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**Joint Planning Policy Committee**

A meeting of the above Joint Committee will be held at the Bideford Town Hall, on **Friday, 13th October, 2023 at 10.00 am**

Members of the Joint Committee

North Devon Council

Councillors Bell, Crabb, D Knight, Lane, Prowse, Roome and Worden

Torridge District Council

Councillors Cottle-Hunkin, Hackett, Hames, Hicks, Hodson, James and Lock

**NOTE: Members are requested to turn off their mobile phones for the duration of the meeting.**

**AGENDA**

1. Appointment of Chair  
To appoint a Committee Chair
2. Appointment of Vice-Chair  
To appoint a Committee Vice-Chair
3. Apologies for Absence
4. To agree the minutes of the previous meeting held on 17 March 2023 (attached) (Pages 3 - 10)
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

6. Declarations of Interest

(Please complete the form provided at the meeting or telephone Corporate and Community Services before the meeting. Interests must be re-declared when the items is called, and Councillors must leave the room if necessary.)

7. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.

**PART A**

8. **Review of the North Devon and Torridge Local Plan** (Pages 11 - 126)  
Report by the Senior Planning Policy Officers (NDC/TDC) (attached).

9. **Response to Government Consultation on Plan-Making Reforms** (Pages 127 - 154)  
Report by the Senior Planning Policy Officers (NDC/TDC) (attached).

10. **Date of next meeting**  
8 December 2023, 10am, to be held at The Town Hall, Bideford

**PART B**

Nil.

**If you have any enquiries about this agenda, please contact Corporate and Community Services at North Devon Council on telephone 01271 388253**

**NORTH DEVON COUNCIL AND TORRIDGE DISTRICT COUNCIL**  
**JOINT LOCAL PLANNING POLICY COMMITTEE**

Minutes of a meeting of LOCAL PLANNING POLICY COMMITTEE held at Barum Room - Brynsworthy on Friday, 17th March, 2023 at 11.00 am

PRESENT: Councillors:

North Devon Council: Councillor Prowse (Chair)  
Councillors Chesters, Wilkinson, Worden and Yabsley

Torrige District Council: Councillors Hames, James, Pennington and Spear

Officers:

North Devon Council: Chief Executive (KM), Head of Place (SM),  
Property and Regeneration and Planning Policy Officer (MA)

Torrige District Council: Planning and Economy Manager (SK),  
Planning Manager, (IR)Senior Planning Policy Officer (IR) and  
Solicitor (SD)

**39. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Clarke, Councillor Cottle-Hunkin, Councillor Hackett, Councillor Lofthouse (who sent Councillor L Spear as a substitute), Councillor Tucker (who sent Councillor Wilkinson as a substitute) and Councillor Watson (who sent Councillor Pennington as a substitute).

**40. TO AGREE THE MINUTES OF THE PREVIOUS MEETING HELD ON 27TH JANUARY 2023**

RESOLVED that the minutes of the meeting held on 27<sup>th</sup> January 2023 (circulated previously) be approved as a correct record and signed by the Chair.

**41. DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

**42. SCOPING A PARTIAL UPDATE OF THE NORTH DEVON AND TORRIDGE LOCAL PLAN**

The Committee considered the report "Scoping a Partial Update of the North Devon and Torrige Local Plan" (circulated previously).

The Senior Planning Policy Officer (TDC) advised the Committee that:

- NDC had agreed, at their February Full Council, to the partial update of the North Devon and Torridge Local Plan 2011 – 2031 (NDTLP), but TDC had, at their January Full Council referred the proposal back to the JPPC requesting full recommendations, which would then be considered at their Full Council meeting in June 2023.
- The Local Elections in May 2023 could change the focus of the two Local Authorities and it would be necessary to keep any approach to updating the local plan under review.
- The Senior Planning Policy Officer (TDC) outlined the context of the report and the timeline for potential influences on the process, from the elections in May 2023 through to the proposed first adoption of new-style Local Plans in April 2027.

The Head of Place, Property and Regeneration (NDC) advised that:

- The topics considered capable of taking forward through a partial update had been identified using a number of sources including engagement with elected members and a technical review of the local plan.
- For each topic, scoping information was provided as part of the agenda which covered potential costs, evidence required, staffing, time-frame and value add among others. Officers provided a recommendation for each topic advising as to whether in their view it should be included within the scope of any partial update to the Local Plan.

The officers provided a summary of the report and covered the identified topics which had been divided into a range of themes. Each topic was covered, and voted on, separately.

### Topic: Housing

The Head of Place, Property and Regeneration (NDC) provided the Committee with the following in relation to Housing:

- The Five Year Housing Land Supply (5YHLS) had been under review by the teams and the value of allocating small sites would be predicated on the outcome of that exercise.
- An additional requirement for First Homes as an aspect of affordable housing delivery was an opportunity beyond the existing requirements at the time the Local Plan was prepared.
- A policy to manage First Homes along with new small-scale site allocations could be considered.

In response to questions from the Committee, the Senior Planning Policy Officer advised that:

- Sites where there was reasonable prospect of build-out within the five years could be included if suitable evidence was provided.
- The Authorities were extremely mindful of viability on sites when considering development proposals, but that developers were permitted to adjust what is offered based on viability. There was a need for robust testing, and that consideration of viability in plan-making had been strengthened with the HELAA panel included a viability expert.

- There were no significant changes proposed within the new NPPF proposals that would affect these topics.
- The availability of sites for possible development within villages and their surrounding areas could be reviewed as part of this exercise.

RESOLVED that the recommendation that “First Homes and the allocation of small sites (except in relation to viability)” formed part of a partial review be agreed.

### Topic: Retail and Town Centres

The Head of Place, Property and Regeneration (NDC) introduced the topic and provided the Committee with the following in relation to Retail and Town Centres:

- Policy ST12 was the main strategic policy which dealt with retail and town centres. This plan set out the hierarchy of the town centres – which could not readily be amended.
- Policies DM19 and DM20 could be updated and there might be scope for the local plan town centre allocations to be reviewed, care would be needed to not impact on wider spatial strategies.
- The Needs Assessment (2012) was significantly out of date and would require a comprehensive review in due course.
- A targeted review could be carried out although this was deemed to potentially have limited value, and recognised that development management are comfortably managing applications that come forward.

The Chair noted that the town centres had changed and this needed to be reflected within policy decisions.

RESOLVED that Policy DM19 not be updated to bring it in line with national planning policy, as on balance there was considered to be limited value in undertaking a targeted review in response to changes to the Use Class Order and enabled Permitted Development, which already guided decisions, where required, and that for decision making an updated policy would have limited value.

### Topic: Tourism

The Head of Place, Property and Regeneration (NDC) provided the Committee with the following in relation to Tourism:

- There is scope to carry out a review of tourism in the rural areas and consideration of sustainable/green tourism.
- The plan’s framework for tourism was set out in ST06, ST07 and ST13.
- Development Management policies DM17 and DM18 could be considered and reviewed – to establish what was, and wasn’t working.
- The work could be undertaken ‘in-house’. This was estimated to require 12 weeks to complete.
- This work could add value to the existing Local Plan.

The Chair noted the need to work with external organisations, such as North Devon Plus, and the internal Economic Development teams within the two authorities.

In response to a question from the Committee, the Senior Planning Officer confirmed that DM17 and DM18 centred on support for attractions and accommodation. The locations, and scale of, developments which could be supported could be reviewed. Councillor Pennington stated that there was a need to consider access to countryside (eg for walks, wild camping etc) within this work, despite this not-being considered economic tourism.

RESOLVED that the recommendation that Tourism be considered but further work be undertaken to explore the concerns of members and the performance of policies DM17 and DM18 and establish whether any amendments could be made through a Partial review be agreed.

## Topic: Rural Strategy- Economy

The Senior Planning Policy Officer provided the Committee with the following in relation to Rural Strategy- Economy:

- National planning policy appeared to provide scope to review how rural economic development was considered. It would be difficult to consider changes to ST07 but could potentially influence other development policies such a DM14.
- The size of development proposals allowed through policy could be considered.
- A review of DM14 within the partial review was recommended as most appropriate.

The Committee members noted that:

- Existing businesses faced problems when trying to develop to meet changing demands.
- As the world changed there was need to be able to provide support to those affected.
- Previously farming and forestry were considered the main rural enterprises but this was no longer the case.
- There were concerns about the operation of DM27 and a time limit for DM27 could be one solution.
- Supporting facilities and the age-profiles of residents within villages were concerns.
- Broadband provision was a key element required by businesses.

RESOLVED that a revision of Policy DM14 be undertaken, and a new policy be considered to guide agricultural development as part of a partial review be agreed.

## Topic: Coastal Change Management Areas

The Senior Planning Policy Officer provided the Committee with the following in relation to Coastal Change Management Areas:

- Officers had worked on a wider project with external partners to define Coastal Change Management Areas (CCMAs).
- It was noted that the main 'hooks' for managing coastal change were in place in the existing local plan through ST03 and ST09.
- There was not yet a detailed policy mechanism in place for managing the issue.

- A sub-regional project was undertaken two years ago which looked to define the areas that might be at risk and to start to develop the policy approach needed. Since then, Plymouth University had been appointed to roll out this work for the remaining coastline areas.
- There was a need to continue to engage with stakeholders and that engagement with communities would be important.
- The technical evidence that had been, and was being prepared could be used as material consideration even outside of the partial update.
- Although this work was already under way it would be beneficial to include it within the scope of the partial update as it may be possible to include updated policy.

Councillor Yabsley expressed concerns that the effects of climate change were being experienced quicker than once anticipated, and that the rebuilding of Ukraine, with the huge demand for concrete, was only likely to increase this.

The Chair noted that issues were experienced both at the Braunton and Northam Burrows. He also noted that some medieval towns in the area were below the low-water level.

RESOLVED that the recommendation to include Coastal Change Management Areas in a partial update be agreed.

#### Topic: Fluvial Change Management Areas

The Senior Planning Policy Officer provided the Committee with the following in relation to Fluvial Change Management Areas:

- The Authorities had been invited to work with Devon County Council as part of a multi-agency project. This was part of a wider scheme with the Devon Resilience Innovation Project (DRIP).
- The project would consider applying approaches similar to those used for coastal change to watercourse catchments.
- £50k/£60k of external funding had been received to assist with costs.
- The project would run until 2027- and the timings were in line with the aspirations of the JPPC for updating the plan.

The Committee noted:

- Soil run-off should be considered.
- The need for flood-water to have space to drain.
- The benefit of allocating permanent pasture areas.

RESOLVED that the recommendation to continue with the Fluvial Change Management Areas project and, if the evidence gathering could take place within the timeframe needed to prepare and submit the partial review to the Planning Inspectorate by June 2025, then it should be included in the partial review, be agreed.

#### Topic: Climate Change

The Senior Planning Policy Officer provided the Committee with the following in relation to Climate Change:

- At the visioning workshops several issues related to renewable energy were raised, including concerns that ST16 was not adequate in its coverage of wind turbines and renewable energy, particularly in relation to smaller proposals that contributed to supporting the rural economy.
- The Local plan did not currently enable any on-shore wind energy development nor differentiate between small and large scale.
- There was a requirement within the existing NPPF that on-shore wind energy proposals could not be supported unless they were in areas had already been designated within a Local Plan.
- There was potential to update the strategic renewable energy policy and to consider whether there was any change required to DM08a Landscape and Seascape Charter.
- Within ST16 the ability to introduce requirements for a carbon assessment or small-scale on-plot renewables within developments would likely be challenging as it could have an impact on wider aspects of the plan due to viability, hence the suggestion to target land-based renewables.
- The landscape sensitivity assessment required a review as this was last done in 2014. Consultants would need to be commissioned to undertake this work.
- Following comments on introducing wider sustainability approaches, it was suggested that approaches on matters such as tree canopy cover could be explored.

The Committee discussed the possibility of considering Climate Change as a Supplementary Policy Document (SPD), suggesting that this could help develop approaches that could form part of the preparation for the next Local Plan.

RESOLVED that the recommendation to include Climate Change as part of a partial review be agreed.

#### Topic: Design Codes

The Head of Planning (TDC) provided the Committee with the following in relation to Design Codes:

- The current Local Plan is 'silent' with regard to design codes.
- The report included a summary of the existing NPPF.
- The Levelling-up and Regeneration Bill included the requirement for each Local Plan to be accompanied by an area-wide design code - to be adopted as part of the Local Plan or as an SPD.
- Neither Councils currently had a design code.
- The work could be undertaken in-house or by external consultants.
- Estimate of costs were £100k+ (based on estimate taken from a pilot scheme)
- ST04 and DM04 had a number of guiding principles.
- Design was a key component and the completion of local codes would have a positive impact, however, given the estimated costs and time involved there would be limited value of doing so via a partial review, given that a national model design code had been published.
- It might be possible to introduce 'hooks' for design codes in DM04 through a partial review.

RESOLVED that the recommendation not to include Design Codes in the partial review be agreed



## Topic: Traveller Sites

The Head of Planning (TDC) provided the Committee with the following in relation to Traveller Sites:

- NDC had a temporary toleration site at Seven Brethren, Barnstaple.
- There was a need to identify suitable sites. This could be done by officers, or external consultants. The consultant costs were likely to be £30k. Estimate time to complete this works was 20 weeks.
- There was a duty under Equality legislation to provide sites.
- The risk of not identifying permanent pitches was low due to the low numbers being required.

The Committee discussed the pressures, and concerns from local residents when seeking such sites.

The Chair suggested that appointing external consultants for this work could have the added advantage of impartiality and reduce pressure on officers.

RESOLVED that the recommendation to include Traveller Sites in the partial review be agreed.

## Topic: Active Travel

The Head of Planning (TDC) provided the Committee with the following in relation to Active Travel:

- Policy DM05 of the Local Plan covered highway matters.
- Paragraphs 104, 105 and 106d of Chapter 9 of the NPPF related to promoting sustainable transport.
- It was not considered that the outcomes of the LCWIP could realistically be part of a partial review, but rather for the time being the LCWIPs would form material consideration when determining planning applications.
- It was recognised that LCWIP was only available for the Barnstaple-Bideford corridor (including Northam and Fremington) and that further LCWIPs would potentially be undertaken for other areas.

The Committee considered that:

- Work would be needed regarding cycle paths – although the width of roads did sometimes result in cars parking over such paths.
- Car parking availability was an issue.
- An invite would be given to DCC highways to attend future JPPC meetings.

RESOLVED that the recommendation not to include Active Travel in the partial review be agreed.

## **43. DATES OF FUTURE MEETINGS**

RESOLVED that the proposed dates for future meetings (16<sup>th</sup> June 2023, 22<sup>nd</sup> September 2023, 8<sup>th</sup> December 2023 and 15<sup>th</sup> March 2024) be agreed.

## Chairman

The meeting ended at 1.10 pm





## North Devon Council & Torridge District Council

Report Date: 13<sup>th</sup> October 2023

### Topic: Review of the North Devon and Torridge Local Plan

Report by: Senior Planning Policy Officers (NDC/TDC)

#### 1. INTRODUCTION

- 1.1. The North Devon and Torridge Local Plan 2011-2031 (the Local Plan) was adopted by North Devon and Torridge District Councils in October 2018.
- 1.2. In 2017 a new requirement was included in the Local Plan Regulations that a local plan should be reviewed 5 years from its adoption to determine whether the policies of the plan need updating. The review should take into account a number of factors, including changing circumstances affecting the area and changes to national policy, in particular relating to the need for housing in the area.
- 1.3. This report provides the final version of the PAS toolkit (parts 1 and 2) which concludes the strategic elements of the North Devon and Torridge Local Plan are up-to-date, while there are matters of a non-strategic nature, which would benefit from a minimum of a partial review.

#### 2. RECOMMENDATIONS

- 2.1. That the conclusions of the 5 Year Review of the North Devon and Torridge Local Plan attached to this report are confirmed; namely:
  - (1) the policies included in the North Devon and Torridge Local Plan remain up-to-date;
  - (2) additional policies are required to address matters where the Local Plan is silent, namely: First Homes, Coastal Change Management Areas and the provision of traveller sites; and
  - (3) a range of practical implementation issues, principally focused on the detail of the development management policies in Part 3 of the Local Plan, are identified that could be considered for future update.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To meet the legislative requirement to review the local plan within five years of adoption.

#### 4. REPORT

##### Background

- 4.1. Local Planning Authorities are required through legislation<sup>1</sup> to complete a formal review of their local plan within a period of five years from the point of adoption. In doing so, they *must consider whether to revise the document following each review and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.* For the avoidance of doubt, the review needs to be

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<sup>1</sup> Section 17 of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 10A of the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended).

completed within a period of five years, with the actual update able to be completed subsequent to this stipulated five-year review period.

- 4.2. The form of any subsequent update to the Local Plan is a separate issue and not a matter of consideration in this report.
- 4.3. The North Devon and Torrige Local Plan was adopted on 29<sup>th</sup> October 2018. It will reach its 5<sup>th</sup> anniversary on 29<sup>th</sup> October 2023.
- 4.4. Officers have completed an extensive programme of work in order to inform the five year review. This has included a technical assessment of the Local Plan's performance, its compliance with national planning policy and a programme of workshops in the autumn of 2022 to establish elected Member's views on whether they feel the Local Plan is delivering for the communities that they represent.
- 4.5. To support local planning authorities in undertaking a review of their local plans, the Planning Advisory Service (PAS) provides a Toolkit – the Local Plan Route Mapper Toolkit – which provides a structured means to consider whether their local plan remains relevant, appropriate and up to date in the context of national planning policy. The Toolkit is split into four parts, with two parts specifically relevant to reviewing a local plan. Completion of these is intended to help to evaluate whether, and to what extent, an update of a local plan is required.
- 4.6. Toolkit Part 1 (Appendix A), provides the Councils with the opportunity to consider how well the Local Plan is performing by understanding which policies may be out of date for the purpose of decision making, and/or where circumstances may have changed. Also whether policies continue to be effective in addressing issues that are identified in the Local Plan.
- 4.7. Part 2 (Appendix B) provides a framework to consider whether the detailed provisions of the Local Plan conform with national planning policy as is currently in force.
- 4.8. Initial drafts of the Toolkits were presented to this Committee in November 2022 and January 2023 to inform early discussion on potential approaches to the Local Plan update. Officers have subsequently refined and updated the Toolkits and these are provided as Appendix A and Appendix B to this report.
- 4.9. It is important to draw a distinction between the five year review, which is discussed in this report, and the way forward for future local plan policies.

### **Outstanding matters to be addressed to enable JPPC to consider the formal decision on the five year review of the Local Plan**

- 4.10. When this committee considered the PAS toolkit in January 2023, there were a small number of matters which officers had yet to assess. These are outlined below along with the outcomes of the further work undertaken.

### **National Planning Reforms**

- 4.11. Officers reported to this committee in January 2023 that a government consultation on proposals for short-term changes to national planning policy was currently open for comment<sup>2</sup>. At that time, the Department for Housing, Levelling Up and

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<sup>2</sup> <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>



Communities had indicated that the outcomes of the consultation would be known in the Spring of 2023. To date these outcomes have not been published, instead a further local plan reform consultation was published in July 2023, and is the subject of a separate report on this agenda. Given that no relevant changes have subsequently been made to the national planning policy framework since January 2023, this element it is not relevant when considering whether the Local Plan is up-to-date.

## **Five Year Housing Land Supply Position**

- 4.12. The National Planning Policy Framework requires local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. For a local plan to be considered up-to-date, a five-year land supply needs to be demonstrated.
- 4.13. The Councils' published a Five Year Housing Land Supply Statement in April 2023, which concluded that 5.9 years of housing sites were deliverable.
- 4.14. This position was subject to challenge through a planning appeal (APP/X1118/W/23/3318751) heard in July 2023 for the erection of up to 161 dwellings on Land north of St Andrews Road, Fremington. The appeal was dismissed on 11th September 2023, with the appeal Decision concluding that the Councils were able to demonstrate between 5.09 and 5.16 years of supply. This decision endorses officer's conclusions that a five year land supply can be demonstrated at the current time.

## **Duty-to-Cooperate Partners**

- 4.15. The Councils have engaged with the prescribed duty to cooperate bodies as part of the five-year review of the local plan. This engagement took the form of a survey sent to all of the relevant organisations, which asked for their considered opinion on the following matters:
- Do you consider that the North Devon and Torridge Local Plan remains relevant and continues to effectively address the needs of the local community?
  - If you disagree, which particular aspects of the plan do you feel are no longer relevant or continue to effectively address the needs of the local community?
  - If you disagree, why do you consider that it is no longer relevant or continues to effectively addresses the needs of the local community?
  - Do you feel that the local plan remains in general conformity with national planning policy?
  - If you disagree, why do you consider that the plan no longer remains in general conformity with national planning policy?
  - Do you consider that the local plan continues to effectively address any cross-boundary issues (i.e. those that overlap with areas beyond northern Devon)?
  - If you disagree, please explain why you consider that the local plan no longer continues to effectively address cross-boundary issues (please include what issues you feel need addressing)?

- Please provide details of any potential cross-boundary issues or matters towards which you would like to draw our attention:

4.16. The responses to the survey are set out in appendix 1 of the PAS toolkit Part 1 (appendix A to this report). Officers do not consider that the responses received raised matters which are of a significant nature in relation to the strategic policies of the Local Plan. Many of the issues which were highlighted have already been captured as part of the draft PAS toolkit e.g. the need for more robust policies relating to climate change. Therefore given the outcomes of the survey, officers consider that the duty to cooperate partners have not highlighted any issues which would render the Local Plan out of date.

### **Plan Period**

- 4.17. At the January 17th 2023 meeting of this committee Members were advised that “National Planning Policy requires that when plan making, local plans should look ahead over a minimum 15-year period from adoption (paragraph 22, National Planning Policy Framework). The adopted local plan has a plan period that currently runs until 31st March 2031, meaning that there are only circa 8 years of the plan period remaining at this point in time, which would clearly be reduced further at the point of adopting any update to the plan”
- 4.18. Having considered this matter further, officers are of the view that the plan-period is 20 years (2011 – 2031) and that it was because of a protracted examination that resulted in the adoption date was less fewer than 15 years before the end of the plan. The Local Plan Inspector raised no concerns in relation to this matter and given that the policies, which need to be addressed through an update, will not affect the overall strategy of the plan then there should not be any negative consequences to this position when making planning decisions.

## **5. CONCLUSIONS OF THE FIVE-YEAR PLAN REVIEW**

- 5.1. The finalised PAS Toolkit (Part 1) generally presents a positive position regarding the effective operation of the Local Plan in respect of proposals being determined in accordance with adopted policies to achieve delivery against established targets. Additionally, the strategic policies of the Local Plan, which establish the local framework for decision making are considered to remain valid to achieve strategic aims and objectives, across the themes of the economy, environment, housing, and community and provide opportunities within defined growth strategies to address projected needs. The finalised PAS Toolkit (Part 2) further provides that the Local Plan generally continues to work within the parameters of national planning policy.
- 5.2. While recognising the positive outcomes presented in the Toolkits, the assessments also indicate that there are elements of the Local Plan, which currently must be regarded as out of date, by virtue of omission or inconsistency in some policy provisions because of updates to national planning policy subsequent to the submission of the Local Plan. Having regard to the assessed position the recommendation outcome from the PAS Toolkits is that a review of the Local Plan is undertaken to ensure local policy compliance with national planning policy.
- 5.3. The decision to undertake a review of Local Plan policies does not render the plan out of date for the purposes of decision making, In the instances where the Plan is

considered silent or out of date with national policy, due weight will be given to the National Planning Policy Framework.

## 6. RESOURCE IMPLICATIONS

- 6.1. Both Councils have planning policy teams in place who have the responsibility to service, support and facilitate the Councils' plan-making activity. Both Councils have financial resources budgeted to support plan-making activity. The approach taken towards plan-making, both in the short-term and across the longer-term will have implications on the level of resourcing required.

## 7. EQUALITIES ASSESSMENT

- 7.1. Plan-making activity and the associated planning outcomes have the potential to impact on the day-to-day lives of individuals and communities. Consideration of equality is embedded into the plan-making process to ensure that it is given due consideration, including through the preparation of an Equalities Impact Assessment (EqIA).

## 8. ENVIRONMENTAL ASSESSMENT

- 8.1. Plan-making activity and the associated planning outcomes have the potential to have an impact on northern Devon's and the more global environment. Consideration of environmental outcomes is embedded into the plan-making process to ensure that it is given due consideration and regard.

## 9. CONSTITUTIONAL CONTEXT

- 9.1. Schedule 2, paragraph 1.1.-1.1.3 of the North Devon Councils and Torridge District Council Joint Planning Agreement.

## 10. STATEMENT OF CONFIDENTIALITY

- 10.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

- 11.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the authors of the report):

- a. Report to Joint Planning Policy Committee (4<sup>th</sup> November 2022)
- b. Report to Joint Planning Policy Committee (27<sup>th</sup> January 2023)
- c. National Planning Policy Framework (NPPF); (MHCLG, Sept 2023)
- d. Planning and Compulsory Purchase Act 2004 (as amended)
- e. Town and Country (Local Planning) (England) Regulations 2012 (as amended)
- f. North Devon and Torridge Five Year Housing Land Supply Statement (April 2023)



## 12. STATEMENT OF INTERNAL ADVICE

12.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Cllr P Watson, Lead Member for Planning and Development (TDC)

Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Chair of Joint Planning Policy Committee (NDC)

Cllr R Hicks, Lead Member for the Economy; Vice-chair of Joint Planning Policy Committee (TDC)

Helen Smith, Planning Manager (TDC)

Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

## 13. Appendices

Appendix A: PAS Toolkit – Part 1

Appendix B: PAS Toolkit – Part 2



## Appendix A:

### PAS LOCAL PLAN ROUTE MAPPER TOOLKIT PART 1: LOCAL PLAN REVIEW ASSESSMENT

#### Why you should use this part of the toolkit

The following matrix will assist you in undertaking a review of policies within your plan to assess whether they need updating.

The matrix is intended to supplement the [National Planning Policy Framework](#) (NPPF) (paragraph 33 in particular) and the associated [National Planning Practice Guidance](#) on the review of policies within the plan. Completing the matrix will help you understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policy / policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. This in turn will then help you to focus on whether and to what extent, an update of your policies is required. We would recommend that you undertake this assessment even if your adopted local plan already contains a trigger for review which has already resulted in you knowing that it needs to be updated. This is because there may be other policies within the plan which should be, or would benefit from, being updated.

This part of the toolkit deals only with local plan review. Part 2 of the toolkit sets out the content requirements for a local plan as set out in the NPPF. Part 3 of the toolkit outlines the process requirements for plan preparation set out in legislation and the NPPF. Soundness and Plan Quality issues are dealt with in Part 4 of the toolkit.

#### How to use this part of the toolkit

Before using this assessment tool it is important that you first consider your existing plan against the key requirements for the content of local plans which are included in the [Planning and Compulsory Purchase Act 2004 \(as amended\)](#); [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#) and the most up to date [NPPF](#), [PPG](#), Written Ministerial Statements and the [National Model Design Code](#). To help you with this **Part 2 of the toolkit** provides a checklist which sets out the principal requirements for the content and form of local plans against the relevant paragraphs of the [NPPF](#). Completing **Part 2 of the toolkit** will help you determine the extent to which your current plan does or does not accord with relevant key requirements in national policy. This will assist you in completing question 1 in the assessment matrix provided below, and in deciding whether or not you need to update policies in your plan, and to what extent.

To use the matrix, consider each of the statements listed in the “requirements to consider” column against the content of your current plan. You will need to take into consideration policies in all development plan documents that make up your development plan, including any ‘made’ neighbourhood plans and/ or any adopted or emerging Strategic Development Strategy. For each statement decide whether you:

- Disagree (on the basis that your plan does not meet the requirement at all);
- Agree (on the basis that you are confident that your current plan will meet the requirement)

Some prompts are included to help you think through the issues and support your assessment. You may wish to add to these reflecting on your own context.

Complete all sections of the matrix as objectively and fully as possible. Provide justification for your conclusions with reference to relevant sources of evidence where appropriate. You will need an up to date Authority Monitoring Report, your latest Housing Delivery Test results, 5 year housing land supply position, any local design guides or codes and the latest standard methodology housing needs information. You may also need to rely on or update other sources of evidence but take a proportionate approach to this. It should be noted that any decision not to update any policies in your local plan will need to be clearly evidenced and justified.

## How to use the results of this part of the toolkit

The completed assessment can also be used as the basis for, or as evidence to support, any formal decision of the council in accordance with its constitution or in the case of, for example, Joint Planning Committees, the relevant Terms of Reference in relation to the approach to formal decision-making, as to why an update to the local plan is or is not being pursued. This accords with national guidance and supports the principle of openness and transparency of decision making by public bodies.

