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Date: 30 November 2023

## MEETING OF JOINT PLANNING POLICY COMMITTEE COMMITTEE

<b>On:</b>	Friday 8 December 2023	<b>At:</b>	10.00 am
<b>Venue:</b>	Town Hall - Bridge Street, Bideford, EX39 2HS		

### NOTICE OF MEETING

The meeting will be able to watch through the Councils YouTube Channel  
<https://tinyurl.com/TorrigeYouTube>

Torrige District Council	Councillors: Hicks, James Cottle-Hunkin, Hackett, Lock, Hodson and Hames
North Devon Council	Councillors: Bell, Crabb, Lane, Prowse, Roome, Walker and Worden

Members are requested to turn off their mobile phones for the duration of the meeting

## AGENDA PART I - (OPEN SESSION)

1.	<b>Apologies for Absence</b>
2.	<b>To agree the minutes of the meeting held 13 October 2023 (Pages 3 - 8)</b>

3.	<b>Forward Plan</b> (Page 9)
4.	<b>Agreement of Agenda between Parts I and II</b>
5.	<b>Declarations of Interest</b> Members with interests to declare should refer to the Agenda item and describe the nature of their interest when the item is being considered
6.	<b>Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency</b>
7.	<b>Five Year Housing Land Supply Update</b> (Pages 10 - 13) To receive the report of the Planning Policy Officers from both authorities
8.	<b>Planning for Traveller Sites</b> (Pages 14 - 21) To receive the report of the Planning Policy Officer of North Devon District Council
9.	<b>Levelling-up and Regeneration Act 2023</b> (Pages 22 - 32) To receive the report of the Senior Planning Policy Officer of Torridge District Council
10.	<b>Local Plan Update - Next Steps</b> To receive a verbal update
11.	<b>Date for next meeting and to agree future meeting dates</b> Next meeting – 8 December 2023 at 10am to be held in Town Hall, Bideford  15 March 2024 – date already agreed.  To agree the following meeting dates –  14 June 2024 – 10am 20 September 2024 – 10am 6 December 2024 – 10am  14 March 2025 16 May 2025
12.	<b>PART II (CLOSED SESSION)</b>
Meeting Organiser: Democratic Services - Tel: 01237 428703	

TORRIDGE DISTRICT COUNCIL / NORTH DEVON COUNCIL

JOINT PLANNING POLICY COMMITTEE MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Friday, 13 October 2023 - 10.00 am

PRESENT

Councillor R Hicks (Chair) - TDC  
Councillor M Prowse (Vice-Chair) - NDC

Torrige District Councillors: K James, C Cottle-Hunkin,  
P Hames, R Lock, C Hodson and C Leather

North Devon Councillors: Roome, Walker, Cann, Worden and  
Lane

ALSO PRESENT

TD Council Officers

S Kearney	Head of Communities & Place (at start of meeting)
H Smith	Planning Manager
I Rowland	Senior Planning Policy Officer
S Dorey	Head of Legal & Governance (Monitoring Officer)
S Cawsey	Democratic Services Officer
T Vanstone	Senior Electoral & Democratic Services Officer

ND Council Officers

SJ McKenzie-Shapland	Head of Place, Property and Regeneration
E Dee	Senior Planning Policy Officer
H Pettifer	Legal Representative

Torrige District Elected Member(s) -  
Councillor P Pennington

1. APPOINTMENT OF CHAIR

The Head of Communities & Place (TDC) invited nominations for Chair of the Committee.

It was proposed by Councillor James, seconded by Councillor Lock and –

Resolved:

That Councillor Hicks be elected as Chair of the Committee.

(Vote: For – Unanimous)

2. APPOINTMENT OF VICE-CHAIR

Nominations were invited for Vice-Chair of the Committee.

It was proposed by Councillor Roome, seconded by Councillor Lane and –

Resolved:

That Councillor Prowse be elected as Vice Chair of the Committee.

(Vote: For – Unanimous)

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from ND Council - Councillor Knight, Councillor Bell (Councillor Walker substituting) and Councillor Crabb (Councillor Cann substituting). From TD Council – Councillor Hackett (Councillor Leather substituting).

4. MINUTES OF THE MEETING HELD ON 17 MARCH 2023.

It was proposed by Councillor Hicks, seconded by Councillor James and -

Resolved: That the Minutes of the meeting held on 17 March 2023 be approved as a correct record, subject to the following amendment:

Councillors present at the meeting - Councillor Spear is a ND Councillor and not a TD Councillor.

(Vote: For 6, Abstentions 7)

5. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

There were no Part II items.

6. DECLARATIONS OF INTEREST

The Chair reminded Members that declarations of interest should be made when the specific agenda item to which they related was under discussion.

7. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

There were no items brought forward for consideration.

## 8. REVIEW OF THE NORTH DEVON AND TORRIDGE LOCAL PLAN

The Senior Planning Policy Officer (NDC) gave an informative slide presentation, highlighting the following key elements of the report:

Legislation associated with a review of the Local Plan. A Review must be completed every five years, starting from the date of adoption of the Local Plan. Review deadline: 29 October 2023.

The Plan Review Principles.

- Method to ensure that a plan and its policies remains effective.
- Proportionate to the issues in hand.
- Policies do not automatically become out of date after 5 years.

Matters for a Plan Review.

- Conformity with national policy
- Changes in local circumstances
- Demonstration of five year land supply
- Deliverability of key site allocations
- Appeal performance
- Cross-boundary issues
- Changes to social, environmental or economic priorities

North Devon & Torrington Review.

- Based on range of engagement and evidence.
- Presented through completion of PAS Plan Review Toolkit.
- Previously presented to JPPC in early 2023.
- Updated to reflect further work:
  - Five-year housing land supply.
  - Duty to cooperate engagements.
  - Other refinements, changes and updated text.
  - Plan broadly continues to provide robust basis for decision making.
  - Identifies additional policies are required to address matters where the Plan is silent.
  - Identifies some specific policy areas would benefit from being updated.
  - Does not limit scope of future approach to plan-making.

