



## **North Devon Council**

Report Date: Council 22 February 2023

Topic: LOCAL PLAN REVIEW

Report by: Senior Planning Policy Officer

### **1) INTRODUCTION**

- a) Following a resolution of this Council in late 2020, the Council is currently committed, in partnership with Torridge Council, to completing a comprehensive review and update of the adopted North Devon and Torridge Local Plan 2011-2031 (NDTLP the Local Plan). Reflecting on a changing context, this report seeks the re-consideration of this position

### **2) RECOMMENDATIONS**

- a) to move to a targeted and focused partial update to the NDTLP, the potential scope of which is indicatively set out within Appendix F , that specifically explores opportunities to address:
  - a) specific elements of the adopted local plan that are no longer consistent with national planning policy;
  - i) specific policy provisions in the adopted local plan that are currently considered to be ineffectively worded or would benefit from clarification;
  - ii) those areas of policy whereby the adopted local plan is currently silent; and
  - iii) policy provisions which no longer conform to the majority views of the Councils.
- b) that the approach to updating the local plan is kept under review having regard to any relevant changes to the local and national context;
- c) that the scope of the update is established, the appropriate development plan vehicle for its delivery be established and a revised Local Development Scheme (LDS) presented to a future meeting of the Joint Planning Policy Committee for consideration and approval (or through such other mechanism as to be agreed with Members); and
- d) that work commence on a partial review of the Local Plan with immediate effect but that the formal decision of the review of the Local Plan (for Plan making purposes) be deferred until resolution of the following:
  - i) the results of the current national consultation regarding change to Plan making;
  - ii) the results of the review of the 5YHLS position;
  - iii) a review of our position related to the Plan period; and
  - iv) completion of the Duty to Cooperate process.



- e) that concurrently, Officers explore and pursue actions and interventions to support the positive and effective implementation of the adopted North Devon and local plan.

### 3) REASONS FOR RECOMMENDATIONS

- a) To reconsider the approach to plan-making, given changes to local and national context and to endorse the recommendation of the JPPC.

### 4) REPORT

- a) The North Devon and Torridge Local Plan 2011-2031 was adopted by North Devon and Torridge District Councils in October 2018. In response to a range of local and wider influences and considerations, a decision was taken by both Councils in late 2020 to work together to carry out a comprehensive review and update of the Local Plan. Substantive work commenced on an update to the Local Plan, under the banner of the “People and Place” project and based on a schedule of work agreed by the Joint Planning Policy Committee in January 2022.
- b) In response to a changing local and national context, Officers were tasked with re-examining whether delivering a comprehensive update of the Local Plan remained the most appropriate course of action. This recognised matters such as a more challenging local government finance context, emerging proposals for national planning reform and a reflection on the performance of the adopted local plan.
- c) Subsequently, an extensive programme of work has been undertaken over the past few months to inform the appropriate way forward. This has included detailed technical assessments of the adopted Local Plan, engagement with elected Members and the provision of professional advice and support from the Planning Advisory Service (PAS).
- d) Responsibility for all matters relating to the preparation of the development plan (i.e. the local plan), with the exception of the formal adoption of any plan, is delegated to the Joint Planning Policy Committee (JPPC). However, as the decision to carry out a comprehensive review and update of the local plan pre-dates the establishment of the JPPC and it was a decision previously resolved by Full Council, it was considered appropriate for this matter to be referred back to a meeting of Full Council for decision.
- e) A detailed report drawing together the outcomes of this work was subject to

consideration by the Joint Planning Policy Committee on the 27th January 2023. Through that report JPPC were tasked with putting forward a recommendation to the respective meetings of Full Council at North Devon and Torrington as to the appropriate way to proceed with updating the Local Plan. That recommendation is as set out in the 'Recommendations' section of this report.

- f) In the interests of brevity and avoiding repetition, the full detail of the context and considerations that are pertinent to determining the way forward with the Local Plan are not replicated in full directly as part of this report. Rather, they are set out in the extensive report presented to JPPC which is provided at Appendix 1 to this report.
- g) Members of Full Council are being asked to consider through this item the recommendation(s) of JPPC and to resolve the appropriate way to proceed with this matter.
- h) A comparable report was presented to a meeting of the Full Council at Torrington District Council on 30<sup>th</sup> January 2023. Torrington members resolved to defer the decision, awaiting to understand the scope of a partial review. Officers would draw members to sub section c) of the recommendation:

*'that the scope of the update is established, the appropriate development plan vehicle for its delivery be established and a revised Local Development Scheme (LDS) presented to a future meeting of the Joint Planning Policy Committee for consideration and approval (or through such other mechanism as to be agreed with Members)'*

If the recommendations in section 2 are agreed, the scope and any associated risks (positive or negative) of this route would need to go back to the JPPC in any event for approval to proceed. Appendix F of this report identifies the areas of work that could be covered by a partial review of the Local Plan. Your officers will also seek to provide a further update on work to establish the scope at Full Council.

## 5) RESOURCE IMPLICATIONS

- a) Undertaking a partial or a comprehensive review of the Local Plan will be a significant undertaking for the Council, with direct costs associated to a range of activities such as consultation and engagement, provision of technical evidence and the examination. Clearly the financial burden will be less for a partial review than if a comprehensive update is undertaken. The Council has an earmarked Local Plan set aside to cover such reviews taking place.

## 6) EQUALITIES ASSESSMENT

- a) 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) and this will be developed as the project progresses.

## 7) ENVIRONMENTAL ASSESSMENT

- a) 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. A Sustainability Appraisal will need to be produced alongside a revised/updated Local Plan.

## 8) CORPORATE PRIORITIES

- a) What impact, positive or negative, does the subject of this report have on:
  - i) The commercialisation agenda – the Local Plan will support the delivery of the Economic Strategy and other commercial opportunities.
  - ii) Improving customer focus - the Local Plan will be developed in conjunction with the public
  - iii) Regeneration or economic development – the Local Plan will enable delivery of our objectives in this regard.

## 9) CONSTITUTIONAL CONTEXT

- a) Article 4.2

## 10) STATEMENT OF CONFIDENTIALITY

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

## 11) BACKGROUND PAPERS

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

- a. Report to Joint Planning Policy Committee (27<sup>th</sup> January 2023)
- b. Report to Joint Planning Policy Committee (4<sup>th</sup> November 2022)
- c. National Planning Policy Framework (NPPF); (MHCLG, July 2021)
- d. Planning and Compulsory Purchase Act 2004 (as amended)
- e. Town and Country (Local Planning) (England) Regulations 2012 (as amended)



- f. Levelling-up and Regeneration Bill: reforms to national planning policy (DLUHC, December 2022)
- g. National Planning Policy Framework: draft text for consultation (DLUHC, December 2022)

## 12) STATEMENT OF INTERNAL ADVICE

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

Cllr David Worden - Leader

Cllr Malcolm Prowse – Deputy Leader and Lead Member for Economic Development and Strategic Planning Policy

Ken Miles – Chief Executive

SarahJane Mackenzie-Shapland – Head of Place, Property and Regeneration

Nina Lake – Head of Programme Management

Simon Fuller – Senior Solicitor and Monitoring Officer

Nikki Gordon – Head of Organisational Development