



## **North Devon Council & Torrige District Council**

Report Date: 28<sup>th</sup> January 2022

Topic: Local Plan Review Project Initiation Document, Project Plan & Local Development Scheme

Report by: Planning Manager (TDC)

### **1. INTRODUCTION**

1.1. Section 28 of the Planning and Compulsory Purchase Act 2004 enables two or more Local Planning Authorities to agree to prepare a joint Local Plan. North Devon Council (NDC) & Torrige District Council (TDC) resolved to review and update the North Devon & Torrige Local Plan 2011-2031 at Full Council Meetings of the 25<sup>th</sup> November 2020 (NDC) & 14<sup>th</sup> December 2020 (TDC) respectively.

1.2. The above resolution recommended that a detailed work programme would be established and the Local Development Scheme (LDS) would be reviewed in order to formally set out the programme for Local Plan preparation. This report presents a Project Initiation Document (PID) and associated Project Plan, and LDS which sets out the timetable to produce Development Plan Documents and defines the Joint Local Plan Update project, establishes roles and responsibilities and the overall timeline for the project.

### **2. RECOMMENDATIONS**

2.1. This Committee endorses the Local Plan Review Project Initiation Document, Project Plan (including consultation of draft plan stage) & Local Development Scheme.

### **3. REASONS FOR RECOMMENDATIONS**

3.1. To ensure documentation is in place to assist in the management, timely delivery and success of a Joint Local Plan in accordance with a detailed project plan and to ensure continued engagement with Members, all other Stakeholders and ensure sufficient public consultation and engagement.

### **4. REPORT**

4.1. It is important that the comprehensive update of the Local Plan is subject to robust project management planning to provide the basis for the efficient and

effective management of the project and ultimately a base to assess its success.

- 4.2. The Planning Advisory Service (PAS) were engaged to provide a 'Local Plan Gateway Review' in February 2021 with advice and recommendations being received in May 2021. This Review considered the challenges and opportunities that the Councils are facing in progressing the Local Plan Review and provides a summary of findings and recommended next steps.
- 4.3. The Review noted a key operational risk was being able to develop a workable project plan and Local Development Scheme which achieves a timely adoption and recommended the use of the PAS Route Mapper and Toolkit to scope the extent of the update, the evidence needed to support the update and the resources needed.
- 4.4. The PID (Appendix 1) and Project Plan (Appendix 2) have been developed collaboratively between Officers of NDC & TDC, utilising a blend of the PAS Route Mapper and Prince2 methodology to provide a best practice project management approach considered appropriate given the complex nature of a comprehensive Local Plan update.
- 4.5. Members may be aware that significant activity has already commenced within 2021 including –
- Detailed local plan project scoping and programming;
  - Completion of Planning Advisory Service (PAS) Local Plan Review Toolkit;
  - Review of local plan (and planning policy) governance arrangements and establishing Joint Planning Policy Committee;
  - Review and preparation of revised Statement of Community Involvement;
  - Development of Engagement Plan;
  - Completion of Early Member Engagement Workshops (May 2021);
  - Completion of Member Visioning Workshops (November/ December 2021);
  - Preparation of Sustainability Appraisal Framework;
  - Preparation of Update to Landscape Character Assessment (LCA);
  - Preparation of Technical evidence to inform Coastal Change Management Area (CCMA) boundaries around the Taw-Torrige Estuary;
  - Preparation of Technical evidence to inform Coastal Change Management Area (CCMA) boundaries for wider coast;

- Commencement of preparation of Local Cycling and Walking Infrastructure Plan (LCWIP) for Barnstaple (including Fremington), Bideford and Northam;
- Involvement in development of an externally funded project to explore the development of Fluvial Change Management Areas (FCMAs), as part of a wider programme delivered through the Flood and Coastal Resilience Innovation Programme (FCRIP);
- Scoping and development of draft local plan branding;
- Preparation of draft methodology, associated documentation and materials for Housing and Economic Land Availability Assessment (HELAA);
- Scoping of approach and development of methodology for assessing the sustainability and hierarchy of settlements, as required to inform the spatial strategy.

4.6. The Project Plan appended to this report (Appendix 2) is considered to set out a 'best case scenario' to deliver a local plan that reflects the ambitions of both Councils. It is considered to present an ambitious and challenging programme of local plan production that is achievable, subject to the consideration of the identified risks.

4.7. Members will note the complexities and number of tasks associated with the appended project plan. However, the project programme is effectively split into four phases:

- 2022 - Evidence gathering and policy scoping
- 2023 – Policy development and plan drafting
- 2024 - Plan finalisation and publication
- 2025 – Plan examination and adoption

4.8. The Project Programme also incorporates some limited contingency by not attributing tasks to be carried out during the principal periods of consultation. Whilst this does not allow or support any 'over-run' within the programme for critical pathway tasks, it would allow for some 'get ahead' tasking or catch-up on tasks not critical to those consultation periods.

4.9. National planning policy (Paragraph 33, National Planning Policy Framework) requires a review of a local plan to be completed within 5 years of its adoption in order to assess whether it needs updating. National policy goes on to set out that a review should take into account any changing

circumstances affecting an area, along with any relevant changes to national policy.

