



North Devon Council

Report Date: Wednesday, 22 November 2023

Topic: Local Plan Review - to agree a way forward

Report by: Sarah-Jane Mackenzie-Shapland, Head of Place, Property and Regeneration

1. INTRODUCTION

- 1.1. Following a resolution of this Council in late 2020, the Council 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).
- 1.2. 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.
- 1.3. In response to a changing local and national context, Officers were subsequently 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.
- 1.4. A detailed report drawing together the outcome of this work was presented to a meeting of the Full Council for Torridge District Council (TDC) on 30th January 2023 and at North Devon Council on 22nd February 2023. At that meeting TDC resolved that a decision be deferred until a response was received from the Joint Planning Policy Committee and to be brought back to the April Full Council meeting with full recommendations on the way forward, particularly around the scope of a partial review. This Council considered the same JPPC recommendation at a meeting of its Full Council on 22nd February 2023. The full suite of recommendations, including the principle of moving forward with a partial review, were carried by the Full Council of North Devon Council.
- 1.5. The scope of a partial review was considered and advice provided to TDC's Full Council on the 31st July 2023. At that Committee TDC members considered the scope of a partial review and the merits of a comprehensive review and resolved that:
'the appropriate approach to updating the North Devon and Torridge Local Plan was to undertake a Comprehensive Full Review with a new Local Plan.'
- 1.6. In order for work on a Joint Local Plan to continue, NDC and TDC need to align on how we progress a review of the Local Plan. Members need to consider whether they are content to progress with a comprehensive review of the Local Plan in line with TDC's resolution.



2. RECOMMENDATIONS

2.1. Members proceed with a comprehensive review of the Local plan in line with the resolution of TDC to ensure work on a joint Local Plan continues. In doing so recognising:

- The emerging opportunities that a new Local Plan might enable and support in a pro-active way,
- The social, economic and environmental context of those opportunities,
- The ever changing National planning context and
- The cost implications of NDC pursuing a new Local Plan on their own.

3. REASONS FOR RECOMMENDATIONS

3.1. TDC Full Council have resolved to proceed with a Comprehensive Full review of the North Devon and Torridge Local Plan. In doing so they recognised the opportunities emerging through the developing Economic strategy that a new Local Plan could proactively support. These opportunities are across Northern Devon.

3.2. In order for a Joint Local Plan to progress, both Council's must align on how the Plan is reviewed.

3.3. If NDC do not agree to a comprehensive review of the Local Plan, we would need to proceed with a new Local Plan of our own. The principle of a joint Local Plan has been successful in Place making terms and to proceed alone with a new Plan would have additional cost implications.

4. REPORT

4.1. The existing Local Plan was adopted by Torridge and North Devon District Councils at a Joint Full Council meeting on the 29 October 2018. In late 2020, both Council's resolved to undertake a comprehensive review and update of the Local plan and to continue to work together for the purposes of plan making. Work commenced on this project and a timetable for this piece of work established in an updated Local Development Scheme, as agreed by the JPPC in January 2022.

4.2. In mid 2022 officers were tasked with re-examining this position in light of a more challenging local government financial position, emerging proposals for national reform and the performance of the existing Local Plan.

4.3. An extensive programme of work was subsequently undertaken to inform Members' decision making in respect of an appropriate approach to the review and update of the Local Plan. This work included detailed technical assessments of the Local Plan and its performance, engagement with elected Members and utilising advice and support from the Planning Advisory Service.

4.4. A detailed report on the approach to reviewing and updating the Local Plan was considered by JPPC in January 2023. This included consideration of all

of the programmes of work set out above and concluded that a number of plan-making options could potentially be taken forward. Each option was supported by a summary of the principal advantages, disadvantages, and associated risks. The options considered by JPPC were:

- a) a package of work to support implementation of existing plan;
- b) a partial Update to the Local Plan;
- c) a complementary Development Plan Document (DPD);
- d) a comprehensive Update to the adopted Local Plan; and
- e) to prepare for the development of a new-style local plan.

4.5. JPPC resolved to recommend to NDC and TDC Full Council's as follows:

(a) to move to a targeted and focused partial update to the NDTLP, the potential scope of which is indicatively set out within Appendix 5, that specifically explores opportunities to address:

- i. specific elements of the adopted local plan that are no longer consistent with national planning policy;*
- ii. specific policy provisions in the adopted local plan that are currently considered to be ineffectively worded or would benefit from clarification;*
- iii. those areas of policy whereby the adopted local plan is currently silent;*
- and iv. 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.

4.6. This recommendation of JPPC was subsequently considered at a meeting of TDC on 30th January 2023. Discussion on the matter identified uncertainties around the scope of a partial update and the timeframe for future changes to national planning reform. TDC determined that the matter should be referred back to the JPPC, with the deliberations to be reported back to a further

Council meeting in April 2023. This Council considered the same recommendation at Full Council on 22nd February 2023, whereby the JPPC recommendations were agreed, including the principle of moving forward with a partial update of the Local Plan. A meeting of JPPC on 17th March 2023 considered the scope of what could be achieved through a partial update to the Local Plan.