Recommendations as set out in the report.

Councillor Leather referred to Travellers sites in plural and asked if there was to be more than one site and what the evidence was based on. The attending Officers advised that the evidence is from the Devon Wide Traveller Assessment produced in 2016 which sets out there is a need for 15 permanent sites across the plan area plus 2 transit sites. The Senior Planning Policy Officer (TDC) agreed to forward to Councillor Leather a copy of the Gypsy and Traveller Accommodation Assessment.

Councillor Prowse suggested that as Members had questioned whether the evidence was sound, a report be brought to the next meeting in December for Members to consider:

- whether the evidence is good enough and sound; and
- to agree a plan to address it.

It was proposed by Councillor James, seconded by Councillor Roome and –

Resolved:

That the conclusions of the 5 Year Review of the North Devon and Torridge Local Plan attached to the report be confirmed, namely:

1. The policies included in the North Devon and Torridge Local Plan remain up to date.
2. Additional policies are required to address matters where the Local Plan is silent, namely: First Homes, Coastal Change Management Areas and the provision of traveller sites.
3. A range of practical implementation issues, principally focused on the detail of the development management policies in Part 3 of the Local Plan are identified that could be considered for future update.

(Vote: For – Unanimous)

## 9. RESPONSE TO GOVERNMENT CONSULTATION ON PLAN-MAKING REFORMS

The Senior Planning Policy Officer (TDC) addressed the Committee and gave a slide presentation highlighting the following key elements contained within the report:

The Government's Vision is for plans to:

- Be simpler to understand and use.
- Be positively shaped by views of communities about how their area should evolve.
- Clearly show what is planned in a local area.
- Be prepared more quickly and updated more frequently.
- Make the best use of new digital technology.

An overview of the Consultation:

- Current consultation focused on detail
- Related to implementation
- Open from 25 July to 18 October 2023
- 42 substantive questions

- Split across 15 topics
- Does not seek views on matters being taken forward through Levelling Up and Regeneration Bill

Scope of the Consultation:

- Wide-ranging and detailed technical consultation covering:
  - Plan form and content
  - Process and timetable
  - Evidence and engagement
  - Monitoring
  - Transition Arrangements
  - Community Land Auctions

As part of the presentation, the Senior Planning Policy Officer (TDC) drew attention to various aspects of the proposed response as set out in the appendix of the report, highlighting key aspects whereby it offered support or raised concerns to the Government's proposals.

Key response points:

Consider principles are broadly sensible and laudable

Response broadly offers support, subject to some caveats, for:

- Renewed emphasis on vision-led planning
- Targeted local development management policies
- Increased use of digitalization, templates and standardisation
- Clearer expectations on evidence requirements
- Improved project management expectations
- New Requirement to Assist
- Rationalised monitoring requirements

The recommendations as set out in the report.

During the discussion the Senior Planning Policy Officer (TDC) responded to questions/concerns raised by the Committee.

Following comments from Councillor Hames, the Senior Planning Policy Officer confirmed that the community land auction system had been covered in the responses.

Reference was made to the needs of the area, the deprivation in some of the communities and the need for a Local Plan to address some of those issues.

The Committee expressed thanks to Officers from ND Council and TD Council for all their hard work in preparing the response.

It was proposed by Councillor Prowse, seconded by Councillor James and –

Resolved:

- a) That the draft response to the Government's consultation (Appendix 1 attached to the report) on implementation of plan-making reforms was considered.
- b) That the response to be formally submitted on behalf of the North Devon Council and Torridge District Council be endorsed.

(Vote: For - Unanimous)

10. DATE OF NEXT MEETING

The next meeting to be held on 8 December 2023 at 10am in the Town Hall, Bideford.

The Planning Manager (TDC) said as previously discussed, Gypsy & Traveller matters to be included on the Agenda for the December meeting.

It was also agreed that a Forward Plan be set up for the next 12 months where matters/issues such as those raised at this meeting can be added.

The meeting commenced at 10am and closed at 11.12am.



**JOINT PLANNING POLICY COMMITTEE 2023 -2024**

8 Dec 23	15 March 24							
Five year Housing Land Supply  Planning for Travellers Site  Levelling Up and Regeneration Act 2023  Local Plan Update  Dates for next meeting								

# Agenda Item 7



## North Devon Council and Torrige District Council

Report Date: 8<sup>th</sup> December 2023

Topic: North Devon and Torrige Housing Five Year Housing Land Supply update

Report by: Planning Policy Officers (TDC/NDC)

### 1. INTRODUCTION

1.1. This report provides an update on the North Devon and Torrige joint five-year housing land supply position at a base date of 1<sup>st</sup> April 2023.

### 2. RECOMMENDATIONS

2.1. This Committee notes the confirmation of the current five-year housing land supply position and the intention to publish future statements on an annual basis.

### 3. REASONS FOR RECOMMENDATIONS

3.1. The recommendations reflect the findings of the updated five-year land supply assessment.

### 4. BACKGROUND

4.1. The requirement to demonstrate a five-year housing land supply is set out in national planning policy (NPPF). The five-year housing land supply calculation provides an assessment of whether the projected supply of land for new homes is sufficient to meet identified requirements over the next five years.

4.2. At the point of adopting the Local Plan in October 2018, the Inspector concluded that the Councils could demonstrate a five-year housing land supply. However, this position was challenged through a planning appeal heard in January 2020 relating to a proposed residential development for up to 181 homes at Caddywell Lane/Burwood Lane, Great Torrington where the Inspector's decision concluded in March 2020 that the Councils could only clearly demonstrate a housing land supply equivalent to 4.23 years.

4.3. Following a period during which the Councils were unable to demonstrate a five-year housing land supply, an updated five-year housing land supply statement was published in April 2023 (base date of 1<sup>st</sup> April 2022) which demonstrated a joint housing supply in excess of the minimum requirement for the five-year period 2022 - 2027. The position established by the April 2023 statement was again, subject to challenge through a planning appeal

heard in July 2023 relating to proposed residential development for up to 161 homes at St Andrews Road, Fremington.