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A	PLAN REVIEW FACTORS		
A1.	<p><b>The plan policies still reflect current national planning policy requirements.</b></p> <p><b>PROMPT:</b> As set out above in the introductory text, in providing your answer to this statement consider if the policies in your plan still meet the ‘content’ requirements of the current NPPF, PPG, Written Ministerial Statements and the National Model Design Code (completing Part 2 of the toolkit will help you determine the extent to which the policies in your plan accord with relevant key requirements in national policy).</p>	<p>Broadly reflects national policy, excluding post 2012 requirements introduced by revisions to the Framework. Reference Toolkit Part 2</p>	<p><b>Reason (with reference to plan policies, sections, and relevant evidence):</b></p> <p>The North Devon and Torridge Local Plan (adopted 2018) (“the Local Plan”) broadly reflects national planning policy as detailed in the PAS Toolkit Part 2.</p> <p>The Local Plan was prepared and examined against the 2012 National Planning Policy Framework (NPPF). The NPPF was subsequently subject to three sets of revisions, which has resulted in some points of variance between national planning policy and the Local Plan.</p> <p>The following policy areas are those where there is principally variance between the Local Plan and national policy; with these mostly relating to policy gaps arising from updates to national policy, subsequent to the preparation of the plan.</p> <ul style="list-style-type: none"> <li>• Traveller Accommodation– the Local Plan identifies a requirement for permanent Traveller pitches and transit sites, based on a 2014 assessment of need. The identification of sites to meet the evidenced need was to be determined by a Traveller Site Allocations DPD, as set out in the 2016 Local Development Scheme. The DPD has not been delivered and is not subject to a delivery programme within the current Local Development Scheme (2022). The intention being that this matter would be addressed as part of a comprehensive review of the Local Plan.</li> <li>• Design Codes – the need for the preparation of design guides and codes post-dates the adoption of the Local Plan, on which basis there is no provision or reference to such in included in the Local Plan.</li> <li>• First homes - post-dates the adoption of the Local Plan, on which basis there is no provision or reference to such in included in the Local Plan</li> <li>• 10% Affordable home ownership - post-dates the adoption of the Local Plan, on which basis there is no provision or reference to such in included in the Local Plan. The matter was considered on introduction and the Councils have taken the view to not apply the 10% requirement having</li> </ul>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>regard to NPPF paragraph 65 in that its application would result in significant prejudice to meeting identified affordable housing needs.</p> <ul style="list-style-type: none"> <li>• Town centres – increased flexibility is required to town centre policies to reflect the consequences of changes to the Use Class Order.</li> <li>• Identification of a Coastal Change Management Area.</li> </ul> <p>Note the above only relates to current national policy requirements and no consideration is given to proposed planning reforms/ changes to the planning systems most recently set out by the Secretary of State for Levelling up Housing &amp; Communities to MPs in correspondence dated 5<sup>th</sup> December 2022, through Ministerial Statements <a href="#">HCWS415</a> and <a href="#">HCWS416</a> dated 6<sup>th</sup> December 2022 and the <a href="#">Plan-making reforms: consultation on implementation</a> which is taking place between 25 July and 18 October 2023.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 20</p> <p>A2.</p>	<p><b>There has not been a <u>significant</u> change in local housing need numbers from that specified in your plan (accepting there will be some degree of flux).</b></p> <p><b>PROMPT:</b> Look at whether your local housing need figure, using the standard methodology as a starting point, has gone up significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan).</p> <p>Consider whether your local housing need figure has gone down significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan). You will need to consider if there is robust evidence to demonstrate that your current housing requirement is deliverable in terms of market capacity or if it supports, for example, growth strategies such as Housing Deals, new strategic infrastructure investment or formal agreements to meet unmet need from neighbouring authority areas.</p>	<p>Agree</p>	<p><b>Reason (with reference to plan policies, sections, and relevant evidence sources):</b></p> <p>The standard method indicates a minimum local housing need (for the joint plan area including Exmoor NP) of 759 dwellings per year (as per NPPG April 2022). This is less than the adopted local plan annual target of 861 (Policy ST08) which was derived using an approach that pre-dates the introduction of the standard method. The change in the local housing need figure represents a 12% decrease, from the Local Plan annual requirement, which could be considered a ‘significant’ decrease.</p> <p>Following a decrease in the local housing need figure it may be appropriate to consider whether the adopted housing requirement remains deliverable. Of note the Local Plan housing requirement includes a significant uplift from the baseline demographic-based need, to accommodate enhanced levels of net inward migration generated from ambitious planned economic growth. In considering the deliverability of the housing requirement, it is appropriate to consider the continuing validity of assumed economic growth, as such is a key component of the housing requirement, reflecting on achieved and anticipated development. It will be appropriate to review whether the housing requirement remains realistic in the medium to long term given the changing</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>economic circumstances identified in A6 (e.g., economic impacts of Brexit and coronavirus).</p> <p>As per NPPG, there may be circumstances where it is appropriate to apply some form of economic ‘uplift’ to plan for more homes than the housing need figure indicated by the standard method would indicate (2a-010-20201216). There should however be clarity and confidence that the uplift is achievable. As set out in A5, economic delivery rates to date on sites allocated for employment development has fallen short of the annualised target of 4.25 hectares, although this does not seem to have impacted on recent delivery rates (reference Housing Delivery Test results A4).</p> <p>Delivery of the very modest level of housing for Exmoor is not considered to be a constraint or burden that would be a driver for review.</p> <p>The change in the housing need figure would not on its own be a reason to review the Local Plan. However, any plan review would need to start with the minimum local housing need derived from the standard method and consider whether any uplift on this figure would be appropriate, having regard to economic ambition and how such could be met.</p> <p>Of note NPPG only refers to ‘significant change’ in relation to an <u>increase</u> in the need figure: ‘...Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method...’ (61-062-20190315). Accordingly, based on national guidance, the reduction in need would not constitute a significant change.</p> <p><b>Having regard to NPPG, it is considered that there has not been a significant change in housing numbers with reference to the Local Plan housing requirement and the current Housing Delivery Test numbers.</b></p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A3.	<p><b>You have a 5-year supply of housing land</b></p> <p><b>PROMPT:</b> Review your 5-year housing land supply in accordance with national guidance including planning practice guidance and the Housing Delivery Test measurement rule book</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>The Councils’ published a Five Year Housing Land Supply Position Statement on 28<sup>th</sup> April 2023. It demonstrates that as at 1<sup>st</sup> April 2022, the Local Planning authorities could demonstrate 5.9 years supply of deliverable housing sites. The Position Statement was challenged at appeal (ref: APP/X/1118/W/23/3318751) The planning inspector concluded a five year supply of between 5.09 and 5.16 could be demonstrated. This decision was published on 11<sup>th</sup> September 2023.</p> <p><b>A joint five-year land supply can currently be demonstrated for the plan area.</b></p>

A4.

	<p><b>You are meeting housing delivery targets</b></p> <p><b>PROMPT:</b> Use the results of your most recent Housing Delivery Test, and if possible, try and forecast the outcome of future Housing Delivery Test findings. Consider whether these have/are likely to trigger the requirement for the development of an action plan or trigger the presumption in favour of sustainable development. Consider the reasons for this and whether you need to review the site allocations that your plan is reliant upon. In doing so you need to make a judgement as to whether updating your local plan will support delivery or whether there are other actions needed which are not dependent on changes to the local plan.</p>	<p>Agree</p>	<p><b>The adopted NDTLP plans for 17,220 new homes between 2011 – 2031</b></p> <p>The housing delivery test (HDT) results for the joint plan area, since its introduction are:</p> <ol style="list-style-type: none"> <li>1. 2018 – 128%.</li> <li>2. 2019 – 133%.</li> <li>3. 2020 – 141%</li> <li>4. 2021 – 142%</li> </ol> <p>The 2022 HDT results have not yet been published. It is anticipated that based on the Councils' housing completions data for 2021/22, that the 2022 HDT result will (in due course) be around 135%.</p> <p>To date the Councils have significantly exceeded HDT targets and there is no evidence to suggest ongoing delivery to the required level will not be achieved.</p> <p>Against this specific test, the Local Plan is fully meeting the HDT requirements and therefore there is no requirement for an action plan to be prepared or to specifically trigger the presumption in favour of development in response to the HDT results. It is apparent that the Councils position in respect of the HDT is secure.</p> <p>Policy ST08 sets a housing requirement of 17,220, (861 dwellings per annum), which at the point of adoption was supported by a housing supply of 20,189, dwellings.</p> <p>As of 1st April 2023, 8,834 dwellings have been completed, as set out in Table 1, representing an under-delivery of 1,498 dwellings, which equates to 14.5% of the requirement over the period 2011-2023.</p> <p>As of 1<sup>st</sup> April 2023, planning permissions provided a capacity for the further delivery of 9,613 dwellings (dwellings on unimplemented sites, non-started dwellings on implemented sites and dwellings under construction). This permitted yield will be added to by sites that will be consented subject to the resolution of S106 agreements and Local Plan allocations which in whole or part have not been developed or granted consent and windfall sites (rate and timeframe accepted through the Local Plan examination).</p> <p>The housing land supply for the plan period (as of 1st April 2022) was approximately 22,000 dwellings taking account the above sources: further</p>
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increasing the opportunity for new homes beyond the housing requirement. The enhanced supply has been generated from both developed and consented proposals on unplanned sites and developments at density levels exceeding Local Plan assumptions.

**Based on the adequacy of the housing supply, it is considered that the Local Plan does not present an obstacle to the development industry in bringing forward an appropriate supply of housing in a timely manner.**

The table below presents annualised housing completions 2011-2023. It is apparent that there have been significant fluctuations in delivery rates during the plan period. The most significant shortfalls being in the early years of the plan period, during which time development rates were reflective of lesser housing requirements and the limited balance of opportunities, as provided for in the separate North Devon and Torridge Local Plans.

Development rates subsequently increased with the transition from single authority development plans, adopted in 2004 (TDC) and 2006 (NDC) to the emerging provisions of the North Devon and Torridge Local Plan because of increasing weight being given to draft allocations and until adoption the absence of a confirmed five-year housing land supply.

It is apparent that delivery targets can be achieved and exceeded, with completions exceeding the annualised Local Plan requirement from 2017/2018 to 2019/2020, with certainly being provided by a recently adopted Local Plan and an active housing market.

Post 2020, it could reasonably be assumed that delivery rates were impacted by COVID related restrictions and subsequent uncertainty from the development industry. The most recent monitoring period (2022/23) has also exceeded the annualised requirement.

Table 1 housing delivery - northern Devon 2011/2023

Year	NDC	TDC	NDT	Requirement	Difference	Cumulative Difference
2011/12	177	278	455	861	-406	-406
2012/13	269	172	441	861	-420	-826

Appendix a



2013/14	246	129	375	861	-486	-1,312
2014/15	283	451	734	861	-127	-1,439
2015/16	264	377	641	861	-220	-1,659
2016/17	480	336	816	861	-45	-1,704
2017/18	634	238	872	861	+11	-1,693
2018/19	693	258	951	861	+90	-1,603
2019/20	884	280	1,164	861	+303	-1,300
2020/21	552	130	682	861	-179	-1,479
2021/22	609	191	800	861	-61	-1,540
2022/23	579	324	903	861	+42	-1,498
<b>Total</b>	5,670	3,164	8,834	10,332		

It is evident from the above that there have been fluctuations in delivery rates across the Council areas, which is reflected in the Local Plan housing trajectory. Across the plan area there is anticipation of an equalisation of delivery over the plan period. This is evident by number of dwellings subject to extant planning permissions: 19,613 outstanding dwellings with planning permission across the plan area, of which 4,763 are located in North Devon and 4,850 in Torridge at 31<sup>st</sup> March 2023.

**Given the recent significant over achievement of delivery rates against the HDT and the potential for delivery provided by current commitments/ sites consented subject to s106, it can be reasonably assumed that this measurement will continue to be met.**

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement																				
A5.	<p><b>Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for First Homes; and (ii) commercial floorspace/jobs targets over the remaining plan period.</b></p> <p><b>PROMPT:</b> Use (or update) your Authority Monitoring Report to assess delivery.</p>	Disagree	<p>The most recently published AMR is for the period <a href="#">2019/2020</a>, which was prepared on a joint basis.</p> <p><b>Affordable Housing</b></p> <p>The Local Plan (Policy ST18) provides an expectation that 30% of houses on qualifying sites should provide affordable homes. The thresholds for qualifying sites, as currently applied varies from the stated units in Policy ST18 (a) and (b) to reflect NPPF para 64. The adjusted position, as enable by Policy ST18(1) is clarified in an <a href="#">Affordable Housing SPD</a>.</p> <p>The Local Plan HEDNA (<a href="#">CE21- May 2016</a>) sets out an estimated annual level of affordable housing need of 345 dwellings per annum (northern Devon). In setting the 30% target, it was recognised that given the scale of need, such could not be delivered by the planning system alone.</p> <p>Further, in accepting the 30% target for affordable housing on qualifying sites, the Local Plan Inspector, recognised (<a href="#">Inspector’s Report</a> para 135) that “ There will inevitably be locations in which housing values are lower, or where there are significant levels of development cost in terms of the provision of infrastructure or site remediation, in which residential development would not be viable with a provision of 30% affordable housing.”. On this basis it can be reasonably assumed that it would be difficult to maintain a development average of 30% affordable housing on qualifying sites.</p> <p>The table below (Table 2) sets out achieved affordable housing delivery and the percentage of affordable housing delivered as a component of all completions on an annualised basis 2011/2023.</p> <p>Table 2: Affordable Housing Completions, across northern Devon 2011/2023</p> <table border="1" data-bbox="1249 1141 2105 1375"> <thead> <tr> <th>Year</th> <th>Affordable Housing Completions</th> <th>All Housing Completions</th> <th>% all new homes that were affordable</th> </tr> </thead> <tbody> <tr> <td>2011/2012</td> <td>130</td> <td>455</td> <td>28.6%</td> </tr> <tr> <td>2012/2013</td> <td>70</td> <td>441</td> <td>15.9%</td> </tr> <tr> <td>2013/2014</td> <td>126</td> <td>385</td> <td>33.6%</td> </tr> <tr> <td>2014/2015</td> <td>199</td> <td>734</td> <td>27.1%</td> </tr> </tbody> </table>	Year	Affordable Housing Completions	All Housing Completions	% all new homes that were affordable	2011/2012	130	455	28.6%	2012/2013	70	441	15.9%	2013/2014	126	385	33.6%	2014/2015	199	734	27.1%
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	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement																																			
			<table border="1"> <tr><td>2015/2016</td><td>92</td><td>641</td><td>14.4%</td></tr> <tr><td>2016/2017</td><td>151</td><td>816</td><td>18.5%</td></tr> <tr><td>2017/2018</td><td>92</td><td>872</td><td>10.6%</td></tr> <tr><td>2018/2019</td><td>187</td><td>951</td><td>19.7%</td></tr> <tr><td>2019/2020</td><td>214</td><td>1,164</td><td>18.38%</td></tr> <tr><td>2020/2021</td><td>111</td><td>682</td><td>16.27%</td></tr> <tr><td>2021/2022</td><td>154</td><td>800</td><td>19.25%</td></tr> <tr><td>2022/2023</td><td>97</td><td>906</td><td>10.71%</td></tr> </table>	2015/2016	92	641	14.4%	2016/2017	151	816	18.5%	2017/2018	92	872	10.6%	2018/2019	187	951	19.7%	2019/2020	214	1,164	18.38%	2020/2021	111	682	16.27%	2021/2022	154	800	19.25%	2022/2023	97	906	10.71%			
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			<p>It is important to note that not all housing proposals would be required to deliver affordable housing, by virtue of size and nature and the application of policy thresholds. Further, viability considerations, when arising, must be assessed with regard to all policy requirements.</p> <p>The tables below, 3 (Torrige) and 4 (North Devon) provide an indication of the effective implementation of affordable housing policy, by setting out the consented affordable housing yield on qualifying sites. Note this analysis does not currently include data for the period September 2022 – March 2023.</p> <p>Table 3: Data summary policy compliant development sites for affordable housing (AH) in Torrige August 2016 – September 2021</p> <table border="1"> <thead> <tr> <th data-bbox="1234 994 1442 1193"></th> <th data-bbox="1442 994 1599 1193">Total AH sites</th> <th data-bbox="1599 994 1756 1193">% Sites with policy compliant AH provision</th> <th data-bbox="1756 994 1912 1193">Average on-site AH provision on non-compliant sites</th> <th data-bbox="1912 994 2119 1193">Average on-site AH provision - all sites</th> </tr> </thead> <tbody> <tr> <td data-bbox="1234 1193 1442 1294">Permissions on NDTLP allocations</td> <td data-bbox="1442 1193 1599 1294">30</td> <td data-bbox="1599 1193 1756 1294">47%</td> <td data-bbox="1756 1193 1912 1294">15%</td> <td data-bbox="1912 1193 2119 1294">19%</td> </tr> <tr> <td data-bbox="1234 1294 1442 1356">Permissions on unallocated</td> <td data-bbox="1442 1294 1599 1356">30</td> <td data-bbox="1599 1294 1756 1356">70%</td> <td data-bbox="1756 1294 1912 1356">8%</td> <td data-bbox="1912 1294 2119 1356">29%</td> </tr> </tbody> </table>					Total AH sites	% Sites with policy compliant AH provision	Average on-site AH provision on non-compliant sites	Average on-site AH provision - all sites	Permissions on NDTLP allocations	30	47%	15%	19%	Permissions on unallocated	30	70%	8%	29%																	
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	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement					
			qualifying sites.					
			All permitted sites assessed for AH delivery	60	58%	14%	21%	
			<p>Table 4: Data summary policy compliant development sites for affordable housing (AH) in North Devon April 2017 – March 2022</p>					
				Total AH sites	% Sites with policy compliant AH provision	Average on-site AH provision on non-compliant sites	Average on-site AH provision - all sites	
			Permissions on NDTLP allocations	9	45%	17%	25%	
			Permissions on unallocated qualifying sites.	7	29%	17%	17%	
			All permitted sites assessed for AH delivery	16	38%	12%	22%	
			<p>As evidenced, not all sites that qualify to contribute to affordable housing delivery attain the 30% policy target. The average delivery rate across all qualifying sites over the referenced periods does however exceed 20%.</p> <p>Where non-policy compliant schemes are proposed, in respect of affordable housing/other generated infrastructure, viability evidence is required to be</p>					

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>submitted, which is subject to independent scrutiny. The obligation lies with the developer to provide a robust financial to support any proposal that fails to meet identified policy requirements.</p> <p>A review of non-compliant schemes indicates that the general reasons for schemes not achieving the 30% requirement relates to the nature of the site; be that because of their brownfield/regeneration nature and in respect of greenfield sites, through the presence of unforeseen abnormal costs, or, particularly on strategic sites, the need for significant infrastructure.</p> <p><b>Further detailed analysis would be beneficial at the point of undertaking an update to the strategic viability assessment in support of any update to the local plan.</b></p> <p>Of note in Torridge, recent proposals are coming forward that are generally considered to be policy compliant, including on strategic allocations (BID01: Bideford West Urban Extension – 750 dwellings and pt. NOR02: Site West of Buckleigh Road 400 dwellings). On other sites, affordable housing levels have been increased as a result of reappraisal and challenge through independent review.</p> <p>While schemes, continue to be presented with less than 30% affordable housing, there seems to have been an improving trend towards achieving the sought 30% of affordable housing on qualifying sites.</p> <p>Of note the Local Plan (Policy ST19: Affordable Housing on Exceptions Sites) provides for the delivery of affordable housing on an exceptions basis in rural areas, based on affordable housing led schemes. The Councils have not however implemented this policy when a five-year supply cannot be demonstrated. When sites come forward on what would have been an exceptions site, only 30% affordable housing can be sought. Effective implementation of this policy is anticipated at the point of the re-establishment of the five-year housing land supply.</p> <p>The requirement for <a href="#">First Homes</a> introduced by a WMS (24<sup>th</sup> May 2021) post-dates the adoption of the Local Plan, and thus no policy provision on this matter is provided. The Affordable Housing SPD, in commenting on First Homes (paras</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement											
			<p>4.29-4.35) indicates that the implementation of First Homes in northern Devon will be addressed as part of the future review of the NDTLP.</p> <p><b>Economic Development</b></p> <p>The Local Plan, Policy ST08: Scale and Distribution of New Development in Northern Devon, makes provision for the delivery of 84.9 hectares of employment land, with targets by location. Policy ST11: Delivering Employment and Economic Development, additionally provides for the exceptional release of land for employment to meet a defined relocation or expansion need.</p> <p>The 84.9 hectares is made up of allocations, subject to site specific polices and the balance of undeveloped sites within existing employment sites.</p> <p>During the period 2011/2019 17.75 hectares of allocated employment land was developed for economic development. This scale of development fell significantly short of the expected scale of development, which at an annualised rate would equate to 42.5 hectares. At April 2019, there was 67.15 hectares of undeveloped allocated employment sites.</p> <p>In <b>Torridge</b>, development on sites contributing to the 84.9-hectare target have been focused on existing industrial/business estates, which are now predominantly built out. In contrast, in <b>North Devon</b>, most of the employment allocations are on new strategic allocations which have yet to be built out. To date 64.77ha of the employment allocations remains undeveloped. Development opportunities remain on the following basis.</p> <p>Table 5 Undeveloped Local Plan sites allocated for employment development (April 2023)</p> <table border="1" data-bbox="1236 1149 2119 1316"> <thead> <tr> <th data-bbox="1236 1149 1422 1181">Settlement</th> <th data-bbox="1422 1149 1646 1181">Location /Allocation</th> <th data-bbox="1646 1149 1848 1316">Undeveloped area (ha) available for economic development</th> <th data-bbox="1848 1149 2119 1181">status</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				Settlement	Location /Allocation	Undeveloped area (ha) available for economic development	status				
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	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement			
			Barnstaple	Westacott Urban Extension (BAR 01)	1.9	The policy allocated 5.0ha for economic development. There is outline permission (65448) for 1.9ha with an alternative use permitted for the remainder of the site.
			Barnstaple	Larkbear Strategic Extension (BAR02)	1.5	No planning history
			Barnstaple	Mount Sandford Green (BAR 04)	2.8	Outline Planning Permission for an Innovation Park (2.8ha). No further formal planning activity
			Barnstaple	Glenwood Farm (BAR09)	0	Planning permission for an alternative use of the site was granted in 2021, resulting in the loss of the allocation for 0.8ha.
			Barnstaple	Roundswell Business Park (BAR10)	8.8	2.7ha of the allocation has been developed. There is a range of planning activity within the undeveloped balance. There is full planning permission (73159) for the erection of 7 industrial units on land east of Liberty Road (south of Atlas

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement			
						Packaging). Atlas Packaging and adjoining land to the west has Full planning permission (55882) for 1 office building which has yet to be constructed. There is no active planning history on land west of Avery House. On land south of Fishleigh Road, Hele Manor Business Park is completed although there is no active planning history on land to the immediate east of Hele Manor. Full planning permission (70730) for a new industrial building (use classes B1, B2 & B8) on land west of Golden Coast and the new foot/cycle bridge over the A361 is currently under construction. Development of land north of Fishleigh Road is completed.
			Bideford	Atlantic Park , (BID01)	2	Wider site allocation developed for a range of commercial uses.



	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement			
						Remaining parcel is undeveloped and un-serviced with no formal planning activity at present.
			Bideford	Alverdiscott Road	2.5	Site is subject to range of planning permissions for employment uses ((B1, B2, B8)), with site owner developing the identified site over time.
			Bideford	Extension to Caddsdwn Business Park, Bideford (BID05)	4.27	Employment component is part of a wider mixed used allocation. Planning permission (1/0656/2020/OUTM) was granted for the extent of the allocation in April 2023 which includes 4.27 hectares of land for employment uses – B2, B8 and E(g). Note this will result in loss of 2.23 hectares of employment capacity compared to specified policy requirement; with remaining 1.5 hectares already developed for leisure use.

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement			
			Braunton/ Wrafton	Wrafton South Eastern Extension (BRA01)		Phase I for 13 B1 Business units and Phase II 28 units for use classes e(g), B2 and B8 uses are under constructure.
			Braunton/ Wrafton	Land East and West of Staggers Lane (BRA02A	0.0	Full planning permission for an alternative land use was permitted in June 2023 and therefore the allocation for 2.0ha will not come forward.
			Great Torrington	East of Hatchmoor (GTT02)	4.0	Part of site historically subject to planning permission (2013) for erection of production factory and offices for relocating local business (1/0009/2013/FULM) who ultimately relocated to existing premises elsewhere. No more recent planning history.
			Holsworthy	Dobles Lane Industrial Estate extension (HOL04)	2.1	Site (plus adjoining land) subject to full planning permission (1/1149/2022/FULM), granted in July 2023, for comprehensive employment development including

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement			
						erection of industrial and commercial buildings.
			Holsworthy	Agri – Business Park (HOL01)	2.5	Site subject to partial implementation for delivery of Agri-Business Centre and Livestock Market. Outstanding balance intended for provision of a business park including agricultural related retail development. No live planning activity on remaining balance.
			Ilfracombe	Southern Extension (ILF 01)	1.0	Site subject to outline planning permission
			Ilfracombe	Mullacott Business Park (ILF04)	3.2	0.8ha built. Land allocated for additional economic uses are confined to the remaining undeveloped pockets within the existing business park that have yet to come forward. Land to the immediate south of St. Austell Brewery is being developed to provide 10 light industrial units (58186), 7 units are built. Land west of

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement			
						<p>Commercial Point has full planning permission (73472) for a caravan storage area. Land to the east of the existing Business Park (approximately 2 ha) is safeguarded for further economic use, if required during the plan period.</p>
			South Molton	Pathfields Business Park (SM03)	12.8ha	<p>Outline planning permission (60780 &amp; 66843) approximately 7.3 hectares for employment use (Phase IV – east of Hacche Lane) (various Reserved Matters applications have been approved for individual plots which are currently under construction (3.4 ha)). There is no active planning history on land west of Hacche Lane other than the outline planning permission (60780) to deliver the road link. An additional area of land to the west of</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement			
						<p>Hacche Lane of approximately 3 ha is safeguarded for economic uses if required during the plan period.</p>
			<p>In Torridge, existing industrial estates (Bideford – Caddsdawn, Clovelly Road and Atlantic Park, Great Torrington – Hatchmoor and Holsworthy – Dobles) have been principally built out. Opportunities for new development, are focused on new sites which require opening up through servicing. In North Devon there are a range of opportunities within existing industrial estates and business parks, and on sites which are being opened for development.</p> <p>While economic development has not met the Local Plan’s annualised target, allocated sites are considered to continue to provide the most suitable sites for this use. The allocated sites were assessed as suitable and the preferred locations for economic development through the preparation of the Local Plan; all are contained within or extend existing employment estates. The sites are considered to currently continue to provide the most appropriate options for economic development. Further, active market interest has been expressed on a number of the above allocations, which if progressed would result in the majority of allocated sites being delivered within the plan period.</p> <p>The plan provides a range of flexible policies that support the wider delivery of economic development on non-allocated sites, supplementing the potential offered through the sites allocated for economic development.</p> <p>The suitability and availability of sites allocated for economic development is not considered to be an obstacle to delivery.</p> <p><b>It is considered that the affordable housing provisions of the Local Plan and opportunities provided in support of economic development remain relevant and effective.</b></p>			

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			It is recognised that the delivery of First Homes is not supported by the Local Plan.
A6.	<p><b>There have been no significant changes in economic conditions which could challenge the delivery of the Plan, including the policy requirements within it.</b></p> <p><b>PROMPT:</b> A key employer has shut down or relocated out of the area.</p> <p>Unforeseen events (for example the Covid-19 Pandemic) are impacting upon the delivery of the plan.</p> <p>Up-to-date evidence suggests that jobs growth is likely to be significantly more or less than is currently being planned for.</p> <p>Consider if there is any evidence suggesting that large employment allocations will no longer be required or are no longer likely to be delivered.</p> <p>You will need to consider whether such events impact on assumptions in your adopted local plan which have led to a higher housing requirement than your local housing need assessment indicates.</p> <p>Consider what the consequences could be for your local plan objectives such as the balance of in and out commuting and the resultant impact on proposed transport infrastructure provision (both capacity and viability), air quality or climate change considerations.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>The economic context within which the Local Plan operates has been subject to change since its examination and further since its adoption.</p> <p>The delivery of the Councils ambitious growth plans been impacted both by a period of austerity and more recently COVID-19. However, while such influences may have affected the scope and scale of growth to date it is asserted that the Local Plan continues to enable wide ranging economic development to meet the Councils growth ambitions and provides policy flexibility to respond to a changing economic environment.</p> <p>No significant employers have recently shut down or moved out of the area. Although in Torridge there have been fluctuating fortunes with a significant employer - Appledore Shipyard, but with a recent change of ownership, Government investment and secured defence commissions, expectations are that the shipyard has increased security as a local employer and will continue to make a significant contribution to the local economy.</p> <p>The structure of the local economy, across northern Devon, is very much focused on SMEs. At this scale there have also been no significant employment losses because of closure or relocation and there is a significant demand from local business seeking opportunities for new or expansion opportunities within the plan area.</p> <p>The response to A5, sets out the outstanding employment opportunities on sites allocated for/contributing to the employment land requirement of 84.9 hectares. In recognising that the annualised rate of economic development has not been achieved to date, such is considered not to reflect the suitability of allocated sites or how the Local Plan supports the delivery of economic development, both on allocated and other suitably located sites.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>The policy context provided by the Local Plan is considered to reflect currently established economic ambitions; it is not considered to be an obstacle to associated economic growth. As set out in A5 there is an expectation that the majority of sites allocated for economic development will come forward during the plan period. There is no evidence suggesting that the employment allocations are no longer required or unlikely to be delivered.</p>
<p>A7.</p>	<p><b>There have been no significant changes affecting viability of planned development.</b></p> <p><b>PROMPT:</b> You may wish to look at the Building Cost Information Service (BCIS) All-in Tender Price Index, used for the indexation of Community Infrastructure Levy (CIL), or other relevant indices to get a sense of market changes.</p> <p>Consider evidence from recent planning decisions and appeal decisions to determine whether planning policy requirements, including affordable housing, are generally deliverable.</p> <p>Ongoing consultation and engagement with the development industry may highlight any significant challenges to delivery arising from changes in the economic climate.</p>	<p>Agree</p>	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>The Local Plan viability evidence dates from 2015/2016 (<a href="#">Examination Documents CE24/25</a>). It is recognised that this evidence will be required to be revisited as part of any future plan update, taking account of current economic conditions and market demand.</p> <p>Currently the Councils are not Community Infrastructure charging authorities.</p> <p>Of note BCIS All-in Tender Price Index has seen a 10.9% increase since adoption of the plan (Nov 2018 – Aug 2022), with a 64.1% increase over the wider plan period to date (May 2011 – Aug 2022). In recognising the increasing costs associated with site delivery, it is also apparent that the strength of the local housing market is enabling the majority of qualifying housing sites to deliver fully compliant schemes.</p> <p>Clearly while viability is an important consideration the Local Plan enables the delivery of suitable sites for development having regard to site specific issues and market conditions. The Councils seek to ensure policy requirements to the maximum extent, while enabling delivery on allocated and other appropriate sites.</p> <p>The Local Plan, reflecting planning practice guidance allows for a consideration of site viability to enable housing delivery. In considering proposals which are not policy compliant, the Councils will seek to ensure maximum gains can be achieved, without prejudicing delivery, which will include ensuring viability</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>appraisals are up to date at the point of decision making and where appropriate review mechanism are put in place.</p> <p>Analysis of housing development prepared in summer 2021 identified that from 2016, 58% of sites in Torridge eligible for requiring affordable housing provision secured policy-compliant levels of provision, achieving on average 21% rather than the 30% policy requirement. More recently, there is some evidence to suggest improved development viability on housing schemes, witnessing a shift back towards securing policy-compliant levels of delivery.</p> <p>In North Devon analysis of housing development prepared in spring 2022 identified that from 2017, 38% of sites in North Devon eligible for requiring affordable housing provision secured policy-compliant levels of provision, achieving on average 22% rather than the 30% policy requirement.</p> <p>Whilst viability has had an impact on the levels of affordable housing achieved, there is no evidence to suggest that development viability is constraining or precluding development from being achieved across northern Devon; with key allocations across the plan area being progressed towards delivery and many now on site. As set out in A8 key infrastructure required to support delivery is being achieved in a timely manner, viability consideration have not prevented the key infrastructure projects being delivered with the associated projects.</p> <p>Key infrastructure identified for delivery in association with allocations have and are being delivered as required, either funded directly from development, or with the support of external funding. It is recognised that when considered against the Infrastructure Delivery Plan, some proposed schemes have not come forward against the anticipated timeframe. However, all infrastructure requirements necessary to support site delivery are/have been achieved alongside the associated development.</p> <p>The viability evidence will be required to be updated to support a comprehensive review of the Local Plan, taking account of changing economic conditions (see A6) and the impact on development viability, together with additional infrastructure requirements (such as health), which were not previously considered.</p>



