

# Draft North Devon and Torridge Local Development Scheme 2022-2025.

## 1. What is the Local Development Scheme?

- 1.1 Councils are required to prepare, maintain and publish a local development scheme (LDS) under section 15 of the [Planning and Compulsory Purchase Act 2004](#) (as amended by the [Localism Act 2011](#)).
- 1.2 The LDS sets out the timetable to produce Development Plan Documents (DPDs), including key production and consultation stages. It must be made publicly available and kept up to date. This enables the community, businesses, developers, service and infrastructure providers and other interested organisations to know which DPDs are to be prepared for the area and when they are able to participate in their preparation. The Councils commitment to engage and consult communities and stakeholders in the plan making process is separately set out in a joint Statement of Community Involvement.
- 1.3 This LDS updates the previous joint LDS published in May 2016, which was the first joint LDS prepared by North Devon and Torridge District Councils. It provides information about Development Plans and other planning policy documents the Councils plan to prepare over the next three-year period to 2025.
- 1.4 A joint Authority Monitoring Report produced annually will monitor and review the implementation of the LDS.
- 1.5 Whilst not a formal requirement, for ease of reference the LDS also includes information about the main supporting and procedural documents that do and will accompany the joint Local Plan.

## 2. Background to Local Planning Documents

- 2.1 The development plan for North Devon and Torridge consists of range of documents that will guide development within the districts. The statutory Development Plan is a set of DPDs and Neighbourhood Development Plans that together form the statutory basis for determining planning applications for the Councils. Key elements of the Development Plan are:
  - **Local Plans** – Local Plans detail the planning strategies for development within the districts. This includes strategic and non-strategic policies to address the district's priorities for the development and use of land in its area, usually including the allocation of land for development, such as housing or employment and open spaces. These policies must be in general conformity with government guidance, in particular the National Planning Policy Framework (NPPF).

- **Minerals and Waste Local Plans** - in areas that have County and District Councils, the County Council has the responsibility for producing Minerals and Waste Local Plans.
- **Neighbourhood Development Plans (NDP)** are community-led plans for guiding future development and growth of a local area. Whilst they are not compulsory, once duly prepared and once they legally come into force, they become a statutory document that forms part of the Development Plan. NDPs must be in general conformity with the strategic policies contained in any Local Plan that covers their area. NDPs are prepared by qualifying bodies (parish or town councils in parished areas and neighbourhood forums in non-parished areas).

2.2 The current Development Plan for North Devon and Torridge comprises:

- North Devon and Torridge Local Plan 2011-2011 (adopted October 2018);
- Neighbourhood Development Plans “made” for Great Torrington (August 2021) Winkleigh (August 2021) and Georgeham (January 2022); and
- Devon Minerals Plan (adopted 2017) and Devon Waste Plan (adopted 2014).

### **North Devon and Torridge Local Plan 2011-2031**

2.3 The current North Devon and Torridge Local Plan was adopted on 31<sup>st</sup> October 2018, geographically it covers the districts of North Devon and Torridge, excluding that part of North Devon district within Exmoor National Park. The plan area is referred to as “northern Devon”.

2.4 The focus of this LDS is to identify the timeline for the delivery of an updated North Devon and Torridge Local Plan. A review of the adopted Local Plan was undertaken in 2019. The Councils subsequently resolved (North Devon in November 2020 and Torridge December 2020) to undertake a comprehensive update of the Local Plan, determining that there were compelling reasons to do so, having regard to significant changes both nationally and locally that had come about since its adoption.

2.5 As provided by the current Local Plan an updated version will establish the strategic context for development across northern Devon. A revised plan period will reflect the progression of the Local Plan, ensuring the requirement of national planning policy is met with regard to the longevity of strategic policies of at least 15 years from the point of adoption. The Local Plan will include an updated strategy with an associated vision and objectives; a development strategy determining the level and direction of future growth, sites for development (allocations) and a series of planning policies. Some of these policies will be broad ranging, covering themes and topics whilst others will specifically set out detailed requirements for development.

2.6 Of note, the update of the Local Plan will be the only DPD prepared by the Councils. The 2016 LDS provided that in addition to the Local Plan a separate Traveller Site Allocations DPD would be prepared, which has not been achieved. Consequently, the Councils policy position and as necessary allocations to meet the housing needs of the Traveller community will be incorporated into the updated Local Plan.

2.7 The key milestones for the update to the Local Plan are summarised below, as derived from a detailed project plan, separately published in the form of a Project Initiation Document (PID).