4.4. The Inspector's decision, issued 11th September 2023, dismissed the appeal and endorsed the overall conclusions set out in the April 2023 statement. The Inspector was satisfied that the Councils are able to demonstrate a deliverable supply of about 6,261 dwellings in the 5 year period. This is in excess of the requirement as calculated by either methodology (Liverpool + 20% [6,150] or Sedgefield + 5% [6,070]). The Inspector has also confirmed that the shortfall in provision and future requirement should properly be dealt with over the plan period remaining (8 years), with a 20% buffer.

4.5. Therefore, the conclusions of the April 2023 five-year housing land supply statement, as confirmed by the subsequent September 2023 appeal decision, re-established a position whereby the North Devon and Torrige Local Plan and its housing policies are considered 'up-to-date' for the purposes of determining planning applications for housing development

4.6. Following the re-establishment of the five-year housing land supply position, officers have undertaken an updated assessment, at a base date of 1st April 2023, based on the latest available data and evidence. This follows the approach to the assessment of five-year housing supply set out in the April 2023 statement, incorporating the recommendations made by the St Andrews Road appeal Inspector.

## 5. OUTCOMES OF UPDATED FIVE-YEAR SUPPLY

5.1. The published five-year housing land supply statement concludes that the supply of housing from deliverable sites in North Devon and Torrige exceeds the minimum requirement over the next five years. The statement demonstrates a five-year housing land supply equivalent to 5.18 years, which represents 104% of the five-year requirement. Accordingly, the policies of the Local Plan for the supply of housing are considered to up-to-date for decision making purposes.

## ON GOING ASSESSMENT OF HOUSING SUPPLY

5.2. The NPPF requires local planning authorities to identify and update annually the five-year housing land supply position. The Councils will seek to publish a statement annually each autumn to update the housing land supply position at a base date of the previous April. Therefore, the Councils will be working towards a housing land supply update to a position as at 1<sup>st</sup> April 2024 in due course.

## 6. RESOURCE IMPLICATIONS

6.1. The assessment of five-year supply and the wider monitoring of housing supply and delivery forms part of the planning policy teams' existing work

programme. Any associated cost in respect of document production, notification and publication will be shared across the Councils.

## 7. EQUALITIES ASSESSMENT

7.1. No impact identified.

## 8. ENVIRONMENTAL ASSESSMENT

8.1. The demonstration of a five year housing land supply enables the Councils to apply a plan-led approach in the determination of planning applications, allowing the policies of the local plan to be applied in better manage the balance of enabling development against the protection and enhancement of the environment.

## 9. CONSTITUTIONAL CONTEXT

9.1. Schedule 2, paragraph 1.1.1-1.1.3 of the North Devon Council and Torridge District Council Joint Planning Policy Agreement.

## 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:

- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework (NPPF) 2023
- Planning Practice Guidance (Housing supply and delivery)
- North Devon and Torridge Housing and Economic Land Availability Assessment Methodology 2022
- North Devon and Torridge Local Plan 2011 - 2031 (adopted 2018)
- Planning Inspectorate appeal decision: Land at Caddywell Lane/Burwood Lane, Great Torrington (APP/W1145/W/19/3238460)
- Planning Inspectorate appeal decision: Land north of St Andrews Road, Fremington (APP/X1118/W/23/3318751)
- North Devon and Torridge Five Year Housing Land Supply Statement (April 2023)

- North Devon and Torrige Five Year Housing Land Supply Statement (November 2023)

(The background papers are available for inspection and kept by the author of the report).

## 12. CORPORATE PRIORITIES

- 12.1. The North Devon Council and Torrige District Council Corporate Priorities have been considered in the drafting of the report.

## 13. STATEMENT OF INTERNAL ADVICE

- 13.1. The author 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; Deputy 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)

# Agenda Item 8



## North Devon Council & Torrige District Council

Report Date: 8<sup>th</sup> December 2023

### Topic: Planning for Traveller Sites

Report by: Planning Policy Officer (NDC)

#### 1. INTRODUCTION

- 1.1. This report is to provide members with information concerning planning for Traveller sites as requested at the previous meeting of this Committee held on the 13<sup>th</sup> of October 2023. The report will cover national planning policy, the provisions of the adopted North Devon and Torrige Local Plan (NDTLP), along with the evidence, which was used to inform it, before setting out the current position.

#### 2. RECOMMENDATIONS

- 2.1. To note the contents of the report.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To inform members of the North Devon and Torrige Local Plan policies relating to gypsies and travellers and the future provision of Traveller sites.

#### 4. REPORT

##### ***National Planning Policy***

- 4.1. The government's document 'Planning Policy for Traveller Sites' (PPTS) sets out what is expected of local planning authorities in respect of the provision of Gypsy and Travellers and should be read in conjunction with the National Planning Policy Framework. The PPTS defines 'gypsies and travellers' as: 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.' For ease of reference the term 'traveller' will be used within this report to identify the range of groupings.
- 4.2. Paragraph 3 of the PPTS states the Government's overarching aim is to "ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community".
- 4.3. National Planning Policy requires Local Planning Authorities (LPAs) to both assess the need for the provision of Traveller sites within their area and to

then ensure this need is provided for. Policy B of the PPTS includes the following:

- ‘(9) Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople...which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities
- (10) Local planning authorities should, in producing their Local Plan:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets
  - b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
  - c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
  - d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population’s size and density
  - e) protect local amenity and environment
- (11) Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.
- (13) Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:
- a) promote peaceful and integrated co-existence between the site and the local community
  - b) promote, in collaboration with commissioners of health services, access to appropriate health services
  - c) ensure that children can attend school on a regular basis

d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment

e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development

f) avoid placing undue pressure on local infrastructure and services

g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans

h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability Where a 5 year supply cannot be demonstrated the PPTS states: "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community." (Paragraph 14).

