



NORTH DEVON COUNCIL AND TORRIDGE DISTRICT COUNCIL JOINT PLANNING POLICY COMMITTEE (JPPC)

REPORT DATE: 28th February 2025

TOPIC: Publication of Local Development Scheme (LDS)

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1 INTRODUCTION

- 1.1 Local planning authorities are required to set out and publish their programme for preparing their development plan documents (i.e. the local plan) in a Local Development Scheme (LDS).
- 1.2 The Councils previously published a LDS in March 2022 as they embarked on the preparation of a new joint local plan under the auspices of the 'people and place' project. Significant and ongoing changes to the national context for planning and the plan-making since the LDS was published means that it is out of date and no longer provides a realistic and achievable programme for the preparation of a new local plan.
- 1.3 Whilst there is still significant uncertainty at the national level with regards to the shape and timing for the introduction of the proposed plan-making regime under which a new local plan will be prepared, the Government has instructed local planning authorities to provide them with what they consider to be a realistic programme for plan-making.
- 1.4 Accordingly, a draft Local Development Scheme, setting out a programme for the preparation of a new joint local plan, has been prepared and is provided for Members consideration (Appendix 1).

2 RECOMMENDATIONS

- 2.1 Members of the Joint Planning Policy Committee (JPPC) are recommended to:
 - (1) Endorse the draft Local Development Scheme (Appendix 1) for publication; and
 - (2) Authorise the submission of the programme for the preparation of a new joint local plan, as contained within the draft Local Development Scheme, to the Ministry of Housing, Communities and Local Government by 6th March 2025.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To establish the formal programme for the preparation of development plan documents (i.e. the local plan) in accordance with legislative requirements and to submit the associated timetable to the Ministry of Housing, Communities and Local



Government by 6th March 2025 to accord with the Government's instruction to local planning authorities.

4 REPORT

- 4.1 Local planning authorities, such as North Devon Council and Torridge District Council ('the Councils'), are required by legislation to prepare and maintain a timetable and programme for the preparation of their development plan documents (i.e. the local plan) through the publication of a Local Development Scheme (LDS)¹. They are then required to complete the preparation of their development plan documents (i.e. the local plan) in accordance with the programme set out in the LDS².
- 4.2 The content of the Local Development Scheme is prescribed by legislation, and it is essentially required to set out:
 - what development plan documents are intended to be prepared;
 - the subject matter of these documents;
 - the geographical area to which they are intended to relate;
 - the timetable for the preparation or revision of these documents; and
 - whether they are intended to be prepared with one or more other local planning authorities.
- 4.3 It must also explain the scope of any arrangements for a formal joint committee relating to plan making activity.
- 4.4 In essence, the LDS provides a high-level project plan for the preparation of the local plan that is available to the public and which is required to be kept up-to-date.
- 4.5 The Councils last published a Local Development Scheme in March 2022 when initially embarking on the proposed updating the North Devon and Torridge Local Plan 2011-2031 and the associated soft launch of the 'people and place' project.
- 4.6 Whilst the Councils have committed to work together to prepare a new joint local plan, work on its preparation has been significantly constrained and curtailed over recent times by a complex and changing national context for planning and plan-making. Whilst some key aspects are now established and allow plan preparation to move forward with more confidence, a range of uncertainties still remain. This means that it remains challenging to establish a realistic programme for plan-making with any degree of certainty.

1.1 _____

¹ [Section 15 of the Planning and Compulsory Purchase Act 2004 \(as amended\)](#)

² [Section 19\(1\) of the Planning and Compulsory Purchase Act 2004 \(as amended\)](#)

- 4.7 This latest iteration of the LDS is presented to Members following the publication of a new version of the National Planning Policy Framework (NPPF) on 12th December 2024 and a request from the Government to all local planning authorities to produce and publish an updated LDS within 12 weeks of the NPPFs publication – i.e. by no later than 6th March 2025³. As part of this request, local planning authorities are required to provide a copy of the LDS and the key information contained within it to the Ministry of Housing, Communities and Local Government.
- 4.8 This requirement aligns with the Government’s stated expectation for all local areas to adopt a plan to meet their housing need. Reinforcing this, the Government has recently amended their criteria for intervening in local authority plan-making to provide them with more flexibility to do so where it deems appropriate; citing that this is intended to make sure that they have the ability to ensure that future local plan intervention action is targeted, swift and proportionate.
- 4.9 The Government has set out transitional arrangements for plan-making within the NPPF, establishing that any local plans being prepared under the existing plan-making system need to be submitted for examination no later than December 2026. Given the Councils’ position of being at an early stage in the plan-making process, it is not considered realistic to achieve submission for examination by the prescribed date in order to be able to progress under the existing plan-making system.
- 4.10 The previous Conservative Government brought forward the primary legislation for the reform of plan-making through the Levelling Up and Regeneration Act 2023 and carried out an associated technical consultation on the implementation of plan making reforms⁴. As yet the subordinate regulations that set out the practical detail of operation have yet to be laid and brought into force. The Government has indicated that it expects a new plan-making system to take effect in the Summer or Autumn of 2025.
- 4.11 There is clearly still a large amount of uncertainty as to the detailed nature of the new plan-making process and the timings of its introduction. However, based upon the proclamations from Government and the previously announced proposals, it is possible to form a nebulous programme for the progression of a new joint local plan.
- 4.12 The following programme for the preparation of a new joint local plan is advocated in the draft Local Development Scheme (Appendix 1):