	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>It is considered that the Local Plan continues to work effectively with regard to how viability is assessed to enable its strategic and development objectives to be achieved. The Local Plan continues to work within the parameters of national policy and guidance, which allows for variance against policy requirements to respond to viability considerations in the achievement of sustainable development.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 42</p> <p>A8.</p>	<p><b>Key site allocations are delivering, or on course to deliver, in accordance the local plan policies meaning that the delivery of the spatial strategy is not at risk.</b></p> <p><b>PROMPT:</b></p> <p>Identify which sites are central to the delivery of your spatial strategy. Consider if there is evidence to suggest that lack of progress on these sites (individually or collectively) may prejudice the delivery of housing numbers, key infrastructure, or other spatial priorities. Sites may be deemed to be key by virtue of their scale, location or type in addition to the role that may have in delivering any associated infrastructure.</p>	<p>Agree</p>	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>It is recognised that the delivery of some strategic residential/ mixed use sites has not reflected the Local Plan’s housing trajectory. As provided in A5 there has been fluctuations in development rates across the plan period to date.</p> <p>However, with increasing confidence in the acceptance of allocated sites, through Local Plan submission (2016) and then adoption (2018), developer interests have progressed on a significant number of key sites.</p> <p>Key sites are now coming forward, with developers/house builders seeking and achieving Full and RM applications on allocated sites, with recently consented sites being implemented. There appears to be a positive step change in delivery over the short to medium term on key sites, which will drive forward the achievement of the Local Plan’s spatial strategy, to achieve local visions in accordance with settlement-based development strategies.</p> <p>It is recognised that a limited number of allocated sites have no current evidence of developer interest and that a number of the larger strategic sites will be finalised beyond the plan period. The extended delivery position is reflected in the Local Plan Housing Trajectory, with further Clarification of site progression for an April 2022 base date included in North Devon and Torridge Five Year Housing Land Supply Statement (April 2023) .</p> <p><b>There is no evidence to indicate that key sites will not be delivered to achieve the Local Plan’s spatial strategy; which is not considered to be at risk.</b></p>
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	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A9.	<p><b>There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.</b></p> <p><b>PROMPT:</b> You may wish to review the indicators or monitoring associated with your Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA).</p> <p>Identify if there have been any changes in Flood Risk Zones, including as a result of assessing the effects of climate change.</p> <p>Consider whether there have been any changes in air quality which has resulted in the designation of an Air Quality Management Area(s) or which could result in a likely significant effect on a European designated site which could impact on the ability to deliver housing or employment allocations.</p> <p>Consider whether there have been any changes to Zones of Influence / Impact Risk Zones for European sites and Sites of Special Scientific Interest or new issues in relation to, for example, water quality.</p> <p>Consider whether there have been any new environmental or heritage designations which could impact on the delivery of housing or employment / jobs requirements / targets.</p> <p>Consider any relevant concerns being raised by statutory consultees in your area in relation to the determination of individual planning applications or planning appeals which may impact upon your plan - either now or in the future.</p>	Agree	<p><b>Reason (with reference to plan policies, sections, and relevant evidence sources):</b></p> <p>Both North Devon and Torridge signed up to the Devon Climate change declaration in 2019 (post Local Plan adoption) which sets the aim of Devon becoming carbon neutral by 2040. How the Councils will respond to this declaration, in respect of the Local Plan will require further consideration. The Councils are in a similar position with regard to The Devon Carbon Plan, which was adopted post Local Plan adoption.</p> <p>Technical evidence relating to Flood Risk Zones/coastal change is in preparation; the consequences for the Local Plan are therefore not yet defined.</p> <p>The Environment Act will require 10% biodiversity net gain; while the Local Plan does not include this level as a target, it requires all new development to provide a net gain in biodiversity, wherever possible. The absence of a current target is not seen as an obstacle to delivery having regard to existing policy provisions.</p> <p>The local context in respect of environmental/heritage assets has not changed to an extent that would have implications for the current approach/policies of the Local Plan.</p> <p><b>The Local Plan is considered to work within the national framework in respect of environmental/heritage assets. However, moving forward the implications of implementing the Devon Carbon Plan will need to be assessed.</b></p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A10.	<p><b>No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.</b></p> <p><b>PROMPT:</b></p> <p>Consider if there have been any new sites that have become available, particularly those within public ownership which, if they were to come forward for development, could have an impact on the spatial strategy or could result in loss of employment and would have a significant effect on the quality of place if no new use were found for them.</p> <p>Consider whether any sites which have now become available within your area or neighbouring areas could contribute towards meeting any previously identified unmet needs.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>No new sites have become available which would require a review of the spatial strategy of the Local Plan. However, it is recognised that a number of sites have been granted consent outside the scope of planned development, in the absence of a five-year housing supply, which may impact on the local visions and development strategies, significantly the settlements of Winkleigh (Local Centre) and Parkham (Village) in Torridge and Fremington (Local Centre) and Braunton (Main Centre) in North Devon.</p> <p>Identified need as evidenced by the North Devon and Torridge <a href="#">HENA</a> is fully met by allocations and commitments provided for in the Local Plan and subsequently enabled through planning permissions. As indicated in A4, built sites and opportunities for future development significantly exceed the housing requirement of 17,220 dwellings. Housing needs can be fully accommodated by the combination of built, consented, and allocated sites; along with other flexible policy approaches afforded by the plan.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A11.	<p><b>Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.</b></p> <p><b>PROMPT:</b> You may wish to review your Infrastructure Delivery Plan / Infrastructure Funding Statement, along with any periodic updates, the Capital and Investment programmes of your authority or infrastructure delivery partners and any other tool used to monitor and prioritise the need and delivery of infrastructure to support development.</p> <p>Check if there have been any delays in the delivery of critical infrastructure as a result of other processes such as for the Compulsory Purchase of necessary land.</p> <p>Identify whether any funding announcements or decisions have been made which materially impact upon the delivery of key planned infrastructure, and if so, will this impact upon the delivery of the Local Plan.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>The Infrastructure Delivery Plan (IDP) prepared to support the Local Plan was prepared in 2016. The IDP is kept under review, but it will need to be re-evaluated to ensure maintained relevance.</p> <p>The Councils are agile to changing circumstances regarding infrastructure requirements, such as the introduction of Health Care, changing educational needs and the implications of changes to anticipated funding, such as achieved external funding or the implications of rising costs.</p> <p>The Councils are achieving contributions to, and the direct delivery of infrastructure required to support planned development, in accordance with the IDP. As set out in A7 key infrastructure projects are being delivered in a timely manner to support the delivery of development, but with the recognition that there has been some delay in delivery on allocated sites and consequently the timeframe for the delivery of infrastructure projects.</p> <p><b>The progression of key infrastructure projects is not considered to be prejudicial to the spatial strategy.</b></p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
<p style="text-align: center;">A12.</p>	<p><b>All policies in the plan are achievable and effective including for the purpose of decision-making.</b></p> <p><b>PROMPT:</b> Consider if these are strategic policies or those, such as Development Management policies, which do not necessarily go to the heart of delivering the Plan’s strategy.</p> <p>Identify if there has been a significant increase in appeals that have been allowed and /or appeals related to a specific policy area that suggest a policy or policies should be reviewed.</p> <p>Consider whether there has been feedback from Development Management colleagues, members of the planning committee, or applicants that policies cannot be effectively applied and / or understood.</p>	<p>Agree</p>	<p><b>Reason (with reference to plan policies, sections, and relevant evidence sources):</b></p> <p>It is important to recognise that while the Local Plan was recently adopted (October 2018), it was determined to be sound when considered against the 2012 version of the National Planning Policy Framework (NPPF). As set out in A1 there are a range of policy matters which are not addressed in the Local Plan, consequent of subsequent updates to the NPPF.</p> <p>It is considered that the Local Plan continues to work effectively to deliver its spatial strategy and to achieve its stated aims and objectives.</p> <p>Having regard to post adoption appeal decisions there are no concerns with the effectiveness of specific Local Plan policies, excepting that housing supply policies have had to be set aside in the absence of a five-year housing land supply in many cases.</p> <p><b>There are no specific policy areas that are regarded as fundamentally ineffective or unachievable.</b></p> <p>From discussions with Members: Local Plan Working Group, member visioning workshops, Joint Planning Policy Committee, and comments at Plans Committees it is clear that there is a range of views as to the effective function of the Local Plan and need and desire for a revision/update across policy areas.</p> <p>The following issues were identified as policy areas that would benefit from consideration in a plan update, when the <a href="#">TDC</a> and <a href="#">NDC</a> agreed to undertake a comprehensive review and update of the North Devon and Local Plan:</p> <ul style="list-style-type: none"> <li>• declarations of Climate and Biodiversity emergencies;</li> <li>• changing patterns for use of town centres and retail habits;</li> <li>• evolving thinking on rural sustainability;</li> <li>• increasing emphasis on environmental considerations and carbon saving;</li> <li>• the challenges of maintaining a housing land supply;</li> <li>• issues of coastal erosion and flooding;</li> <li>• the delivery of affordable housing and wider housing affordability;</li> </ul>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<ul style="list-style-type: none"><li>• changing work patterns – including increases in home working;</li><li>• significant structural reforms to the agricultural sector; and</li><li>• a changing context for the tourism sector.</li></ul> <p>Local Plan policies, as assessed in Part 2 of the Toolkit, are considered to remain generally compliant with the provisions of national planning policy, and policy matters where the Local Plan is silent due to the NPPF on which it was examined. Members have however expressed a desire to revise and add to exiting Local Plan policies.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A13.	<p><b>There are no recent or forthcoming changes to another authority’s development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.</b></p> <p><b>PROMPT:</b> In making this assessment you may wish to:</p> <ol style="list-style-type: none"> <li>1. Review emerging and adopted neighbouring authority development plans and their planning context.</li> <li>2. Review any emerging and adopted higher level strategic plans including, where relevant, mayoral/ combined authority Spatial Development Strategies e.g. The London Plan.</li> <li>3. Review any relevant neighbourhood plans</li> <li>4. Consider whether any of the matters highlighted in statements A1- A12 for their plan may impact on your plan - discuss this with the relevant authorities.</li> <li>5. Consider any key topic areas or requests that have arisen through Duty to Cooperate or strategic planning discussions with your neighbours or stakeholders - particularly relating to meeting future development and /or infrastructure needs.</li> </ol>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>Across northern Devon four Neighbourhood Plans have been “made” - <a href="#">Great Torrington</a> (TDC), <a href="#">Winkleigh</a> (TDC), <a href="#">Georgeham</a> (NDC) and <a href="#">Braunton</a> (NDC). It is not considered that there are significant implications for the Local Plan.</p> <p>Mid Devon adopted its Local Plan in July 2020, making provision for a minimum of 7,860 dwellings over the period 2013-2033. In 2022 Mid Devon undertook a Regulation 18 (Issues and Options consultation) for a new Local Plan (2023 – 2043). An updated Local Development Scheme was published in July 2023 and shows a further regulation 18 consultation taking place in the winter of 2023/24 followed by a Regulation 19 (proposed submission) consultation in Winter 2025/26. Therefore, consideration of the impact of development proposals in northern Devon on the A361/Culm Grasslands in conjunction with development proposals in Mid Devon will need to be undertaken. Mid Devon undertook Duty Co-operate discussions in May 2022</p> <p>The Plymouth and South West Devon Joint Local Plan was adopted March 2019. No significant development is proposed that would impact on northern Devon.</p> <p>West Somerset Local Plan was adopted in 2016. An emerging Local Plan Review was published by Somerset West and Taunton in 2020, however, this project has been set aside with Somerset being established as a unitary authority. There is no published timetable for a new local plan.</p> <p>Exmoor (2017) and Cornwall (2016) Local Plans were adopted prior to the adoption of the North Devon and Torridge Local Plan. Exmoor undertook a <a href="#">five-year plan review</a> in 2022, which concluded an update was not required (June 2022).</p> <p>In August 2023 all duty to cooperate partners were asked to complete a survey to ascertain whether the organisations consider the North Devon and Torridge Local Plan:</p> <ul style="list-style-type: none"> <li>• remains relevant and continues to effectively address the needs of the local community</li> </ul>



	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<ul style="list-style-type: none"> <li>continues to be in general conformity with national planning policy</li> <li>continues to effectively address any cross-boundary issues (i.e. those that overlap with areas beyond northern Devon) and;</li> </ul> <p>The responses to the survey are summarised in appendix 1. Whilst a variety of issues are raised, none are considered to affect the strategic policies of the Plan.</p>
<p><b>A14.</b></p>	<p><b>There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.</b></p> <p><b>PROMPT:</b> In making this assessment you may wish to:</p> <ol style="list-style-type: none"> <li>Review any manifesto commitments and review the corporate and business plan.</li> <li>Engage with your senior management team and undertake appropriate engagement with senior politicians in your authority.</li> <li>Consider other plans or strategies being produced across the Council or by partners which may impact on the appropriateness of your current plan and the strategy that underpins it, for instance, Growth Deals, economic growth plans, local industrial</li> </ol>	<p>Agree in part</p>	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>Since the adoption of the Local Plan in 2018, the 2019 local elections returned Torridge District Council to no overall control and this status continued in 2023 Torridge operates a non-executive form of Constitution with a modernised committee structure.</p> <p>The Liberal Democrats took control of North Devon Council in 2019 and remained in control in 2023 winning 22 of 42 seats. Prior to 2019 the Council had previously been under no overall control, with Conservatives forming a coalition with Independents.</p> <p>Torridge District Council’s Strategic Plan 2020-2023 was adopted October 2020. This includes a commitment to ‘Review the North Devon and Torridge Local</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
	<p>strategies produced by the Local Economic Partnership, housing/ regeneration strategies and so on.</p>		<p>Plan to ensure that it remains relevant for good development that unlocks investment and opportunity, protects our important natural assets and helps to create strong and resilient communities’.</p> <p>Priorities in the Torridge Strategic Plan relevant to the Local Plan include access to good quality jobs and employment; increase availability of quality homes that meet local needs; reduce eco-footprint of the district.</p> <p>Priorities in the North Devon Corporate Plan relevant to the Local Plan include increase the number of housing units and business space in the area, with minimum damage to the environment; encourage better digital and physical connectivity; drive up housing standards in the area and increase the number of affordable houses; explore ways in which we can bring forward sites for development that are allocated within the Local Plan.</p> <p>The Corporate priorities for the Councils are considered to remain consistent with the aims and objectives of the Local Plan, although it is recognised that the incoming administrations may seek alternative approaches through updates to corporate strategies and policies. Both councils are currently embarking on the process of updating their Strategic Plan which may influence future priorities.</p> <p>Account should be taken of the fact that since the adoption of the Local Plan, both Councils declared a climate emergency.</p> <p><b>Further work will be required to understand how this will impact on the Local Plan and discussions undertaken as to the approach to be taken with regard to how the Councils will “support our communities on a journey to a low carbon, sustainable and resilient future.”.</b></p> <p>Of note as part of early Member engagement on the People and Place project, visioning workshops were held to identify priorities in respect of issues and key components of a vision for northern Devon for the period to 2041. With regard to topic areas the following were identified as top priorities;</p> <p>1<sup>st</sup> - addressing the affordability of housing 2<sup>nd</sup> - enabling economic growth</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>3<sup>rd</sup> - increasing resilience to climate change</p> <p>The range of issues to be address by a future vision included:</p> <ul style="list-style-type: none"> <li>Northern Devon has delivered a relevant mix of affordable housing stock, reflective of the needs of the community, allowing all those in the area who need a house to have a house.</li> <li>Northern Devon's unique environment has been maintained and protected, allowing an increase in biodiversity.</li> <li>Northern Devon is now carbon zero and has exceeded climate targets.</li> <li>Northern Devon has revolutionised transport throughout the area.</li> <li>Businesses have been successfully encouraged to the area, which has helped to establish a vibrant and sustainable economy that provides skilled and higher paid jobs to the community.</li> <li>We have listened and delivered what northern Devon wanted and needed, providing healthy and happy communities which are a better place to live and work.</li> <li>Developed a place and community which supports the younger demographic.</li> <li>Broadband has been upgraded within northern Devon.</li> </ul> <p>In conclusion, currently articulated corporate priorities, at a strategic level appear to be consistent with the aims and objectives of the Local Plan. However, there has been an expressed intention to review/update the Local Plan in response to a range of external and local issues, as referenced in A12</p>

	ASSESSING WHETHER OR NOT TO UPDATE YOUR PLAN POLICIES	YES/NO (please indicate below)	
A15.	You <b>AGREE</b> with <u>all</u> of the statements above	No	<p><b>If no</b> go to question A16.</p> <p><b>If yes</b>, you have come to the end of the assessment. However, you must be confident that you are able to demonstrate and fully justify that your existing plan policies / planning position clearly meets the requirements in the statements above and that you have evidence to support your position.</p> <p>Based on the answers you have given above please provide clear explanation and justification in section A17 below of why you have concluded that an update is not necessary including references to evidence or data sources that you have referenced above. Remember you are required to publish the decision not to update your local plan policies. In reaching the conclusion that an update is not necessary the explanation and justification for your decision must be clear, intelligible and able to withstand scrutiny.</p>
A16.	You <b>DISAGREE</b> with one or more of the statements above and the issue can be addressed by an update of local plan policies	Yes	<p>If yes, based on the above provide a summary of the key reasons <b>why</b> an update to plan policies is necessary in section A17 below and complete Section B below.</p>
A17.	<p><b>Decision:</b> Update plan policies / <del>No need to update plan policies</del> (delete as necessary)</p> <p><b>Reasons for decision on whether or not to update plan policies (clear evidence and justification will be required where a decision not to update has been reached):</b></p> <ul style="list-style-type: none"> <li>• Non-compliance through omission and inconsistency of some policies with 2021 NPPF (see Part 2 of the PAS Toolkit). In particular Establishing a policy approach towards delivery of First Homes and Identifying sites to meet needs for traveller provision</li> <li>• Changes in environmental context – including the introduction of the Environment Act, and the need to respond to the Devon Carbon Plan etc.</li> <li>• Evolving member/corporate priorities – rural growth, tourism, affordable housing, town centres and addressing the climate emergency</li> <li>• Commitment to plan review as part of latest corporate strategy (Torrington DC).</li> </ul>		

	<b>Other actions that may be required in addition to or in place of an update of plan policies</b> <ul style="list-style-type: none"> <li>• Clarification of policies – e.g. in light of changes to Permitted Development rights.</li> <li>•</li> </ul>		
	<b>B. POLICY UPDATE FACTORS</b>	<b>YES/NO (please indicate below)</b>	<b>Provide details explaining your answer in the context of your plan / local authority area</b>
<b>B1</b>	<b>Your policies update is likely to lead to a material change in the housing requirement which in turn has implications for other plan requirements / the overall evidence base.</b>	<b>No</b>	No significant change in the housing requirement based on the standard method. The HDT is being met and anticipated to be continually achieved based on consented development and the wider land supply.
<b>B2</b>	<b>The growth strategy and / or spatial distribution of growth set out in the current plan is not fit for purpose and your policies update is likely to involve a change to this.</b>	<b>No</b>	The overall spatial strategy is considered fit for purpose regarding the hierarchy of settlements and the distribution of development.
<b>B3</b>	<b>Your policies update is likely to affect more than a single strategic site or one or more strategic policies that will have consequential impacts on other policies of the plan.</b>	<b>No</b>	The strategic policies of the Local Plan are reflective of national planning policy and continue to be effective in delivering its aims and objectives.
	<b>You have answered yes to one or more questions above.</b>	<b>No</b>	<b>You are likely to need to undertake a full update of your spatial strategy and strategic policies (and potentially non-strategic policies). Use your responses above to complete Section B4.</b>
	<b>You have said no to <u>all</u> questions (B1 to B3) above</b>	<b>Yes</b>	<b>If you are confident that the update can be undertaken without impacting on your spatial strategy and other elements of the Plan, you are likely to only need to undertake a partial update of policies. Complete Section B4 to indicate the specific parts / policies of the plan that are likely to require updating based on the answers you have given above.</b>
<b>B4</b>	<b>Decision: Full Update of Plan Policies/ <u>Partial Update of Plan Policies</u> (delete as necessary)</b> <ol style="list-style-type: none"> <li>1. The policies included in the North Devon and Torridge Local Plan remain up-to-date Additional policies are required to address matters where the Local Plan is silent, namely: First Homes, Coastal Change Management Areas and the provision of traveller sites</li> </ol>		

	<p>2. Further updates could be undertaken to address issues raised in part 2 of the PAS toolkit and are likely to be principally focused on changes to the detail of the development management policies in Part 3 of the Local Plan.</p>
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<b>Date of assessment:</b>	22 <sup>nd</sup> December 2022; updated 11 <sup>th</sup> August 2023 and 29 <sup>th</sup> September 2023
<b>Assessed by:</b>	Dawn Burgess; updated by Elizabeth Dee
<b>Checked by:</b>	Elizabeth Dee / Ian Rowland/Ben Lucas
<b>Comments:</b>	

## Appendix 1: Duty to Cooperate Update September 2023

Duty to Co-Operate responses to survey September 2023- A summary

- The ‘Duty to Co-operate’ is set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by Section 10 of the Localism Act 2011). It requires North Devon and Torridge Councils to engage constructively and actively on an ongoing basis with other local authorities and certain prescribed organisations in relation to strategic matters when reviewing their local plan. Strategic matters are broadly the development of land and the provision of infrastructure with cross-boundary implications for one of the prescribed bodies and/or at least one local planning authority beyond North Devon and Torridge District Councils.

Local Context

- North Devon and Torridge District Councils have been working together on development plan preparation since 2006. In respect of duty to co-operate both Councils have signed a protocol with surrounding districts councils as a firm basis for discussing and understanding strategic issues, evaluating options to address such issues and agreeing shared outcomes where possible. A Devon-wide co-operation protocol includes all local planning authorities with Devon, including the National Park Authorities, Plymouth and Torbay Councils and Devon County Council, as well as Government agencies (Environment Agency, Natural England, Highways Agency), and other public bodies (Heart of the South West Local Enterprise Partnership and Devon Local Nature Partnership).
- A similar protocol has been signed by both Councils in relation to co-operation across the Northern Peninsula housing market area, which includes Exmoor National Park Authority, West Somerset Council and Somerset County Council. Both protocols refer to co-operation as a continuous process of on-going engagement from evidence gathering, policy preparation through to implementation.
- In reviewing the North Devon and Torridge Local Plan 2011-2031 a survey was distributed to those listed on Appendix A- Prescribed Bodies. Appendix B- evidences the responses in full.

Summary of responses

- Most organisations were in agreement that the local plan remains in conformity with national planning policy apart from the Environment Agency and Natural England. These two organisations note there is no reference to the Climate Change Emergency and the current local plan should offer stronger policies on climate change and biodiversity to reflect national policy.

- Natural England disagrees that the North Devon and Torridge Local Plan remains relevant and continues to effectively address the needs of the local community as they believe there needs to be an increasing emphasis on environmental considerations and carbon saving. Natural England also noted the plan is silent on urban tree canopy cover, tree lined streets and mapping of wider local wildlife-rich habitats and ecological networks.
- In addition Devon County Council and the Marine Management Organisation also noted, along with the Environment Agency and Natural England, that updates would be needed to address the 10% Biodiversity net gain legislation and nature based solutions to flooding. Natural England also requested there was further work completed on Coastal Change Management Areas to review the impact of climate change and coastal flooding with the Marine Management Organisation highlighting the South West Marine Plan was adopted in 2021.
- The organisations which are not subject to artificial boundaries felt the local plan did not continue to address cross boundary issues. The Environment Agency emphasised that upper catchment areas may be outside of Northern Devon and so nature based solutions for flooding maybe outside of the local planning area. The Marine Management Organisation pointed out that as the south west inshore marine plan area covers an area of approximately 2,000 kilometres of coastline stretching from the River Severn border with Wales to the River Dart in Devon, taking in a total of approximately 16,000 square kilometres of sea early engagement on any local plan review would be welcomed. Natural England would welcome more consideration on air and water quality which by their very nature cross boundaries.
- National Highways did not disagree that the current local plan addressed cross boundary issues but highlighted the importance of collaborative working in preparation of any local plan review to ensure the traffic impact is fully understood.
- Both Plymouth and Somerset Council would welcome more proactive polices on climate change and onshore wind in particular.

## Conclusion

- The responses from partner organisations reflected the plan as a whole was effectively addressing the needs of the local community and was in general conformity with national policy.
- The areas in which conformity with national policy was challenged surrounded the issues arising from Climate Change Emergency Declarations and Biodiversity Net Gain legislation. Those organisations protecting the natural environment would welcome stronger policies on environmental considerations including coastal erosion, flood management, biodiversity net gain, urban tree canopy, habitat protection and restoration.



## Appendix A – Prescribed Bodies

- Devon County Council
- Adjoining Authorities
- Cornwall Council
- Exmoor National Park Authority
- Mid Devon District Council
- Somerset County Council
- West Devon Borough Council
- West Somerset District Council

- Prescribed Bodies
- Civil Aviation Authority
- North East West Devon Clinical Commissioning Group
- English Heritage/Historic England
- Environment Agency
- Highways Agency
- Homes and Communities Agency
- Marine Management Organisation
- NHS Commissioning Board/NHS England
- Natural England
- Office of Rail and Road
- Transport for London
- Other Bodies
- Devon Local Nature Partnership
- Heart of the South West Local Enterprise Partnership

Appendix 2- responses to survey

Cornwall Council

- Agreed that the Local Plan is meeting the needs of the community and commented
- [We] Welcome the thorough analysis of the Local Plan, using the PAS toolkit and agree with the conclusions.

### Devon County Council

The following comments have been provided by various teams (Highways, Education and Flood Risk) in Devon County Council in response to the documents provided.

### Education

- Devon County Council fully agrees with the statement made in relation to school place planning; we work closely with the Districts regarding education and the Local Plan has secured a number of school sites to support our requirements over the plan period. The majority of these sites are now secured in S106 agreements.
- There are several **small rural schools** across the Districts with fewer than 50 pupils on roll, in particular across Torridge. Devon County Council has a presumption not to close schools but these schools are extremely vulnerable with such a small intake of pupils & increased running costs. Timely delivery of local affordable development **can** help support these schools to be viable, but there are wider strategic issues/policy around school sustainability that are outside of DCC direct control.
- Devon County Council would support the need for increased **Affordable Homes** to support the needs of key workers. There are recruitment issues across Children's Services and Schools and a lack of local affordable housing compounds this.

### Highways

- It is noted paragraph 112 of the NPPF looks to minimise the scope of conflicts between pedestrians, cyclists and vehicles, and looks for development to allow for the efficient delivery of goods. Policy DM05 (Highways) does not mention this, however, it is agreed that the NPPF remains a material consideration for the determination of planning applications.

### Flood Risk

- It is mentioned that the Environment Act will require 10% biodiversity net gain, while the Local Plan does not include this level as a target. We are keen to promote Sustainable Drainage Systems (SuDS) and natural flood management as another way of achieving this, both on and off site.

### General

- Whilst not necessarily an issue with the Local Plan policies, viability issues have been raised. Devon County Council would request to be made aware at an early stage, provided with viability documents that show an issue and kept informed so we can understand any

impacts upon contributions. If contributions are not supported, we would want the opportunity to be discussed this prior to any decisions being made.

### Environment Agency

- Disagrees that the Local Plan is in general conformity with National Policy surrounding water efficiency, climate change and biodiversity and advises there should be stronger policies to better reflect national policy and the direction of travel.
- Advises any areas where upper catchment areas affecting North Devon are outside of North[ern] Devon boundary and thus solutions and improvement for North[ern]Devon such as nature based solutions for flooding, carbon etc may be outside of the area.

### Exmoor National Park

- Agreed that the Local Plan is meeting the needs of the community and commented
- We have noted the findings of the PAS toolkit in that whilst the majority of the Local Plan remains up to date and conforms with national policy, there are areas that require updating due to the reasons stated, of which include changes to national policy and legislation.
- The North Devon and Torridge Local Plan accommodates the unmet need arising from the North Devon part of the neighbouring Exmoor National Park Authority. ENPA welcomes and supports this approach and would seek to continue this cross-boundary co-operation.
- We welcome that the Local Plan recognises the relationship between areas in North Devon that are outside and inside of the National Park, and the role that North Devon settlements outside of the Park have for Exmoor communities. We acknowledge the importance of the existing plan approach and its policies in relation to the legal duty on relevant authorities to have regard to National Park purposes. In particular, the setting of the National Park in ensuring that development outside of the Park seeks to conserve and enhance the National Park, in accordance with Policies DM23 and DM08.
- Furthermore there are a number of current policies which reflect the importance of Exmoor's dark night skies and safeguarding this special quality, in particular Policy ST14 which ensures that development conserves and enhances, but also Policies ILF01, ILF04, SM02, BRFO1, CMA, CMA01, CMA03, NMO, NMO01, NMO02, EAN, DM02.
- The Plan also incorporates the North Devon and Exmoor Seascape Character Assessments in Policy DM08A and the importance in conserving and enhancing the landscape and seascape character and the setting of Exmoor National Park.
- Finally, we note the content of the SoCG that was prepared in May 2022 as part of Exmoor National Park's Local Plan Five Year Review. If any changes have arisen since its preparation, we would be happy to discuss them.

### Marine Management Organisation

- Disagrees that the local plan continues to effectively addresses cross boundary issues-the South West Marine Plan has now been adopted (2021), this now needs to be considered within the Local Plan.
- We recommend a whole plan approach when considering Marine Plans, however, we would welcome early engagement on any Local Plan review.