### ***Local Plan Policy***

- 4.4. Strategic policies need to be informed by a local housing needs assessment and it is expected that a separate Gypsy and Traveller Accommodation Assessment (GTAA) is undertaken. The last GTAA for northern Devon was undertaken in 2015 by RRR Consultancy for an area covering nine local planning authorities.
- 4.5. It was from this GTAA that the provisions contained within Policies ST20 and DM30 of the North Devon and Torrige Local Plan (NDTLP) were written, having regard to national policy from the PPTS and the National Planning Policy Framework (NPPF).
- 4.6. In terms of provisions specifically for Gypsy and Traveller accommodation, the NDTLP includes strategic Policy ST20: Providing Homes for Traveller Communities and a subordinate development management Policy DM30: Sites for Traveller Accommodation. Policy ST20 sets out the required provision to be made to meet the scale and nature of identified need across the district. Policy DM30 sets out criteria-based policy to guide the determination of future applications.
- 4.7. Policy ST20 sets out that in order to meet identified needs, provision would be made to deliver at least 15 permanent pitches – those for providing residents with a permanent home - which can be private, local authority or Registered Provider owned and at least two transit sites - which only provide temporary accommodation for the transient traveller population that pass



through northern Devon from time to time. Lengths of stay on a transit site can vary but are usually set at between 28 days and three months, with the NDTP identifying that each transit site should be providing accommodation of 4 or 5 pitches. The requirements in Policy ST20 directly reflect the conclusions of the GTAA (2015). There was no identified need for plots for Travelling Showpeople and therefore no accommodation requirement is included in the Local Plan.

- 4.8. Due to the timings of the adoption of the NDTLP and the completion of the GTAA, the work needed to identify and assess potential sites was not available and therefore there were no traveller sites allocated within the plan.
- 4.9. The Local Plan Inspector's Report found the provision for traveller communities to be sound, with the proviso that work would commence on a subsequent Development Plan Document (DPD) for Travellers: -

*142. The level of provision in Policy ST20 accords with the need identified in the Devon Partnership Gypsy and Traveller Accommodation Assessment 2015 – Final Report. The strategic policy does not identify the location of suitable sites, but provides at (3) for sites to be allocated through the Plan. The NDTLP does not deal with allocations, but the Councils are preparing a Traveller Site Allocations DPD (HD06) in accordance with the timetable set out in the LDS 2016.*

- 4.10. Work on the Travellers DPD formally commenced on the 15th of September 2016, with Consultants (DLP Planning) appointed in 2016 to undertake a Traveller Site Assessment Study to identify sites to meet the requirement set out in Policy ST20. This included a public consultation on the methodology to be applied plus a call for sites exercise, in January to February 2017.

- 4.11. The methodology included:

- Identifying potential sites to take forward through the assessment. This involved the consideration of sites from a wide range of sources including a review of the following:
  - Authorised Sites - All existing Gypsy and Traveller sites with full, temporary or personal consents or certificates of lawful use (to be assessed for potential intensification and/or expansion);
  - Unauthorised Sites and those with a previous planning history - All existing unauthorised and/or tolerated sites and those sites with a previous Gypsy and Traveller related planning history;
- Call for Sites – Between the 24th of January to 24th February 2017 the Councils undertook a Call for Sites exercise in which all parties on the Councils' consultation database (circa 2,000 individuals and organisations including Town and Parish Councils) were invited to

submit sites potentially suitable and available for Gypsy and Traveller uses. This exercise was undertaken alongside a consultation on the proposed methodology.

- Council Owned Land – The consultants reviewed the extent of each Council’s land ownership.
- Sites submitted for the Strategic Housing Land Availability Assessment (SHLAA) – The Councils contacted all promoters of sites submitted to the SHLAA for housing to establish if those sites were also available for Gypsy and Traveller use.

- 4.12. The North Devon and Torrige Traveller Site Assessment Study Final Report was published in December 2018. It identified (Table 10) a supply of 7 potentially suitable sites, providing for 9 additional individual pitches for permanent accommodation; a figure which is 4 pitches short of the identified need figure for 2014-2034 (para 5.20).
- 4.13. The inability to demonstrate delivery of the required pitches introduced a risk that the Travellers Site Allocations DPD could be found unsound at examination.
- 4.14. Subsequent to the completion of the Site Assessment Study, the Councils took the decision in later 2020 to proceed with the comprehensive review and update of the NDTLP. This effectively superseded the earlier decision to prepare a separate Travellers Site Allocations DPD, with provisions to be incorporated into a wider local plan.
- 4.15. No further published work on traveller allocations has been produced since this risk was identified.

### ***The Current Position and Next Steps***

- 4.16. As of 1st April 2023, the Councils’ have granted planning permission for a total 4 permanent pitches, against the requirement of 9 pitches for the period 2011 – 2023. A five-year supply of sites cannot be demonstrated at this time. Therefore, when determining individual planning applications, the decision maker will have regard to paragraph 27 of PPTS. It states: “If a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” Since the publication of the PPTS in 2015, several temporary

planning permissions have been granted across the two local planning authorities.

- 4.17. The challenge for North Devon and Torrige Councils is that the need arises from a very small population of travellers, based on individual family sites predominantly dispersed across the rural areas. Accordingly, provision for permanent pitches is likely to need to be responsive to the needs arising from specific individuals and there is an inherent risk of allocating sites that would potentially not be taken up by the traveller community if not in an appropriate location and of an appropriate form to meet their needs. Therefore, one consideration is whether, given our local circumstances, it is potentially more appropriate to be seeking to address need through a positive development management approach, rather than seeking to allocate sites for permanent accommodation. This approach, whilst pragmatic, does not conform with national policy and as such there are risks associated with it.
- 4.18. To date, no sites have been brought forward to meet the requirement for 2 transit sites.
- 4.19. It is noted that the GTAA used to inform the preparation of the NDTLP was published in 2015. As outlined above, the Local Plan Inspector concluded that it was adequate to meet the tests of soundness against which current local plan policies are assessed, however with the preparation of a new local plan, it will be necessary to prepare a new GTAA. To do so, specialist consultants who are experienced with working with the Travelling community will need to be engaged. A brief has already been prepared for the procurement process. and, subject to its conclusions, look to allocate sites in appropriate locations.

