



North Devon Council & Torrige District Council

Report Date: 20th September 2024

Topic: Review of the Local Plan Review Project Initiation Document (PID)

Report by: Senior Planning Policy Officer (NDC) & Planning Policy Team Leader (TDC)

1. INTRODUCTION

- 1.1. A Project Initiation Document (PID) setting out the proposed project arrangements for the preparation of a new joint Local Plan was endorsed at meeting of the Joint Planning Policy Committee (JPPC) in March 2024. The PID is intended to define the scope of the project, establish roles and responsibilities, set out the high-level work programme and timeline along with identifying and managing risks.
- 1.2. Subsequent to the endorsement of the PID, there has been a change of national Government which has had an impact on the introduction of the anticipated national plan-making reforms upon which the preparation of the new local plan is contingent.
- 1.3. This report seeks to provide Members with an update on the current state of play with regard to national planning reforms and the potential implications for plan making in northern Devon.

2. RECOMMENDATIONS

2.1. Members of the Joint Planning Policy Committee are recommended to:

- (1) note the updated national plan-making context and associated potential impacts on the preparation of a new local plan for northern Devon;
- (2) reaffirm the commitment to preparing a new local plan for northern Devon under the proposed new plan-making system; and
- (3) endorse the revised initial programme of work that is intended to be carried out over the coming months and in advance of the formal commencement of plan-making (Appendix 1).

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure that members are informed of the current context with regards to plan-making and the potential impacts that this may have on the preparation of a new local plan for northern Devon.

4. REPORT

- 4.1. It is important that the preparation of the new 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. Accordingly, a Project Initiation Document (PID) was prepared by Officers and endorsed by this committee in March 2024.

- 4.2. The previous Conservative Government embarked on an extensive programme of planning reform, including proposals to transition to a new plan-making system – with new look local plans that are subject to a different preparation process. The primary legislation – the Levelling Up and Regeneration Act 2023 – to enable this transition, along with a range of other planning and non-planning matters, was enacted on 26 October 2023.
- 4.3. The Conservative Government had outlined its intentions to bring the associated secondary legislation (regulations) into force during 2024 to allow for the new plan-making system to commence in November 2024 and with all plans being prepared under the current plan-making system required to be submitted for examination by the end of June 2025.
- 4.4. The proposals suggested that local planning authorities would be allowed to move to preparing plans under the reformed system in ‘waves’; so as to manage the pressures on the Planning Inspectorate and other key parties. North Devon Council and Torridge District Council had indicated a desire to the former Government to be a ‘front-runner’ with an ambition to be one of the first to commence plan-making under this new system; recognising that they are ambitious but would not have time to prepare and submit a plan under the current system in order to meet the prescribed deadline.
- 4.5. A general election was called in May 2024 and subsequently held in early July 2024, effectively pausing the former Government’s work on planning reform – calling into doubt the timing and scope of the changes to plan-making. The new Labour Government has indicated that the reform of the planning system is a priority and have quickly sought to consult on changes to national planning policy and the wider planning system¹ – including some discussion of plan-making reforms.
- 4.6. The [Government has indicated](#) that it is currently their intention to implement the new plan-making system as set out in the Levelling Up and Regeneration Act from the Summer or Autumn of 2025, with any plans being prepared under the current system being submitted for examination by no later than December 2026. In doing so, they have indicated that further details on their intentions around plan-making will be published in due course.
- 4.7. The Government has stated that local planning authorities should continue to progress their plans to adoption under the existing system without delay and that those without an up-to-date local plan should not stop work with the intention of preparing a plan under the new system.
- 4.8. This is however challenging, given that there is a significant range of uncertainty and detail still to be established. There are a wide range of

¹ Proposed reforms to the National Planning Policy Framework and other changes to the planning system, Ministry of Housing, Communities and Local Government; 30 July 2024; available at <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>.

proposed changes still to be progressed that will have a direct bearing on the preparation of a new local plan - including consultation and subsequent publication of proposed national development management policies, the approach and associated regulations relating to the new plan-making system, the publication of a new national planning policy framework (following the current consultation) and proposed revisions to the standard method for calculating housing need.