4.7. The topic areas that were recommended by JPPC at the meeting in March 2023 to fall within the scope of a partial update included:

- First Homes: introduction of policy to manage this housing product;
- Small sites for housing: potential additional small-scale allocations to support SME builders;
- Tourism policies: review on scope of what is enabled through policies DM17 (attractions) and DM18 (accommodation);
- Rural economic policy: review of the scope of what is enabled through policy DM14;
- Coastal change management: progression towards the designation of Coastal Change Management Area(s);
- Fluvial change management: exploration of the introduction of fluvial change management area(s), continuing involvement in the EA funded DRIP project;
- Climate change considerations – exploring opportunities to enhance approach towards mitigating and adapting to climate change, potentially through preparation of guidance; and
- Sites for travellers – seeking to make provision of sites to accommodate the needs of travellers.

4.8. TDC did not hold an April Full Council and so July 2023 was the earliest that this recommended scope from the JPC could be reconsidered by TDC Full Council.

4.9. In their July report TDC officers advised their Members of a number of significant points of change, including:

- a revised membership of both Councils,
- an altered positive position with regard to the five-year housing land supply (it was confirmed that we now had established one),
- the continuing absence of revised national planning policy that had been expected to be in place this spring but for which there is no current published timetable and
- uncertainty about the potential scope and timeline for the introduction of any reforms to the plan-making regime.

4.10. TDC also advised Members that it was necessary to reflect on how a range of significant opportunities could be best supported in order to ensure

that benefits are optimised and maximised in support of the area's economic prosperity.

- 4.11. There are a range of emerging opportunities that have the potential to be transformative for Northern Devon. Focussed on the "green economy" the range of investment, programmes, projects and proposals currently being discussed come with significant benefits to business and employment opportunities. Examples of such opportunities include the evolution of agriculture, green hydrogen, marine technologies, aquaculture, onshore wind, and solar/battery storage. TDC are also reporting significant inward investment interest through the successful Levelling Up bid funding the Clean Maritime Innovation centre at Middle Dock, Appledore. These opportunities will not be restricted to the administrative boundary of TDC. The Economic Strategy and any new Local Plan could proactively consider the spatial implications of these opportunities and identify where they would be best placed.
- 4.12. TDC Members considered the JPPC recommendation and the wider opportunities that a comprehensive plan could enable and resolved to:
That the appropriate approach to updating the North Devon and Torridge Local Plan was to undertake a Comprehensive Full Review with a new Local Plan.
- 4.13. NDC Full Council has currently agreed to proceed with a Partial review. In order to proceed with a Joint Local Plan both Councils must agree on the way forward. In light of the opportunities that could be explored through a comprehensive Plan and the benefits of a Joint Local Plan both in terms of spatial planning across Northern Devon and the cost benefits of sharing a Plan, officers recommend that we proceed in accordance with the resolution of TDC Full Council and begin work on a comprehensive review of the Local Plan.

5. RESOURCE IMPLICATIONS

- 5.1. Undertaking a partial or a comprehensive update of the Local Plan will be a significant undertaking for the Council with associated financial costs. In addition to officer time, there will be a range of costs associated with carrying out the required activities such as consultation, engagement and the examination of the Local Plan. There will be further costs relating to the preparation of necessary technical evidence often provided by commissioning third party specialist consultancy services.
- 5.2. An earmarked reserve with a current balance of £234,000 is available for Local Plan preparation and if we proceed with a Joint Local Plan with Torridge District Council these costs will be shared. We will know more regarding cost as a Local Development Scheme develops.



5.3. The project will require resources from the Planning Policy team primarily, with support from the wider Planning team, Legal, Finance, Conservation officer, Economic development, Estates and IT.

6. EQUALITIES ASSESSMENT

6.1. An Equality and Diversity Impact Assessment will be undertaken as part of the preparation process of the Local Plan. The role of the planning system is to contribute to the achievement of sustainable development, including the social dimension that has a responsibility to consider the need of present and future generations. Accordingly, any update to the local plan will have regard to the diverse needs of northern Devon's communities.

7. ENVIRONMENTAL ASSESSMENT

7.1. Section 39 of the Planning and Compulsory 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. A Sustainability Appraisal will be prepared alongside a revised/updated Local Plan, which will demonstrate how the sustainability of alternative policies/site options have been assessed and considered to inform policy development.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: This agenda can inform the review of The Local Plan and policy can be delivered to support the Council's objectives.

8.1.2. Improving customer focus: A significant amount of community consultation is required for any Local Plan review and so our customers should be informing the development of policy.

8.1.3. Regeneration or economic development: The Local Plan is the Council's spatial delivery plan and should be informed by our regeneration objectives, our Economic Strategy and Cultural Strategy.

9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made pursuant to Article 4 of the Constitution.

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:

- Full Council reports February 2023,



- Joint Planning Police Committee Agendas and Minutes,
- PAS Toolkit

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: SarahJane Mackenzie-Shapland, Head of Place Property and Regeneration