### National Highways

- **Relevance and Effectiveness** -National Highways has no comments to make in respect of whether the Local Plan continues to effectively address the needs of the local community.
- **Conformity with National Planning Policy** -DfT Circular 01/2022 (Strategic Road Network and the Delivery of Sustainable Development) makes reference to transport evidence to support plan-making. Paragraph 26 states that transport issues should be considered from the earliest stage of the plan making so that the potential impact of development on transport networks can be addressed. In line with Paragraph 42 of the Circular, all parties preparing plans that could impact the SRN are encouraged to engage with National Highways at the earliest opportunity. We therefore welcome the early engagement on Local Plan Duty to Co-Operate matters.
- The Local Plan Review will need to be supported by a robust and up-to-date evidence base in accordance with paragraph 31 of NPPF. National Highways would also welcome other transport evidence such as accessibility assessments, and/or analysis of likely average vehicle kilometres associated with any new sites being considered for allocation in the Plan Review.
- **Cross Boundary Issues** -The preparation of the Local Plan Review transport evidence will require a collaborative approach between North Devon and Torridge Councils, National Highways as the strategic highways company, Devon County Council as the local highway authority and neighbouring authorities. This collaborative approach will help to ensure the cumulative traffic impact of cross-boundary growth on the operation of the SRN can be considered and infrastructure necessary to accommodate this growth can be identified, in accordance with paragraph 26 of NPPF.
- As set out in NPPF paragraph 27, a SoCG relating to cross-boundary matters including transport should be prepared by the Council in conjunction with the above Authorities. National Highways looks forward to working with the Councils in the development of the necessary transport evidence base and SoCG to ensure the traffic impact of the Local Plan Review is fully understood and any necessary highway mitigation agreed and identified within Plan Policy.

### Natural England

- Disagrees the ND&T local plan remains relevant and effectively address the needs of the local community and advises

- Natural England (NE) would welcome updates including Declarations of Climate and biodiversity emergencies, increasing emphasis on environmental concerns and carbon saving, We would welcome updates including: Declarations of Climate and Biodiversity emergencies, increasing emphasis on environmental considerations and carbon saving, CCMA [Coastal Change Management Areas], issues of coastal erosion and flooding, minimum of 10% BNG [Biodiversity Net Gain], urban tree canopy cover, tree-lined streets, mapping of wider local wildlife-rich habitats and ecological networks, mention of the LNRS [Local Nature Recovery Nature Strategies] and Nature Recovery Network and habitats opportunities, and to the AQ [Air Quality] SPD [Supplementary Planning Document] (notably the agricultural emissions section is out of date since NE's guidance was revised). A stronger policy steer on bird disturbance on the Taw Torridge Estuary and FLL would be welcomed.
- We welcome consideration that environmental issues cross boundaries, for example air and water quality.

### Plymouth City Council

- Agreed that the Local Plan is meeting the needs of the community and commented
- The councils of West Devon, South Hams and Plymouth adopted our Joint Local Plan in March 2019, and support the councils of Torridge and North Devon continuing to work in partnership in order to meet your identified needs. We support your intention to pursue a partial local plan review based upon the assessment work you have undertaken and shared using the local plan review toolkit.
- It is noted that the key triggers and considerations used within the toolkit focus primarily on housing requirement, growth strategy and existing strategic sites/allocations, and that you are content that a partial review of some of your local plan policies will not trigger the need for a full review of your plan.
- Reference is made to changes within the environmental context within which the local plan operates as a justification for considering amending some policies. The Devon Carbon Plan is also cited, along with the prioritisation of 'increasing resilience to climate change' by locally elected members, and the inclusion within the emerging vision for your area for North Devon to be 'carbon zero and has exceeded climate targets.' With this in mind, the JLP councils would support any local plan partial review to include identifying opportunity areas for onshore wind, which will play a significant role in enabling North Devon to make a positive contribution to meeting local and national carbon reduction targets.

### Somerset Council

- Agreed that the Local Plan is meeting the needs of the community and commented

- We note that within the Toolkit Part 1 the answer to Question A2 (page 5) in relation to the housing need of Exmoor National Park “Delivery of the very modest level of housing for Exmoor is not considered to be a constraint or burden that would be a driver for review” Somerset Council would agree with this conclusion. Ongoing, it is important to ensure that methodologies and assumptions of housing need for Exmoor NPA continue to be aligned across North Devon and Somerset Councils.
- Given the assessment process for considering whether a local plan review needs to be full or partial focusses on housing needs and the delivery of housing sites, the inclusion of more proactive policies on climate change in general and onshore wind in particular is considered to be within the scope of a partial review, and will not trigger the need for a full review of your local plan.
- Should the identification of any opportunity sites adjoin the boundary with West Devon, we would work proactively with you to agree a form of policy wording that effectively identifies and considers any future cross-boundary impacts as part of the planning application process.

## Appendix B:

# PAS LOCAL PLAN ROUTE MAPPER TOOLKIT PART 2: LOCAL PLAN FORM & CONTENT CHECKLIST

## Why you should use this part of the toolkit

The following table sets out a checklist of the key requirements for the content and form of local plans as set out in the National Planning Policy Framework (NPPF). Guidance to supplement the NPPF is set out within [National Planning Practice Guidance](#), which is regularly updated by the Government. You should review relevant sections of the National Planning Practice Guidance and consider any implications for your policies. You should also be mindful of Written Ministerial Statements which form material considerations in plan-making.

This part of the Toolkit will assist by informing all plan making stages, including any visioning and scoping exercises seeking to ascertain what the plan should cover. It should be applied before consultation or publication of a local plan update. This will help to ensure that you have considered all of the key plan-making requirements in preparing your plan in accordance with the NPPF.

This part of the toolkit deals only with the local plan content requirements specified in the NPPF. Toolkit Part 1 provides more detail on carrying out a review of the need to update policies within your plan. Toolkit Part 3 sets out the process requirements for local plan preparation as set out in legislation and the NPPF. Soundness and Plan Quality issues are dealt with in Toolkit Part 4.

## How to use this part of the toolkit

You can use column C in the table to record the results of your assessment against the checklist for the following plan making stages:

- Local Plan Review:** The toolkit can be used to inform the decision on whether or not your local plan policies need to be updated. In this case:
- Ask yourself whether the development plan for your area (which may comprise more than one development plan document or include a spatial development strategy and/or neighbourhood plans) still meets current NPPF requirements.
  - Identify which policy and document addresses the requirement in column C or identify why it is not relevant.

If your plan was adopted under the NPPF 2012 you might find the following quick reference colour codes helpful to identify new or revised NPPF requirements since the adoption of your plan:

**Key:**

New plan-making requirement of the NPPF 2019 and/or NPPF 2021 not contained within the previous 2012 version
Revised plan-making requirement of the NPPF, containing some changes from the 2012 version
Requirement of the NPPF which has not changed from the 2012 version in relation to plan-making

**Scoping your policies update:** The checklist can also be used to determine the scope of your local plan policies update and ensure that content requirements are addressed. You can work through each section of the table to determine:

- whether the provision is relevant to your local plan policies update/ planning context of your local authority area(s); and then
- consider whether your local plan policies update will need to address these content requirements or identify whether they are contained in other documents that form the development plan in your area.

**Assessing your draft policies update:** The checklist can also be used to ensure that your emerging draft policies update is adequately addressing content requirements of national planning policy. You can work through each section of the table to determine:

- whether the provision is relevant to your local plan policies update/planning context of your local authority area(s); and then
- if it is, whether your draft local plan policies update addresses these content requirements (or identify whether they are contained in other documents that form part of the development plan in your area).

### How to use the results of this part of the toolkit

This checklist is to help you review your policies and/or develop an update to these where required. There is no requirement to publish or submit this table to the Planning Inspectorate. However, you may find it (or some elements) helpful to assist you in demonstrating how the policies update does/does not accord with the NPPF.



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
	<i>General Requirements</i>		
1.	Include any relevant material that is set out in a government policy statement(s) for the area for example a national policy statement(s) for major infrastructure and written ministerial statements.	NPPF Para 5, 6	<p>There are no major infrastructure projects currently proposed in the local planning authority areas and as such the provisions associated to nationally significant infrastructure projects are not directly relevant.</p> <p>A Written Ministerial Statement (WMS) published on the 24<sup>th</sup> of May 2021 introduced First Homes policies and removed the government's policy in relation to Entry Level Exception Sites. It should be noted that the content of the WMS was not included in the NPPF update published in July 2021. Due to the Local Plan's adoption prior to the publication of the WMS, it does not include policies in accordance with this WMS. Having considered the national First Homes provisions, the Councils have determined that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of the review of the North Devon and Torridge Local Plan ("the Local Plan"). This approach recognises the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary for the product to meet identified local needs.</p>
2.	Contribute to the achievement of sustainable development and the UN Sustainable Development Goals.	NPPF Para 7, 8, 9, 16	<p>The Local Plan is considered to support the achievement of sustainable development and the NPPF's sustainable development objectives.</p> <p>The Local Plan has been informed by Sustainability Appraisal (SA) throughout. The SA has supported the selection of options for the spatial strategy and site allocations and policies have been assessed against the SA objectives which have been developed in line with the strategic objectives of the Local Plan.</p> <p>Section 3 of the Local Plan has specific policies relating to sustainable development (ST01-ST05).</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The local Plan seeks to provide a balanced, considered and integrated approach to the delivery of sustainable development, having regard to social, economic and environmental considerations.</p> <p>The Local Plan meets NPPF requirement.</p>
3.	Apply the presumption in favour of sustainable development.	NPPF Para 11	<p>Policy ST01: Principles of Sustainable Development, states the Councils will take a positive approach towards development, that reflects the presumption in favour of sustainable development contained in the NPPF.</p> <p>The Local Plan provides policies that support a sustainable pattern of development, providing a hierarchy of places that considers the development needs of the area and community visions for places, whilst having regard to infrastructure, environmental constraints, and opportunities of the plan area, alongside particular localities and locations.</p> <p>In the rural areas, the Local Plan seeks to provide a balanced approach to development and protecting the countryside, having regard to: access to services and facilities, capacities for growth, community aspirations and accommodating local need, whilst enabling development that is necessarily located in the countryside.</p> <p>The Local Plan provides for meeting the full objectively assessed need for housing and balanced levels of economic development, whilst planning for delivery of associated infrastructure. The Local Plan accommodates the unmet need for arising from the neighbouring Exmoor National Park Authority.</p> <p>Policies ST06 (Spatial Development Strategy for Northern Devon’s Sub-Regional, Strategic and Main Centres) and ST07 (Spatial Development Strategy for Northern Devon’s Rural Area) provide the spatial development strategy for the plan area which promote a sustainable pattern of development, with Policy ST08 (Scale and Distribution of New Development</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>in Northern Devon) providing the scale and distribution of new development. Infrastructure provision is aligned with growth (see policies ST23: Infrastructure, ST10: Transport Strategy and the individual spatial strategies and allocations for individual settlements.</p> <p>The Local Plan is supported by an Infrastructure Delivery Plan in order to enable and facilitate delivery of necessary infrastructure in line with planned growth.</p> <p>Policy ST02 (Mitigating Climate Change) addresses mitigating climate change whilst Policy ST03 (Adapting to Climate Change and Strengthening Resilience) provides approaches for adapting to climate change.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
4.	Provide a positive vision for the future; a framework for addressing housing needs and other economic, social and environmental priorities.	NPPF Para 15	<p>Section 2 of the Local Plan sets out the wider context in which it sits and the Local Plan’s vision and strategic aims and objectives. These provide a clear and positive vision as to what the plan area will be like at the end of the plan period and provides a framework for addressing housing needs and other economic, social, and environmental priorities which are detailed in the strategic policies.</p> <p>The Local Plan was prepared with extensive engagement with the local communities (<u>see consultation statement</u>) to enable them to shape their surroundings, together with contributions from statutory and wider ranging representative groups and organisations.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
5.	Plans should be: Aspirational and deliverable Contain clear and unambiguous policies Accessible through the use of digital tools Serve a clear purpose avoiding duplication	NPPF Para 16	<p>The Local Plan has been prepared with the objective of contributing to the achievement of sustainable development (see question 2).</p> <p>The Local Plan sets out an aspirational vision for the future of northern Devon, driven by a positive strategy to deliver growth, whilst balancing</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>environmental enhancements and protections. It provides a bottom-up, place-based approach, seeking to deliver community-led visions for individual places, whilst providing a wider holistic and integrated strategy for northern Devon. It seeks to accommodate levels of growth above the minimum objectively assessed need, whilst supporting balanced levels of economic growth and infrastructure delivery.</p> <p>Levels of growth and associated strategies, defined in the Local Plan, were considered deliverable by the Local Plan Inspector. A review of key strategic allocations provides that, overall, they are showing delivery in accordance with the development proposed, albeit later than anticipated in some cases. In turn, this is contributing to the positive delivery of the wider spatial strategies for places and northern Devon as a whole.</p> <p>The Local Plan is considered to provide policies that are clear and unambiguous, with no fundamental tensions identified in its practical implementation post adoption. The Local Plan is considered to be constructed in a logical manner, discerning strategic versus non-strategic aspects, grouping strategies and policies by theme and topic, and providing a logical approach to place-based aspects – setting out a vision and strategy which cascades to site-based detail.</p> <p>The Local Plan is accessible digitally in an interactive online format, supported by an interactive digital policies map that provides links back to individual policies.</p> <p>Policies appear to serve a clear purpose and avoid duplication. There are a total of 23 strategic policies clearly grouped by theme, under sustainable development, spatial strategy, economic, environmental, housing and social/community sections (by way of comparison the East Devon Local Plan has 53 strategic policies, and the Mid Devon Local Plan has 14 strategic policies.).</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>There are 30 development management policies; these avoid excessive duplication with strategic policies, although there is some limited overlap across the development management and strategic policy areas. These have not however caused fundamental challenges that prejudice or undermine the practical implementation of the Local Plan.</p> <p>The Local Plan meets NPPF requirement.</p>
<i>Plan Content</i>			
6.	<p>Include strategic policies to address priorities for the development and use of land. They should set out an overall strategy for the pattern, scale and design quality of places.</p>	<p>NPPF Para 17, 20</p>	<p>Part One of the Local Plan provides strategic policies that seek to address the priorities for the development and use of land.</p> <p>Policy ST06 sets out the spatial development strategy for northern Devon’s urban areas, identifying where the main focus of growth will be within a hierarchy of a sub-regional centre (Barnstaple), strategic centre (Bideford) and main centres. Similarly, Policy ST07 sets out the complementary spatial development strategy for the rural areas, identifying: (1) ‘local centres’ which will be the primary focus for development in rural areas; (2) ‘villages’, where development will be enabled to meet local needs and growth aspirations and (3) ‘rural settlements’ with more limited levels of services where development of a modest scale will be enabled to meet local needs. Outside of these settlements, the Local Plan provides that development will be more strictly limited to conserve and enhance the character of the countryside and support appropriate rural employment. Policy ST08 sets out the planned scale and distribution of housing and employment development across the settlements identified in Policies ST06 and ST07.</p> <p>The remaining strategic policies set out a comprehensive set of strategies that together seek to provide a flexible but robust framework to steer the delivery of high-quality sustainable development that meets northern Devon’s economic, environmental and social objectives and needs.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>Provisions to deliver quality places are threaded throughout the strategies and policies of the Local Plan but is specially addressed through Policy ST04 (Improving the Quality of Design).</p> <p>Paragraph 20 of the NPPF provides that strategic policies should set out an overall strategy for coastal change management. The Local Plan contains a range of strategy and policy provisions (significantly Policy ST03 and ST09 and place-based strategies) to ensure that regard is had to current and future coastal erosion, inundation and flood risk. The Local Plan does not, however, incorporate Coastal Change Management Areas as a mechanism for managing these matters.</p> <p><b>The Local Plan partially meets this NPPF requirement.</b></p>
7.	Outline which policies are 'strategic' policies	NPPF Para 21	<p>The 'strategic' policies are clearly outlined as those set out in the Local Plan Part One – Strategic approach and policies.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
8.	Strategic policies should look ahead over a minimum 15-year period <u>from adoption</u> . Where larger scale developments are proposed that form part of the strategy for the area, policies should be set within a vision which looks further ahead (at least 30 years).	NPPF Para 22, having regard to the transitional provisions at NPPF para 221	<p>The Local Plan provides for a plan period from 2011 to 2031. It was adopted in 2018 and therefore only provided a remaining plan period of c. 13 years at point of adoption. At adoption the plan period was therefore less than the specified minimum period. This was, in part, a consequence of a protracted Examination in Public. The remaining plan period was not identified as a matter for concern through the Examination in Public, with the Inspector's Report finding the Local Plan to be sound and supporting a recommendation for the Councils to take the Local Plan forward for adoption.</p> <p><b>The Local Plan does not meet the NPPF requirement.</b></p>
9.	Indicate broad locations for development on a key diagram, and land use designations and allocations on a policies map.	NPPF Para 23	<p>Figure 1.1 (key diagram) shows the broad locations for development in northern Devon, with land use designations and allocations shown on the accompanying policies map.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			The Local Plan meets NPPF requirement.
10.	Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period.	NPPF Para 23	<p>The Local Plan taken as a whole provides a comprehensive strategy to deliver sufficient land in order to address objectively assessed needs for development over the plan period.</p> <p>The distribution strategy (Policy ST08) sets out the high-level strategy for bringing forward development to meet housing and economic development needs and requirements (a minimum of 17,220 dwellings over the plan period - 861 dwellings per annum - and 84.9 ha of land for economic development).</p> <p>The adopted Local Plan identifies a five-year supply of deliverable housing sites and sets out the strategy for maintaining this supply over the plan period. Policy ST21 (Managing the Delivery of Housing) sets out proactive provisions to manage the supply of housing, should it not be forthcoming as planned.</p> <p>The Local Plan is predicated on an identified supply of housing and economic land to meet the significant majority of the respective requirements.</p> <p>The Local Plan does not contain any phasing or measures to artificially constrain the rates of development delivery. Rather, the nature and scale of committed and allocated sites provides that there will be a gradual delivery of new dwellings across the plan period. The Housing Trajectory (Appendix 2 of the Local Plan) indicates the projected delivery of housing growth across the plan period for each site allocation. The distribution of development is detailed further through the housing and economic land allocations set out in the Town and Rural Strategies sections.</p> <p>The Local Plan meets NPPF requirement.</p>
11.	Include non-strategic policies to set out more detailed policies for specific areas.	NPPF Para 18, 28	The Local Plan contains a series on non-strategic policies for specific places and types of development. These comprise a comprehensive set of localised

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>strategies and site-based allocation policies for individual places (Part 2 of the Local Plan) along with a portfolio of detailed Development Management policies to enable the robust consideration of proposals for different types of development (Part 3 of the Local Plan).</p> <p>Place-based strategies and associated site allocations for larger settlements (sub-regional, strategic, and main centres) were treated as strategic policies to recognise their importance in achieving the vision and spatial objectives of the Local Plan.</p> <p>The Local Plan meets NPPF requirement.</p>
12.	Set out contributions expected from development and demonstrate that expected contributions will not undermine the deliverability of the Plan.	NPPF Para 34, 58	<p>The Local Plan includes provisions that set out the expectations for development to contributions towards affordable housing and other infrastructure.</p> <p>Policy ST18 (Affordable Housing on Development Sites) sets out detailed policy requirements in relation to the scale and nature of affordable housing provision expected from market housing proposals.</p> <p>Policy ST23 (Infrastructure) sets out the expectations for development to provide or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments.</p> <p>The Local Plan contains a range of other detailed policy provisions associated to the delivery of obligations and contributions – for example Policy DM10 (Green Infrastructure Provision) providing detailed green infrastructure requirements.</p> <p>The Local Plan is supported by an Infrastructure Delivery Plan which sets out the range of strategic infrastructure required to support planned development over the plan period, including consideration about delivery mechanisms and funding sources.</p>



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>A range of site allocation policies include detailed provisions setting out the infrastructure expected to be delivered directly through or in association with the development of those specific sites.</p> <p>The Local Plan contains provisions to enable the level of affordable housing provision, along with other infrastructure and planning requirements to be altered based on a robust appraisal of development viability. These mechanisms provide flexibility to ensure that policy requirements and obligations do not undermine the delivery of the Local Plan.</p> <p>The preparation of the Local Plan was supported by strategic viability evidence to inform and demonstrate that the provisions of the development plan were acceptable. The Local Plan was considered sound and appropriate through an Examination in Public.</p> <p><i>The Local Plan meets NPPF requirement.</i></p>
13.	Local Plans and development strategies are examined to assess if they have been positively prepared, justified, effective and consistent with national policy.	NPPF Para 35	<p>The Local Plan was subject to an Examination in Public which considered whether it was positively prepared, justified, effective and consistent with national policy (albeit in accordance with 2012-based national policy). The examination determined the Local Plan to comply with these requirements (subject to main modifications which were applied to the adopted Local Plan).</p> <p><i>The Local Plan meets NPPF requirement.</i></p>
	<i>Housing</i>		
14.	Be informed by a local housing need assessment, conducted using the standard method in national planning guidance as a starting point. Any housing needs which cannot be met within neighbouring areas should also be taken into account when establishing the amount of housing to be planned for within the plan.	NPPF Para 61	<p>This requirement post-dates the adoption of the Local Plan, which was assessed by reference to 2012-based national policy, under transitional arrangements.</p> <p>The Local Plan housing requirement (861 dwellings per annum) was informed by a locally-derived approach and robust technical evidence, based upon</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>policy, guidance and best practice in place at time of plan preparation and examination.</p> <p>The resultant annualised housing requirement of 861 dwellings comfortably exceeds the most recent figure for indicative local housing need, based on the standard method (April 2022), of 759 dwellings.</p> <p>Although the local housing need based on the standard method is lower than the current requirement, there is a need to consider the implications of any economic growth ambitions, e.g., and consequently whether an increase on the minimum need figure may be appropriate.</p> <p>The Local Plan had regard to the need to consider unmet housing need from neighbouring areas, with the adopted Local Plan accommodating the unmet need from the part of Exmoor National Park Authority that resides in North Devon, atc.10 dwellings per annum.</p> <p>Given that the local planning authority area of North Devon Council deviates from the geographic boundary of the wider Local Authority (due to Exmoor National Park), in accordance with national Planning Practice Guidance, it would/ will be necessary to deviate from the standard methodology in the derivation of local housing need in any case.</p> <p>The Local Plan partially meets this NPPF requirement but with mitigating circumstances.</p>
15.	Identify the size, type and tenure of housing needed for different groups.	NPPF Para 62	<p>The range of housing needed by different groups of the community was considered through the preparation of the Local Plan, supported by detailed evidence of housing need.</p> <p>The Local Plan does not directly identify the size, type and tenure of housing needed for different groups. Rather Policy ST17 (1) requires the scale and mix</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>of dwellings, in terms of dwelling numbers, types, sizes and tenures, provided through development proposals to reflect identified local housing needs.</p> <p>The Local Plan accordingly sets out that a housing mix should be established by having regard to relevant up-to-date and robust evidence.</p> <p>Preparation of the Local Plan, and its subsequent implementation, has been supported by a Housing and Economic Needs Assessment which provides detailed evidence about the housing need for different groups.</p> <p>A number of allocations within the Local Plan provide for the delivery of extra care housing, sufficient to meet needs over the first half of the plan period. Policy ST17 (2) (Specialist Housing Accommodation) provides the policy basis for considering applications for specialist housing accommodation, such as sheltered, close and extra-care housing.</p> <p>The Local Plan does not provide specific policy provisions for the delivery of accessible and adaptable homes, although these can be encouraged in response to evidence of identified local need through the provisions of Policy ST17 as part of considering housing mix. No specific policy is included within the Local Plan as the associated evidence base did not provide supporting justification (due to a change in government policy during the preparation of the Local Plan). However, paragraph 7.14A of the Local Plan encourages such accommodation where a need is identified.</p> <p>The Local Plan does not include specific policy provisions in relation to self-build and custom housebuilding (partly due to a change in government policy during the evidence gathering stage). The provisions of the wider Local Plan provide flexibility to enable the delivery of such housing, with many smaller developments achieved accordingly. This is recognised by paragraph 7.19 of the Local Plan which indicates that it provides for this form of development where they would fit with the wider spatial strategy of the Local Plan.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The requirement for Traveller pitches and plots is established through Policy ST20: Providing Homes for Traveller Communities. Due to establishing this need late in the later stages of plan preparation, the intention has been to prepare a separate Travellers Development Plan Document to allocate sites to meet the identified need. The Regulation 18 consultation occurred in September 2016, alongside a call for sites. Sufficient sites were not identified to meet the identified need at that point in time. The Councils have indicated an intension to deal with this matter as part of a comprehensive plan update, as agreed by the Councils in December 2020, although it could also be addressed through a partial review.</p> <p><b>The Local Plan partially meets the NPPF requirement.</b></p>
16.	Where a need for affordable housing is identified, specify the type of affordable housing required.	NPPF Para 63	<p>Local Plan Policy ST18 Clause (7) sets out the specific tenures of affordable housing that will be sought, subject to enabling variation based on identified local housing need and/or development viability.</p> <p>Following the adoption of the Local Plan, revisions to national planning policy in 2019 amended the definition of affordable housing and introduced a requirement for 10% affordable home ownership (see below).</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
17.	Expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. A minimum of 25% of all affordable homes should be First Homes, subject to the transitional requirements set out in the Planning Practice Guidance.	NPPF Para 65	<p><b>Affordable Home Ownership</b></p> <p>Local Plan Policy ST18 Clause (7) provides that affordable housing will be sought initially based on a tenure mix of 75% social rented and 25% intermediate accommodation.</p> <p>Applying the national planning policy requirement 10% affordable home ownership to the Local Plan policy requirement for 30% affordable housing on market housing sites would result in a requirement for an alternative affordable housing tenure split of 33.3% for home ownership and 66.6% for social rented housing. This would result in a significant reduction in the level</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>of social rented housing which could be sought; diminishing the ability to meet identified needs for affordable housing across northern Devon.</p> <p>The Strategic Housing Market Assessment update ( <u>Northern Peninsula Housing Market Area, Strategic Housing Market Assessment (SHMA) Update Final Report; Housing Vision, 2015</u>) identified the significant scale of affordable housing need across northern Devon; the need for affordable housing in each district being 57% (North Devon) and 58% (Torridge) of all newly forming households. Further evidence identifies a need for a high propensity of social rented housing (Tables 7.3 &amp; 7.4, <u>Strategic Housing Market Assessment: Torridge and North Devon Update - Final Report; Housing Vision 2012</u>). Following on, the tenure mix is founded on established evidence of housing need for northern Devon as contained in the Housing and Economic Needs Assessment (Chapter 8, Housing and Economic Needs Assessment, GL Hearn, May 2016), which advocated that 80% of affordable housing be sought as social and affordable rented housing, and which has been subject to review as part of the independent examination of the adopted Local Plan.</p> <p>It is clear from the referenced evidence that the application of the national provision for 10% affordable home ownership in northern Devon would result in a diminishing ability to meet the identified affordable housing needs of the specific group of households across northern Devon requiring social rented housing. The approach would result in the provision of affordable housing that could not be accessed by the majority of households that are deemed to be most in housing need. It is the Councils' position that their ability to address affordable housing needs would be significantly prejudiced by the introduction of a 10% home ownership requirement.</p> <p>As set out above, national planning policy provides an opportunity for exclusion from the requirement for 10% affordable home ownership on major development on the basis that it would significantly prejudice the</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>ability to meet the identified affordable housing needs of specific groups; with Paragraph 62 of the NPPF establishing that “those requiring affordable housing” are within the scope of “different groups in the community” and that their tenure requirements should be reflected in planning policies (paragraph 63, NPPF).</p> <p>Recognising that evidence demonstrates a high level of need for the social rented tenure, the delivery of which would be prejudiced by the national requirement for affordable home ownership, the Councils have taken the opportunity provided through national planning policy to not apply the 10% home ownership requirement as part of the affordable housing mix on qualifying proposals for open market housing. Accordingly, the 10% home ownership requirement as part of the affordable housing mix on qualifying development sites will not be applied. No variance in the implementation of clause (7) of Policy ST18 is therefore considered necessary because of national planning policy (Paragraph 65, NPPF) and the stated tenure mix remains the starting point for establishing the tenure mix required by developments</p> <p><b>First Homes</b></p> <p>The WMS dated 24th May 2021 introduces a First Homes policy (it should be noted that the content of the WMS was not included in the NPPF update published in July 2021). The Local Plan does not include a First Homes policy. Having considered the national First Homes provisions, the Councils have determined that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of a review of the Local Plan. This approach recognises the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary for the product to meet identified local needs.</p> <p>The Local Plan partially meets the NPPF/WMS requirements.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
18.	Set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.	NPPF Para 66	<p>This is a requirement was introduced subsequent to the adoption of the Local Plan (by virtue of the publication of the 2019 NPPF). The Local Plan does not therefore explicitly set out housing requirement figures for neighbourhood plan areas. In any case, there were only very limited numbers of designated neighbourhood areas in place during the period of plan preparation. The Local Plan does however establish specific minimum housing requirement figures for a large range of places (ranging from the Sub-Regional Centre to a significant number of Villages) which reflect the overall strategy for the pattern and scale of development, community aspiration and relevant site allocations. These could readily form the basis for deriving housing requirements for neighbourhood areas.</p> <p><i>The Local Plan partially meets the NPPF requirement.</i></p>
19.	Identify a supply of specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.	NPPF Para 68	<p>The Local Plan was able to demonstrate a supply of specific, deliverable sites sufficient for five years from the based date of 1<sup>st</sup> April 2017 (recognising the timeline of plan examination).</p> <p><i>The Local Plan meets NPPF requirement.</i></p>
20.	Identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare; unless it can be demonstrated that there are strong reasons why the 10% target cannot be achieved.	NPPF Para 69	<p>The requirement for identifying land to accommodate at least 10% of the housing requirement on sites no larger than one hectare was introduced through 2019-based amendments to national policy after the adoption of the Local Plan.</p> <p>The Local Plan did not therefore explicitly address this matter; it does, however, provide a significant proportion of its housing requirement on smaller sites.</p> <p>Throughout plan production, efforts were made to increase the range of smaller sites for housing, in response to requests to support small house builders.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The actual percentage of the housing requirement accommodated on sites no larger than one hectare is yet to be determined and requires further analysis.</p> <p>Compliance yet to be determined.</p>
21.	Support the development of entry level exception sites, suitable for first time buyers, unless the need for such homes is already being met within the authority’s area.	NPPF Para 72	<p>A Written Ministerial Statement dated 24<sup>th</sup> May 2021 removes this requirement, replacing it with a policy for the provision of First Homes (see the answer to question one). It should be noted that the NPPF has subsequently been updated on 27<sup>th</sup> July 2021 and 5<sup>th</sup> July 2023, however they did not incorporate revisions to reflect this element of the WMS. Therefore, it is considered that the direction from the WMS is no longer a requirement that needs to be supported.</p> <p>The Local Plan no longer needs to address this requirement.</p>
22.	Support the supply of homes through utilising masterplans, design guides and codes where appropriate to support larger scale developments.	NPPF Para 73	<p>This new requirement was introduced to national planning policy through the 2019-based update to national planning policy and thus after the adoption of the Local Plan. It is accordingly not addressed in the Local Plan. None-the-less, many of the allocation policies for the larger, more strategic development sites are worded such as to seek them to be developed in a comprehensive manner. Masterplans, design guides and codes would often not form part of the development plan but rather sit alongside as supporting documentation (often as Supplementary Planning Documents). The provisions of the Local Plan would not preclude such an approach from being followed.</p> <p>The Local Plan partially meets the NPPF requirement.</p>
23.	Include a trajectory illustrating the expected rate of housing delivery over the plan period, and requiring a buffer of 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan.	NPPF Para 74	<p>A Housing Trajectory is included in Appendix 2 to the Local Plan. The option offered through national planning policy to demonstrate a five-year housing supply through an annual position statement post-dates Local Plan adoption.</p>