- 4.9. The cited changes to the timeline for the introduction of the new plan-making system and for transitional arrangements present a real challenge to North Devon Council and Torrige District Council. The Councils have clearly stated their ambition to prepare a new local plan for northern Devon as they recognise the importance of proactively planning for the future of the area – so as to address the multitude of challenges facing the area and its communities whilst seizing a range of exciting and potentially transformational opportunities.
- 4.10. However, there are only approximately 27 months remaining until the Government's cited deadline for the submission of plans for examination under the existing plan-making system. From the point in the plan-making process at which the Councils find themselves (i.e. at the very beginning of the process), irrespective of the Government's proposition to continue to progress without delay, this is likely an unachievable deadline, particularly with the extent of the uncertainty around national planning policy and the standard method; meaning that the Councils will realistically need to defer to the new plan-making system.
- 4.11. With this comes the challenge of uncertainty of likely future plan-making process and required plan content. Although the stated intent of the Government to pursue the plan-making reforms set out in the Levelling Up and Regeneration Act would suggest that matters are unlikely to significantly change from those trailed by the previous Government, the detail is yet to be confirmed.
- 4.12. The proposals for changes to national planning policy and the planning system currently subject to consultation also potentially provide more specific challenges for the Councils. In particular, the proposed revisions to the standard methodology for establishing housing need would suggest that there could be a significant increase in the level of housing that will need to be planned for across northern Devon compared to the existing local plan (and that anticipated through the current standard method). Given the proposed wording of the presumption in favour of sustainable development (i.e. the tilted balance), there are concerns that there could be the risk of the housing supply policies of the adopted North Devon and Torrige Local Plan 2011-2031 potentially being rendered out-of-date for the purpose of determining planning applications for housing – although this is currently far from certain. This could potentially mean that the tilted balance needing to be applied, with the Councils needing to look more favourably on applications for housing in locations that may otherwise have not been considered

acceptable. This could add to the unfortunate tension between the delay to the introduction of the new plan-making system and the sense of urgency to get a new local plan in place. Officers would however note that these are currently only proposals subject to consultation and by no means guaranteed to come into force in the manner currently envisaged or that they would result in the consequences stated.

- 4.13. All that being said, in the short term, Officers are of the view that the current approach being followed towards plan-making for the Councils should not change. The Councils are currently committed to carrying out initial preparatory work before the formal commencement of plan making under the new plan-making system; seeking to best position the Councils to deliver a plan once the new formal plan-making processes are in place. This is considered to remain the most pragmatic and appropriate course of action.
- 4.14. It is imperative that the Councils make best use of this time and to this end, the programme of work that can be pursued over the coming months has been updated from that provided previously in the PID to reflect the extended period of time likely to be available (Appendix 1).
- 4.15. It will be necessary to keep the programme of work under review to ensure that it continues to remain effective, efficient and will provide value to the future formal plan-making process in light of any emerging national changes. Officers will keep JPPC apprised of any necessary changes at subsequent future meetings.
- 4.16. It is recognised that it will be necessary to carry out a more comprehensive and wholesale update to the PID and establish a more detailed long-term programme for the preparation of the local plan. However, it is considered that it is not realistically possible or prudent to do so in the context of such uncertainty at the national level. This will be kept under review, with a detailed programme drawn up and presented to Members of this committee as soon as reasonably practicable, as and when the national context allows.

5. RESOURCE IMPLICATIONS

- 5.1. The preparation of a new local plan is a significant undertaking that requires a substantial commitment of Officer capacity and financial resources. Resources at both Authorities are kept under review 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 preparation of a new local plan 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 formal stage of Local Plan preparation.



7. ENVIRONMENTAL ASSESSMENT

- 7.1. The local plan provides the opportunity to consider how the Councils can best respond, through planning, to meeting their environmental ambitions; including the local declaration of the climate emergency, delivering against the requirements of the Devon Carbon Plan 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 Torrige 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 (Torrige 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:
 - (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) Proposed reforms to the National Planning Policy Framework and other changes to the planning system (July 2024)
- (12) 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, whilst North Devon Council's Corporate Plan 2023-2027 seeks to deliver a new Local Plan that reflects the needs of the local community and supports sustainable growth.

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 – Updated Initial Local Plan Work Programme