

NORTH DEVON COUNCIL AND TORRIDGE DISTRICT COUNCIL
JOINT LOCAL DEVELOPMENT PLAN WORKING GROUP

Minutes of a meeting of LOCAL DEVELOPMENT PLAN WORKING GROUP held at Barum Room - Brynsworthy on Friday, 4th November, 2022 at 2.00 pm

PRESENT: Councillors:

North Devon Council: Councillor Prowse (Chair)
Councillors Chesters, Lofthouse, D. Spear, Tucker and Worden

Torrige District Council: Councillors Cottle-Hunkin, Hames, Hicks, James, Pennington and Wiseman

Officers:

North Devon Council: (NL)Head of Programme Management and Performance, (SM)Head of Place, Property and Regeneration and (MA)Planning Policy Officer

Torrige District Council: (PM)Planning Policy Officer, (SK)Planning and Economy Manager, (HS)Planning Manager, (DB)Senior Planning Policy Officer, (IR)Senior Planning Policy Officer, (SD)Solicitor, (EG)Planning Policy Technical Officer, (BL)Planning Policy Officer and (CP)Graduate Planning Policy Officer

Also Present:

Councillors L. Spear

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Clarke, Councillor Hacket (who sent a substitute; Councillor Wiseman), and Councillor Watson (who sent a substitute; Councillor Pennington).

24. TO AGREE THE MINUTES OF THE PREVIOUS MEETING HELD ON 15TH JULY 2022 (ATTACHED)

RESOLVED that the minutes of the meeting held on 15th July 2022 (circulated previously) be approved as a correct record and signed by the Chair.

25. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.

The Chairman proposed an alternative date for the Committee meeting scheduled for 24th March 2023, as it would fall within the period of purdah, prior to local elections in May 2023.

RESOLVED that the Committee meeting scheduled for Friday 24th March 2023 be rescheduled for 10am on Friday 17th March 2023.

26. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

27. HIGHLIGHT REPORT

The Committee considered the Highlight Report by the Head of Programme Management and Performance (circulated previously).

The Head of Programme Management and Performance presented the Highlight Report to the Committee commented that:

- The Planning Policy team had been tasked, via the Planning Advisory Service (PAS) self-assessment toolkits, which enabled a review of how the Local Plan continued to comply with national planning policy and if the contained policies continue to be effective and to establish the soundness of the North Devon and Torridge Local Plan (NDTLP)
- The Local Plan review process, referenced for consideration under item 10 of this agenda.
- It had been identified that there were knowledge and resource gaps across the joint project team and attempts to re-establish capacity, including through the recruitment of a Joint People and Place Project Manager with Planning Policy technical experience, had initially been unsuccessful and other recruitment methods were being explored.
- The consequences of the loss of key staff on the Local Plan project plan, which had resulted in significant slippage to the project timeline.
- The Report Title incorrectly stated the reporting period to be from July to September 2022. This should have been 2023.
- The Committee could consider a lighter review of the NDTLP subject to scrutiny from the PAS and DAC Planning (Professional Planning Consultancy Services)
- The Authorities were unable to demonstrate a Five Year Housing Land Supply (5YHLS) and work was ongoing to present an updated position
- the commissioning of consultants to update the proportionate evidence base to the Local Plan, having regard to expenditure implications and current uncertainties, significantly in respect of national planning policy. It was agreed that these elements of work be paused until such time as a clear steer on the scope of the review was established with members and with the support of PAS.

Martin Hutchins of the Planning Advisory Service (PAS) addressed the Committee. He introduced himself and explained the role of the PAS and how they can support the delivery of Local Plans.

Martin Hutchins advised:

- the role of the PAS was that of a 'Critical friend'

- that PAS, in respect of support to North Devon and Torridge could review progress made to date, and provide advice, through recommendations on options for progressing the Local Plan, including delivery timeframes and resources. If they were able to assist they would, or alternatively signpost to other organisations.

In response to questions, Martin Hutchings advised:

- PAS could commence their assessment within the next two weeks with the expectation of providing advice/recommendations in approximately six weeks.

RESOLVED that the Highlight Report be noted, and the current issues and external support being sought to mitigate those issues be supported.

28. STAKEHOLDER WORKSHOP FEEDBACK REPORT

The Committee considered the Stakeholder Workshop Feedback Report by the Planning Policy Technical Officer (TDC) (circulated previously).