### **Conclusions**

- 4.20. The North Devon and Torrige Local Plan requirement for the provision of 15 permanent pitches and two transit sites is based on evidence published in 2015. While the need is relatively small, it has not been possible to find enough suitable sites to allocate in a separate development Plan document. As such, planning applications are considered on a case-by-case basis, with temporary planning permissions granted in accordance with national policy. Sites for the transit provision have not been identified.
- 4.21. When preparing a new local plan, it will be necessary to commission a new gypsy and travellers needs assessment and, subject to its conclusions, look to allocate sites in appropriate locations. It will not be possible to take the current approach of doing so on an ad hoc basis as a new local plan will not be 'found sound' at examination.

## 5. RESOURCE IMPLICATIONS

- 5.1. There are no direct resource implications from this report. As part of the preparation of a new comprehensive local plan work will need to be undertaken to both identify the Traveller need and, if necessary, the allocation of sites.

### 5.2. EQUALITIES ASSESSMENT

- 5.3. No impact is identified as a direct consequence of this report. An Equality and Diversity Impact Assessment will be undertaken as part of the preparation process of a new 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.

## 6. ENVIRONMENTAL ASSESSMENT

- 6.1. No environmental implications result from the recommendations of this report. An EIA will be completed for the wider new Local Plan project.

## 7. CORPORATE PRIORITIES

- 7.1. What impact, positive or negative, does the subject of this report have on:
- a) The commercialisation agenda: limited impact
  - b) Improving customer focus. Part of central government aims are to reduce tension between the travelling and settled community. By enabling allocated sites this should ensure unauthorised encampments are reduced. There should be a positive impact.
  - c) Regeneration or economic development: limited impact.

## 8. CONSTITUTIONAL CONTEXT

- 8.1. Schedule 2 of the Agreement for a Joint Planning Policy Committee (North Devon Council and Torridge District Council, dated 22<sup>nd</sup> 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:  
(The background papers are available for inspection and kept by the author of the report).

- National Planning and Policy Framework (NPPF), DLUCH, September 2023
- Planning Policy for Travellers Sites (PPTS), DCLG, August 2015
- Devon Partnership Gypsy and traveller Assessment of Accommodation (GTAA), RRR Consulting, April 2015
- North Devon and Torrige Traveller Site Assessment Final Report, DLP Planning, December 2018

## 11. STATEMENT OF INTERNAL ADVICE

11.1. The author 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; Deputy 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)

## North Devon Council & Torridge District Council

Report Date: 8<sup>th</sup> December 2023

### Topic: Levelling-up and Regeneration Act 2023

Report by: Senior Planning Policy Officer (TDC)

#### 1. INTRODUCTION

- 1.1. The Levelling-up and Regeneration Bill received Royal Assent in October 2023, formally becoming an Act of Parliament (law). Now known as the Levelling-up and Regeneration Act 2023 ('LURA'), it contains primary legislation that covers a broad range of topics associated to the Government's levelling up agenda.
- 1.2. The topics covered by LURA are diverse and include, for example, provisions associated to local democracy and devolution (including the operation of Combined County Authorities), the registration of short-term rental properties, reforms of compulsory purchase provisions, changes to the regulation of sewerage disposal works through to powers around empty properties and Council Tax.
- 1.3. Most notably for this Committee, the LURA contains a significant body of provisions that will potentially, in due course, have wide-ranging implications for the discharge of planning functions by the two local planning authorities.
- 1.4. This report seeks to introduce these provisions, recognising that it is essential for Members of the Committee to remain up-to-date and be familiar with the changing national context within which they are operating.
- 1.5. It is important to note that the report can only provide an overview of the provisions as many of them will require associated secondary legislation, in the form of Regulations, that are yet to be published.

#### 2. RECOMMENDATIONS

- 2.1. Members of the Joint Planning Policy Committee are recommended to:
  - (a) note the content of this report relating to the enactment of the Levelling-up and Regeneration Act 2023.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure Members are kept apprised of on-going reforms to the planning system and the potential implications for North Devon and Torridge.

#### 4. REPORT

- 4.1. The Levelling-up and Regeneration Bill (LURB) was first introduced to Parliament in May 2022, culminating in it receiving Royal Ascent on 26<sup>th</sup> October 2023; following detailed scrutiny, significant debate and amendment during its passage through the House of Commons and House of Lords<sup>1</sup>. Upon achieving Royal Ascent, the Bill



became an Act of Parliament and became known as the Levelling-up and Regeneration Act 2023<sup>2</sup>.

- 4.2. The LURA is split into 13 topic-based Parts, containing 256 individual clauses and supplemented by a series of 24 supporting Schedules. Of notable direct interest to this committee are likely to be:
  - (a) Part 3 - Planning
  - (b) Part 4 – Infrastructure Levy and Community Infrastructure Levy
  - (c) Part 5 – Community land auction pilots
  - (d) Part 6 – Environmental outcomes reports
- 4.3. Additionally, the Committee may have an associated interest in other aspects including provisions around charging Council Tax on empty dwellings, changes to Compulsory Purchase powers (Part 9), the ability for local authorities to let vacant high-street premises (Part 10) and the Registration of short-term rental properties (Part 12). The Councils more widely are likely to have a direct interest in many other aspects including those provisions on Combined County Authorities (Part 2) and a variety of other Miscellaneous provisions (Part 12).
- 4.4. As is the case with many Acts of Parliament, the LURA does not only introduce new legislative provisions directly but also makes significant changes (additions, revisions and/or deletions) to other pieces of pre-existing legislation; with these set out in the included Schedules. Most notably in relation to the planning provisions, it makes amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.
- 4.5. It is important to note that a significant proportion of the provisions contained within the LURA do not come into immediate effect upon Royal Assent. They are rather subject to later introduction upon a specified date or are predicated upon associated secondary Regulations being laid before Parliament and coming into force. Clause 255 in Part 13 of the LURA sets out the detailed commencement and transitional arrangements associated to the bringing into effect of the individual provisions of the Act.
- 4.6. In relation to the planning aspects of the LURA, no part comes into force until at least two months after the Act was passed (i.e. 26<sup>th</sup> December 2023), with most aspects, including those associated to plan-making, also contingent upon the subsequent introduction of subservient Regulations, policy and guidance.