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>Of note the approach to demonstrating a five-year housing supply, identified under policy ST08, includes a higher 20% buffer.</p> <p>The Local Plan meets NPPF requirement.</p>
24.	Be responsive to local circumstances and support rural housing developments that reflect local needs.	NPPF Para 78	<p>The Local Plan is predicated on a strategy that reflects and responds to local needs for housing in rural areas, with Policy ST07 (Spatial Development Strategy for Northern Devon’s Rural Area) providing a framework for the Local Plan to do so. Strategies for individual places (Local Centres and Villages) were prepared in collaboration with local communities and were responsive to local ambitions for development and growth. The Local Plan provides rural exception site policies (Policies ST19: Affordable Housing on Exception sites and ST19A: Starter Homes Exception Sites) to enable affordable housing schemes to come forward to meet identified local housing need. The Local Plan also contains a range of Development Management policies allowing for housing for rural workers (Policy DM28: Rural Worker Accommodation), succession farmer housing (Policy DM29: Farmer Family Attached Accommodation) and occupancy restricted dwellings for local needs at Rural Settlements (Policy DM24: Rural Settlements).</p> <p>The Local Plan meets NPPF requirement.</p>
25.	Identify opportunities for villages to grow and thrive, especially where this will support local services.	NPPF Para 79	<p>The Local Plan provides a range of strategies, policies and allocations that together provide a framework to enable rural places to grow and thrive, whilst having regard to local context, circumstances, and aspirations.</p> <p>Policy ST07 provides a hierarchy for the rural settlements that reflects both their existing role and capacity for growth. The strategies for individual places take account of opportunities to thrive, with more sustainable places having been planned for population growth (i.e., Local Centres), whilst smaller places (i.e., Villages) were still subject to planned development with a view to maintaining or growing their population; with allocations for housing growth provided at both Local Centre and Village level.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>Strategies for individual places took account of community views, which presented a range of ambition for growth; community views were generally taken forward in the Local Plan with the consideration capacity to accommodate sustainable growth. For Local Centres and Villages, the Local Plan accommodates opportunities for speculative housing development within the boundaries of the settlements where opportunities arise, whilst supporting affordable housing on sites adjoining these places where a local need is identified. For smaller places with some very limited services and facilities (so-called Rural Settlements), the Local Plan enables housing to be provided to meet identified local needs, subject to some locational qualifications.</p> <p>The Local Plan additionally provides opportunities for economic growth in rural areas, through a limited range of site allocation opportunities and a series of criteria-based policies that enable appropriate development proposals to be accommodated. The Local Plan also contains provisions to support the development and diversification of rural enterprises.</p> <p>The current approach of the plan recognises the inter-related role that individual places play in rural areas and the way that they support one another. It is however recognised that there are opportunities to develop this approach further and to better recognise these more localised relationships – this is a matter highlighted by elected members as something appropriate to explore further.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
26.	Avoid the development of isolated homes in the countryside unless specific circumstances are consistent with those set out in the NPPF.	NPPF Para 80	Development in the Countryside is restricted through the spatial development strategy for Rural Areas (Policy ST07). This requires that beyond Local Centres, Villages and other Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>This guards against development in unsustainable locations and protects the character of the wider countryside.</p> <p>In line with national planning policy, the strategies and development management policies of the Local Plan make provision for the reuse of disused and redundant buildings and for rural workers accommodation.</p> <p>The Local Plan does not however provide explicit policy provisions for the following specific circumstances for enabling isolated dwellings in the countryside:</p> <ul style="list-style-type: none"> <li>• homes of ‘exceptional quality’</li> <li>• The optimal viable use of a heritage asset</li> <li>• The subdivision of an existing residential building.</li> </ul> <p>Although the Local Plan is silent on these specific matters resulting in a slight tension to the spatial strategy, effective decisions are able to be reasonably made by reference to the wider provisions of the Local Plan and relevant provisions of national planning policy.</p> <p><b>The Local Plan partially meets the NPPF requirement.</b></p>
	<i>Economy</i>		
27.	Create conditions in which businesses can invest, expand and adapt.	NPPF Para 81	<p>The Local Plan is considered to provide a positive framework for economic development and growth that is intended to create conditions where businesses can invest, expand, and adapt.</p> <p>The Local Plan provides a holistic approach to supporting economic development, being achieved through a combination of the spatial planning vision, spatial strategy and a range of strategic policies (including ST11 - Delivering Employment and Economic Development) and various development management policies which positively support and enable employment development in towns, villages and rural areas. Policy ST11 (2), significantly provides for a flexible approach to employment land release in</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>response to the relocation or expansion proposals that will contribute to improvements in the economy.</p> <p>The Local Plan allocates just under 85ha of land for employment to allow for choice and flexibility to the market; being higher than the 72 – 81 hectares advised as being needed across the plan period in the supporting evidence to the Local Plan (Housing and Economic Needs Assessment 2016).</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
28.	Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.	NPPF Para 82	<p>The vision for the northern Devon economy is set out in section 5 of the Local Plan. This is complemented and supported by the spatial planning vision, spatial strategy, a combination of strategic policies and approaches, enabling development management policies and a portfolio of site allocations for economic development.</p> <p>As the Heart of the South West’s (HotSW) Local Industrial Strategy (LIS) was published after the adoption of the Local Plan, there was no opportunity to ensure the alignment of strategies. However, the evidence used to inform the Local Plan included the HotSW Strategic Economic Plan and the Northern Devon Economic Strategy. The Local Plan is generally considered to provide sufficient opportunities and flexibility to support and encourage sustainable economic growth.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
29.	Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.	NPPF Para 82	<p>The Local Plan provides a range of site allocations for economic development, in strategic locations contingent with the spatial strategy, in excess of the scale of land identified as necessary to meet identified needs over the plan period.</p> <p>The Local Plan provides a range of complementary criteria-based policies that will enable the further release of land for economic development where it is demonstrated that this is necessary to meet an unmet need (subject to a</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>range of qualifying criteria). Elsewhere the visions, strategies and allocations for individual places highlight opportunities and intentions for regeneration and associated investment.</p> <p>The Local Plan meets NPPF requirement.</p>
30.	<p>Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.</p>	<p>NPPF Para 82</p>	<p>The Local Plan takes a positive and proactive approach to enabling and facilitating development. The Local Plan recognises that northern Devon’s economy is underpinned by its high-quality environment and quality of life.</p> <p>The Local plan seeks to address barriers to investment such as housing and local services by providing an integrated and holistic consideration of social, economic, and environmental matters (e.g., through strategic policies in section 7 and 8 and related development management policies).</p> <p>Preparation of the Local Plan included consideration of the necessary infrastructure investment required to service planned growth; articulating this through the accompanying Infrastructure Delivery Plan, spatial strategies for places and requirements stipulated through individual development proposals.</p> <p>The Local Plan additionally requires development proposals to contribute appropriately to meeting the infrastructure and service needs generated by the proposal (either individually or cumulatively).</p> <p>The Local Plan was recognised to have the role and responsibility of facilitating additional public sector investment, as demonstrated by its role in underpinning the business case for the upgrade of the A361 link road.</p> <p>The Local Plan meets NPPF requirement.</p>

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
31.	Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.	NPPF Para 82	<p>The Local Plan is considered to provide a flexible policy framework that can enable northern Devon to respond to changes in economic circumstances within the plan period.</p> <p>The Local Plan’s vision for the northern Devon economy is “a diverse and resilient economy that can adapt to challenges and maximise opportunities, underpinned by an appropriate skilled workforce and effective infrastructure” (paragraph 5.1).</p> <p>In order to offer choice, flexibility and resilience, the Local Plan identifies additional land for economic growth in excess of the evidenced scale required to meet identified needs over the plan period, whilst a range of criteria-based policies (and in particular Policy DM12: Employment Development Towns, Local Centres and Villages) support the release of additional land for economic development where it is demonstrated that this is necessary to meet an unmet need (subject to a range of qualifying criteria).</p> <p>Local Plan Policy ST11 (Delivering Employment and Economic Development) identifies that the Councils will work in partnership to maintain and enhance the local economy and support inward investment. It supports the flexible release of land in response to relocation or expansion proposals, whilst supporting the modernisation of employment sites to meet future needs.</p> <p>Local Plan Policy DM12 allows for the development of new sites adjoining or well related to a range of rural settlements (Local Centres and Villages) to meet identified business needs (subject to a range of qualifying criteria). Elsewhere, Policy DM14 (Rural Economy) provides support for new small-scale economic development in and around smaller rural settlements or existing operations, whilst other provisions also enable proposals for the diversification of the rural economy (Policy DM15: Farm Diversification).</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>Live-work accommodation is supported through the Local Plan in appropriate sustainable locations, whilst accommodation is enabled on the basis of need for rural workers through Policy DM28: Rural Worker Accommodation.</p> <p>The Local Plan is considered to provide a flexible and adaptable range of strategies, policies and allocations that can adapt and remain resilient to changes and challenges that arise across the plan period.</p> <p>The Local Plan meets NPPF requirement.</p>
32.	<p>Recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.</p>	<p>NPPF Para 83</p>	<p>The Local Plan recognises and responds to the varying needs of different sectors of the economy, doing so by providing both specific proposals and site allocations for particular uses and by providing a range of flexible policies to enable economic development where specific needs are identified. These were informed by sectoral analysis provided through evidence prepared in support of the Local Plan (Housing and Economic Needs Assessment). The Local Plan for example, seeks to give priority to waterside locations for uses that require a coastal location, whilst safeguarding previously developed sites, jetties, and wharves, along with facilities at Appledore and Yelland (Policy ST09: Coast and Estuary Strategy). With respect to agriculture, the Local Plan provides for the development of new livestock markets (Policies HOL01 at Holsworthy and SM03 at South Molton) and associated agri-business uses in key locations for agriculture. More widely, allocations of land for economic development were directed to locations with market interest for growth.</p> <p>Whilst the Local Plan does not make explicit provision in response to the specific sectors identified in national planning policy, these were introduced to national policy as requirements after its adoption. Local Plan Policy ST11 does however seek to support the provision of high value jobs in business, education, and research, those supporting a low carbon economy and other key growth sectors in sustainable locations.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			The Local Plan meets NPPF requirement.
33.	Enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.	NPPF Para 84	<p>The Local Plan provides a positive framework to enable the sustainable growth and expansion of all types of business in rural areas. It is responsive to a range of rural economic and social needs, and it supports the appropriate reuse of rural buildings. Support is provided for rural employment and farm and rural business diversification schemes. This is reflected in the spatial development strategy for rural areas (ST07), individual Local Centre and Village strategies and through various development management policies.</p> <p>Sites are allocated for economic development at a number of rural settlements, with associated policies to guide the form of development.</p> <p>The Local Plan additionally provides a range of enabling criteria-based policies that positively support various forms of economic development in rural areas. Policy DM12 allows for the development of new sites adjoining or well related to a range of rural settlements to meet identified business needs (subject to a range of qualifying criteria). Whilst Policy DM14 provides support for new small-scale economic development in rural areas - in and around a range of smaller rural settlements, at existing operations and through the change of use or conversion of existing buildings.</p> <p>Local Plan Policy DM15 supports proposals for sustainable farm diversification and for appropriately located equine-related development (Policy DM16: Equine Development), it also provides support for tourism proposals (Policies ST13: Sustainable Tourism, DM17: Tourism and Leisure</p>



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>Attractions &amp; DM18: Tourism Accommodation) in appropriate rural locations. Whilst the tourism policies are considered to be fully compliant with the provisions of national policy, it is recognised that they may not fully meet the aspirations of some elected members.</p> <p>The Local Plan meets NPPF requirement.</p>
34.	Enable the development and diversification of agricultural and other land-based rural businesses.	NPPF Para 84	<p>The Local Plan is considered to provide a positive approach to enable the development and diversification of agriculture and other land-based rural businesses, with the vision setting out the ambition for rural businesses and agriculture to thrive.</p> <p>Policy DM15 (Farm Diversification) provides an enabling criteria-based policy that supports proposals for farm diversification, whilst wider forms of small-scale economic development are enabled in a variety of rural locations, including at existing operations, through Policy DM14 (Rural Economy). The housing needs of rural workers is recognised, with policies facilitating additional housing for rural workers, where justified based on need (Policy DM28: Rural Worker Accommodation) and through succession housing for farming families (Policy DM29: Farmer Family Attached Accommodation).</p> <p>The Local Plan meets NPPF requirement.</p>
35.	Enable sustainable rural tourism and leisure developments which respect the character of the countryside.	NPPF Para 84	<p>Tourism and leisure are recognised through the Local Plan as important parts of northern Devon’s economy. Local Plan Policy ST13 supports high quality tourism development and states that “tourism growth should be sustainable and should not damage the natural or historic assets of northern Devon”. A pair of criteria-based policies (Policies DM17 &amp; DM18) enable sustainable rural tourism and leisure developments in sustainable locations, and which respect the character of the countryside. The use of disused or redundant buildings is enabled (Policy DM27) for tourism uses – be that accommodation or otherwise. Whilst the tourism policies are considered to fully compliant with the provisions of national policy, following workshops with elected</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>members, it is recognised that they may not fully meet some of their aspirations.</p> <p>The Local Plan meets NPPF requirement.</p>
36.	<p>Enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p>	NPPF Para 84	<p>The Local Plan seeks to safeguard community services and facilities. In particular, Policy ST22 (Community Services and Facilities) seeks to both enable new provision of community services and facilities, whilst protecting against their loss unless there is compelling evidence to demonstrate that they are no longer appropriate or required. A range of criteria-based Development Management policies provide complementary provisions relating to rural services and businesses to support this approach (e.g., DM12, DM14, DM19 and DM21).</p> <p>The Local Plan meets NPPF requirement.</p>
37.	<p>Recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.</p>	NPPF Para 85	<p>The Local Plan enables a range of opportunities in the rural areas to meet the needs of local businesses and communities. Policy ST11 (7) provides support for economic development proposals and the diversification of the rural economy where the proposals do not conflict with other policies of the Local Plan. Proposals for community services and facilities are enabled within and adjoining a broad range of rural settlements (Local Centres, Villages and Rural Settlements), subject to a range of qualifying criteria.</p> <p>The Local Plan provides support for innovative schemes to secure local delivery of public services in areas poorly served by public and community transport (Policy ST22: Community Services and Facilities).</p> <p>Whilst the development of the spatial hierarchy for the rural areas had regard to the availability of public transport, the lack of public transport is not an absolute factor embedded in criteria-based policies for development in rural areas.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The Local Plan generally seeks to direct development to sustainable locations, it does so with a significant degree of flexibility, recognising the constraints often found in rural areas. The spatial development strategy for rural areas (Policy ST07) recognises that some limited development can take place in the countryside areas, away from settlements, ‘to meet local economic and social needs’. Policy DM12 (Employment Development at Towns, Local Centres and Villages) provides for employment activity adjacent to or well related to settlement in defined Towns, Local Centres and Villages, with Policy DM14 enables small-scale economic development at smaller rural settlements, re-using disused or redundant rural buildings or at sites of existing operations.</p> <p>The Local Plan meets NPPF requirement.</p>
38.	<i>Town centres</i>		
39.	Define a network and hierarchy of town centres and promote their long-term vitality and viability.	NPPF Para 86	<p>The Local Plan (Policy ST12: Town and District Centres) identifies a network of town and district centres across northern Devon which offer a range of goods and services.</p> <p>Barnstaple is recognised as the largest centre delivering the greatest range of convenience and comparison retail options, reflecting its status as a Sub-regional Centre. Bideford is also an important centre, which provides a reduced level and range of retail and service provision from Barnstaple but a distinctly greater range than the area's other towns. The other Main Centres at Braunton, Great Torrington, Holsworthy, Ilfracombe and South Molton are locally important but smaller and support a range of services which are strongly influenced by their proximity to other centres. The vitality and viability of these centres is promoted and protected through Policy ST12, the individual town strategies and development management policies (e.g., DM19: Town and District Centres).</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>Changes to the permitted development regime along with the use classes order, which introduce flexibilities to move away from traditional town centre uses, pose potential challenges in terms of maintaining the vitality and viability of town centres. Whilst the spatial strategy for the town and district centres (Policy ST12) continues to provide an appropriate high-level strategy that positively seeks to support vibrant and vital town centres, the detailed development management policy (Policy DM19) is less effective in light of both changes to the planning regime (use classes and permitted development rights) and the changing nature of town centre activity.</p> <p><b>The Local Plan partially meets the NPPF requirement.</b></p>
40.	Define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations.	NPPF Para 86	<p>The Local Plan and associated Policies Map defines the extent of the town centres, primary shopping areas and primary frontages for the range of defined centres. Policy ST12 (Town and District Centres) provides the retail strategy for the plan area including the types of uses supported within these centres, with the town centres, primary shopping areas and Primary Frontages set out in the policy maps for Barnstaple, Bideford, and the other main centres. Policy DM19: Town and District Centres provides the detailed criteria-based policy which establishes how proposals will be considered and the uses which will be deemed appropriate.</p> <p>Whilst the spatial strategy for the town and district centres (Policy ST12) continues to provide an appropriate high-level strategy that positively seeks to support vibrant and vital town centres, the detailed development management policy (Policy DM19) is less effective in light of both changes to the planning regime (use classes and permitted development rights) and the changing nature of town centre activity.</p> <p><b>The Local Plan partially meets the NPPF requirement.</b></p>
41.	Retain and enhance existing markets and, where appropriate, re-introduce or create new ones.	NPPF Para 86	<p>The Local Plan does not contain any specific policy related to the retention or enhancement of existing markets.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>A number of the main centres do have covered or street markets – including Barnstaple, Bideford, Great Torrington, Holsworthy and South Molton. Wider policies of the Local Plan would be generally supportive of the retention and enhancement of physical market infrastructure and buildings, recognising their role in supporting the vitality and viability of town centres. Wider provisions (Policy ST12) also seek to support the town centres through the positive management of regeneration measures, which could include provisions associated to markets or associated public realm enhancements. Similar opportunities for regeneration and enhancements are also recognised in a number of the town specific spatial strategies. The town strategies for Holsworthy and South Molton makes provision for the relocation and enhancement of the current livestock markets.</p> <p>Whilst the Local Plan does not make specific provisions for the retention and enhancement of existing markets, it is considered to contain appropriate enabling provisions.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
42.	Allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead.	NPPF Para 86	<p>The Local Plan provides and supports a range of regeneration and redevelopment opportunities in and around a number of its town centres.</p> <p>Whilst the nature of the proposals that might be required to come forward is possibly now different to envisaged at the point of plan preparation, the Local Plan provides sufficient scope and flexibility to support development that might be needed to support the changing nature of town centre uses, particularly in combination with the flexibilities inferred by changes to the use classes order and permitted development rights.</p> <p>Given the changing nature of town centre use and activity, it is considered unlikely that there would be a need to identify sites to grow the town centres to meet the scale and type of development likely to be needed in the next</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>ten years, although it is recognised that there may be a need to identify sites to support specific re-development opportunities. The lack of such sites in the existing Local Plan does not, however, preclude their development by having regard to its wider provisions.</p> <p>Further up-to-date evidence would be required to support the development of a revised local plan to understand and inform the location of appropriate town centre boundaries, primary shopping areas, primary frontages along with visions, strategies and site proposals for individual centres.</p> <p>The Local Plan meets NPPF requirement.</p>
43.	Where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre.	NPPF Para 86	<p>The expansion of the retail/town centre uses offer in Barnstaple and South Molton is proposed on sites adjacent or well connected to the existing town centres (BAR11 and SM04). Similarly, a range of regeneration opportunities are provided in and around the town centre for Bideford (BID07). As above, there will be a need to develop further up-to-date evidence to ascertain whether these proposals and associated policies are still appropriate and whether there is a need for the same, similar or different allocations in the future.</p> <p>LP meets the NPPF requirement</p>
44.	Recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.	NPPF Para 86	<p>Policy ST12 (Town and District Centres recognises the role that residential, leisure and other non-retail uses can play in ensuring the viability and vitality of town centres and that these uses will be encouraged to achieve a 'mix of facilities and active town centres. The Local Plan seeks to protect retail activity in the town centres, especially in the defined Primary Frontages but it is flexible in enabling residential uses where appropriate. Policy DM19 explicitly recognises the role that residential development can have in supporting the viability and vitality of Town and District Centres, supporting proposals for a range of uses, including residential, subject to compliance with a range of criteria.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>Changes to use classes and permitted development rights subsequent to the adoption of the Local Plan have also introduced additional opportunities for residential development within the town centres.</p> <p>LP meets the NPPF requirement.</p>
45.	<i>Healthy and safe communities</i>		
46.	<p>Achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.</p>	<p>NPPF Para 92</p>	<p>The Local Plan threads the principles of achieving healthy, inclusive and safe places and communities throughout: from the vision, aims and objectives (particularly the objectives under Aim 4), through to strategic approaches and detailed policy provisions.</p> <p>The spatial planning vision seeks to ensure that people can live well, that more residents enjoy a healthy and active lifestyle and benefit from excellent education, health and leisure facilities, complemented by investment in green infrastructure, by designing new developments to promote healthier living. This propagates through the aims and objectives of the Local Plan which include provisions that seek to provide improved opportunities to services and facilities (4)(b), ensure there are more opportunities to lead healthy lives (4)(f), that the built environment is designed to promote healthy living (4)(i) and that public access is improved to environmental assets to support wellbeing; safe places are also referenced.</p> <p>These aims and objectives, propagate through to the wider strategies and policies, and whilst healthy lifestyles are not mentioned explicitly, the principles are embedded into the wider policy approaches – including, for example, consideration of adapting to climate change and facilitating a step change toward the use of sustainable modes of transport (Policy ST02: Mitigating Climate Change), improving access to natural and managed green spaces (Policy ST03: Adapting to Climate Change and Strengthening Resilience), achieving high quality inclusive and sustainable design (Policy</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>ST04: Improving the Quality of Development), improving overall accessibility by providing a wide range of integrated practical and attractive travel options, including pedestrian, cycle and bridleway networks (Policy ST10: Transport Strategy), providing improved community services and facilities (Policy ST22: Community Services and Facilities). The Local Plan also embeds the expectation (Policy DM04: Design Principles) that all major residential proposals should be supported by a Building for Life 12 (or successor) assessment which seek to ensure the delivery of this NPPF requirement. It is noted that this will not apply to all developments across the plan area. DM04 also recognises the need to create inclusive and well-connected environments that promote ease of movement.</p> <p>The theme of healthy lifestyles and accessibility is included in some of the town and village spatial strategies (e.g. Barnstaple) and is reflected in development management policies. However, it is recognised that the next Local Plan could provide a more comprehensive approach to this matter, with potentially scope for the strategic policies to more clearly identify and pull together the strands and themes that connect sustainable travel, accessible places and healthy lifestyles.</p> <p>The Local Plan meets NPPF requirement.</p>
47.	Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.	NPPF Para 93	<p>This requirement is met through strategic policy ST22 (Community Services and Facilities), which supports new and safeguards existing facilities. The policy provides a positive approach to enabling innovative schemes for the delivery of public services in areas poorly served by public and community transport. Policy DM21 (Local and Rural Shops) deals with new local and rural shops to meet local community needs while Policy DM19 (Town and District Centres) recognises the role of community facilities in promoting viability and vitality.</p> <p>The Local Plan meets NPPF requirement.</p>



	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
48.	Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.	NPPF Para 93	<p>The Local Plan had regard to a wide range of plans and strategies during its preparation, supported by a significant range of engagement with relevant stakeholders – including those from the health, social and cultural sectors – who promoted their own strategies and objectives. These propagate throughout the Local Plan and its approaches, with supporting measures to improve health, social and cultural well-being embedded and reflected across a wide range of strategic and development management policies – from the retention and enhancement of community services, facilities and infrastructure, through the design of places that reflect on local distinctiveness and sense of place, to the promotion of active travel. The Local Plan was also supported by a Health Impact Assessment (HIA), whilst the Sustainability Appraisal identified a range of relevant plans and strategies.</p> <p>The Local Plan meets NPPF requirement.</p>
49.	Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.	NPPF Para 93	<p>The Local Plan seeks to protect important facilities and services. In particular, it does this by seeking to prevent the loss of community services and facilities (Policy ST22: Community Services and facilities). The Local Plan also enables development proposals to contribute towards the enhancement of existing services and infrastructure. Further, the need for protection of local green spaces is recognised in the individual town strategies and wider provisions (Policies ST14: Enhancing Environmental Assets and DM10: Green Infrastructure Provision).</p> <p>The Local Plan meets NPPF requirement.</p>
50.	Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.	NPPF Para 93	<p>The Local Plan supports extensions and improvements to existing community facilities, along with proposals to deliver innovative proposals to support local service delivery, whilst resisting their loss unless justified (Policy ST22: Community Services and Facilities). The Local Plan also enables the development of local and rural shops to meet local community needs and</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>safeguards them unless there is suitable alternate provision (Policy DM21: Local and Rural Shops).</p> <p>The Local Plan meets NPPF requirement.</p>
51.	Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.	NPPF Para 93	<p>The Local Plan seeks to provide an integrated and holistic approach to sustainable development that considers the social, environmental, and economic strands. This propagates through the Local Plan, which seeks to ensure a balance between the locations of housing, employment opportunities and access to services and facilities. This is reflected in its strategic aims and objectives, the strategic policies relating to sustainable development (in particular, Policies ST02 and ST04) and the spatial development strategy (as set out in Policies ST06 and ST07). These were derived from a detailed assessment of settlement ‘sustainability’, capacity, and aspiration – connecting a top-down consideration of northern Devon’s aspirations, needs and demands to a bottom-up approach of looking at individual places, their specific needs and opportunities. This resulted in a network of place-based strategies that have seek to balance the housing and employment, along with consideration of wider infrastructure.</p> <p>The Local Plan meets NPPF requirement.</p>
52.	Consider the social, economic and environmental benefits of estate regeneration.	NPPF Para 94	<p>This is not a wide-spread issue in northern Devon, with no proposals identified at the point of plan preparation. The Local Plan does not therefore include any specific policy provisions related to this. The wider strategies and provisions of the Local Plan would however support estate regeneration where a specific development proposal arises, and positive outcomes identified.</p> <p>The Local Plan has supported schemes where they have been forthcoming – including redevelopment of affordable housing schemes in Barnstaple and Bideford.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			The Local Plan meets NPPF requirement.
53.	Plan positively to meet school place requirements and to encourage development which will widen choice in education.	NPPF Para 95	<p>The Local Plan has positively planned for school place requirements and the provision of adequate education infrastructure. The local planning authority worked closely with the local education authority (Devon County Council) and education providers (in particular Petroc) in order to understand needs and requirements across the plan period, seeking to plan for these appropriately. The Spatial Planning Vision recognises the importance of having high quality educational and training provision, along with the importance of Petroc College. The Local Plan provides for a range of new education infrastructure (in particular early-years provision and primary schools), with their delivery embedded in place-based strategies, the associated site allocations and the supporting Infrastructure Delivery Plan (IDP). Proposals to support the expansion of Petroc (Further Education establishment) are also included.</p> <p>The Local Plan meets NPPF requirement.</p>
54.	Work proactively and positively with promoters, delivery partners and statutory bodies to plan for public service infrastructure.	NPPF Para 96	<p>The local planning authorities worked closely with a broad range of stakeholders across the preparation of the Local Plan and continue to do so during its implementation to facilitate delivery.</p> <p>The needs for public service infrastructure, identified through evidence gathering and engagement, were considered when developing the local plan, including place-based strategies and individual allocations. The North Devon and Torridge Infrastructure Delivery Plan supports the Local Plan and additionally sets out how the public service infrastructure will be delivered.</p> <p>The Local Plan meets NPPF requirement.</p>
55.	Promote public safety and take into account wider security and defence requirements.	NPPF Para 97	The Local Plan recognises the importance of public safety – with one of the objectives (4)(g) seeking to ensure that community environments are safe

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>and secure, whereby crime and anti-social behaviour are tackled effectively. The strategies for key places recognise the need to ensure that they are safe environments. Many site-specific allocations seek to ensure that development creates safe environments – with the strategy for Bideford (Policy BID) for example, seeking to ensure that the town centre is ‘safe’ through a programme of regeneration and public realm enhancements. More widely, the supporting text to Policy ST12 (Town and District Centres) identifies the need to ensure an improved sense of safety and security for town centre users. The need for well-designed and safe public and private spaces is established through Policy DM04 (Design Principles).</p> <p>The Local Plan does not explicitly consider the risk of malicious threats, including sites where large gatherings might be expected, although these are likely to be relatively limited given the nature of northern Devon. The Police Architectural Liaison Officer is routinely consulted on development proposals.</p> <p>There are training and operational defence sites around the Taw-Torridge estuary and where applicable policies support the continued use of these sites (e.g., ST09: Coast and Estuary Strategy).</p> <p><b>The Local Plan partially meets the NPPF requirement.</b></p>
56.	Provide open space, sports and recreational facilities which meets the needs of the local area. Consider how they can deliver wider benefits for nature and support efforts to address climate change.	NPPF Para 98	<p>The Local Plan was informed by a comprehensive green infrastructure needs assessment and strategy.</p> <p>The Local Plan recognises in its vision the importance of open space, sport and recreation facilities, seeking for residents to be able to enjoy an active and healthy life through investment in green infrastructure which has improved the quality and access to a well-connected network of open spaces, with new developments designed to promote healthier living.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The Local Plan seeks to protect and integrate green infrastructure into urban areas, whilst improving access to natural and managed green space (Policy ST03: Adapting to Climate Change and Strengthening Resilience), whilst increasing opportunities for access, education and appreciation of all aspects of northern Devon’s environment (Policy ST14: Enhancing Environmental Assets). In doing so, the plan seeks to apply an ecosystem services approach (Vision, Policies ST03 &amp; ST14). The Local Plan also looks to conserve and enhance landscapes and networks of habitats, including cross-boundary green infrastructure links, strengthening the resilience of biodiversity to climate change by facilitating migration of wildlife between habitats and improving their connectivity (Policy ST03).</p> <p>The Local Plan (Policy ST23: Infrastructure) expects development proposals to provide physical, social and green infrastructure to address the needs generated by the development.</p> <p>Policy DM10 (Green infrastructure Provision) sets out the required standards for green infrastructure provision, including play space, parks, sport and recreation grounds. Strategic provision of such facilities is focused in hubs identified in a number of settlements, with additional references in many settlement strategies. More widely (the supporting text) recognises the co-benefits that can be achieved from green infrastructure – including for example sustainable drainage and biodiversity (paragraph 3.44).</p> <p>It is recognised that the implementation of the Local Plan would benefit from habitat opportunities mapping, which is being addressed through the development of the Nature Recovery Network.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
57.	Protect and enhance public rights of way and access.	NPPF Para 100	The Local Plan (Policies ST10: Transport Strategy and DM05: Highways) seeks to maintain and enhance the function and connectivity of the public rights of way network in northern Devon; protecting and enhancing, whilst facilitating

