

Planning Advisory Service – Local Plan Project Management Support

North Devon and Torridge Local Plan

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Executive Summary – Key Findings

- The Councils are recommended to carefully consider how the scope of any update planned to the policies of the adopted Local Plan can be proportionate at this time. Many of the concerns and issues being raised with the adopted Local Plan appear to be more relating to the application of Local Plan policies and the current lack of a five-year land supply rather than the approach of the Plan or the policies themselves.
- There are a number of other vehicles or mechanisms available to the Council which can assist in responding to current challenges.
- A targeted update to the Local Plan in the short-term under the ‘current’ system could be followed by a ‘new’ Local Plan which addresses some of the wider concerns expressed in the medium to long term.
- The Councils should carefully consider how to conclude the review and publicise outcomes in order to manage potential risk. The review outcome could be presented as part of a package of measures being taken to achieve an adequate five-year land supply and an up to date policy framework at the earliest possible opportunity.

1. Background

Through the Planning Advisory Service’s (PAS) Local Plan Project Management Support, advice has been provided to the Councils in respect of the approach to reviewing the joint North Devon and Torridge Local Plan 2011-2031 (adopted 2018). The advice has focussed on ensuring that the review will provide for a proportionate approach to be taken to any update required, and to ensure that an up-to-date policy framework will be put in place in a timely fashion. The Councils had previously resolved in 2020 to undertake a full update to the adopted Local Plan, but this decision is now being reconsidered in light of changes to the national and local context (including emerging planning reform, a land supply shortfall and further consideration of resources) which mean that there is a more pressing need to get an up-to-date policy framework in place.

As part of this support, an online workshop meeting was held with Council Officers on 22 November 2022 to discuss the approach to the finalisation of the review process. This followed a review of the work that Officers had undertaken to inform the Local Plan Review process, including use of the PAS Local Plan Route Mapper Toolkit (parts 1 and 2). Following the workshop, David Coleman (from the PAS project team) attended two workshops with Members from both authorities to provide support and advice. The workshops took place on 28 November and 1 December 2022. As part of these

workshops David provided an introductory presentation drawing on the Local Plan Route Mapper to provide further context for Members, and also helped to facilitate discussions where required.

This advice note provides observations and recommendations to help inform the ongoing Local Plan review process following the Member workshops. It is understood that the Councils now intend to finalise the review process, taking into account these observations and recommendations, through meetings of the Joint Planning Policy Committee. Further guidance relating to the Local Plan review and update processes is set out within the [PAS Local Plan Route Mapper](#).

This advice note provides a summary of the advice and recommendations provided to the Councils through the Officer and Member workshops. It is possible that other evidence or information exists that has not been reviewed which might lead to other comments, advice or conclusions being drawn. This note is advisory only rather than a legal view, and it should be read in the context of relevant legislation, national planning policy and guidance.

2. Observations and Recommendations to inform the Local Plan review

The following section provides a summary of observations and recommendations provided by PAS for the Councils to consider in completing the Local Plan review process and determining the scope of the update required to the adopted Local Plan within the current national and local context.

Establishing Key Drivers for Local Plan Update

- It is important to separate out what sections / policies of the adopted Local Plan *must* be updated against those sections / policies which are *desirable* to update. Producing an entirely new Local Plan will take a considerable amount of time and money and would leave the Councils without an up-to-date Local Plan for a prolonged period of time.
- Discussions at the recent Member Workshops appeared to indicate that there is discontent about what is being seen on the ground following the adoption of the Local Plan in 2018. There does not appear to be widespread discontent in relation to the policies themselves within the adopted Local Plan.
- Some policies within the adopted Local Plan are no longer consistent with national planning policy. If the standard method were to be applied the housing requirement for the Plan would reduce, and the 'backlog' of housing shortfall from the start of the plan period would be eradicated.
- The Districts are currently unable to demonstrate a five year supply of deliverable land for housing, meaning that the 'tilted balance' or 'presumption in favour of sustainable development' is being applied to the determination of development proposals. Housing policies of the Local Plan are considered to be out of date for decision-making.
- The quality and type of development that is coming forward regularly does not meet the aspirations of elected Members or the local community.
- Viability issues and the need to secure an adequate five-year land supply is enabling development proposals to obtain planning consent without demonstrating compliance with all Local Plan policies.
- Unfavourable speculative development is being seen in parts of the Districts which means that certain areas are experiencing levels of development which are over and above the high levels already being planned for within the adopted Local Plan.
- Some Members expressed concern that the balance of development is not appropriate, and smaller rural communities require some housing to support the ongoing vitality of the settlements.