### ***Plan-making***

- 4.7. The LURA introduces the primary legislation required to support the Government's programme of reforms to plan-making. It provides the framework for the majority of the key aspects that have been trailed through earlier proposals and consultations. In particular, and in summary, it provides for the following:

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2023/55/section/93/extracted>

- (a) Requirement that local planning authorities **must prepare a local plan** and that they can only have a **single local plan**.
- (b) Prescribes **what local plans can** and **can't contain** and to **what they must have regard** and **take account of**; including the amount, type, location and timetable for development in the local planning authority area, other policies for the use or development of land which relate to particular characteristics or circumstances of the area or specific sites, details of the infrastructure requirements or affordable housing, requirements with respect to design or other matters prescribed by the Secretary of State. Additionally, the local plan must be designed to secure that the use and development of land contributes to the mitigation of and adaptation to climate change. It must take account of national development management policies, any other national policies and guidance and any Local Nature Recovery Strategy (LNRS). It is required to have regard to new Neighbourhood priorities statements (see below) and take account of any assessment of the amount and type of housing needed, including affordable housing. Significantly, a local plan is not allowed to include anything that is not prescribed by the relevant legislation, nor may it be inconsistent or repeat any national development management policy.
- (c) Replaces the requirement to prepare and maintain a Local Development Scheme (LDS) with a similar provision to **prepare and maintain a local plan timetable**, with the Secretary of State able to prescribe the form and content of the timetable. In reality the change is not significant, although there is an associated requirement for local plans to be prepared in accordance with the local plan timetable.
- (d) Establishes a requirement for local planning authorities to **seek observations or advice in relation to a proposed local plan** from a person appointed by the Secretary of State (i.e. a Planning Inspector from PINS for example), to publish said advice and have regard to it in plan-making. This provides the framework for the Government's proposals to for a series of Gateway Assessments.
- (e) Provides for the introduction of **new Supplementary Plans** that will form part of the development plan. The scope of Supplementary Plans is strictly controlled through the LURA, particularly in terms of their geographic scope. They are principally limited to being able to be used to introduce policies related to the development of a specific site, or two or more specific sites which are considered to be nearby to each other. The exception to this limitation is that they may also be used to set out requirements with respect to design across wider geographical areas, including and up to the local planning authority's area; with this intended to allow local planning authorities the discretion to introduce the mandatory area-wide design code (see below) through a Supplementary Plan rather than their local plan.
- (f) Introduces a requirement for local planning authorities to have a **design code for the whole [local planning authority] area** as part of the development plan. It stipulates that the development plan includes requirements with respect to design that relate to development to which proposals should adhere. It does usefully caveat that there is no expectation that local planning authorities are required to ensure that there are requirements for every description of development, for every part of the area or for every aspect of design.



- (g) Affords powers for the Secretary of State **to take over plan making, revise plans or give direction to the local planning authority**, if they are considered to be failing to do anything necessary or expedient to prepare a plan or its revision, or if a plan is going to be, or may be considered unsatisfactory. Allied to the above, the LURA provides for the introduction of *local plan commissioners*, who the Secretary of State can appoint to investigate and take over plan making. Significantly, the LURA also provides the Secretary of State with the ability to recover any costs associated with intervention from the local planning authority.
  - (h) Introduces a power to **require assistance with certain plan making activity by prescribed public bodies**. The power set out within the LURA is potentially wide reaching, establishing that the prescribed body *must do everything that the plan-making authority reasonably requires of the body*. However it also provides that the Secretary of State may, through regulations, set out what a plan-making authority must, may or may not require a prescribed body to do, set the timeframe for their doing so, any procedure to be followed and the form and content of any notification, documentation or information. The LURA does not set out the bodies that will be subject to the duty with these to be established at a later date. Whilst the provision is to be welcomed, it's effectiveness will be contingent on the scope enabled through regulations and perhaps more importantly, the capacity of individual prescribed bodies to fulfil their duty.
  - (i) Revises the approach to **plan examination**, including the provision to provide a go/ no go gateway check to proceed to examination and the introduction of the ability for the examiner to formally pause the examination to allow for further work to be carried out. It also provides a different streamlined examination process for Supplementary Plans, modelled on the approach applied to neighbourhood plans.
- 4.8. Interestingly, the LURA does not include explicit legislative provisions to establish the advocated 30-month time limit for the preparation of local plans; with an expectation that this will rather be stipulated through national policy or guidance. It is reasonable to assume however that the powers afforded to the Secretary of State through LURA for local plan commissioners and to intervene in plan-making will be capable of being utilised to enforce compliance with any policy-based timeframe requirements.
- 4.9. Similarly, the LURA does not establish transitional arrangements for plan-making, in so far as those trailed through previous consultations, such as the cut off dates for the submission and adoption of local plans under the existing planning system, or the so-called 'waves' which may determine when local planning authorities may start work on new-style local plans. It is therefore reasonable to assume that these aspects will be introduced through sub-ordinate regulations or through associated policy.

### ***National Development Management Policies***

- 4.10. The LURA provides basis for the introduction of national development management policies, including a significant range of consequential amendments

to existing legislation to ensure their consideration in plan making, decision taking and any subsequent enforcement activity.

- 4.11. The Act provides absolute discretion to the Secretary of State to be able to subsequently define what constitutes a national development management policy by direction, so far as it is a policy, however expressed, in relation to the development or use of land. It does prescribe that when preparing or modifying national development management policies, the Secretary of State must ensure consultation with and participation by, the public and other bodies or persons that they consider appropriate.
- 4.12. The provisions within the LURA associated to national development management policies provide for a fundamental shift in the status of national planning policy in determining planning applications. The changes will elevate the status of any of these development management aspects of national planning policy, from simply being a material consideration in the determination of making planning decisions (as per the case for the current National Planning Policy Framework), to having an equal status to the provisions contained within the development plan.
- 4.13. Significantly, the Act stipulates that in decision making, where there is a conflict between the development plan and a national development management policy, any conflict must be resolved in favour of the national development management policy.