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>improvements to existing connections or providing new, where practical to do so. This positive approach is also reflected in the individual place-based strategies and policies for towns and rural places.</p> <p>The Local Plan also seeks to increase opportunities for access to northern Devon’s environment for all sections of the community (Policy ST14: Enhancing Environmental Assets).</p> <p><i>The Local Plan meets NPPF requirement.</i></p>
58.	<i>Transport</i>		
59.	Should actively manage patterns of growth in support of objectives in Para 104. Significant development should be focused on locations which are/can be made sustainable. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas - this should be taken into account in plan-making.	NPPF Para 105	<p>The spatial development strategy (Policies ST06: Spatial Development Strategy for Northern Devon’s Sub-Regional, Strategic and Main Centres and ST07: Spatial Strategy for Northern Devon’s Rural Area) directs the main focus of development to Barnstaple and Bideford with six ‘main centres’ also taking an appropriate level of growth. These places benefit from existing transport infrastructure and opportunities for sustainable travel so are considered the most sustainable locations. More restricted growth is permitted in the smaller settlements where there are more limited options for sustainable travel, whilst recognising that development will support their role as rural service centres, improving the sustainability of rural communities.</p> <p><i>The Local Plan meets NPPF requirement.</i></p>
60.	Support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.	NPPF Para 106	<p>The Local Plan’s spatial hierarchy is underpinned by a detailed settlement assessment, and the Strategic Housing Land Availability Assessment considered access to public transport, services and facilities and employment opportunities when assessing potential development sites.</p> <p>The Sustainability Appraisal, prepared alongside the Local Plan considered the sustainability credentials of potential site options. When identifying locations for growth, consideration was given to the potential for making</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>sustainable mixed-use places, both by considering their proximity and access to other uses, and the co-location of development through proposed development.</p> <p>Larger scale strategic allocations across northern Devon include a mix of uses including residential alongside employment, leisure, retail, and education.</p> <p>The Local Plan meets NPPF requirement.</p>
61.	Identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.	NPPF Para 106	<p>Key access routes to serve proposed development sites and improve connectivity are identified on the Policies Map. Place-based spatial strategies, along with individual site allocations identify locations for specific infrastructure for widening transport choice and realising opportunities for large scale development, including locations for significant junction improvements and, for example, park and change facilities.</p> <p>The Local Plan’s Transport Strategy (Policy ST10) aims to safeguard routes and explore opportunities for the reuse and reinstatement of former railway lines (e.g. Lynton to Barnstaple railway).</p> <p>The Local Plan meets NPPF requirement.</p>
62.	Provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).	NPPF Para 106	<p>The Local Plan recognises the importance of active travel, including walking and cycling for northern Devon.</p> <p>The Transport Strategy (Policy ST10) aims to develop ‘quality strategic recreational routes and local pedestrian, cycle and bridleway networks’ and ‘improve interchanges for transfer between modes of travel’, whilst the design of places (Policy DM04: Design Principles) seeks to ensure that places are accessible to all. The Local Plan also seeks to ensure that the needs and accessibility of all highway users, including cyclists and pedestrians, are considered.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The Local Plan envisages new routes that will integrate with existing public rights of way including strategic recreational routes such as the South West coast path and Tarka Trail. There are also a range of specific walking and cycle route proposals identified, across Barnstaple, in Bideford/Northam, Holsworthy and elsewhere. Provision of cycle parking is recognised (Policy DM06: Parking Provision) as part of wider parking provision which seeks provision for all forms of transport, whilst explicitly having regard to the provision of safe walking and cycling routes. More specifically, individual proposals recognise specific opportunities – including, for example, secure cycle parking as part of redevelopment scheme for a car parking site (BAR11). A Local Cycling and Walking Infrastructure Plan is currently being prepared for the settlements of Barnstaple, Bideford and Northam, to assist with the delivery of Local Plan objectives.</p> <p>The Local Plan meets NPPF requirement.</p>
63.	Provide for any large-scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.	NPPF Para 106	<p>There are no large-scale transport facilities such as airports in the northern Devon area. Key road and rail routes and the opportunities/need for these to be upgraded (e.g. A361/A39 corridor) are identified in the Transport Strategy (Policy ST10) and the associated Infrastructure Delivery Plan (IDP). Ambitions for developing rail freight facilities have been cited, however these have not yet been developed into working proposals.</p> <p>The Local Plan meets NPPF requirement.</p>
64.	Recognise the importance of maintaining a national network of general aviation airfields.	NPPF Para 106	<p>The Local Plan area does not have any general aviation airfields as defined by the Department of Transport General Aviation Strategy (2015).</p> <p>The Local Plan meets NPPF requirement.</p>
65.	Provide adequate overnight lorry parking facilities, taking into account any local shortages.	NPPF Para 109	<p>The Local Plan does not identify specific lorry parking facilities, although its wider policies could potentially enable such provision in sustainable locations should proposals be forthcoming. The Local Transport Plan does not identify deficits of provision/or the need for additional provision in respect of</p>



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>overnight lorry parking facilities. Further evidence would be needed to understand the demand.</p> <p>The Local Plan meets NPPF requirement.</p>
66.	<p>In assessing sites that may be allocated for development in plans, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p>	NPPF Para 110	<p>The Local Plan’s spatial strategy (Policies ST06: Spatial Development Strategy for Northern Devon’s Sub-Regional, Strategic and Main Centres and ST07: Spatial Strategy for Northern Devon’s Rural Area), along with the scale and distribution of development (Policy ST08), was derived having regard to minimising journeys and securing opportunities for sustainable transport modes. Transport infrastructure requirements of the allocation sites were considered through the Strategic Housing Land Availability Assessment and the Sustainability Assessment process. Where appropriate, individual policies associated to specific site allocations include provisions that reflective site circumstances and opportunities. The general policies of the Local Plan seek the integration of transport infrastructure to support sustainable modes of transport, including their appropriate integration into development.</p> <p>The Local Plan does, however, predate both the National Design Guide and the National Model Code and as such does not explicitly reflect their content. Further work would be required to fully establish the plan’s alignment to their provisions.</p> <p>The Local Plan partially meets the NPPF requirement.</p>
67.	<p>Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p>	NPPF Para 111	<p>Policy ST10 (Transport Strategy) only requires a Transport Assessment or a Transport Statement and a Travel Plan for developments that generates significant traffic movements.</p> <p>The Highway Authority will assess the impact of development on the road network and highway safety. Policy DM05 (Highways) provides a more detailed approach which is considered compatible with national policy provisions.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			The Local Plan meets NPPF requirement.
68.	<i>Communications</i>		
69.	Support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections, setting out how high-quality digital infrastructure is expected to be delivered and upgraded over time.	NPPF Para 114	<p>The provision of digital communications infrastructure is supported by the Local Plan (Policy ST23: Infrastructure), which seeks to ensure developments contribute to the timely provision of new infrastructure.</p> <p>More specifically, the Local Plan provides an enabling policy (Policy DM11a: Telecommunications) that sets the criteria against which proposals for new or upgraded telecommunications equipment will be considered and supported.</p> <p>A wide range of place-based strategies and site allocations include support for the delivery of superfast broadband connections, whilst the supporting text for the rural area’s spatial strategy states that ‘high speed electronic communication links will be encouraged particularly where they will reduce social isolation or improve business opportunities.</p> <p>The Local Plan (Policy DM04: Design Principles) does require proposals to incorporate appropriate infrastructure to enable connection to fast ICT networks. There is no specific overarching strategy within the Local Plan supporting the expansion of the electronic communications networks across northern Devon or specific references to delivery or upgrading of mobile technology and full fibre broadband and how it will be delivered or upgraded over time. It should be recognised however that much development associated to telecommunication improvements does not require explicit consent (being permitted development or prior approval). Where consent is required, the Local Plan (in particular Policy, DM11a, but also Policy DM04) provides the basis for considering proposals.</p> <p>The Local Plan partially meets the NPPF requirement.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
70.	<i>Making effective use of land</i>		
71.	Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.	NPPF Para 119	<p>The Local Plan has been developed having detailed regard to effective and efficient opportunities for the delivery of development required to meet objectively assessed need. The Strategic Housing Land Availability Assessment (SHLAA) along with other assessments of land, identified the potential locations and sites that could deliver development, detailing constraints, and opportunities, whilst deriving the scope of individual sites to accommodate development.</p> <p>The Local Plan identifies regeneration and development opportunities on previously developed land, whilst having regard to site context and constraints when deriving the appropriate scale and mix of development. More widely, the Local Plan (Policy ST02: Mitigating Climate Change) seeks to ensure that the natural and built environment is conserved and enhanced through the prudent use of key resources, including land, whilst it also seeks (Policy ST03: Adapting to Climate Change and Strengthening Resilience) to ensure that the risks from potential climate change hazards are minimised to protect and promote healthy and safe environments. Policies ST04 (and DM04) require the high-quality design of new developments that respond to the characteristics of the site and optimise the efficient use of land.</p> <p>The Local Plan also contains provisions to safeguard amenity (DM01: Amenity Considerations), whilst not causing any unacceptable harm to public health and safety (Policy DM02: Environmental Protection).</p> <p><i>The Local Plan meets NPPF requirement.</i></p>
72.	Set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.	NPPF Para 119	<p>The Local Plan sought to fully consider opportunities for the use of previously developed land, identifying opportunities through the Strategic Housing Land Availability Assessment (SHLAA) and other land assessments. Previously developed land suitable for development is limited across northern Devon (as confirmed by the Brownfield Land Registers). Previously developed land</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>was prioritised for redevelopment or regeneration by virtue of allocation within the Local Plan where it was identified as being suitable and available. Resultantly, the Local Plan contains allocation policies, and associated references in place-based strategies, to a range of regeneration and redevelopment opportunities, particularly within the sub-regional centre and other towns.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
73.	Encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains.	NPPF Para 120	<p>The Local Plan seeks to achieve multiple benefits from development, with Policy ST02 Mitigating Climate Change, expecting development to make a positive contribution towards the social, economic and environmental footprint of northern Devon by ensuring a 'balanced mix of uses where development takes place' and that development protects and enhances biodiversity, geodiversity, landscape, coastline, air and water resources.</p> <p>A number of the larger allocations, for example BAR01: Westacott Strategic Extension and BID01: Bideford West Urban Extension, propose a mix of uses including housing, employment, green infrastructure and community facilities. More specific policy provisions seek to ensure that proposals deliver multiple benefits: for example, the delivery of sustainable drainage systems and/or enhancements to biodiversity through the provision of green infrastructure.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
74.	Recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.	NPPF Para 120	<p>The Local Plan makes a range of references to ecosystem services and these principles, whilst not explicit within individual policies, are threaded throughout the plan. Policies DM09: Safeguarding Green Infrastructure and DM10: Green Infrastructure Provision, in particular, seek to safeguard and improve the provision of green infrastructure. These policies recognise the multiple functions that undeveloped land can perform as part of the network of green infrastructure.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			The Local Plan meets NPPF requirement.
75.	Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.	NPPF Para 120	<p>The Local Plan (Policy ST02: Mitigating Climate Change) seeks to ensure that the natural and built environment is conserved and enhanced through the prudent use of key resources, including land, whilst redeveloping previously developed land, reusing and recycling resources.</p> <p>In preparing the Local Plan the local planning authorities, sought to fully consider opportunities for the use of previously developed land, identifying opportunities through the Strategic Housing Land Availability Assessment (SHLAA) and other land assessments. Previously developed land suitable for development is limited across northern Devon (as confirmed by the Brownfield Land Registers). Previously developed land was prioritised for redevelopment or regeneration by virtue of allocation within the local plan where it was identified as being suitable and available to do so. Resultantly, the Local Plan contains allocation policies, and associated references in place-based strategies, to a range of regeneration and redevelopment opportunities, particularly within the sub-regional centre and other towns.</p> <p>A number of specific site allocation policies are provided within the Local Plan, with the explicit purpose of redeveloping, regenerating and/or remediating individual sites: including, for example, the former creamery in Great Torrington (Policy GT01), the former power station site at Yelland (Policy FRE01) and the former factory site at Anchorwood Bank (Policy BAR12).</p> <p>Whilst the plan appropriately seeks the redevelopment, regeneration and remediation of identified opportunity sites, it does not contain more general policy provisions that seek to explicitly provide substantial weight towards the redevelopment of such sites.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			The Local Plan partially meets the NPPF requirement.
76.	Promote and support the development of under-utilised land and buildings.	NPPF Para 120	<p>As detailed above, the Local Plan supports the redevelopment of previously developed land and the effective use of land in general. Local Plan Policy DM27: Reuse of Redundant and Disused Rural Buildings, explicitly promotes the re-use of disused and redundant rural buildings, however it does not provide explicit references to promote and support the development of under-utilised land and buildings.</p> <p>Development opportunities were considered through the plan making process on such sites resulting in the allocation of a number of sites, which provide opportunities for the redevelopment of under-utilised land and buildings. A range of site-specific opportunities are identified through the Local Plan – for example the Bideford Regeneration Sites (Policy BID07) and in Barnstaple Queen Street / Bear Street (Policy BAR11).</p> <p>The Local Plan partially meets the NPPF requirement.</p>
77.	Support opportunities to use the airspace above existing residential and commercial premises for new homes.	NPPF Para 120	<p>The Local Plan does not have specific policies in relation to this requirement. The wider provisions of the Local Plan, when taken as a whole, are considered however to provide an appropriate policy framework to allow for the consideration of such proposals – with, in particular, regard to policies on amenity (Policy DM01: Amenity Considerations), design (Policy DM04: Design Principles) and access (Policy DM05: Highways).</p> <p>The Local Plan meets NPPF requirement.</p>
78.	Reflect changes in the demand for land.	NPPF Para 122	The Local Plan sets out a framework to monitor the development of allocated sites. A plan review will need to consider the reallocation of land for

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>alternative uses where there is no longer a realistic prospect of the proposed use coming forward. The Development Management policies of the Local Plan provide flexibility to enable alternative uses where appropriate (e.g. DM13: Safeguarding Employment Land). The Local Plan also allows for appropriately located windfall development to come forward on non-allocated sites.</p> <p>The Local Plan meets NPPF requirement.</p>
79.	<p>Support development that makes efficient use of land, taking into account the need for different types of housing and other forms of development, local market conditions, the availability and capacity of infrastructure and services, the character and setting of the area, and the importance of securing well-designed, attractive and healthy places.</p>	<p>NPPF Para 124</p>	<p>The Local Plan provides a responsive policy framework that is intended to have regard to the range of matters specified in national policy, whilst not defining any prescribed density standards.</p> <p>In the context of delivering a balanced mix of uses, redeveloping previously developed land and achieving the prudent use of resources, including land, the Local Plan (Policy ST02: Mitigating Climate Change and Policy ST04: Improving the Quality of Development) seeks development to respond to the characteristics of the site, its context, and the surrounding area, whilst having regard to wider design principles.</p> <p>Additionally, the Local Plan (Policy ST17: A Balanced Local Housing Market) seeks the housing mix to relate to the site character, context, and development viability. Wider provisions allow for development proposals to respond to a range of design related matters (Policy DM04: Design Principles) to help secure well-designed, attractive and healthy places, whilst other provisions (Policy ST23; Infrastructure) seek to secure (or contribute towards) appropriate infrastructure where required.</p> <p>The Local Plan meets NPPF requirement.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
80.	Avoid homes being built at low densities where there is an existing or anticipated shortage of identified housing needs, and where appropriate include the use of minimum density standards. Area-based character assessments, design guides, design codes and masterplans are appropriate tools to use to help to ensure land is used efficiently while also creating beautiful and sustainable places.	NPPF Para 125	<p>There is not an existing or anticipated shortage of land required to meet identified housing needs, with the Local Plan identifying a specific housing land supply in excess of the assessed requirement. Accordingly, the Local Plan is not required to include minimum density standards.</p> <p>The Local Plan does not provide prescribed density standards, rather seeking the prudent use of land (Policy ST02: Mitigating Climate Change), whilst seeking proposals to deliver high quality design that has regard to the characteristics of the site, its wider context and the surrounding area. The Local Plan does not include, nor explicitly require the use of area-based character assessments, design guides or codes or masterplans but these could readily be applied in support of a proposal if deemed appropriate, with Local Plan Policy ST04: Improving the Quality of Development, requiring proposals to be based on a clear process that analyses and responds to the specific circumstances. These could be prepared by the local planning authority, or third parties if considered necessary and appropriate.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
81.	<i>Design</i>		
82.	Set out a clear design vision and provide maximum clarity about design expectations through the preparation of design codes or guides consistent with the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design codes and guides can either form part of a plan or be supplementary planning documents.	NPPF Para 127, 128 & 129	<p>The Local Plan, in particular Policy ST04: Improving the Quality of Development, coupled with aspects of other strategic policies when read as a whole, sets out a clear high-level strategy/vision for achieving high quality inclusive and sustainable design, with more detailed development management approaches (Policy DM04: Design Principles) providing more detail on design expectations.</p> <p>National policy (paragraph 128) sets out that 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. It is not necessary, or often appropriate, for design codes and guides to form part of a local plan; rather forming complementary supplementary planning</p>



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			documents. The use of such codes or guides in such a form is considered to be wholly compatible with the Local Plan.  <i>The Local Plan meets NPPF requirement.</i>
83.	Ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, accessible and inclusive.	NPPF Para 130	The Local Plan recognises the importance of creating attractive and functional places; it contains a broad range of policies to delivery a “quality of place” (including Policies ST04: Improving the Quality of Design, ST14: Enhancing Environmental Assets, ST15: Conserving Heritage Assets, ST17: A Balanced Housing Market, DM04: Design Principles, DM07: Historic Environment and DM08: Biodiversity and Geodiversity) that seek to ensure the delivery of high-quality places that are responsive to their context.  <i>The Local Plan meets NPPF requirement.</i>
84.	Ensure new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.	NPPF Para 131	The specific requirement for tree-lined streets, along with the measures to secure the long-term maintenance of newly planted trees was introduced to national planning policy in July 2021; and accordingly, they are not directly addressed in the Local Plan. The retention of existing trees where possible is required within an extensive range of site-specific allocation policies, with the identification of replacement planting also widely sought.  <i>The Local Plan partially meets the NPPF requirement.</i>
85.	<i>Green Belt</i>		
86.	Ensure proposals for new Green Belts demonstrate why development management policies would not be adequate, any major changes in circumstances to warrant the creation of a new Green Belt, the consequences for sustainable development, the need for Green Belt to support adjoining areas, and how new Green Belt would meet other objectives of the Framework.	NPPF Para 139	The Local Plan area does not include Green Belt designations. Therefore, this requirement is not relevant.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
87.	Establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Even when exceptional circumstances are demonstrated strategically to take land out of the Green Belt, it is still necessary to demonstrate that exceptional circumstances exist at the site level.	NPPF Para 140	The Local Plan area does not include Green Belt designations. Therefore, this requirement is not relevant.
88.	Give first consideration to land which has been previously developed and/or is well-served by public transport, including increasing density within town and cities centres. Set out the ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.	NPPF Para 141 & 142	The Local Plan area does not include Green Belt designations. Therefore, this requirement is not relevant.
89.	Where Green Belt boundaries are being defined, they should be clearly outlined and be consistent with the plan’s strategy for meeting identified requirements for sustainable development.	NPPF Para 143	The Local Plan area does not include Green Belt designations. Therefore, this requirement is not relevant.
90.	<i>Climate change, flooding and coastal change</i>		
91.	Take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperature.	NPPF Para 153	<p>The Local Plan provides a robust framework which provides a range of measures across all the requisite aspects of national planning policy, although it does not necessarily do so in a fully comprehensive manner across all identified provisions.</p> <p>The Local Plan is founded on the principles of ecosystems services, recognising the key role of environmental assets in climate change resilience; these principles are embedded throughout the Local Plan.</p> <p>The Local Plan contains comprehensive strategic policies to support mitigating climate change (Policy ST02: Mitigating Climate Change) and to adapt to climate change (Policy ST03: Adapting to Climate Change and Strengthening Resilience).</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The Local Plan does comprehensively plan for the long-term implications of flood risk (in particular Policies ST03 and ST09: Coast and Estuary Strategy, along with specific place-based strategies and site allocations), being also supported by Strategic Flood Risk Assessments Level 1 &amp; 2. Additionally, it seeks to manage coastal change, incorporating provisions that require development to avoid risk from current and future coastal erosion, along with planning to defend coastal settlements and resorts from marine inundation and tidal flooding (Policies ST03, ST09 &amp; DM02: Environmental Protection).</p> <p>The Local Plan does not however incorporate Coastal Change Management Areas, although work is underway to establish the extent of these. The Local Plan does recognise the need to plan for water management – including SuDS and water efficiency measures (Policy ST03 and DM04: Design Principles), with plan development considering the need for increasing water supply capacity (deemed unnecessary at that time).</p> <p>The Local Plan contains extensive provisions for supporting and managing biodiversity and landscape, including recognition of the potential impacts of climate change and the need to plan to adapt (Policy ST03), including, for example, recognition of the need to plan for coastal squeeze. The Local Plan also recognises the need for development to be resilient to the impacts of climate change, including the potential of passive heating and cooling, along with natural light and ventilation (Policy ST03).</p> <p><i>The LP partially meets the NPPF requirement.</i></p>
92.	Support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.	NPPF Para 153	The Local Plan’s, spatial strategy along with place-based strategies and determined locations for development were informed by a range of technical evidence including Strategic Flood Risk Assessments and took account of the views of key stakeholders such as the Environment Agency, South West Water and Natural England.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The Local Plan contains a comprehensive range of strategic policy provisions to both mitigate the impacts of climate change (Policy ST02: Mitigating Climate Change), help ensure communities and development adapt to climate change (Policy ST03: Adapting to Climate Change and Strengthening Resilience) and ensure that development proposals contribute towards the creation of resilient and cohesive communities (Policy ST04: Improving the Quality of Development).</p> <p>The Local Plan recognises more geographically specific aspects within relevant policy provisions – such as through the Coast and Estuary Strategy (Policy ST09) and individual place-based strategies and site allocations (including, for example, those for Barnstaple, Bideford, Northam and Ilfracombe).</p> <p>The Local Plan meets NPPF requirement.</p>
93.	<p>Increase the use and supply of renewable and low carbon energy and heat by providing a positive strategy for energy from these sources, identifying suitable areas for renewable and low carbon energy sources, and identifying opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.</p>	NPPF Para 155	<p>The Local Plan (in particular Policy ST16: Delivering Renewable Energy and Heat) provides a positive policy approach that supports renewable and low carbon energy and heat generating development (excluding wind energy development), community led schemes to offset energy and heat demand from renewable and low carbon sources and on-site provision of renewable heat and/or low carbon technologies.</p> <p>A range of other complementary policy provisions also contribute towards the provision of a positive strategy (including Policies ST02: Mitigating Climate Change, ST05: Sustainable Construction and Building and ST09: Coast and Estuary Strategy).</p> <p>The Local Plan meets NPPF requirement.</p>
94.	<p>Manage flood risk from all sources and apply a sequential, risk based approach to the location of development.</p>	NPPF Para 160 & 161	<p>Local Plan Policy ST03 (Adapting to Climate Change and Strengthening Resilience) set out the strategy to manage flood risk. This includes locating and designing development to minimise flood risk, upgrading flood defences, re-establishing functional flood plains and adopting effective water</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>management systems (e.g. SUDS). The supporting text identifies the principal risks from fluvial flooding and tidal flooding along the coast and Taw-Torridge estuary. More localised cases of flooding will be from high surface water run-off and inadequate land and highway drainage. Place-based strategies were derived having regard to flood risk as appropriate, whilst many site-specific policies contain reference to flood risk and required mitigation or infrastructure provision as necessary.</p> <p>Whilst the Local Plan does not explicitly set out the sequential approach to managing flood risk, it is implied and functions appropriately in combination with national planning policy.</p> <p>The Local Plan meets NPPF requirement.</p>
95.	Steer new development to those areas with the lowest risk of flooding from any source. If this is not possible, the exception test may have to be applied, informed by the potential vulnerability of the site and of the development proposed. Where this is the case, sites needs to demonstrate that the development would provide wider sustainability benefits outweighing the flood risk and that the development would be safe for its lifetime without increasing flood risk elsewhere (and where possible will reduce flood risk overall).	NPPF Para 162, 163, 164 and NPPF Annex 3	<p>The Local Plan (Policy ST03: Adapting to Climate Change and Strengthening Resilience) contains strategies to manage flood risk. This includes locating and designing development to minimise flood risk, upgrading flood defences, re-establishing functional flood plains and adopting effective water management systems (e.g. SUDS). Locationally specific provisions are also incorporated in place-based strategies and individual site allocations as appropriate. Similarly, the coast and estuary strategy (Policy ST09) contains provisions specific to that location.</p> <p>The Local Plan recognises (generally within Policy ST03 and more specifically within place-based strategies and site allocations) that there will be occasions where development in particular locations subject to flood risk may be justified based on wider sustainability or regeneration benefits.</p> <p>The Local Plan meets NPPF requirement</p>
96.	Avoid inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast.	NPPF Para 171	The Local Plan contains a comprehensive set of measures to reduce risk from coastal change. Policy ST03 (Adapting to Climate Change and Strengthening Resilience) seeks to avoid the development of land for vulnerable uses at risk

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>from flooding, whilst requiring development to be located to avoid risk from current and future coastal erosion.</p> <p>The Local Plan (Policy ST03) also recognises the role of the Shoreline Management Plan. The Coast and Estuary Strategy (Policy ST09) indicates that settlements and resorts will be defended against marine inundation, coastal erosion, and tidal flooding, whilst seeking not to transfer risk elsewhere. Equally, it highlights that opportunities to manage coastal realignment and re-establish functional floodplains will be supported in accordance with the Shoreline Management Plan. In doing so, it also recognises the potential impacts and opportunities for biodiversity including consideration of coastal squeeze. National policy (paragraph 167) requires plans to identify Coastal Change Management Areas and set out the type of the development that will be appropriate within these areas. This is an area of omission in the current Local Plan, although the development of technical evidence to inform such areas is underway.</p> <p><i>The LP partially meets the NPPF requirement.</i></p>
97.	<i>Natural environment</i>		
98.	Contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.	NPPF Para 174	<p>The Local Plan contains a comprehensive portfolio of strategies and more detailed development management provisions associated the protection and enhancement of the natural environment (in particular Policy ST14: Enhancing Environmental Assets. Sustainable development strategic policies (ST01-ST04), ST07 (rural areas strategy) and ST09 (coast and estuary strategy) are also relevant. The Local Plan (Policy ST14) embeds the principles of ecosystem services, ensures that regard is had to protecting and enhancing both valued landscapes (including the AONB), along with local landscape and seascape character. It seeks to protect and enhance sites of biodiversity and geodiversity whilst having regard to the hierarchy of sites and their status, whilst seeking to conserve the best and most versatile agricultural land. Wider policies of the Local Plan, in particular the spatial strategy articulated</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>through Policies ST06: Spatial Development Strategy for Northern Devon’s Sub-Regional, Strategic and Main Centres and ST07: Spatial Strategy for Northern Devon’s Rural Area, seek to protect the countryside.</p> <p>The Local Plan meets NPPF requirement.</p>
99.	<p>Plans should: distinguish between the hierarchy of international, national and locally designated sites, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p>	NPPF Para 175	<p>Policy ST14: Enhancing Environmental Assets refers to the hierarchy of designated sites and sets out the approach to maintaining and enhancing a ‘network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital’. Further detail on the specific designations within the hierarchy and the approach to enhancing biodiversity and geodiversity within these areas is set out in Policy DM08: Biodiversity and Geodiversity, Policy DM10: Green Infrastructure is also relevant.</p> <p>The plan area includes the North Devon Biosphere Reserve (identified in Policy ST14) which brings together innovative approaches to sustainable development across the sub-region. The biosphere operates at an ecosystem scale defined by the catchments of the Rivers Taw and Torridge and offshore marine areas stretching out to Lundy and beyond. Policy ST14 also takes account of other designated sites that cross plan boundaries – for example, the Exmoor SAC.</p> <p>The Local Plan meets NPPF requirement.</p>
100.	<p>Great weight should be given to National Parks, the Broads and the Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p>	NPPF Para 176	<p>The Local Plan area includes The North Devon AONB and adjoins Exmoor National Park.</p> <p>Local Policy ST14: Enhancing Environmental Assets, seeks to protect and enhance the quality of northern Devon’s natural environment, including through the conservation of the setting, special character and qualities of the AONB. It further recognises the setting and special qualities of the National Park, including its dark night skies.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>The Local Plan’s spatial strategy, along with individual place-based strategies and specific site allocations, take into account of the AONB and national park, recognising their character and setting and the need to limit development proposals in particular locations.</p> <p>The Local Plan meets NPPF requirement.</p>
101.	Conserve the special character and importance of Heritage Coast areas.	NPPF Para 178	<p>The Local Plan explicitly seeks to conserve the special character and importance of Heritage Coast areas, being recognised through a range of strategies and policy provisions (Policies ST09: Coast and Estuary Strategy, ST14: Enhancing Environmental Assets, ST15: Conserving Heritage Assets and DM08A: Landscape and Seascape Character).</p> <p>The Local Plan meets NPPF requirement.</p>
102.	Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity.	NPPF Para 179	<p>The Local Plan, through the accompanying Policies Map identifies a range of biodiversity sites and habitats, ranging from international designated sites (i.e. Special Areas of Conservation), through nationally designated sites (i.e. Sites of Special Scientific Interest) to locally designated sites (i.e. County Wildlife Sites and Local Nature Reserves), along with other areas of green infrastructure, which are subject to provisions through the plan to safeguard and enhance whilst having regard to their status (Policy ST14: Enhancing Environmental Assets and Policy DM08: Biodiversity and Geodiversity). The Local Plan (Policy DM08) further seeks to ensure that development has regard to the importance of habitats and designated sites and that these are taken into account, considering opportunities for the creation of local and district-wide biodiversity networks of wildlife corridors linking County Wildlife Sites and other areas of biodiversity importance. The Local Plan further incorporates provisions (Policy ST14) that seek a net gain in northern Devon’s biodiversity.</p> <p>The Local Plan does not directly identify and map wider local wildlife-rich habitats and ecological networks, however both local planning authorities</p>