*Table 1: Local Plan key milestones*

<b>Local Plan key milestones</b>	<b>Date</b>
• Issues and preferred options consultation	November 2022
• Draft Local Plan consultation	November 2023
• Publication Local Plan consultation	June 2024
• Submission to the Planning Inspectorate	November 2024
• Examination hearings	April 2025
• Adoption	December 2025

2.8 The timetable for preparing an update of the North Devon and Torridge Local Plan is based on current legislation and national planning policy and guidance. However, in August 2020 the Government published a Planning White Paper seeking views on radical reforms to the planning system. At the current time there is no clarity as to whether all of the proposed reforms will be taken forward, or of the timetable for such reforms. In line with Government advice, the Councils will continue to progress with the proposed update of the Local Plan on the basis of current legislation until such time as it can no longer do so, or it is not prudent to do so having regard to any transitional arrangements.

2.9 The steps required to be undertaken in preparing a local plan are set out in [Planning Regulations](#). The following provides a brief outline of the key stages that will be undertaken in updating the North Devon and Torridge Local Plan review.

- **Issues and preferred options consultation** - this is the starting point where comment on general issues and the scope of the Local Plan are sought. At this stage of plan making potential options and alternatives for development may be identified and consulted upon.
- **Draft Plan** – after the issues consultation, responses will be analysed, further evidence is prepared, and options considered. From this work, a draft Local Plan, including draft policies and potential sites allocations will

be prepared. A consultation exercise will take place on the draft Local Plan.

- **Publication** – following the draft plan consultation, responses are considered, amendments made to the Local Plan as considered necessary, and further work is completed to produce a second version of the Local Plan. The Councils will consider this version of the Local Plan to be “sound” as prescribed by the National Planning Policy Framework (paragraph 35) in that it should be positively prepared, justified, effective and consistent with national policy. The Local Plan will be published for consultation together with all the documents on which it relies. The Local Plan will be subject to a six-week period of public consultation relating to the tests of legal compliance and soundness. The Councils will analyse the received comments and identify issues raised as a result of the consultation exercise.
- **Submission** – the publication version of the Local Plan, the supporting evidence and representations on the Local Plan will be submitted to the Planning Inspectorate who appoint an independent inspector to test the Local Plan through public examination.
- **Examination/Inspector’s Hearings** – During the examination the planning inspector will typically hold a series of public hearing sessions to discuss the Local Plan. The discussions at the hearings help the Inspector to reach conclusions regarding the soundness of the Local Plan.
- **Inspector’s Report** - the inspector will issue an Examination report to the Councils. The report will set out whether the Local Plan is legally compliant and sound. If requested by the Local Planning Authority it will also set out any changes (modifications) considered necessary to make the Local Plan sound and thus enabled to be adopted.
- **Adoption** - the final stage in the process is the formal adoption of the Local Plan by the Council(s). From the point of adoption, the Local Plan will form part of the area's Development Plan.

### **Neighbourhood Plans (NDPs)**

2.10 The District Councils have and will continue to support communities that wish to prepare NDPs. At present there are 19 designated neighbourhood areas across northern Devon. Three NDPs have been made(adopted) for the Civil Parishes of: Great Torrington , Winkleigh and Georgeham. Currently the remaining active designated neighbourhood areas are, in Torridge: Bradworthy, Welcombe, Bideford and Northam, and in North Devon: Bratton Fleming,

Fremington, Goodleigh, Barnstaple, Braunton, Heanton Punchardon, South Molton, Landkey, Ashford, Morteohoe and Ilfracombe.

2.11 The LDS does not include a timetable for the preparation of individual neighbourhood plans as the timing and delivery of these are the responsibility of “qualifying bodies” which across northern Devon, is generally town and parish councils.

### **3. Other Policy Documents**

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

3.1 Supplementary Planning Documents (SPD) provide further explanation of local plan policy, how they should be interpreted and expectations for their implementation. SPDs can be used to provide further guidance for development on specific sites or on a particular issue and must be taken into account when determining planning applications.

3.2 SPDs do not provide formal planning policy in the same way as a local plan and so the procedure for them is simpler and shorter, the detail of which is set out in [planning regulations](#). They do however have to be prepared with supporting evidence, require public consultation and to be formally adopted by the relevant Council.

3.3 The Councils have three adopted SPD’s covering rural workers dwellings, air quality and an area specific design guide for Leadengate (North Devon). Significant progress has also been made on an affordable housing SPD, adoption of which is planned towards the end of 2022. These SPDs will gradually need to be reviewed and potentially added to, to reflect any policy revisions which emerge in the new local plan and/or in response to future changes to national planning policy. Having regard to these uncertainties, the LDS does not include a programme for the preparation of SPDs.

#### **Statement of Community Involvement**

3.4 The Councils separate Statements of Community Involvement (SCI) ([North Devon](#) and [Torridge](#)) set out the standards that each intend to achieve in relation to involving the community in the preparation, alteration and continuing review of all local development plan documents and in development management decisions.

3.5 The Councils intent to prepare a joint SCI; consultation on a draft document and adoption of the SCI is anticipated during 2022/2023.