### ***Decision-making***

- 4.14. The LURA introduces changes that will have a bearing on the fundamental principles applied in the determination of planning applications. Firstly, will be the changes to the construct of the development plan – with the requirement for a single local plan, coupled with any accompanying Supplementary Plans. Additionally, there is the introduction of the national development management policies and the elevation of this aspect of national policy from being a material consideration to having prescribed status alongside the development plan.
- 4.15. Significantly, the LURA makes a simple but fundamental change to the status of material considerations in the determination of planning applications; requiring that determinations must be made in accordance with the development plan (and any national development management policies) unless material considerations **strongly** indicate otherwise. This is intended to strengthen the role of the local plan (and national development management policies) in decision making, reaffirming the plan-led approach to planning.

### ***Self-build and custom Housebuilding***

- 4.16. The Councils' have an existing duty through the Self-Build and Custom Housebuilding Act 2015 to ensure that sufficient permissions are granted, within a prescribed period, to meet the level of 'need' identified through the number of entries on the Councils' statutory self-build registers. There has been criticism from some sectors that the duty is poorly defined within the legislation and that it currently allows a flexible and liberal interpretation as to what planning permissions can be counted against the need.

- 4.17. Provisions within the LURA will afford the Secretary of State to address this concern, providing the ability for the preparation of regulations to specify the descriptions of permissions that can be counted towards meeting the duty. It is important to recognise that this could have an impact on the ability of the Councils to fulfil their duty or may potentially result in a requirement to take a more proactive approach to the delivery of custom and self-build housing, however any impact will be contingent on the content of any future published regulations.

### ***Community Levy***

- 4.18. The LURA provides the primary legislation to allow for the imposition of a new Infrastructure Levy (IL), with the purpose of contributing to the costs of supporting development of an area. It is intended to be a replacement for the Community Infrastructure Levy (CIL) and planning obligation (s106) as a mechanism for securing contributions towards infrastructure and affordable housing. It provides the skeleton framework for the imposition of the charge, along with processes for its introduction, collection and enforcement.
- 4.19. Upon implementation, the introduction of IL has the potential to significantly alter the way that infrastructure and affordable housing is secured and delivered across northern Devon.

### ***Neighbourhood Planning***

- 4.20. The LURA retains neighbourhood planning and neighbourhood plans as part of the development plan. In a similar manner to the provisions for local plans, it introduces provisions that set out what neighbourhood plans must, must not and may include. It also seeks to affirm that a neighbourhood plan or neighbourhood development order may not have the effect of preventing housing development from taking place that is proposed within the area.
- 4.21. A new concept of the Neighbourhood priorities statement is introduced that provides qualifying bodies (i.e. town or parish councils designated for neighbourhood planning purposes) with the opportunity to set out what they consider to be the principal needs and prevailing views of the community in that area in respect of prescribed local matters. The LURA provides the primary legislative framework for the preparation, amendment and revocation of neighbourhood priorities statements.
- 4.22. Importantly, as noted above, local planning authorities are required to have regard to neighbourhood priorities statements when preparing a local plan. The matters for these statements are to be prescribed by the Secretary of State but may include wide ranging matters covering the development, management or use of land, housing, the natural environment, economy, public spaces, infrastructure, facilities, services and other features.

### ***Planning data and systems***

- 4.23. The LURA affords that local planning authorities can be required to make use of approved software for the processing of their planning data, whilst regulations may also restrict or prevent local planning authorities from using, creating or having any rights in relation to any software specified or described through regulations. It is

unclear as to the extent to which controls may be introduced, however there is potential scope that the provisions would require the transition to alternative software systems, as advocated by the Government, for the submission, management and processing of planning data.

- 4.24. Recognising the ambition for a move to improve accessibility to planning data, the LURA also provides for regulations to introduce provisions to require local planning authorities to make specified planning data available to the public under an open licence agreement.
- 4.25. In addition, the LURA provides the power for local planning authorities to, through the publication of a notice, require the provision of specific planning data from particular persons, the specifics of which are to be established through subsequent regulations.

### **Planning Enforcement**

- 4.26. The LURA makes a number of changes to the planning enforcement regime, most notably:
- (a) Extending the current four-year time limit for a breach of operational development to ten years;
  - (b) Extending the duration of temporary stop notices from 28 to 56 days;
  - (c) Introducing temporary stop notices for listed buildings;
  - (d) Introducing a new “Enforcement Warning Notice” to highlight where the local planning authority considers that there is a breach of planning control but whereby it is considered that there is a reasonable prospect that planning permission would be granted, offering a period for a planning application to be submitted;
  - (e) Restricting the opportunity to appeal against enforcement notices and introducing measures to manage undue delays in appeal proceedings introduced by appellants;
  - (f) Increasing the scale of financial penalties for non-compliance with breach of conditions and non-compliance with s215 notices; and
  - (g) Introducing ability for the Secretary of State to provide relief from enforcement for a breach of conditions for development relating to national defence, preventing or responding to civil emergencies or significant disruption to the economy.

