informed the decision not to modify the plan.
- 1.7 Officers' have undertaken the review of the Development Management Policies DPD following all the necessary guidance, and have concluded that there is no immediate need to modify it either in part or as a whole. This decision will be reconsidered if the strategic policy context were to change as part of the future review of the Core Strategy. Consequently, the Development Management Policies DPD continues to be considered up to date to provide the necessary policy framework for determining day to day planning applications for development

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across the Borough. The reasons for arriving at this conclusion are set out in the 'review of the DPD'. Full details of the review of the DPD is attached as Appendix 1. Once approved, the details of the review will be published on the Council's website.

- 1.8 The Government published its Planning White Paper for consultation for a period of 12 weeks from 6 August 2020. The White Paper included a proposal to set out a general development management policies nationally with a more focused role for local plans in identifying site and area specific requirements, aligned to locally-produced design codes. The 2021 Queen's Speech also included laws to modernise the planning system so that more homes can be built. The laws are going through its parliamentary procedures, and the outcome is not yet known. This introduces a layer of uncertainty that Members should acknowledge. Officers will monitor this closely and respond accordingly when the changes are finally published. If the DPD is to be modified in accordance with changes in national policy, Members will be notified.
- 1.9 The report was considered by the LDF Working Group at its meeting on 22 July 2021. The recommendations of the report were supported by the Working Group. The Draft Minutes of the Working Group is in Appendix 2.
- 1.10 The review will have to be approved by Council for it to be published. In this regard, it is proposed that the report will be considered by Council on 14 October 2021 and published as soon as it is reasonable to do so after Council's approval.

2.0 What next

- 2.1 It is intended that this report will be considered by Council on 14 October 2021. Subject to Council approving the recommendations of the report, the review will be published on the Council's website.

3.0 Corporate Strategy

- 3.1 The DPD will make a significant contribution to the delivery of the objectives of the Corporate Plan. It will help create an enterprising, vibrant and sustainable borough by ensuring that development is of an acceptable standard, including making provision for green infrastructure, retaining trees of community value, minimising development impacts on air, light and noise pollution.
- 3.2 The review of the DPD has been undertaken with community and stakeholder engagement central to its preparation. This is in line with the Council's commitment to establishing an effective two way dialogue with residents and stakeholders.

4.0 Implications

Finance and Risk

- 4.1 There are no additional financial implications if the recommendations of the report are accepted by Council. If the Council decides to modify the plan it is estimated that the preparation of the revised plan could cost between £60,000 and £70,000, mainly to cover the cost of the Examination of the DPD by the Secretary of State.
- 4.2 It is a statutory requirement for local plans to be reviewed every five years. Given that the Development Management Policies DPD is over five years old, it will need to be reviewed to comply with Government Regulations. The Council will be failing in its legal duty if it failed to review the DPD.

Equalities and Human Resources

- 4.3 There are no equalities and human resource implications.

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Legal

- 4.4 It is a statutory requirement for local plans to be reviewed every five years. Given that the Development Management Policies DPD is over five years old, it will need to be reviewed to comply with Government Regulations. The review has been prepared in accordance with available guidance, and is informed by views expressed by all relevant key stakeholders, including the relevant Duty to Cooperate bodies.

5.0 Engagement and Consultation

- 5.1 Stakeholder and community engagement have been central to the review of the DPD. Developers, Agents, Chamber of Commerce, Resident Associations and Neighbourhood Forums were engaged to find out their experiences in using the DPD and whether they felt it needs to be modified.
- 5.2 Under the Duty to Cooperate, all the districts and boroughs in Surrey, the County Council, Natural England, Historic England and Environment Agency were invited to express their views on the effectiveness of the policies of the DPD and any modifications that might be necessary.
- 5.3 All relevant sections of the Council, including Environmental Health, Housing, Green Infrastructure and Development Management were engaged to assess in detail whether there are any potential changes that could be done to improve the effectiveness of the DPD.
- 5.4 The Portfolio Holder has been consulted. The report has been considered by Members of the LDF Working Group, who are supportive of the recommendations.
- 5.5 The outcome of the engagement informed the decision not to modify the DPD. Whilst some potential improvements to specific policies were identified, none had been significant enough to justify an immediate modification of the DPD. On balance, it is decided that any potential amendments could wait to proceed the future review of the Core Strategy.

REPORT ENDS