



North Devon Council & Torrige District Council

Report Date: 22nd March 2024

Topic: Local Plan Review Project Initiation Document (PID)

Report by: Senior Planning Policy Officers (NDC & TDC)

1. INTRODUCTION

- 1.1. 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 22nd November 2023 (NDC) and 31st July 2023 (TDC) respectively.
- 1.2. This report presents a Project Initiation Document (PID) which defines the Joint Local Plan Update project, establishes roles and responsibilities and the overall timeline for the project.

2. RECOMMENDATIONS

- 2.1. Members of the Joint Planning Policy Committee are recommended to:
 - (1) endorse the Local Plan Review Project Initiation Document (Appendix 1) and associated Risks, Issues, Changes and Lessons Learnt Log (Appendix 2); and in doing so,
 - (2) endorse the proposed programme of work to be carried out in advance of the formal commencement of plan-making (as per Table 1 of Appendix 1).

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 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 PID (Appendix 1) has been developed collaboratively between Officers of NDC & TDC, building on the information provided in the initial project initiation document prepared for the People and Place project in 2022.
- 4.3. Subsequent to the previous PID being approved, the Levelling Up and Regeneration Act 2023 has been enacted. This provides the framework for a new type of Local Plan. Although the primary legislation is in place, the associated regulations and changes to national planning policy guidance have not been issued and this means a number of elements of the new local planning system are still unknown.

4.4. These unresolved matters include:

- (1) **A potential time limit for the production of a new style local plan.** The government's Local Plan reform consultation (2023 Consultation) indicates that LPAs will be required to prepare and adopt a plan within 30 months with an additional four months to undertake scoping and early participation. Figure 1 of the PID shows the anticipated process.
- (2) **'Gateway Reviews'**. The LURA provides for 'Gateway reviews' to be undertaken with Government appointed assessors. The 2023 consultation promotes three such reviews with the Planning Inspectorate or other designated parties.
- (3) **Approval to start preparing the Local Plan.** In response to a previous consultation where concerns were raised about the pressure on resources the new system will place on the Planning Inspectorate, the 2023 consultation promoted local plans starting in 'waves'. It is proposed the first wave of ten front runner local planning authorities will start in November 2024, although the 'waves' approach is yet to be confirmed. As members will be aware, an action point from the last JPPC meeting in December 2023 was for a joint letter to be sent from the two councils to DHLUC requesting to be included in the first wave. At the time of writing this report, no response had been received and therefore the PID makes the assumption that a November 2024 will be possible.
- (4) **Formal commencement of the Local Plan.** The point in the process when formal commencement of the new local plan can take place. Government information is ambiguous as to whether this could be at the beginning of the informal 'scoping and visioning' stage or at the beginning of the timed 30-month period when 'Gateway1' with the Planning Inspectorate takes place. Accordingly, there is uncertainty as to which part of the process would formally begin once approval is provided – possibly in November 2024.
- (5) **Details of the 'flexible alignment policy (FAP)'**. This is replacing local planning authorities' current duty to cooperate with relevant partners; however the detail of this new approach is yet to be published.
- (6) **The scope and content of National Development Management policies.** The government have previously indicated a draft version will be published for consultation in the early part of 2024, although this has not taken place at the time of writing this report.
- (7) **Neighbourhood Priorities Statements.** The LURA provides the primary legislation for a new statement to be prepared by town and parish councils, summarising what they consider to be the principal needs and prevailing views, of the community in the neighbourhood

area, in respect of local matters. The scope and content of these Statements is however yet to be published.

4.5. The assumptions made by officers in response to these unknown elements are:

- (1) The Councils' will be able to formally commence work on the 30-month Local Plan process in November 2024. Prior to this the Officers will work on the scoping which the government have indicated should take 4 months. The additional time will enable officers to be as prepared as possible in meeting the shortened timescale for preparing a new style local plan. This element is identified as a risk to the project, as is the possibility of not being chosen as a front runner (if this approach is taken by the government).
- (2) The PID assumes there will be three gateway reviews and two formal consultation periods as detailed in the 2023 consultation.
- (3) Officers will continue to liaise with our duty to cooperate partners and record all meetings in an established engagement log. It is not considered that the FAP will be any more onerous than the duty to cooperate and so the assumption is that any new documentation required will be able to be prepared with limited additional work.
- (4) Although the range and content of the national development management policies is not known at the present time, Officers will focus the scoping and visioning work at a high level prior to the commencement of the plan.
- (5) The significance of the unknown elements has resulted in the PID focussing on work streams which can deliver against the requirements known at this stage as well as commencing early engagement with members and town/parish councils as well as preparing evidence which will still be relevant at the point of submitting the draft Local Plan.