## **Sustainability appraisal**

3.6 Where required development plan documents will be subject to a sustainability appraisal (SA) that fully meets the requirements of the strategic environmental assessment (SEA) directive. The main purpose of an SA is to appraise the social, environmental and economic effects of strategies and policies from the outset of the preparation process, so that decisions can be made that accord with the objectives of sustainable development. The sustainability appraisal process will be completed to support the various plan making stages as required by the legislation.

## **Habitats regulations assessment**

3.7 A habitats regulations assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information.[]

## **Authority Monitoring Reports**

3.8 Local Planning authorities are required to prepare Authority Monitoring Reports, which will set out how effectively its development plan policies are being implemented and what action might need to be taken to address emerging issues. This includes such matters as the assessment of housing completions against the Housing Delivery Test, a statement on the five-year housing land supply position and an updated housing trajectory for the plan area.. It also reports on progress being made in implementing the work programme set out in the LDS.

3.9 The AMR for northern Devon will be prepared on a joint basis, as consequence of the joint nature of the Local Plan and the contained monitoring framework. Arising from the AMR the Councils' will consider what changes, if any will need to be made to the LDS.

## **Community Infrastructure Levy**

3.10 The Community Infrastructure Levy (CIL) is a planning charge introduced by the Planning Act 2008, as a tool for local authorities to help deliver infrastructure to support the development of their area. It came into force in 2010 through the [Community Infrastructure Levy Regulations](#).

3.11 The use of CIL is optional, currently North Devon and Torridge are not charging authorities. The Councils' position on the use of CIL will be considered as part of the progression of the review of the Local Plan, with consideration of any changes delivered as a result of planning reforms introduced by Government, proposals for which were set out in the White Paper - [Planning For the Future](#).

## **4. Resources available for the production of the Local Plan**

4.1 Staff resources available to undertake preparation of development plan documents will include:

- staff resources in the Property, Place and Regeneration Team (NDC) and Planning Team (TDC), together with other relevant staff in each Council;
- professional and technical support from Devon County Council and other organisations such as the Environment Agency, Historic England, and Natural England.
- financial resources in order to engage consultants where there is an absence of expertise or in-house capacity, together with adequate budgetary provision to cover community and stakeholder consultation and the cost of the examination in public; and
- financial contributions from other organisations, where available to contribute to the cost of commissioned studies.
- Any external costs incurred will be shared equally between both Councils.

4.2 The Councils' approval of the LDS provides a commitment to the principle of making necessary resources available. Joint working by the Planning Policy Teams will add capacity to the process of plan making, increase cost efficiencies and provide greater transparency.

## **5. Risk Assessment**

5.1 A risk assessment has been undertaken jointly as part of the management process to identify areas of greatest risk in achieving the timely delivery of an updated Local Plan. In preparing the LDS the main areas of risk are identified below together with necessary actions in mitigation.

- adequate staff resources within the Planning Policy Teams; the delivery programme will be challenged if staff resources are disrupted, in quantum and experience - minimise the risk by the retention of experienced staff and by timely recruitment to vacancies and as necessary the addition of resource, which could include both permanent and short-term contracts.
- Political change (national) - a further general election (currently scheduled to be held in May 2024) prior to the adoption of the Local Plan could result in a new government which could bring in significant changes to current policy and statutory requirements for the plan making process – minimise the risk of delay by making significant progress in plan making, to the extent that any changes should be embraced by transitional arrangements.
- Political change (locally) following district council elections in May 2023 – the political make-up of the Councils may change, potentially resulting in a

review/adjustment of priorities – minimise the risk of delay by ensuring wide ranging member engagement.

- increased pressures on financial resources; any review of documents is a costly exercise from evidence gathering to examination, including significant stakeholder and community engagement - resource implications, including examination costs are carefully assessed and incorporated within the existing budgets;
- additional project demands, including mandatory returns and fulfilling a duty of support to town and parish councils preparing neighbourhood plans - minimise the risk by quality project planning, by securing corporate commitment and adequate resourcing;
- achieving a high level of response to a public consultation - the document's delivery programme includes a realistic timeframe for the preparation of accessible consultation materials and for the processing and analysis of consultation responses. Officers will encourage the use of established on-line consultation methods; the submission of high numbers of representations in a non-electronic format may require the use of additional staff resource on a temporary basis;
- capacity to undertake a necessary sustainability appraisal and strategic environmental assessment - minimise the risk by securing and maintaining adequate capacity and experience within the Councils;
- the capacity of the Planning Inspectorate to undertake the public examination in accordance with the indicated timetable – minimise the risk by maintaining a dialogue with the Planning Inspectorate with regard to the likely point of submission.
- a legal challenge may be lodged to any document within six weeks of adoption, the Councils will aim to minimise this risk by ensuring that relevant regulations are followed. Officers will follow Planning Practice Guidance and the PAS Plan Making Manual to ensure compliance with legal requirements.

5.2 The Councils will review of the risks associated with achieving the development plan delivery programme through a Risk, Issue, Change and Lessons Learnt Log.