Determining Appropriate Vehicles

- Of the matters being raised by Members, it is important to differentiate between what requires an update to be made to Local Plan policies, and what may be achieved through other vehicles or mechanisms.
- A number of matters that are being raised may potentially be addressed in whole or part through other mechanisms. For instance, achieving better outcomes on the ground from new development would be considerably assisted by being able to demonstrate a five year land supply.
- An update to the Local Plan policies may achieve this in time, but in the short-term there may be other measures that the Councils could take. For instance, working proactively to ‘front-load’ and invite planning applications on appropriate small sites, or enhancing the negotiation skills of planners within the Development Management team.
- Some matters raised, such as design or density of development, may be achieved in whole or part through the production of supplementary guidance, such as design guides or codes to inform development proposals.
- The Councils may consider other planning mechanisms to secure housing for rural communities in need, such as promoting the use of Neighbourhood Plans or promoting rural exception schemes to local parish councils and / or community groups.
- It may be helpful to consider whether additional training would be helpful for Officers and Members in relation to the implementation of policies in the Local Plan. Where policies themselves are considered to be ineffective for instance because they are vague or ambiguous, it may be prudent to update them.

3. Recommendations / Next Steps

In determining the outcomes of the review and the scope of any update required to the Local Plan, the Councils must carefully consider:

- What is not working with the policies of the adopted Local Plan, and what are the drivers for the update?
- Can these drivers only be addressed through an update to the Local Plan policies? Are there other vehicles or mechanisms available to the Councils that may enable the issues of concern to be addressed in whole or part?

The Councils must as a priority seek to ensure that the ‘tilted balance’ no longer needs to be applied to decision-making, as this is undermining attempts to successfully deliver the adopted Local Plan. To do this, the Councils must ensure that they can demonstrate that a five-year supply of deliverable land for housing exists at the earliest possible opportunity and can be sustained into the future. In the medium term an update to the relevant policies of the adopted Local Plan can achieve this, but even a targeted or partial update of the policies will take years rather than months to get in place. In the short-term, therefore, the Councils must utilise other mechanisms in order to seek to secure an adequate five-year land supply and high-quality development. This may include:

- Working proactively with relevant landowners / developers of appropriate smaller sites to bring forward schemes which can deliver to meet Council aspirations in the short term;
- Ensuring that appropriate mechanisms are in place corporately to work proactively with relevant landowners and developers of sites allocated in the Local Plan to bring forward and front-load high quality schemes together with the necessary infrastructure, such as a developer forum, use of planning performance agreements, use of a quality review panel, promotion of design guides / codes, and use of masterplans to guide development proposals across multiple sites; and

- Ensuring that Officers and Members are taking a robust approach to decision-making and negotiation to secure Local Plan policy requirements as far as possible.

The updated NPPF (2021) provides a greater emphasis on the role of viability appraisals at the plan-making stage. The Councils are encouraged to consider how the production of up to date and appropriately comprehensive evidence relating to infrastructure and viability, alongside any update to Local Plan policies, may help to secure policy requirements more consistently in the future.

The Council should consider how the scope of any update to Local Plan policies can be minimised at this time given that many of the concerns and issues being raised with the adopted Local Plan appear to be more relating to the application of Local Plan policies and the application of the ‘tilted balance’ rather than the approach of the Plan or the policies themselves.

Given that changes to the planning system are likely to be introduced over the coming months and years through the Levelling-Up and Regeneration Bill and a new National Planning Policy Framework, it would appear prudent for the Council to undertake a relatively targeted update to the Local Plan at this time which focusses as a minimum on:

- Policies which are no longer consistent with national planning policy (and therefore cannot be given full weight);
- Policies which are currently considered to be ineffectively worded; and
- Strategic housing policies which can provide for a five year land supply.

In addition, there may be specific policies which no longer conform to the majority views of the Councils which need to be amended.

The Councils should carefully consider how to conclude the review and publicise outcomes in order to manage potential risk and present the most positive picture outwardly as possible. This may be presented as part of a package of measures that the Councils will be undertaking in order to achieve an adequate five-year land supply and an up-to-date policy framework at the earliest possible opportunity, having regard to the advice contained above. A targeted update to the Local Plan in the short-term under the ‘current’ system could be followed by a ‘new’ Local Plan which addresses some of the wider concerns expressed and may enable the Council to benefit from the opportunities presented by reforms to the planning system in the medium to long term.

The Council may wish to seek further advice from Counsel, the Department for Levelling Up, Housing and Communities and / or the Planning Inspectorate in relation to the planned scope of the update to the Local Plan at this time, particularly in relation to how the timing of the emerging reforms to the planning system may impact on the planned update, taking into account any transitional arrangements. It will be important to understand at the earliest possible opportunity whether or not the Council would be required to re-base the plan period in accordance with national planning policy, as this may have considerable implications for the scope of the update.

4. Follow-Up PAS support

The Councils may benefit from further support in relation to project planning the work required to undertake the update to the Local Plan once the review process has been completed.

Further assistance may be beneficial in relation to enhancing negotiation skills and maintaining ongoing collaboration and partnership working between the elected Members of the two authorities.

This is a recommendation only at this stage – once this Advice Note is issued, PAS will review the recommendation before confirming with the Council what additional support it is able to deliver taking account of its capacity and available budget.