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³ [Written statement by Matthew Pennycook, Minister of State for Housing and Planning – 12 December 2024](#)

⁴ [Plan-making reforms: consultation on implementation - GOV.UK](#); Published 25 July 2023

Table 1: Programme for joint local plan preparation

Milestone	Timeframe
Scoping and early participation	Up to and beyond March 2025
Formal notice of start of plan-making	October 2025
Gateway 1 (Advisory)	February 2026
Plan visioning and strategy development	February 2026 to December 2027
Evidence Gathering and drafting the plan, including Gateway 2 (Advisory)	
Engagement, proposing changes and submission	
Gateway 3 (Stop/Go)	January 2028
Examination	January 2028 to June 2028
Finalisation and adoption of digital plan	July 2028
Ongoing Monitoring	August 2028 and beyond

- 4.13 The realism and achievability of the above programme is currently unknown. Progression in accordance with the milestones will be primarily influenced by the final shape of the new plan-making system and when this eventually comes into force – recognising that there is a need for legislation to come forward to enable this to occur.
- 4.14 Similarly, the Government’s proposals for a 30-month programme of formal plan preparation and examination are considered to be ambitious and are currently untested. It is however considered appropriate to establish the programme on this basis, given that provides a best estimate as to what will be expected from local planning authorities based upon what has been previously proposed.
- 4.15 Accordingly, the programme is indicative and may be subject to change based upon the final provisions contained within legislation, national policy and associated guidance. In such cases, it will be necessary to amend the Local Development Scheme and for it to be brought back before this Committee for consideration and endorsement.
- 4.16 The stated programme for the preparation of a new joint local plan does however align relatively well with the potential timeframes emerging for Local Government Reorganisation and would provide for a locally derived local plan to be at the very



least well advanced, if not adopted, by the time that any unitary authority or authorities might come into being.

- 4.17 Importantly, the Councils now are able to proactively proceed with the early stages of plan preparation, irrespective of the outstanding uncertainty. This recognises that the Government has now published the revised Standard Method that is utilised to establish the local housing need for an area. This is a critical element of early plan-making given that it provides the starting point for determining the level of housing that may be expected to be accommodated across a plan-period and upon which many other decisions and outcomes may be based.

5 CONCLUSIONS

- 5.1 The Councils are obligated to prepare and maintain a programme for the preparation of their local plan and to publish this through a Local Development Scheme (LDS). The Councils' current LDS is out of date and no longer provides a realistic programme for the preparation of a new local plan.
- 5.2 Alongside the publication of revised national planning policy at the end of 2024, the Government has instructed local planning authorities to update their LDS within 12 weeks of its publication.
- 5.3 Based upon all available information and recognising the cited levels of uncertainty, the programme set out in the draft LDS is considered to provide the most reasonable estimate for preparing a new joint local plan that can be established at this point in time. It is considered to provide an appropriate programme to publish and to submit to the Government in accordance with their request.
- 5.4 It will be essential for this programme is kept under review and for it to be amended as necessary to take account of any change of circumstances and when further certainty is provided on any outstanding plan-making matters.

6 RESOURCE IMPLICATIONS

- 6.1 The preparation of a new joint local plan will require the commitment of a significant level of resourcing by the two local planning authorities; both in terms of staffing capacity and direct revenue financing. The work will be primarily completed by the officers within the respective planning policy teams of the two Councils, although there will be calls upon wider services and officers within the Councils where specialist and expert support and advice is required. The capacity of the two planning policy teams will be reviewed to ensure that sufficient and appropriate capacity exists, with any proposals for varying capacity taken through the appropriate Council processes. Preparation will also necessitate calling upon the services of external specialists and support services where capacity or expertise is not available within the Councils. Both Councils have annual budget



provision to support this aspect of the work, along with what are considered to be sufficient earmarked reserves that can be called upon as necessary and appropriate to support the preparation and examination of the plan.

7 EQUALITIES ASSESSMENT

7.1 The preparation of a new local plan will provide the opportunity to consider the needs of all sectors of northern Devon's communities and that due regard is given as to how they can be best addressed when planning for the future development of the area.

8 ENVIRONMENTAL ASSESSMENT

8.1 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.

8.2 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.

9 CONSTITUTIONAL CONTEXT

9.1 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).

10 STATEMENT OF CONFIDENTIALITY

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

11 BACKGROUND PAPERS

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

- Local Development Scheme; North Devon Council and Torrige District Council; March 2022
- Planning and Compulsory Purchase Act 2004 (as amended)



- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- National Planning Policy Framework; MHCLG, December 2024
- Planning Practice Guidance; MHCLG, online resource only
- Written Ministerial Statement 'Building the homes we need' by Matthew Pennycook, Minister of State for Housing and Planning; UK Parliament, made on 12 December 2024
- Planning Update Newsletter; MHCLG, 13 December 2024

12 STATEMENT OF INTERNAL ADVICE

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

- (i) Cllr Malcolm Prowse, Lead Member for Economic Development and Strategic Planning Policy; Chair of Joint Planning Policy Committee (NDC)
- (ii) Cllr Robert Hicks, Lead Member for the Economy; Vice-chair of Joint Planning Policy Committee (TDC)
- (iii) Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)
- (iv) Helen Smith, Planning Manager (TDC)

13 APPENDICES

13.1 This report is supported by the following appendices:

- (1) Appendix 1 – Draft Local Development Scheme (LDS) - February 2025