- 4.10. Further to the five-year review deadline, in its consultation on proposed changes to the planning system in early 2020 (Planning for the Future; March 2020), the Government set out a deadline of December 2023 for all local planning authorities to have an up-to-date local plan. By virtue of the date of adoption of the existing Local Plan, along with the changes that have taken place, (particularly in relation to being able to demonstrate a five-year housing land supply), it is currently unlikely that it will be possible to consider the existing adopted Local Plan to be up-to-date at that point in time.
- 4.11. Members will note that despite best endeavours, the Project Plan & LDS (Appendix 3) indicates a date of submission to the Planning Inspectorate of November 2024. Every alternative has been explored to seek to reduce the timeframe of the project to try and achieve submission of the Plan by December 2023. An alternative Project Plan (simplified) is appended to this report (Appendix 4) for Members information which removes the opportunity for consultation of a draft Plan in order to reduce the timescale for submission.
- 4.12. The alternative approach is likely to result in a four-month saving in the programme. However, in doing so significantly increases the risk associated with Plan development, the demonstration of a sound Plan and the smooth and timely navigation of the examination process. Furthermore, lack of consultation of a draft Plan would restrict community and other stakeholder engagement with potential for the resulting Plan not meeting the vision and aspiration of Members, our communities and other stakeholders. Your Officers therefore do not consider that the benefits of the 'alternative' Project Plan of a four-month reduction in project timescale to outweigh the benefits provided by the consultation of a draft plan.
- 4.13. Whilst the preferred project plan timescale does not meet the Governments deadline, as part of the programme of plan preparation, and in particular the preparation of the Housing and Economic Land Availability Assessment (HELAA), the Councils will undertake a review the supply of deliverable housing sites (the so-called "five-year housing land supply"); with a mind to re-establishing the five-year housing land supply where the evidence indicates this is possible. The programme for the update of the Local Plan provides for the review of the five-year housing land supply to be complete in the Autumn of 2022, in advance of the adoption of the plan. If a



five-year housing land supply is able to be demonstrated, this would potentially remove one of the significant barriers to demonstrating that the existing adopted Local Plan remains up-to-date, subject to any future changes to national policy which may occur as a result of Planning Reform.

4.14. Furthermore, whilst not achieving the delivery of an adopted local plan by December 2023, the programme is set out to ensure that the authorities can demonstrate pro-active progression towards the delivery of a new local plan. These measures are considered to mitigate as far as possible, any risk of not meeting the December 2023 deadline.

4.15. Councils are also 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).

4.16. 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.

4.17. The LDS as appended to this report has been derived from, and is in accordance with the Project Plan, with key milestones. A joint Authority Monitoring Report produced annually will monitor and review the implementation of the LDS.

## 5. RESOURCE IMPLICATIONS

5.1. The comprehensive update of the local plan as detailed within the project plan is a significant undertaking that requires a substantial commitment of Officer resource. This significant undertaking will require a substantial commitment of Officer resource to successfully meet each project stage as demonstrated by the workflow within the project programme. Recruitment is being carried out at both Authorities as illustrated within the PID and this will be reviewed to ensure sufficient human resource, and specialist expertise is available. Any external costs incurred will be shared equally between both Councils.



## 6. EQUALITIES ASSESSMENT

6.1. The Local Plan update provides the opportunity to consider how the Councils can best respond, through planning, to the diverse needs of northern Devon's communities. It will be ensured that the preparation of the revised local plan provides opportunities for all interested parties to participate and have their say. A full Equality and Diversity Impact Assessment will be prepared at each stage of Local Plan preparation.

## 7. ENVIRONMENTAL ASSESSMENT

7.1. The local plan provides the opportunity to consider how the Councils should respond, through planning, to meeting their environmental objectives; including the local declaration of the climate emergency, and to other influences such as the provisions of the Government's 25 Year Environment Plan.

7.2. Section 39 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to exercise their functions in relation to plan making with the objective of contributing to the achievement of sustainable development. The preparation of a new Local Plan provides the Council with the opportunity to guide and influence how northern Devon should develop in a sustainable manner and secure positive environmental outcomes.

## 8. CONSTITUTIONAL CONTEXT

8.1. Schedule 2, paragraph 1.1 of the North Devon Council and Torrige District Council Joint Planning Policy Agreement.

## 9. STATEMENT OF CONFIDENTIALITY

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

## 10. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:

Local Government Act 1972

Localism Act 2011

Town and Country Planning Act (1990) as amended

Planning and Compulsory Purchase Act (2004) as amended

Planning Act (2008) as amended

National Planning Policy Framework (2018)

Planning Practice Guidance (updated online)

Town & Country Planning (Local Planning) (England) Regulations 2012

North Devon and Torrige Local Plan 2011 – 2031 (adopted October 2018)



Planning for the Future (published Mar 2020)



## 11. CORPORATE PRIORITIES

The North Devon Council and Torrige District Council Corporate Priorities have been considered in the drafting of the report.

## 12. STATEMENT OF INTERNAL ADVICE

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

Cllr D. Worden (NDC) Leader

Cllr K. James (TDC) Leader

Cllr P. Watson (TDC) Lead member for Planning and Development.

Cllr M Prowse (NDC) Lead Member for Economic Development and Strategic Planning Policy

S. Hearse (TDC) Chief Executive

K. Miles (NDC) Chief Executive

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