The Planning Policy Technical Officer introduced the feedback report for the stakeholder workshop, discussing the key findings. Amongst other matters, they advised that 49 stakeholders had been invited to take part in the event of 20th June 2022, of which 24 attended, which were wide ranging in their representation of statutory and community organisations/agencies. A list of these organisations would be appended to the final document.

In response to a question from the Committee, the Chair noted that the suggestion which had emerged during the stakeholder process from Petroc, to have two versions of the NDTLP (with one as a summary document) was worth considering.

In response to a question from the Committee, the Planning Policy Technical Officer confirmed that 'One Public Estate' was a national programme which worked with Councils, providing support to encourage economic growth.

RESOLVED that the Stakeholder Workshop Feedback report be noted.

29. HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (HELAA) AND FIVE YEAR LAND SUPPLY UPDATE

The Committee considered the Housing and Economic Land Availability Assessment (HELAA) and Five Year Housing Land Supply Report by the Planning Policy Officer (TDC) (circulated previously).

The Planning Policy Officer advised that:

- The HELAA provided an assessment for northern Devon, which was required to support an update/review of the Local Plan.

- The report provided an update on current progress and the timescales involved in establishing the supply of deliverable housing sites; the five-year housing land supply position and finalising the HELAA.
- The HELAA/five-year housing land supply project was a substantial and complex piece of work which required a significant volume of evidence to be gathered by officers, which involved securing contributions from developers, landowners and consultees.
- The draft methodology had been consulted on and updated as considered necessary in response to received representations.
- The HELAA was a resource-intensive element of the evidence required to update/review the Local Plan.

In response to a question from the Committee, the Chair confirmed that it had been agreed that one community representative from each district be appointed to the HELAA panel. This was considered, and agreed, at an informal meeting of the JPPC, to which the Member had been invited although had not attended.

In response to a question from the Committee, the Planning Policy Officer (NDC) confirmed that:

- Following the Burwood (Great Torrington) appeal which established a housing land supply position of a 4.23 years a number of hostile applications had been received by both Councils.
- In the absence of a five-year housing land supply greenfield sites, not allocated in the Local Plan may be considered acceptable having regard to the tilted balance set out in national guidance.
- A focus for Government remained the development brown-field sites. However, there were limited brownfield development options in northern Devon.
- While there is an absence of a five -year housing land supply, there was a significant supply of housing sites, the challenge was to increase delivery on such sites.
- While the presence of a five year housing land supply was important, it remained to be only a 'material consideration' in decision making.

RESOLVED that the Housing and Economic Land Availability Assessment (HELAA) and Five Year Housing Land Supply Report be noted.

30. STRATEGIC VIABILITY ASSESSMENT

The Committee considered the Strategic Viability Assessment Report by the Planning Manager (TDC) (circulated previously).

The Planning Manager outlined the content of the report and confirmed:

- It had been agreed at the Committee meeting in July 2022 that this report would be considered at this meeting.
- The national planning policy and guidance required to be taken into account when plan making and decision taking in respect of viability.

- Paragraph 34 of the NPPF stated that ‘Plans should set out the contributions expected from development’. It also stated that ‘Such policies should not undermine the deliverability of the plan’.
- Local Plan Policies ST18 and ST23 were significant with regard to the delivery of affordable housing and infrastructure to meet needs generated by development.
- An Affordable Housing Supplementary Planning Document (SPD) had been adopted by this Committee in July 2022, which provided additional guidance in respect of policy implementation.
- The draft PAS toolkit (1), indicated that in North Devon 38% of sites in North Devon District and 58% of sites in Torridge which qualified to deliver affordable housing secured policy compliant planning permissions and that overall qualifying sites would achieve an average of over 20% affordable housing. It was recognised that a number of larger applications had been subject to significant abnormal costs, which impacted on the delivery of affordable housing. These included Great Torrington Creamery, Bideford West Urban extension, and Westacott at Barnstaple.

The Chair considered that it could be of advantage to find resources to enable the Councils to test the viability of sites in greater detail before allocation.

The Planning Manager agreed that there would be merit in closer focus on those sites.

The Senior Planning Policy Officer (TDC) advised that there had been an opportunity to achieve larger Section 106 contributions than would have otherwise been enabled if the Councils had adopted a CIL regime.

In response to a question from the Committee, the Senior Planning Policy Officer (TDC) agreed to investigate the performance of North Devon and Torridge in achieving affordable housing against that of other Devon authorities.

In response to a question from the Committee, the Planning Manager advised that although build costs had increased, so had the property sale prices.