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p>have access to comprehensive habitat mapping via service level agreements with the Devon Biodiversity Records Centre. Further work is being carried out across the County to establish comprehensive network mapping as part of the Nature Recovery Network programme, which would be able to support the practical implementation of the existing plan and/or inform the preparation of a future plan.</p> <p>The LP partially meets the NPPF requirement.</p>
103.	Ensure that a site is suitable for its proposed use taking account of ground conditions, any risks arising from land instability and contamination, and the likely effects of pollution on health, living conditions and the natural environment.	NPPF Para 183 & 185	<p>The Local Plan (Policy ST03: Adapting to Climate Change and Strengthening Resilience) recognises the risks arising from pollutants, seeking to minimise those to protect and promote healthy and safe environments. The Local Plan also seeks to locate development to avoid risk from coastal erosion (Policy ST03), with accompanying development management policies (DM02: Environmental Protection and DM08: Biodiversity and Geodiversity) providing more detailed policy provisions around land stability, contamination and risks arising from pollution, including consideration of risks to public health and safety and the natural environment.</p> <p>The Local Plan meets NPPF requirement.</p>
104.	Sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.	NPPF Para 186	<p>The Local Plan (Policy ST03: Adapting to Climate Change and Strengthening Resilience) seeks to minimise the risks arising from pollutants to protect and promote healthy and safe environments. More detailed provisions (Policy DM02: Environmental Protection) seek to manage the risk from pollutants and ensure that unacceptable impacts do not arise.</p> <p>The Local Plan (Policy DM02) contains provisions associated to Air Quality Management Areas and the implementation of measures identified in associated Local Air Quality Action Plans. The Local Plan is additionally supported by an Air Quality Supplementary Planning Document (SPD).</p> <p>The Local Plan meets NPPF requirement.</p>

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
105.	Ensure that new development can be integrated effectively with existing businesses and community facilities.	NPPF Para 187	<p>The Local Plan (Policy ST04: Improving the Quality of Development) requires development to achieve high quality inclusive and sustainable design that responds to the characteristics of the site, its wider context, and the surrounding area.</p> <p>The Local Plan contains provisions to safeguard the amenity of neighbouring occupiers and uses, and the intended occupants of any proposed development (Policy DM01: Amenity Considerations), whilst also ensuring that any arising hazards are considered (Policy DM02: Environmental Protection). The supporting text to DM01 states that existing businesses should not be faced with additional costs to overcome any environmental health problems following the location of a new development.</p> <p><b>The Local Plan meets NPPF requirement.</b></p>
106.	<i>Historic Environment</i>		
107.	Set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.	NPPF Para 190	<p>The Local Plan (Policy ST15: Conserving Heritage Assets) sets out a comprehensive strategy for the conservation of heritage assets, including the need to give great weight to the desirability of preserving and enhancing northern Devon’s historic environment. It recognises the importance of the historic landscape and seeks to conserve the cultural, built, historic and archaeological features, having regard to their designation and status (whilst also having regard to undesignated assets).</p> <p>The Local Plan (Policy ST15) additionally emphasises the importance of increasing opportunities for access, education, and the appreciation of the historic environment. As per the supporting text to this policy, the Councils will identify heritage assets considered to be at risk and will take steps as opportunities arise towards securing improvement in their condition to mitigate the risk. Further detailed provision for assessing proposals for</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			development which affect heritage assets is provided by a criteria-based development management policy (DM07: Historic Environment).  The Local Plan meets the NPPF requirement.
108.	<i>Minerals</i>		
109.	Provide for the extraction of mineral resources of local and national importance.	NPPF Para 210	This is not relevant for the Local Plan. Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan.
110.	Take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials.	NPPF Para 210	This is not fully relevant for the Local Plan. The Local Plan (Policy ST02: Mitigating Climate Change) does however seek the conservation and enhancement of the natural, built, and historic environment through the prudent use of resources, including the reduction, reuse and recycling of resources, including construction materials. The Local Plan additionally provides a specific detailed development management policy on Construction and Environmental Management (Policy DM03) that seeks to minimise waste from construction sites, reusing or recycling residual waste on site where possible. Wider Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan.  The Local Plan meets the NPPF requirement (so far as relevant).
111.	Safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas.	NPPF Para 210	This is not directly relevant for the Local Plan. Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan. Minerals Safeguarding Areas are defined by the Minerals and Waste Planning Authority and shown on the adopted Policies Map.  The Local Plan meets the NPPF requirement (so far as relevant).

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
112.	Encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place.	NPPF Para 210	This is not relevant for the Local Plan. Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan.
113.	Safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals, the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.	NPPF Para 210	<p>This is not fully relevant for the Local Plan.</p> <p>The Local Plan (Policy ST09: Coast and Estuary Strategy) does however safeguard facilities at Appledore and Yelland for their value as landing stages for marine aggregates, whilst seeking to maintain the role and operation of Bideford and Ilfracombe as commercial and leisure ports/ harbours (recognising that Bideford is utilised for the export of aggregates). Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan.</p> <p><b>The Local Plan meets the NPPF requirement (so far as relevant).</b></p>
114.	Set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health	NPPF Para 210	<p>This is not fully relevant for the Local Plan.</p> <p>Local Plan Policies ST03: Adapting to Climate Change and Strengthening Resilience, DM01: Amenity Considerations, DM02: Environmental Protection, DM03: Construction and Environmental Management, DM08: Biodiversity and Geodiversity and DM08A: Landscape and Seascape Character do operate to safeguard from adverse impacts on the built, natural, and historic environments, whilst seeking to protect human health.</p> <p>Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan.</p> <p><b>The Local Plan meets the NPPF requirement (so far as relevant).</b></p>

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
115.	Recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction	NPPF Para 210	This is not relevant for the Local Plan. Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan.
116.	Ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.	NPPF Para 210	This is not relevant for the Local Plan. Mineral and Waste policies are the responsibility of the Minerals and Waste Planning Authority (Devon County Council) and are set out in the Devon Minerals Plan and the Devon Waste Plan.

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## North Devon Council & Torridge District Council

Report Date: 13<sup>th</sup> October 2023

### Topic: Response to Government consultation on plan-making reforms

Report by: Senior Planning Policy Officers (NDC/TDC)

#### 1. INTRODUCTION

- 1.1. In the Summer of 2020, the Government published a White Paper, *Planning for the Future*, setting out its ambitions for the reform of the planning system in England; seeking to deliver a *significantly simpler, faster and more predictable system*. A key aspect of these proposals was to reform the way that plan-making (i.e. preparing a local plan) is carried out.
- 1.2. The Government has been progressing the detail of these proposals through a series of subsequent consultations and also through legislative provisions contained within the Levelling Up and Regeneration Bill that is currently making its way through Parliament.
- 1.3. Most recently, in July 2023, the Government published a consultation that seeks views on their proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making. The consultation runs for a 12-week period, with responses required to be submitted by 18<sup>th</sup> October 2023.

#### 2. RECOMMENDATIONS

- 2.1. Members of the Joint Planning Policy Committee are recommended to:
  - (a) consider the draft response to the Government's consultation (Appendix 1) on implementation of plan-making reforms; and
  - (b) endorse the response to be formally submitted on behalf of the North Devon Council and Torridge District Council.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To provide Officers with the basis to submit a consultation response on behalf of the Councils, providing views on the Government's proposals and seeking to influence their future approach to plan making.

#### 4. REPORT

- 4.1. On the 25<sup>th</sup> July 2023, the Government published a detailed consultation on their proposals to implement reforms to the plan-making system in England<sup>1</sup>. The wide-ranging consultation is intended to inform the detailed approaches that will be taken forward to implement the legislative provisions on plan-making that are set out in the Levelling Up and Regeneration Bill. These changes are intended to reform the way that local planning authorities prepare, examine and adopt their local plans and also shape the content of the plans themselves. It should be noted that this is a

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<sup>1</sup> [Levelling-up and Regeneration Bill: consultation on the implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/consultation-summaries/levelling-up-and-regeneration-bill-consultation-on-the-implementation-of-plan-making-reforms)

detailed technical consultation focussed on proposals for the detailed content and operational preparation of a local plan.

- 4.2. Through the consultation documentation, the Government sets out that their vision is for (local) plans to:
  - (a) be simpler to understand and use;
  - (b) be positively shaped by the views of communities about how their area should evolve;
  - (c) clearly show what is planned in a local area;
  - (d) be prepared more quickly and updated more frequently; and
  - (e) make the best use of new digital technology.
- 4.3. The consultation documentation details the Government's proposals across a series of fifteen chapters, each with a particular emphasis; complimented by 43 specific questions to which the Government seeks responses.
- 4.4. Draft responses to the individual consultation questions (Appendix 1) have been prepared utilising professional expertise and experience of the plan-making process, whilst seeking to have regard to northern Devon and the Councils' specific context and circumstances. In the interests of brevity, the proposed responses are not discussed in detail in this covering report as they span a broad range of technical topics, with the responses provided in full at the appendix.
- 4.5. The consultation seeks views on both the content of plans and the process and requirements that would be followed for their preparation and examination. The following gives a summary of the proposals:
  - (a) vision - the proposals seek to elevate the role of the vision for the plan, with this providing a 'golden thread' upon which the approaches and policies of a plan should be based.
  - (b) core principles - the proposals seek to establish a series of 'core principles' with which the content of local plans will be expected to adhere; requiring a locally distinct vision, that sustainable development should run as a golden thread, plans to contain ambitious locally distinctive policies, foster beautiful places and link to design codes and set out a detailed approach to monitoring. It also requires plans to include a key diagram to articulate the spatial strategy and be accompanied by a policies map.
  - (c) local development management policies – policies to be more focussed, targeted on enabling the delivery of the plan's vision and underpinned by appropriate justification.
  - (d) templates and digital efficiencies – expectation to utilise nationally provided templates, setting out standardised approaches to the specific parts of the plan, in the preparation of plans.
  - (e) prescribed preparation process – with clearly defined stages of preparation covering (i) scoping and early identification; (ii) plan visioning and strategy



development; (iii) evidence gathering and drafting the plan; (iv) engagement, proposing changes and submission; (v) examination; and (vi) finalisation and adoption of a digital plan – with all but the scoping and early participation stage to be completed within a prescribed 30-month timeframe.

- (f) digital planning – taking advantage of digital approaches, including use of visualisation for plans, policies and spatial data; toolkits, templates, checklists and guides, standardisation of data, use of dashboards, automation and use of AI.
- (g) timetable – replacement of Local Development Scheme with requirement to prepare and maintain a timetable, reporting consistently against prescribed milestones.
- (h) evidence – clearer expectations through policy and guidance, an increase in standardisation, freezing of data or evidence at particular points of plan making and re-focus of evidence to be submitted for examination.
- (i) gateway assessments – a series of three external assessments at prescribed points of the plan-making process that seek to (i) ensure that the plan sets off in the right direction; (ii) ensures compliance with legal and procedural requirements; and (iii) monitors and tracks progress. The first two assessments would be advisory, with the third being a gatekeeper to progressing to examination.
- (j) examination – streamlining the examination process by appointing inspectors early in the process, revising the pre-hearing processes, providing opportunities for third parties to submit written statements in lieu of attending, reducing the consultation period on plan modifications and the period of notification for hearings and limiting examination periods to a maximum of six months.
- (k) engagement and consultation – providing clarity about the distinct purpose of each stage of engagement and consultation, extending the first period of consultation to eight weeks, introducing an early notification and engagement phase, taking a more standardised approach to consultation and increased use of digitalisation.
- (l) requirement to assist – introduction of requirement for “prescribed public bodies” to provide assistance in preparing or reviewing a local plan.
- (m) monitoring – removal of annual requirement to prepare an Authority Monitoring Report (AMR) to be replaced by light-touch annual return based around a series of prescribed national metrics and a more detailed return before the plan reaches four years old to inform plan review and update.
- (n) supplementary plans – removal of provision to prepare Supplementary Planning Documents (SPDs) and Area Action Plans (AAPs), replaced by opportunity to prepare “supplementary plans” that will have the same status as local plans, replaced by supplementary plans that relate to a specific site (or two or more nearby sites) or else to set out area wide design code. Preparation process to be streamlined with a lighter touch examination, similar to that used for neighbourhood plans.

- (o) community land auctions – proposals to pilot an alternative approach to secure land value uplift, as an alternative to planning obligations (s106) and Community Infrastructure Levy, in support of addressing the impact of development on infrastructure and services.
- (p) transition arrangements – confirms proposals for set dates for the submission (30 June 2025) and adoption (31 December 2026) of local plans under the current plan-making system. Proposes a staged ‘wave’ approach to local planning authorities starting their plan-making under the new system, with groups of 25 authorities starting every six months in order of the age of existing plans and 10 ‘front runner’ commencing in November 2024. Advocate protection from speculative development until adoption of new style local plans for local planning authorities whose local plans reach five years old after the introduction of the new system, but not for local planning authorities such as North Devon and Torrige who’s plans will reach this stage in this current period of uncertainty and who could not reasonably adopt a new plan in advance of the cut-off dates.

## 5. CONCLUSIONS

- 5.1. On the whole, most of the principles set out within the consultation proposals are inherently sensible and difficult to argue against, such as improved use of digital approaches, templates and data standardisation, advocating improved project management and seeking to provide clearer guidance. The draft consultation response provides broad support for these aspects, whilst highlighting any areas of concern. None-the-less, some of the Government’s planning reform proposals, if implemented, have the potential to have significant implications for North Devon Council and Torrige District Council.
- 5.2. Most notably, there are fundamental concerns over the proposals to specify the point in the future at which the Councils may commence preparation of a local plan; seeking to potentially place local planning authorities into ‘waves’ that would be allowed to commence plan-making at six-month intervals; effectively constraining the Councils ability to decide the best course of action to plan for the future of northern Devon and potentially meaning that the Councils would not have the choice to formally begin work on a new plan for a number of years.
- 5.3. There are also fundamental concerns over the realism of the proposed 30-month time limit for plan preparation, recognising that whilst the principle of reducing the time it takes to prepare a plan is laudable, the proposals do little in reality to reduce the scale of work required to prepare and adopt a plan.
- 5.4. There are also a number of concerns around some of the proposals for changes to engagement and consultation; especially where these seek to reduce the periods available to respond or risk disenfranchising through a move to digital engagement.
- 5.5. The draft consultation response (Appendix 1) sets out areas of support to many of the proposals but also seeks to highlight areas of concern or to set out concerns where felt justified and where they are considered to not be in the best interests of the Councils or the communities of northern Devon.
- 5.6. The deadline for making submissions to the consultation is 18<sup>th</sup> October 2023 and subject to the outcomes of the preparation of this report, Officers will make

arrangements for a formal joint response to be submitted on behalf of both Councils.

## 6. RESOURCE IMPLICATIONS

- 6.1. There are no resource implications directly arising from the preparation and submission of the consultation response. Should particular plan-making reform proposals be taken forward by the Government in due course, there could be implications for the resources that the Councils are necessitated to direct towards that statutory plan-making responsibilities. In particular, the proposals for a more constrained (30-month) plan-making programme could require re-consideration of the scale and nature of resources directed towards plan-making in the two Councils.

## 7. EQUALITIES ASSESSMENT

- 7.1. The Government's consultation seeks views (question 43) on the potential impacts of the proposals on those with protected characteristics as defined in section 149 of the Equality Act 2010. The Councils raise what are considered to be potential concerns in response to the consultation question.

## 8. ENVIRONMENTAL ASSESSMENT

- 8.1. There are no direct environmental implications arising from the content of this report as it only relates to unimplemented consultation proposals. The consultation proposals do not appear to have fundamental implications on the environmental aspects of the planning system.

## 9. CONSTITUTIONAL CONTEXT

- 9.1. Schedule 2, paragraph 1.1.-1.1.3 of the North Devon Councils and Torrige District Council Joint Planning Agreement.

## 10. STATEMENT OF CONFIDENTIALITY

- 10.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

- 11.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the authors of the report):

- (a) Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms (website); published 25<sup>th</sup> July 2023; available at: <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>
- (b) Levelling-up and Regeneration Bill: reforms to national planning policy – North Devon and Torrige Consultation Response; 1<sup>st</sup> March 2023
- (c) Levelling-up and Regeneration Bill: reforms to national planning policy (website); published 22<sup>nd</sup> December 2022; available at:



<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

- (d) Planning for the future Consultation (website); published 6<sup>th</sup> August 2020; available at: <https://www.gov.uk/government/consultations/planning-for-the-future>

## 12. STATEMENT OF INTERNAL ADVICE

12.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

- (1) Cllr Rosemary Lock, Lead Member for Planning and Development (TDC)
- (2) Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Chair of Joint Planning Policy Committee (NDC)
- (3) Cllr R Hicks, Lead Member for the Economy; Vice-chair of Joint Planning Policy Committee (TDC)
- (4) Helen Smith, Planning Manager (TDC)
- (5) Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

## 13. APPENDICES

13.1. The following appendices are provided in support of this report:

Appendix 1: Draft Consultation Response

## Appendix 1: Draft consultation response

Reform Topic	Question	Answer	Draft Response
Chapter 1: Plan Content			
Core Content	1. Do you agree with the core principles for plan content? Do you think there are other principles that could be included?	Agree	The proposed core principles appear to be logical and provide a sensible framework for the shape of a local plan and what it should contain. In reality, the principles appear to not be dissimilar to the existing expectations for local plans. The Councils welcome the renewed emphasis on vision led planning. It is important that the notion of sustainable development does not lose sight of the environmental aspects and that the role of a local plan is wider than just planning for the built development that is required to meet the needs of an area and its communities. The Councils are concerned that there appears to be an apparent disconnect between the proposals for more detailed approach to monitoring and the later proposals for a more streamlined annual reporting process based upon a set of standardised metrics. The Councils welcome the commitment to the digitalisation of policies map; this being an approach that North Devon and Torrington have delivered effectively for their adopted local plan - serving up an interactive online policies map that provides direct links through to the individual policies. The Councils have concerns over the discussion of iterative versions of vision, key diagram and policies map, which whilst recognised as an intrinsic part of plan-making, does not appear to be reflected in the proposed preparation process that is clearly envisaged as a 'staged' and linear plan-making approach.
Plan Visions	2. Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?	Agree	The Councils consider that deriving a plan's approach from a vision is an eminently sensible proposition and is welcomed. It is therefore imperative that adequate time and resource is able to be directed to the preparation of the vision. It is important to recognise the need for the vision to not only be based upon local aspirations, opportunities and challenges but for these to be founded on robust evidence that can appropriately inform and justify any approach. It is also necessary to recognise that development of a vision is an iterative process. The Councils are somewhat concerned that the very compartmentalised approach advocated for plan-making through the reforms does not reflect the reality of real-world plan-making that is an integrated and iterative evolutionary process of evidence gathering, engagement and plan writing. The Councils are somewhat concerned that the evidence gathering aspects of the proposals may be advocated for later in the process than are required in reality to support vision development. The Councils strongly support the principle of the vision being a golden thread. In fact, the Councils would encourage the approach of the vision holding the same status as policy wording so that it can be referenced and used directly in decision making.
Local development	3. Do you agree with the proposed framework for local	Unsure	The principle of having more focused local development management policies is welcomed. It is imperative that local planning authorities remain able to apply locally specific approaches in order to address local context, issues and circumstances; including the ability to deviate from nationally defined development management approaches where

Reform Topic	Question	Answer	Draft Response
management policies	development management policies?		justified. The approach of local development management policies being underpinned by appropriate justification is accepted; however it is important that this is proportionate and not overly onerous, with the need for this to be tied in to the proposals for clarity of requirements. Whilst there is clearly sense in scoping the justification for local development management policies, it is important that the process of checking through the gateway review is not overly onerous, nor of such a constraint to be a barrier to creativity or to respond to any changes of circumstances that may arise during the plan-making process.
Templating and digital efficiencies	4. Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?	Agree	Any opportunity to introduce efficiencies into the plan making process and to take advantage of best practice is to be welcomed. It is essential however that any templates and standardisation does not stifle creativity nor prevent locally distinctive approaches to be progressed. There is concern that templates could lead to 'identi-kit' local plans that are contrary to the other stated ambitions of the plan-making reforms to ensure that plans are locally distinctive and responding to local circumstances. It is difficult to see what templates could be reasonably be provided, given that all plans and approaches are intended to be locally responsive and justified. Should templates be provided and mandated, it is imperative that they provide sufficient flexibility to ensure that plans are able to deliver against local requirements and priorities. A repository of accepted best practice examples for different elements of the plan, such as vision, objectives, policies, etc. would be valuable and may be a better alternative. Given the great emphasis that is being placed on the opportunity that templates and standards afford to driving efficiency in the plan-making process, should they be mandated, it is essential that the full portfolio of necessary templates and standards are prepared and available to local planning authorities in good order, and sufficiently in advance of the switch over to the new plan-making system, to allow for familiarisation and for them to be integrated into local planning authority processes and systems. It is also essential that any systems, processes and approaches are mature at point of introduction, so as to not prejudice local planning authorities' best opportunity to meet prescribed plan-making timeframes.
Templating and digital efficiencies	5. Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?	Unsure	The responsibility for minerals and waste planning resides with another authority (Devon County Council) who will be best placed to determine whether it is necessary and appropriate for templates to differ from those for local plans.
Chapter 2: The new 30 month plan timeframe			
Proposed approach	6. Do you agree with the proposal	Disagree	Whilst the Councils welcome proposals to streamline the plan-making process and ensure that plans can be delivered and adopted in a timely and efficient manner, they retain fundamental concerns over the realism of being able to



Reform Topic	Question	Answer	Draft Response
Page 135	to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?		prepare and adopt a local plan within the proposed 30-month timeframe. In reality, whilst there are some clear proposals that will introduce efficiencies into the plan making process, these do not fundamentally alter the key components of plan making, including those that tend to be time consuming, such as evidence gathering and engagement. Equally, the introduction of additional plan-making processes such as the Gateway Reviews, which whilst have clear potential benefits, also have the potential to be time consuming and resource intensive. The proposals also seek to extend one of the two mandatory consultation periods. The Councils have concerns about the expectations arising from the 4-month scoping and early participation stage and whether this will be a sufficient period to deliver against the proposed requirements and to reach a position sufficient to meet the expectations required for the first Gateway Review. Equally, the Councils are not convinced that the 1-month period afforded to the finalisation and adoption of a digital plan is realistic and achievable - recognising the need to take account of the outcomes of any Examiner's Report, to take account of any recommendations arising and necessary amendments to the Plan and/ or policies map, to arrange for publication and to complete any democratic processes necessary to achieve formal adoption. Rather than the imposition of an arbitrary 30-month timeframe, the Councils would rather the focus being on supporting local planning authorities to deliver local plans in a timely manner, including some of the wider proposals on standardisation and digitalisation, along with the provision of appropriate and adequate resourcing for planning departments and plan-making teams.
	The scoping and early participation stage	7. Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?	Agree
Chapter 3: Digital plans			
Proposed approach	8. What information produced during plan-making do you	Leave Blank	The Councils recognise the benefits that could arise from standardisation and open publication, both in terms of efficiency and the value arising from any data. It is important that any standardisation does not have unintended consequences such as stifling innovation, subverting decision making based on flawed or constrained intelligence, or having sufficient regard to local context and circumstances, recognising the risk of implementing requirements of a

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	think would most benefit from data standardisation, and/or being openly published?		lowest common denominator. Standardisation clearly provides opportunities to explore exciting approaches to utilise data in plan-making; hopefully providing local authorities and third-party providers with the impetus to innovate, resulting in efficiencies, better decision making and outcomes for communities. It is crucial that local planning authorities are adequately resourced and supported to develop and embed necessary skills, expertise and capacity to support the digitalisation agenda. Equally, it is imperative to ensure that any mandated standardisation is aligned with investment and engagement with service and software providers to ensure the timely availability of adequate and appropriate software. In terms of specific information that would benefit from standardisation, it is suggested that maximum benefit would arise from standardising data that is commonly utilised by all or most local planning authorities and that would benefit from aggregation or cross-boundary use. Whilst complex, standardisation of representations and consultation responses would be valuable - particularly where it may result in opportunities for the application of automation, machine processing/ learning and use of artificial intelligence for the processing and analysis of said representations.
Listening, understanding and removing barriers Page 136	9. Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?	Unsure	The Councils recognise that there are a wide range of challenges and barriers that can adversely impact on plan-making. The Councils do not however agree that a lack of clear guidance on how to make plans fundamentally results in current inconsistency and delays. The existing process of preparing a local plan is well established and understood. The Councils would welcome the provision of affordable, in-depth and intensive training on plan-making for local planning authority officers and members, similar to the residential courses on the local development framework historically delivered by PAS. The Councils do recognise some of the other challenges and barriers that are highlighted; for example, noting there is a significant variation in the form and content of local plans and that this could cause challenges for their use and application. The Councils do not recognise the notion of an over production of evidence on the basis of a fear of challenge at examination; with evidence prepared on the basis of seeking to ensure that plans are appropriate and justified. The Councils do however acknowledge that the scale and nature of evidence required on some topics is burdensome, challenging to effectively prepare and collect (such as on deliverability of sites) and could be considered dis-proportionate (although this is also juxtaposed with a previously stated ambition to frontload certainty on the detail of sites). It is not however clear how the proposed plan-making reforms will necessarily address the challenges and barriers specifically highlighted through the consultation. Equally, there are a number of highlighted challenges that arise more through the approach to practical implementation of the existing plan-making system rather than to pre-existing systemic failures - for example, the adequate maintenance of timetable information through a Local Development Scheme, opportunities for engagement identified through a Statement of Community Involvement, delivery of effective monitoring through Authority Monitoring Reports, etc. In reality, the existing plan making system should provide an appropriate framework for



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			addressing these challenges, however it often fails on effective implementation, possibly due to challenges with capacity and experience within local planning authority plan-making teams. The Councils do however recognise the opportunities that digitalisation may realise in relation to these matters and across plan-making more widely. In doing so, it is however important to recognise the continuing need to provide alternatives to digital information and engagement so as not to disenfranchise and cause exclusion of particular sectors of communities.
Learning and building on best practice, innovations and investment	10. Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?	Agree	The Councils recognise the areas of opportunity for digitalisation and innovation identified within the consultation. The Councils are keen to support innovative and modern approaches to plan-making, although it must be recognised that many of the aspects identified are yet to be fully mature or mainstream. Accordingly, their application can currently be somewhat experimental and not necessarily fully realise the benefits that mature technologies and approaches can realise. It will be imperative that local planning authorities are provided with adequate resourcing, skills and capabilities in order to take advantage of these emergent innovations. With the adoption of the North Devon and Torridge Local Plan, the Councils successfully deployed an interactive online policies map ( <a href="http://www.torridge.gov.uk/ndt1p/maps">www.torridge.gov.uk/ndt1p/maps</a> ) that provided the function for users to link directly to the text in an interactive online version of the local plan (published through Objective Keystone) for the relevant individual policies. The Councils also provided a comprehensive set of simple 'friendly' web addresses (for example - <a href="http://www.torridge.gov.uk/ndt1p/st01">www.torridge.gov.uk/ndt1p/st01</a> or <a href="http://www.torridge.gov.uk/ndt1p/glossary">www.torridge.gov.uk/ndt1p/glossary</a> ) that allows interested parties to jump straight to each individual policy, or part of the plan; with these proving extremely useful for incorporating into written advice such as emails and pre-application responses or for articulating over the telephone. These innovations, whilst simple, have a significant impact in delivering a more user-friendly experience for plan users.
Learning and building on best practice, innovations and investment	11. What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?	Leave Blank	The Councils see real value in the prioritisation of tools that would support the efficient and effective handling of representations and responses to engagement and consultation. This tends to be a particularly resource intensive and time-consuming aspect of plan-making that has a significant bearing on the time taken to prepare local plans, particularly where there are sensitive or controversial proposals.

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Proposed approach	12. Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?	Unsure	The proposed milestones would appear to appropriately reflect the key stages proposed for plan-making. The Councils welcome the simplification of the process of maintaining the timetable, however the scope of matters that it is required to cover does not appear to be significantly different to those currently covered by a Local Development Scheme (LDS). Whilst the principle of securing delegated authority for updating the timetable is logical, the Councils have fundamental concerns about the acceptance of such a mandated approach with elected Members and the loss, perceived or otherwise, of political oversight that this would entail. The Councils recognise the value of having a well maintained and up-to-date timetable, however they have concerns about how this may fluctuate if updated every six months. It is unclear how regulations around reviewing the timetable and enforcing that the "information is more reliable" or that they are "updated more regularly" would operate effectively in practice. The Councils can see value in publishing the timings of the completion of the Gateway reviews once these have occurred for monitoring and transparency purposes; recognising that the duration of such reviews, if protracted, could impact on the wider plan-making timetable potentially outside of the control of the local planning authority.
Proposed approach	13. Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?	Leave Blank	If the timetable is required to be revised at least once every six months as per the proposals, then it would not appear necessary to have specific key milestones that would automatically trigger a review of the timetable.
Chapter 5: Evidence and the tests of soundness			
Changes to national policy and guidance	14. Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is	Disagree	The Councils remain fundamentally concerned about the proposals for the removal of the explicit test for local plans to be "justified". This test is considered to continue to be an eminently sensible and appropriate requirement and it is advocated that it should remain; recognising the need to ensure that communities, elected Members and other stakeholders buy-in to the vision, ambitions and provisions of a local plan and that evidence providing justification for approaches within a plan offers an appropriate mechanism to do so. Rather than removing the explicit test, the Councils would welcome and agree with the notion of having clearer guidance on the expectations around what evidence is required to demonstrate compliance and what is considered to be proportionate. The Councils are unconvinced that it is necessary or reasonably practicable to make a distinction between evidence required to demonstrate soundness or legal compliance and that utilised for wider plan-making purposes. In reality, much of the

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	expected? Are there other changes you would like to see?		local plan evidence is likely to have a significant overlap of purpose and it is considered that there will not, in reality, be a significant change in what is required submitted arising from the proposed changes. The Councils support the proposal to clarify that evidence should only be discussed and argued at examination where there is a significant and demonstrable reason for doing so and where it is linked directly to questions of soundness or legal compliance. The Councils agree that the examination is not the place to be determining wider matters associated to the validity of evidence. The Councils support the introduction of the light touch and templated 'statement of compliance with legislation and national policy' - this would appear to reflect the well established PAS policy and legal compliance checklists, which are widely utilised and which the Councils made use of in support of the preparation and examination of their joint local plan. The Councils welcome the commitment to further explore the application of the "effectiveness" test and the associated approach to demonstrating deliverability; recognising that this can impose a significant burden upon local planning authorities and it can be challenging to evidence with any certainty over a plan period.
Standardisation of key evidence and data	15. Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?	Agree	The Councils support the principle of standardising elements of evidence and data that support plan-making activity. There is inherent sense in having commonality of approach and standardisation to enable the interoperability, aggregation and exchange of data and information. This will also undoubtedly result in efficiencies of preparation, examination and application, along with the potential to leverage added value from any outputs and deliverables. It is also recognised that standardisation should also reduce levels of challenge and debate that can occur in association with complex data and evidence. The Councils support the principle of having clear and unambiguous detailed guidance for particular elements of evidence, however it is essential that any guidance, approaches and standardisation recognise differing local circumstances and requirements - such as having regard to rurality, size, etc. It is also essential that any standardisation does not, inadvertently or otherwise, adopt a baseline requirement that diminishes the value of the evidence or could realise outputs that are not considered fit-for-purpose. In terms of specific topics, there are clearly areas of commonality across most if not all local planning authorities such as the derivation of housing and economic requirements and the identification and assessment of sites (i.e. housing and economic land availability assessments) where there is already clear good practice that could be taken forward as standards. It is important to recognise that the transition to new standards may have short term resource implications that has the potential to introduce delay and have increased costs associated to training and familiarisation, the alignment of processes, the migration of data and the development and/or procurement and introduction of new systems and software.
Freezing of data or evidence	16. Do you support the freezing of data	Agree	The Councils welcome the principle of 'freezing' data or evidence at certain points in the plan making process, recognising that the re-cycling of evidence preparation can result in significant delay to the plan-making process.