4.6. Accordingly, the PID sets out an initial programme of work (Table 1 of Appendix 1) that is considered to hold value and which can be progressed in advance of the formal plan-making process being finalised and commencing. This work is intended to balance the risk of advancing abortive work whilst seeking to place the Councils in the best possible position to begin the formal stages of plan-making when this becomes possible. The proposed work includes:

- (1) establishing topic based working groups and beginning to explore potential planning approaches to be taken forward through plan-making;
- (2) developing a vision for the future development of northern Devon, along with exploring the need for any place specific visioning;
- (3) work with local communities and their representatives to understand their needs and ambitions for the future – through work on developing embryonic Neighbourhood Priorities Statements; and

(4) commissioning and/or preparing technical evidence on particular matters, where this is considered to have longevity.

- 4.7. Given the number of unknown issues, the PID will need to be updated to provide further information when it is possible to do so. The intention of DLUHC, as set out in the 2023 consultation, is that a PID will need to be prepared for 'Gateway 1' when a planning inspector will assess whether all necessary matters have been considered. The revised PID will therefore be brought to this Committee when there is a clear understanding of all aspects of the new local planning process and/or if a standardised PID template is to be prepared for councils to complete.
- 4.8. The Secretary of State for the DLUHC issued a written ministerial statement 'The Next Stage in Our Long Term Plan for Housing Update' on 19th December 2023. It stated that all local planning authorities are required to submit to Government an up-to-date Local Plan timetable within 12 weeks of his statement. Therefore, following this meeting, officers will provide an update to Government reflecting the contents of the PID and noting the difficulties of giving further detail at this time. Following the request at the last meeting of this Committee, the Councils' have already indicated through the joint letter of 14 February 2024 to the Government of their commitment to undertake a new style local plan at the earliest opportunity (Appendix 3).
- 4.9. An initial Risks, Issues, Changes and Lessons Learnt Register has been prepared for the local plan project and is shown in Appendix 2 to this Report. This is used to keep a record of any potential risks, already identified issues, records of changes made and any lessons learnt from the work which is being done.
- 4.10. Risks are rated as low, medium or high for both the current impact and the current likelihood. Of note, the following risks are rated high in both categories: National changes to policy and Impact of change of Government/General Election. In addition, loss of key members of staff has a high current impact rating and the potential for imposition of digitalisation requirements/standardisation has a current likelihood rating of high.

5. RESOURCE IMPLICATIONS

- 5.1. The comprehensive update of the local plan as outlined in the PID is a significant undertaking that requires a substantial commitment of Officer capacity and financial resources. Resources at both Authorities are currently being 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 of the Agreement for a Joint Planning Policy Committee (North Devon Council and Torridge District Council, dated 22nd October 2021); Section 10 of Annexe 1 – Powers and Duties of Committees, Constitution (North Devon Council, May 2023); and Terms of Reference and Functions of the Joint Planning Policy Committee, Constitution (Torridge District Council, October 2023).

9. STATEMENT OF CONFIDENTIALITY

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

10. BACKGROUND PAPERS

- 10.1. The following background papers were used in the preparation of this report:
Local Government Act 1972
 - (1) Localism Act 2011
 - (2) Town and Country Planning Act (1990) as amended
 - (3) Planning and Compulsory Purchase Act 2004 as amended
 - (4) Planning Act (2008) as amended
 - (5) Levelling Up and Regeneration Act 2023
 - (6) National Planning Policy Framework (December 2023)
 - (7) Planning Practice Guidance (web-based resource only)
 - (8) Town & Country Planning (Local Planning) (England) Regulations 2012
 - (9) Plan-making reforms: consultation on implementation (July 2023)



(10) 'The Next Stage in Our Long Term Plan for Housing Update'
Written Ministerial Statement (19 December 2023)

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

11. CORPORATE PRIORITIES

11.1. North Devon Council and Torrige District Council's corporate priorities have been considered in the drafting of the report. The preparation of a new Joint Local Plan that aligns to the Council's objectives & strategies is identified in the Torrige District Council Strategic Plan 2024-2029. North Devon Council's Corporate Plan is currently under review.

12. STATEMENT OF INTERNAL ADVICE

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

1. Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Vice-chair of Joint Planning Policy Committee (NDC)
2. Cllr R Hicks, Lead Member for the Economy; Chair of Joint Planning Policy Committee (TDC)
3. Helen Smith, Planning Manager (TDC)
4. Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

13. APPENDICES

13.1. This report is supported by the following appendices:

Appendix 1 – Draft Project Initiation Document (PID)

Appendix 2 – Risks, Issues, Changes and Lessons Learnt Register

Appendix 3 – Letter to Rt Hon Lee Rowley MP – Local Plan Ambitions