In response to a question from the Committee, the Chair agreed that in order to meet sustainability requirements the emphasis was on the developer to meet the requirements under building regulations and it was recognised that retro-fitting costs were expensive.

RESOLVED that the Strategic Viability Assessment Report:

- 1) be noted, and
- 2) be used as the basis for embedding viability considerations within the plan-making process, in a proportionate manner at the various stages of preparation.

31. LOCAL PLAN REVIEW

The Committee considered the Local Plan Review Report by the Senior Planning Policy Officers (NDC & TDC) (circulated previously).

The Senior Planning Policy Officer (TDC) addressed the Committee and outlined the report. He highlighted the following:

- Extensive work had been undertaken to prepare draft responses in the PAS Assessment toolkits, with work ongoing to finalise the assessments.
- At the end of 2020 it had been agreed by the two Councils that the NDTLP would be reviewed and updated on a comprehensive basis, without which the current plan could potentially be out of date by the end of October 2023.
- The agreed approach had regard to: a series of external pressures; a reconsideration of local priorities; and an opportunity to address policy gaps.
- it was considered prudent to consider whether a comprehensive update remained the most appropriate course of action, recognising:
 - the Local government financial context
 - uncertainties relating to the national planning context, in particular the planning reform agenda and
 - potentially altered member aspirations
- The PAS provided a Toolkit to guide authorities through the process of reviewing and updating a local plan, whether a partial or full update.
- Draft PAS Toolkits were completed and provided as appendices to the report:
 - Appendix (a) Local Plan Review Assessment: Opportunity to consider how well the plan is performing and if remains effective
 - Appendix (b) Local Plan Form and Content Checklist: Opportunity to consider whether the provisions of the plan conform to national policy.
- The draft findings were that the Local Plan:
 - Remained broadly effective in shaping and delivering development
 - Was generally achieving the delivery of affordable housing and infrastructure associated to growth
 - Was on-the-whole contributing to the delivery of economic development on allocated sites.
- There were recognised areas of silence or non-compliance, which had generally resulted from changes to national planning policy, these included:
 - Approach to Town Centres
 - Demonstrating a 5-year housing land supply
 - Approach to calculating housing requirement
 - Coastal Change Management Areas
 - Accommodation for Travelling Communities
 - Biodiversity Net Gain
- The draft conclusion, provided through the PAS Toolkit Assessments was most Local Plan provisions remain fit for purpose and are broadly in conformity the national planning policy with the significant exception of a five-year housing land supply
- In reviewing approaches for taking the Local Plan forward three broad options were suggested
 - 1) Comprehensive Update
 - 2) Partial Update / Plan Supplement or
 - 3) Slow down, pause or do nothing for now.

- Each approach had ‘pros and cons’ but it was noted that a comprehensive update did not mean that the effective parts of the existing plan would be disregarded. It was possible that a supplement could be considered to ‘fill gaps’ in the plan.
- A comprehensive update would need to be based on updated evidence with new plan period and a five-year housing supply would need to be demonstrated at the point of adoption.
- Most sites remained deliverable but it would need to be considered whether those sites were still the ‘right sites’.
- A 5YHLS would need to be demonstrated at the point of adoption.
- The proposed next steps were:
 - Complete further technical work – through the PAS Toolkit
 - Engage with Members to establish “red-lines” – Member workshops
 - Make use of PAS support to facilitate decision making and delivery objectives
 - Report back to JPPC with Options and Recommendations relating the scope of the Local Plan review/update.

The Chair confirmed that large sections of the NDTLP were doing the job and there was potential to fix those sections which were not performing as effectively as anticipated.

In response to questions, the Senior Planning Policy Officer (TDC) advised

- There were plans to set up workshops with members in order to get them to engage with this work. There needed to be a conversation and identify what they wanted from any update to the plan.

The Chair noted that he felt that in July 2022 there was a preference to look at a partial review of the Local Plan and identify which elements needed work. There was not long to sort this out before the next elections (May 2023).

The Committee members noted:

- Often the NDTLP was blamed for problems which were not part of its remit. The Local Plan had no method of control over developers or highways
- There was ‘not a lot wrong’ with the majority of the Local Plan
- The scope of the work within the timescale was a challenge
- SPDs could be developed where required
- Resources were needed to enable the issues of climate change and the 5YHLS to be tackled.
- Working in smaller breakout groups at any workshops could be beneficial.

RESOLVED that the Local Plan Review Report be noted and its contents be supported.

Chairman

The meeting ended at 4.15 pm