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	or evidence at certain points of the process? If so which approach(es) do you favour?		There is an inherent logic to freezing input data early in the process, possibly at the point of the second Gateway Assessment. It would seem prudent to freeze any outputs of evidence at the point of publication of the local plan. The Councils would also seek that a similar process of freezing is applied to the need to respond and react to changes to national planning policy or guidance which have historically caused significant cause for delay in plan production and examination. It is imperative that there is clarity about the circumstances whereby an Inspector could potentially still request additional evidence as this could have the potential to cause significant delay or result in an unsound plan through no fault of the local planning authority. There would appear to be logic in utilising the Gateway assessments to agree the scope of evidence and/ or methodologies, so long as such is applied consistently and the outcomes are respected.
Regulations	17. Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?	Unsure	The Councils welcome the principle of being required to prepare and submit to examination a reduced quantum of evidence. They are however somewhat nervous about the ability to adequately scope the evidence that would be required to demonstrate a plan is sound. There is a potential risk that local planning authorities will inadvertently omit from submission evidence that could otherwise be utilised to demonstrate the soundness of a plan. It is not clear how such omissions could be addressed in a manner that would not potentially prejudice the examination process. The proposed approach has the potential of being counter-productive, especially if it is deemed necessary for interested parties to be able to have their say on any additional submissions required by the Inspector(s) which could introduce further delay into the plan making process, or if the plan subsequently has to be withdrawn or found unsound on the basis of omitted evidence. The Councils would reiterate that it is their view that a refined understanding of what constitutes 'proportionate evidence' would result in the most significant benefit in terms of addressing the current over burden of evidence gathering and which could, in effect, render other provisions such as reducing the scope of submitted evidence as unnecessary. This clarity around proportionate evidence could also usefully prescribe the scale and nature of evidence that could reasonably be expected to be submitted in order to support the examination of a plan.
Chapter 6: Gateway assessments during plan-making			
Proposed approach	18. Do you agree that these should be the overarching purposes of gateway assessments? Are there other	Agree	The stated purposes of the gateway assessments would appear to be inherently sensible activity for a local planning authority to undertake as part of discharging its plan-making duties. The Councils do question whether they are introducing an overly burdensome administrative process that will in all likelihood add little value to the actual overall plan-making process and add an additional burden at a time of seeking to streamline the plan-making process. There is recognition that there could be a benefit in having a third-party scrutiny and advice and that this could be beneficial from a public, project and democratic oversight perspective. Good plan-making practice should however already ensure that local planning authorities put in place effective governance arrangements that should provide for

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	purposes we should consider alongside those set out above?		adequate oversight and challenge; effectively already delivering against the intended purposes of the assessments. The Councils are concerned that the assessments will divert already limited resource away from core plan-making activity which is of particular concern when viewed against a backdrop of the introduction of the mandated 30-month plan preparation timetable.
Key expectations	19. Do you agree with these proposals around the frequency and timing of gateways and who is responsible?	Unsure	The proposals for number of gateway assessments and the associated timings of these would appear to be logical, with the assessments being placed at key strategic points of the wider plan-making process. The Councils are keen to ensure that there are safeguards in place to ensure that the national arrangements for gateway assessments are adequately resourced and managed so that they can be delivered to a local planning authority as required and in a timely manner so as to not prejudice the Councils' wider plan making programme. It is imperative that the assessment process is streamlined and efficient and does not place a disproportionate burden on local planning authorities. The Councils can see a logic to the proposals for who would conduct the assessments at each of the stages but would wish to ensure that there are appropriate quality assurance processes in place for any third-party independent assessors. The Councils would suggest that there could be real value in appointing the same Planning Inspector(s) for the final gateway assessment to carry out the subsequent local plan examination. This approach would introduce further efficiencies to the plan making process, in accordance with the stated ambition of the wider plan-making reforms, by ensuring continuity and limiting double handling of information and decision making and affording more confidence and certainty come the examination stage.
Process and scope	20. Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?	Disagree	The Councils consider that the key topics proposed for each of the Gateway Assessments appear to be sensible and appropriate, with the principle of the gateway assessments seemingly logical and having the potential to help to reduce and address issues throughout the plan preparation and examination process. The Councils would however suggest that such matters should already be satisfactorily addressed through effective and robust internal project and programme management (including the use of a PID and appropriate governance structures) without the need for the burden of external oversight. The notion of seeking the local planning authority to arbitrarily identify up to five issues which pose risks to the soundness and/or legal or procedural compliance of the local plan for each of the first two gateway assessments would however appear to be somewhat contrived; almost seeking to generate a purpose for the assessments where none may exist, or alternatively artificially constraining the scope of the matters for consideration where there are potentially more issues to consider. The Councils would advocate that the gateway assessments are not arbitrarily constrained in such a manner.
Funding	21. Do you agree with our proposal to charge planning	Disagree	The Councils are concerned that placing the burden of funding gateway assessments on local planning authorities is unreasonable in the context of an increasingly challenging local government finance situation. Should such an approach be imposed, the Councils would expect to be supported through the provision of adequate new burdens

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	authorities for gateway assessments?		funding - at least for the tranche of gateway assessments necessary to support the introduction and adoption of their first new-style local plan. If the Councils are to be required to directly fund the gateway assessments, the Councils would suggest that there may be logic in the cost of gateway assessments being fixed, subject to a cost cap or for the contracts to be delivered through the advocated 'gatekeeper' organisation.
Chapter 7: Plan examination			
Speeding up examinations	22. Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?	Unsure	<p>The Councils welcome the notion of speeding up plan examinations, which has to be welcomed by all. The Councils do consider that it is essential that in doing so, proposals do not undermine the robustness of plan scrutiny, nor constrain the opportunity for communities and interested parties to engage effectively and have their say where appropriate. The Councils have significant concerns about the proposed three-week period for consultation on main modifications. Whilst it is accepted that the scope of main modifications should be reduced under these proposals, the three-week period is unlikely to provide sufficient time for many organisations (such as parish councils) to be able to prepare, consider and sign-off any response. The approach would also appear to be at odds with the proposals for extending the period of engagement offered earlier in the plan making process. Whilst the Council welcomes the potential time saving that a reduction in the notification period for hearings would offer, the Councils are concerned that the advocated three-week period may not provide sufficient notice for third parties, such as statutory bodies, to be able to attend and participate – although clear programmes and ongoing communication may help to mitigate this to some extent. The proposals for the submission of short statements in writing by third parties that can be considered by the Inspector in lieu of attending the hearings would appear to be pragmatic and sensible, offering an efficient and effective route to being heard that would be welcomed by many. It will however be essential that the local planning authority has a right of reply to any such statements, as would be the case should such matters be raised as part of the hearings. The Councils welcome, in principle, the proposal to reform the process of responding to Matters, Issues and Questions, limiting the opportunity to respond to only the local planning authority. As noted, this should reduce the quantum of written material for the Inspector to consider at that stage, however it could have the potential unintended consequence of simply displacing consideration of matters of concern to the hearing sessions, which could result in protracted discussion and the need for follow up work. The Councils welcome the proposals to appoint an Inspector for the examination when the local planning authority commences the third gateway assessment, however would advocate going a step further and utilising the same Inspector(s) for the examination and gateway assessment. The Councils can see logic and pragmatism in the proposals to focus the consultation on main modifications to only the most significant amendments, however the Councils are concerned about how the scope of such modifications will be established and can foresee issues with doing so. It will be essential that any approach to establishing the scope of main modifications to be subject to consultation is justified, clear and unambiguous. The</p>



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			Councils raise fundamental concerns about the proposals to reduce the consultation period on main modifications to only three weeks. There are many organisations, such as Town and Parish Councils, or local civic groups, for whom this period would not provide sufficient time to consider, prepare and sign-off a response to the consultation. The Councils consider that this has the potential to disenfranchise elements of the community by precluding particular organisations from being able to provide any meaningful feedback.
Examination pause	23. Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?	Unsure	The Councils consider that, when taken in combination with the wider plan-making reforms and in particular the focus on better definition of required evidence and the series of gateway assessments, a maximum of a six month pause period should be sufficient to address most circumstances likely to arise at examination. The period does however appear to be somewhat arbitrary and defining an absolute maximum through regulations could potentially be, in some circumstances, counter-productive to the goal of speeding up the adoption of local plans; recognising that it would prevent any discretion or flexibility to afford even a small extension of time over the prescribed six month limit to deliver an outcome that may result in the delivery of a sound plan, rather requiring the plan to be withdrawn and resubmitted. Given the limitation of only a single pause period it will be essential for Inspectors to carefully consider the timing of triggering any pause to ensure that it provides the best opportunity to address all outstanding matters.
Chapter 8: Community engagement and consultation			
Planning and monitoring the engagement approach	24. Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?	Agree	The Councils recognise the importance and value of community engagement in plan-making and welcome its continued emphasis within the plan-making reform proposals. The Councils consider that the Project Initiation Document (PID) provides an appropriate container for setting out the Councils' overall ambitions and approach to engagement and consultation in plan-making. North Devon Council and Torridge District Council sought to adopt a similar approach as they commenced on the update to their joint local plan, preparing an engagement strategy that sat alongside and as part of their Project Initiation Document. The Councils recognise that the use of Statements of Community Involvement (SCI) have been ineffective as local planning authorities have only sought to only set out the minimum requirements necessary to meet statutory requirements, recognising that they do not wish to commit to any additional engagement in advance of commencing plan preparation. The proposed approach has the opportunity to resolve this to some extent, with the detail only being provided at the point of effective commencement of work on a local plan. There is still an inherent risk that local planning authorities will only seek to set out a 'minimum' baseline of engagement so as to not overly promise what they will offer, particularly given the introduction of constrained plan-making timeframes and increasingly limited resources in local planning authorities; this could undermine the value of the approach, however there would not appear to be any easy approach to mitigating this concern. The Councils agree that it is imperative to offer early engagement within the plan-making process,

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			<p>recognising that this offers the best opportunity to influence and shape future plans. Whilst the current plan-making legislation does not prescribe meaningful early engagement within plan-making, local planning authorities have, on the whole, continued to carry out such engagement, recognising that it is essential to effective plan making. The Councils do welcome proposals to regularise this, recognising that with resourcing limitations, there is often a pressure to limit engagement activity to those necessary to meet statutory requirements. It is essential that the consultation and engagement requirements to be set out through the PID are clear, unambiguous and well defined. The Councils welcome the notion of the PID setting out the ambition for what engagement and consultation is intended to achieve, as this will be helpful to articulate to interested parties. It is recognised that there is also value in establishing the who, why, what and when for engagement and consultation, although sufficient flexibility needs to be available to iterate and flex approaches as plan-making progresses. The Councils agree that the proposed oversight offered by the Gateway Assessments, combined with good project management offer an appropriate basis for doing this; however it will be important to recognise that PIDs should not be static but need to be reviewed and maintained throughout the plan making process as circumstances can change.</p>
<p>A focus on early participation</p>	<p>25. Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?</p>	<p>Agree</p>	<p>The Councils welcome the proposal for the notification of relevant persons and/or bodies and invite participation early in the plan-making process; recognising that early participation is essential to deriving good outcomes through plan-making and that advance notification provides the best chance to ensure that third parties (including statutory consultees) are in a position to engage positively and effectively with the plan-making process. The Councils welcome that this activity is proposed to be able to be undertaken in advance of the prescribed 30-month plan-making period. Whilst this is somewhat contrived, it provides a pragmatic opportunity to provide the time and space for local planning authorities to undertake this essential activity. To be effective however, it is imperative that the 'Requirement to Assist' is introduced as proposed to include the early participation stage. The Councils welcome that the four-month notice period is defined as a minimum, offering local planning authorities with the opportunity to expand this period where they think this is necessary and appropriate. This will allow more ambitious authorities to expand their early work and apply wider and/or more innovative approaches, whilst also providing the opportunity to manage engagement across local planning authorities who might have differing levels of resource.</p>
<p>A focus on early participation</p>	<p>26. Should early participation inform the Project Initiation Document? What sorts of approaches</p>	<p>Agree</p>	<p>The use of the outcomes of this early participation to inform the preparation of the Project Initiation Document would appear to be inherently sensible. The identification of key issues through the effective engagement of communities and key stakeholders should provide the basis for scoping the range and nature of evidence and other work necessary to support plan preparation. The Councils consider it essential that the proposed 'Requirement to Assist' applies to the early participation phase of plan making in order to help facilitate positive early participation. To be effective, it is necessary for the early participation to be meaningful; this could be through a combination of the</p>



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	might help to facilitate positive early participation in plan-preparation?		proposals advocated, including ongoing informal engagement, potentially followed up by a more prescribed formal participation period focussed on identifying issues. The Councils consider that a range of approaches may be appropriate and that local planning authorities should be afforded discretion and flexibility as to the approach(es) to reflect their local issues and circumstances.
A more standardised approach to consultation	27. Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?	Agree	The Councils welcome the proposals to make representations easier for local planning authorities to analyse through the development and provision of a series of templates. The Councils welcome the proposals to define more clearly the role and purpose of the two mandatory consultation windows. The Councils recognise that doing so will help to manage expectations of all parties involved whilst helping to streamline the management of responses, including the potential for efficiencies through standardisation, and providing clearer outcomes to local planning authorities that are better tailored to the point in the plan-making process where the consultation takes place.
A more standardised approach to consultation	28. Do you agree with our proposal to use templates to guide the form in which representations are submitted?	Agree	The Councils strongly support the proposals to make representations easier for local planning authorities to analyse through the development and provision of a series of templates. The Councils would suggest however that this alone is insufficient and that it is imperative that Councils are given the ability to mandate the form of acceptable responses and insist that standardised approaches to respond are utilised by respondents (recognising the need to offer appropriate and accessible methods to respond). Current experience is that whilst it is possible to provide well designed and standardised methods of submission, be they paper based, electronic for emailing back or for online for direct submission, and to encourage their use, a significant proportion of respondents elect to submit responses in alternative non-conforming formats. This imposes a significant burden on local planning authorities to manage and process representations, even where they have invested in software to help support the efficient management of consultations (for example Objective Keystone). Regulating, ideally on a legislative basis, for local planning authorities to be able to impose approaches and methods of submission (within defined parameters) would likely afford the greatest efficiency savings in undertaking consultation exercises. Whilst the provision of templates is welcomed, it is important that local planning authorities are provided with some discretion to allow them to tailor specific questions to be responsive to particular local circumstances. It is also essential that the PropTech sector is fully engaged with the development and implementation of proposals to ensure that they are able to provide appropriate systems to local planning authorities in a timely manner in order to facilitate the proposed approach. Equally, local planning

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			authorities need to be provided with sufficient time and resource to be able to adequately embed new templates into pre-existing systems and processes.
Chapter 9: Requirement to assist with certain plan-making			
Proposed prescribed public bodies	29. Do you have any comments on the proposed list of prescribed public bodies?	Leave Blank	The Councils consider that all of the identified organisations and bodies are appropriate to be considered as prescribed public bodies. The Councils would suggest the addition of the Office of the Police and Crime Commissioner and/ or other operational Policing organisations, along with other emergency service representation including Fire and Rescue Services and Ambulance Services. The Councils would also advocate the addition of AONB management bodies. For information, it is suggested that the organisation cited as Homes and Communities Agency should possibly read Homes England, whilst Heritage England should read Historic England.
Proposed approach	30. Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.	Agree	The proposed approach to the Requirement to Assist would seem to be pragmatic and reasonable. The Councils would however suggest that it is necessary to clearly define the expectations, scope and nature of what a public body can be expected to provide in discharging their requirement along with timescales for doing so, in order to be able to manage expectations from all parties and ensure that it is effective. The Councils do consider the use of the Notice as a method of escalation could potential offer a pragmatic initial route to escalate issues with participation. There is however concern that clarity is not provided as to the implications of failing to comply with the Requirement to Assist on prescribed public bodies and that such clarity of implications is necessary in order for it to form an effective tool. Simply setting out the requirements and expectations within planning practice guidance would not appear to necessarily provide adequate strength to support the requirement or encourage compliance. It will be essential that the prescribed public bodies are adequately resourced to ensure that they are able to provide meaningful and effective participation in plan-making or else the Requirement to Assist will be ineffective and/ or potentially result in unreasonable delays to plan-making.
Chapter 10: Monitoring of plans			
Proposed approach	31. Do you agree with the proposed requirements for monitoring?	Agree	The Councils recognise the importance of effective monitoring of planning outcomes and how this helps to inform whether a plan is operating as envisaged; closing the loop to plan review and preparation. The Councils do however welcome the proposals to reform plan monitoring, recognising that the current approach of preparing annual Authority Monitoring Reports can be burdensome, verbose and result in opaque and ineffective outcomes; particularly recognising that local plans are intended to deliver effective change over an often extended time period. The Councils welcome the proposals for a more streamlined monitoring framework built upon a focussed list of nationally prescribed metrics which are able to be supplemented by local metrics where considered necessary and appropriate. The Councils see value in the submission of information on these metrics through a light touch annual return and the benefits this can bring on having a consistent national dataset that will allow for comparisons and

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			<p>aggregation. The Councils would ask that the nationally prescribed metrics are clearly defined and that their scope and definitions are kept consistent over time. The Councils are somewhat concerned that there does however appear to be somewhat of a disconnect between these streamlining proposals and the monitoring requirements set out in the core principles presented elsewhere within the consultation that seek for plans to “set out a detailed approach to monitoring and ongoing review of the plan” and for the vision to “set out measurable outcomes for the plan period...which are actively monitored following the adoption of the plan”. The Council considers the proposal for a more comprehensive of plan performance four years post adoption to be a sensible and natural evolution of the plan review process that is currently in place and something that has the opportunity to build upon the PAS Local Plan Review Toolkit. It is essential that it is recognised that it will remain necessary to maintain monitoring information and processes to inform the longer-term analysis and the resource requirement that this places on local planning authorities, even though this information may not be required for a number of years. Failing to maintain this base information and data will render the more detailed analysis to inform plan update potentially challenging and ineffective.</p>
<p>Proposed approach Page 147</p>	<p>32. Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?</p>	<p>Agree</p>	<p>The range of proposed national metrics would appear to cover a sensible broad range of core data. The Councils consider that it is essential that each metric is clearly defined with a precise definition that is not subject to change over time. Some of the proposed metrics are somewhat ambiguous and will need clarification - for example, what constitutes employment floorspace, what measure will be used, will a breakdown of different types of floorspace be required, etc. It should also be noted that a number of the proposed metrics are not routinely monitored by the Councils at the present time, and it will be necessary to develop systems, processes and datasets in order to report on them. It is therefore essential that local planning authorities are given a sufficient period of familiarisation in advance of implementation in order to develop and put these in place. The Councils welcome the proposals for local planning authorities to be obligated to make use of prescribed templates for the provision and publication of monitoring returns.</p>
<p>Chapter 11: Supplementary plans</p>			
<p>Preparation procedure</p>	<p>33. Do you agree with the suggested factors which could be taken into consideration when assessing whether two or</p>	<p>Disagree</p>	<p>The Councils have significant concerns about how the term 'nearby' can be defined robustly and consistently for the purposes of supplementary plans. The Councils are not confident that the proposed factors are clear or likely to provide local planning authorities with unambiguous guidance sufficient to enable them to confidently determine whether two or more sites have an adequate and appropriate relationship to be considered 'nearby' and hence capable of being addressed through a single supplementary plan. Given that the term 'nearby' is identified in legislation, the Councils are concerned that without clear definition there is the potential for supplementary plans to be legally challenged on the premise of sites not being considered to be 'nearby'; this has the potential to</p>

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	more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?		fundamentally undermine the value of supplementary plans and their potential to be swiftly introduced in order to support the delivery of an expedited development outcome. The Councils do acknowledge the challenge of finding a balance of providing clarity and certainty whilst also maintaining sufficient flexibility to take account of varying local context and circumstances. The Councils consider that there are a significant range of factors that could potentially influence whether sites could reasonably be considered to be nearby, including their context, whether they have a rural or urban setting, the size of any host settlement(s), the relationship of host settlements if more than one, the sites' connectivity through the highway, footway or cycle network, the sense of place, reason for and/ or purpose of development.
Preparation procedure	34. What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.	Leave Blank	Given the wide and varied potential scope of supplementary plans, the Councils feel that it is essential that preparation processes and requirements are kept general and not topic specific. The Councils would advocate that clear and unambiguous processes and requirements on the key stages of preparation and for establishing who should be notified, consulted and/or engaged are set out in regulations. The Councils would then welcome additional detail, such as topic specific advice with more flexibility, being set out in guidance. This will help to manage expectations for all involved and ensure that minimum standards and approaches are followed.
Consultation	35. Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what	Unsure	If supplementary plans are expected to have the same status as the local plan for the purposes of decision making, the Councils would advocate that it is essential that communities and stakeholders have sufficient opportunity to be engaged and have their say. The Councils recognise the challenge of providing a streamlined process to meet the objective of providing an expedited approach to managing unexpected circumstances, whilst still ensuring that the process and outcomes of supplementary plans retain credibility and legitimacy. It is considered essential that the prescribed approach to preparing supplementary plans provides for a notification process at the outset of preparation to those who would reasonably have an interest in the scope of the plan, early participation (the scale and nature of which could be at the local planning authority's discretion subject to some prescribed minimum requirements) and a period of formal consultation on the draft plan. The Councils consider that in combination with a

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	circumstances would more formal consultation stages be required?		requirement for notification, early and meaningful informal engagement plus an examination of the supplementary plan, a single period of formal consultation, directed to consultation on a draft of the proposed plan would be a pragmatic solution that strike the balance between engagement and expediency. The Councils are not persuaded that there are specific additional circumstances that should be prescribed formally to require local planning authorities to apply additional formal periods of consultation on supplementary plans. Rather, guidance could simply indicate that where supplementary plans are covering complex or controversial matters then local planning authorities may wish to consider utilising additional stages of formal consultation.
Examination	36. Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such	Unsure	The Councils broadly support the proposals for having the two routes for examining supplementary plans and would welcome the clarity that thresholds could bring to discerning the appropriate route to examination. Given the potential varied scope and nature of supplementary plans, it is not however clear to the Councils how those thresholds could be defined in an unambiguous manner. It is difficult to define thresholds by scale or by particular constraints given that proposals may or may not be controversial or sensitive regardless of these aspects. One potential approach could be to discern through a proxy for level of concern by utilising a petition approach, with a prescribed level of registered interest to discern the appropriate approach to examination. This could make use of similar web-based technology to that utilised to log parliamentary petitions and discern if and when they would trigger a debate; although clearly any such approach would need adequate checks and balances to ensure that it is not open to potential abuse.

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	as environmental or heritage.		
Examination	37. Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?	Disagree	As the supplementary plan is intended to have the same status as the local plan in decision making, it is unclear as to why it should not adhere to the same requirements as a local plan - for example, meeting the tests of soundness and legal compliance requirements. That being said, the Councils do recognise that the proposals are intended to strike a balance between oversight, scrutiny and expediency.
Chapter 12: Minerals and waste plans			
Proposed approach	38. Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?	Leave Blank	As lower tier local planning authorities who do not have statutory responsibility for preparing minerals and waste plans, the Councils do not feel it appropriate to comment on this matter.
Chapter 13: Community Land Auctions			
Proposed approach	39. Do you have any views on how	Leave Blank	The Councils welcome the Government's commitment to explore innovative approaches to land value capture that help ensure that development contributes appropriately towards supporting infrastructure and services. The Councils

Reform Topic	Question	Answer	Draft Response
	we envisage the Community Land Auctions process would operate?		can see a logic to the proposed Community Land Auctions process, however are somewhat concerned that it will not result in a more competitive market for housing land. The Councils are concerned that the landowner sale price will potentially be established too early in the process and without the benefit of an understanding of potential site constraints or opportunities that could influence the underlying value of the land. There are concerns that this could potentially 'bake in' inappropriate margins that would then prejudice the amount that could be realised towards infrastructure through the subsequent value uplift between the landowner option 'bid' price and the developer purchase price. There are also concerns that the bidding process could artificially elevate land values, either through land interest collusion or by virtue of landowner ambitions
Proposed approach	40. To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?	Leave Blank	The Councils should clearly be able to take account of the financial benefits that can be realised from a development site as part of considering the sites for allocation. In reality, this is not dissimilar to the considerations that local planning authorities currently have to factor in when determining which sites to take forward to allocation. When allocating sites, Councils already factor in consideration of whether a site is likely to be able to realise necessary infrastructure and contributions towards services and facilities in order to deliver sustainable development. In doing so, taking account of potential development costs and any abnormal site development challenges. The challenge in all cases, which would not appear to be resolved by these proposals, is the uncertainty as to the level of funding that a site may be able to realise in support of providing infrastructure. It would appear to be too simplistic to simply look to the lowest land value, the lowest price per hectare or even the lowest price per potential dwelling. The process would also appear to place a significant responsibility onto local planning authorities to understand the likely development economics of an individual site so as to factor the finance considerations and balance with other planning considerations.
Chapter 14: Approach to roll out and transition			
Proposed approach	41. Which of these options should be implemented, and why? Are there any alternative options that we should be considering?	Leave Blank	The Councils welcome the Government's commitment to ensuring a smooth transition from the current to the future plan-making system. The Councils consider that adequate and appropriate transitional arrangements are a critical aspect of the reforms that are integral to securing the successful ongoing operation of the planning system. The Councils recognise that the move to the new plan-making system has the potential to generate a surge of plan making activity that could result in significant pressure on the resources of the Planning Inspectorate and also external consultancies required to support local planning authorities; potentially undermining the ambitions for swifter plan-preparation. The Councils have grave concerns about the Government's preferred approach of placing local planning authorities into six-monthly 'waves' for plan-making purposes. Given the number of local planning authorities subject



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			<p>to plan-making responsibilities and that the proposals are to place these into groups of 25 who will commence plan-making every six months, it will inevitably take many years for all local planning authorities to get the opportunity to commence plan-making, let alone realise an adopted plan. For the Councils who are one of the 35% of local planning authorities who have a plan which was adopted within the last five years, this could mean that it would be four years or more before they have the opportunity to commence plan making. In the context of the Government's aim for all local planning authorities having an up-to-date local plan, this would seem to be non-sensical and wholly counterproductive. The Councils strongly object to any approach that prevents individual local planning authorities from progressing the preparation of a new local plan, meeting the ambitions and development needs of local communities in a timely manner. The Councils would suggest that grouping and prioritising local planning authorities by the time since the adoption of their last local plan has the potential to have unintended consequences, such as potentially precluding the formation of new partnerships for joint plan making where existing plans are of a significantly differing vintage. The Councils would be equally concerned about selecting local planning authorities by alternative criteria, such as locality or housing market area, as this could be divisive and have unintended consequences - such as creating disparity across regions or sub-regions which could impact on opportunity and investment. The Councils would support an alternative approach whereby all authorities have the discretion to start work on a new plan at the earliest opportunity but are provided with a 'backstop' date by which they are required to commence - this backstop could be established by duration since last plan adoption. By virtue of differing local circumstances, it is considered that this is likely to have the effect of dispersing plan-making activity over a longer period. The Councils welcome the recognition of the importance of providing protections from speculative development during the transition period to the new plan-making system. The Councils consider that the proposals to provide transitional protection from speculative development by considering plans that become over five years old once the new system commences to remain up-to-date for up to 30 months after they are required to start making their new style local plans is inherently sensible and is to be welcomed. The Councils do however hold fundamental concerns that local planning authorities who currently have up-to-date local plans that are less than five years old but that will reach five years old prior to the commencement of the new plan-making system are not afforded transitional protection. These local planning authorities, including North Devon and Torrige, are penalised through no fault of their own, being caught in a position whereby it will not be possible to prepare and adopt a local plan under the existing plan-making system before the deadline for submission but are not able to benefit from the transitional protections. The Councils strongly object to this unequitable and unreasonable position and would urge the transitional protection to be extended to cover the period from the publication of these plan-reform proposals.</p>



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Proposed approach	42. Do you agree with our proposals for saving existing plans and planning documents? If not, why?	Agree	The Councils strongly support the approach of existing Development Plan Documents, saved policies and Supplementary Planning Documents remaining in force until the adoption of a new-style local plan. This will afford a smooth transition to the new plan-making system, ensure that there is no policy vacuum and that a plan-led system is maintained. For the Councils, it is essential however that the transitional protections are extended to local planning authorities whose plan will become five years old since the publication of the plan making reforms and prior to their implementation. Without doing so, there is a significant risk that the plans will be considered out-of-date, becoming at significant risk of speculative and un-planned development through no fault of their own.
Equalities impacts			
Potential impact	43. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?	Leave Blank	It is essential that the Government carries out a thorough Equalities Impact Assessment on their proposals to ensure that they will not have any unacceptable adverse impacts on people with protected characteristics. The Councils would highlight the importance of not inadvertently discriminating or disenfranchising through the transition to, and prioritisation of, digital approaches to engagement, plan-making and implementation. Similarly, the Councils would highlight the challenges that some individuals with and without protected characteristics may find with the introduction of shortened timeframes for consultations, as advocated for proposed main modifications.

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