### **Development monitoring, commencement and completion notices**

- 4.27. The LURA provides for the introduction of a requirement for residential development schemes to have to submit *development progress reports* to the local planning authority to provide information on the intended progression of the delivery of the development. These will have to be provided to the local planning authority on an annual basis and set out the progress that has been made to date and that which is predicted to be made towards the completion of the dwellings; with the specifics of the form and content of the reports, along with how and when they are to be submitted, to be provided through subsequent regulations. The requirement will be applied to relevant planning permissions through the imposition of a condition. The progress reports have the potential to be of a significant benefit

- to local planning authorities in robustly demonstrating housing delivery performance and their pipeline of future housing supply; and in particular the five-year housing land supply position. The benefit of this will however be contingent upon any submitted information being reliable and accurate.
- 4.28. Similarly, it introduces the notion of a *commencement notice*, which will require the person proposing to carry out the development subject to a planning permission (for prescribed types of development) to submit prescribed information to the local planning authority, specifying the date upon which they expect the development to begin. If this later changes, the person will be expected to submit a new commencement notice.
- 4.29. The LURA introduces the framework legislation for a power to allow local planning authorities to decline to determine planning applications for development from a person (with a prescribed connection to a previous scheme), whereby that earlier scheme has not been started or has been developed, in the opinion of the local planning authority, unreasonably slowly.
- 4.30. For circumstances whereby the local planning authority considers that a development (of a yet to be prescribed description) will not be completed within a reasonable period, the LURA introduces provisions to allow local planning authorities to serve a *completion notice*.
- 4.31. The provisions have the ability to cause a planning permission to cease to have effect after a specified period (to be at least 12 months from the serving of the notice) and can be served in relation to developments that have commenced but that have not yet been completed. The LURA provides a framework for the serving of such notices, along with their effect and also the process for appealing such notices; with the ability for the Secretary of State to provide further detail through regulations. The completion notice is intended to provide local planning authorities with tools to expedite the delivery of development.

### ***Environmental Outcomes Reports***

- 4.32. The LURA sets the groundwork for introduction of new so-called *Environmental Outcomes Reports (EORs)*. It is expected that these will be intended to replace Sustainability Appraisals, (SAs), Strategic Environmental Assessments (SEAs) and Environmental Impact Assessments (EIAs), and accordingly the reports will apply to the consideration of planning consents, plans and projects.
- 4.33. The reports will be required to assess the extent to which the proposed consent or plan would, or be likely to, impact on the delivery of specified environmental outcomes, consider any proposals for increasing the extent to which an environmental outcome is delivered, any steps proposed for avoiding, mitigating or compensating for any effects and how any outcomes or steps will be monitored or secured. In doing so, it is required to consider any reasonable alternatives to the project, plan or any elements of it.
- 4.34. Whilst the LURA sets out an extensive range of matters in relation to EORs, much of the detail of the implementation and operation will still need to be established through subsequent EOR regulations.



4.35. The LURA contains a range of other provisions that may be of interest but are less directly related to the core function of this Committee. These include matters such as:

- (a) reforms to compulsory purchase arrangements;
- (b) the piloting of community land auctions;
- (c) registration of short-term rental properties; and
- (d) the letting of vacant high street premises by local authorities.

## 5. CONCLUSIONS

5.1. The enactment of the Levelling-up and Regeneration Act 2023 signifies a key milestone in the Government's planning reform agenda. It does not however, in itself, implement any immediate fundamental changes to the planning system. Rather, most of the planning related provisions will be introduced at a later date, either by virtue of implementation and transition dates set out in the LURA itself, or by the necessity of regulations being laid in order to allow provisions to come into force.

5.2. It is important to be mindful of the extensive provisions and to give some forethought to the potential implications. It is however challenging to prepare fully for their implementation, given the reliance upon secondary regulations, policy and guidance. It is expected that the Government will consult upon and/or publish subordinate and associated regulations along with changes to policy and guidance over the coming months and beyond.

5.3. Officers will continue to scrutinise the provisions of the LURA and any subsequent regulations, policy and guidance they may be forthcoming. Arrangements will be made to respond to any associated consultations in collaboration and consultation with Members as appropriate. Officers will seek to keep Members apprised of the emerging planning reforms as and when further information becomes available.

## 6. RESOURCE IMPLICATIONS

6.1. There are no immediate resource implications arising from the subject of this report. The LURA does provide the basis for significant changes to the planning system, including the potential for the transition to the use of different systems and processes, and the introduction of different or enhanced content to the development plan. All of these may have an impact on the scale and nature of resources that need to be applied or deployed by the Councils. Given that most of the provisions of the LURA require the introduction of subordinate provisions to provide the detail, it is not yet clear as to the extent of any such resource requirements. It will be important to keep the introduction of planning reforms under review and to ensure that adequate and appropriate resources are in place.

## 7. EQUALITIES ASSESSMENT

7.1. The report does not have any direct equality implications, given that it simply reports on the provisions of the introduction of new primary legislation. Given the extensive nature of the provisions contained within the LURA, there is scope for different

aspects to have varying implications for differing elements of northern Devon's communities. The specific implications are however unlikely to become clear until subsequent regulations, policy and guidance are available.

## 8. ENVIRONMENTAL ASSESSMENT

8.1. The report does not have any direct equality implications, given that it simply reports on the provisions of the introduction of new primary legislation. Given the extensive nature of the provisions contained within the LURA, including aspects associated to Environmental Outcomes Reports, Local Nature Recovery Strategies, climate change, ancient woodland and biodiversity net gain, there is scope for environmental implications. The specific implications are however unlikely to become clear until subsequent regulations, policy and guidance are available.

## 9. CONSTITUTIONAL CONTEXT

9.1. Schedule 2 of the Agreement for a Joint Planning Policy Committee (North Devon Council and Torrige District Council, dated 22<sup>nd</sup> October 2021); Section 10 of Annex 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).

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## 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):

- (a) Levelling-up and Regeneration Act 2023; received royal ascent 26<sup>th</sup> October 2023; available at:  
<https://www.legislation.gov.uk/ukpga/2023/55/contents/enacted>
- (b) Levelling-up and Regeneration Bill (website); available at:  
<https://bills.parliament.uk/bills/3155>
- (c) Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms (website); published 25<sup>th</sup> July 2023; available at:  
<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>
- (d) Levelling-up and Regeneration Bill: reforms to national planning policy – North Devon and Torrige Consultation Response; 1<sup>st</sup> March 2023
- (e) Levelling-up and Regeneration Bill: reforms to national planning policy (website); published 22<sup>nd</sup> December 2022; available at:  
<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

- (f) Planning for the future Consultation (website); published 6<sup>th</sup> August 2020; available at: <https://www.gov.uk/government/consultations/planning-for-the-future>

## 12. STATEMENT OF INTERNAL ADVICE

12.1. The author 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; Deputy 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 not supported by any appendices.