



## **North Devon Council & Torrige District Council**

Report Date: 27<sup>th</sup> January 2023

### **Topic: Review of the North Devon and Torrige Local Plan**

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

#### **1. INTRODUCTION**

- 1.1. The North Devon and Torrige Local Plan 2011-2031 (the Local Plan) was adopted by North Devon and Torrige District Councils in October 2018. In response to a range of local and wider influences and considerations, a decision was taken by both Councils in late 2020 to work together to carry out a comprehensive review and update of the Local Plan.
- 1.2. Substantive work commenced on an update to the Local Plan, under the banner of the “People and Place” project and based on a schedule of work agreed by this Committee in January 2022. However, in response to a range of emerging issues, including pressures on Local Government finance, challenges to updating the Local Plan in accordance with the agreed programme of work, and wider uncertainties relating to planning reforms, Officers were tasked with re-examining whether delivering a comprehensive update of the Local Plan remained the most appropriate course of action.
- 1.3. To inform decision making in respect of the scope and timeframe for updating the Local Plan, an extensive programme of work has been undertaken, which has included detailed technical assessments of the adopted Local Plan and engagement with elected Members, both of which have been guided with the benefit of external professional advice and support.
- 1.4. This report draws together the referenced body of work, alongside the wider relevant context, to enable elected Members to make an informed choice as to the appropriate way forward regarding undertaking an update of the Local Plan.
- 1.5. Should the Councils wish to move away from carrying out a comprehensive review and update of the Local Plan it is considered that this should be a decision resolved at meetings of Full Council for both Councils.

#### **2. RECOMMENDATIONS**

- 2.1. On balance, for Joint Planning Policy Committee to recommend to the Full Councils of NDC and TDC:
  - (a) to move to a targeted and focused partial update to the NDTLP, the potential scope of which is indicatively set out within Appendix 5, that specifically explores opportunities to address:
    - i. specific elements of the adopted local plan that are no longer consistent with national planning policy;

- ii. specific policy provisions in the adopted local plan that are currently considered to be ineffectively worded or would benefit from clarification;
    - iii. those areas of policy whereby the adopted local plan is currently silent; and
    - iv. policy provisions which no longer conform to the majority views of the Councils.
  - (b) that the approach to updating the local plan is kept under review having regard to any relevant changes to the local and national context;
  - (c) that the scope of the update is established, the appropriate development plan vehicle for its delivery be established and a revised Local Development Scheme (LDS) presented to a future meeting of the Joint Planning Policy Committee for consideration and approval (or through such other mechanism as to be agreed with Members); and
  - (d) that work commence on a partial review of the Local Plan with immediate effect but that the formal decision of the review of the Local Plan (for Plan making purposes) be deferred until resolution of the following:
    - i. the results of the current national consultation regarding change to Plan making;
    - ii. the results of the review of the 5YHLS position;
    - iii. a review of our position related to the Plan period; and
    - iv. completion of the Duty to Cooperate process.
  - (e) that concurrently, Officers explore and pursue actions and interventions to support the positive and effective implementation of the adopted North Devon and local plan.
- 2.2 OR alternatively, for Joint Planning Policy Committee to recommend to the Full Councils of NDC and TDC their alternate preferred approach with respect of the updating of the North Devon and Torrige Local Plan.

### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To reconsider the approach to plan-making, given changes to local and national context.

### 4. REPORT

- 4.1. Following the resolution of the respective Full Councils to carry out a comprehensive review and update of the adopted Local Plan, an extensive programme of work, under the auspices of the 'people and place' project was carried out through 2022 to progress the comprehensive update of the Local

Plan. However, whilst significant progress has been made on the project, it still remains at a relatively early stage.

- 4.2. Reflecting on a changing local and national context, Officers were tasked by Senior Members and Officers in July 2022 with considering whether undertaking a comprehensive update remains the most appropriate course of action for plan-making in northern Devon. This was initiated for a variety of reasons which included a reflection on slippage to the original project programme, consideration of the challenging local government finance context and a shifting national planning reform agenda. The timing of the reconsideration was pertinent given that the project was about to reach a position where it would be necessary to initiate significant spend on the procurement of required technical evidence.
- 4.3. A discussion paper was presented to Joint Planning Policy Committee in November 2022 setting out the draft findings of review work carried out to that point, initial thoughts on the potential options for plan making going forward and the range of additional work that was considered necessary to enable an informed decision to be reached.
- 4.4. Local Planning Authorities are required through legislation<sup>1</sup> to complete a formal review of their local plan within a period of five years from the point of adoption. In doing so, they *must consider whether to revise the document following each review and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary*. For the avoidance of doubt, the review needs to be completed within a period of five years, with the actual update able to be completed subsequent to this stipulated five-year review period.
- 4.5. Officers have completed an extensive programme of work over the past few months in order to inform the review and support a decision on the appropriate way forward with the update of the Local Plan. This has included a technical assessment of the Local Plan's performance, its compliance with national planning policy and a programme of workshops to establish elected Member's views on whether they feel the Local Plan is delivering for the communities that they represent.
- 4.6. To support local planning authorities in undertaking a review of their local plans, the Planning Advisory Service (PAS) provides a Toolkit – the Local Plan Route Mapper Toolkit – which provides a structured means to consider whether their local plan remains relevant, appropriate and up to date in the context of national planning policy. The Toolkit is split into four parts, with two parts specifically relevant to reviewing a local plan. Completion of these is intended to help to evaluate whether, and to what extent, an update of a local plan is required.
- 4.7. Toolkit Part 1 provides the Councils with the opportunity to consider how well the Local Plan is performing by understanding which policies may be out of date for the purpose of decision making, and/or where circumstances may have

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<sup>1</sup> Section 17 of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 10A of the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended).

changed, and whether Local Plan policies continue to be effective in addressing issues that are identified in the Local Plan.

- 4.8. Part 2 provides a framework to consider whether the detailed provisions of the Local Plan conform with national planning policy as is currently in force.
- 4.9. The Initial drafts of the Toolkits were presented to this Committee in November 2022 to inform early discussion on potential approaches to the Local Plan update. Officers have subsequently refined and updated the draft Toolkits. The updated Toolkits are now provided as Appendix 1 and Appendix 2 to this report.
- 4.10. To finalise the Toolkits, data has been collected which provides additional detail as to the performance of the Local Plan against established targets, including appeals determinations, achieved and enabled development across a range of uses, an analysis of the level of proposed affordable housing on qualifying development sites, establishing an understanding of why targets might not have been achieved on individual sites and an appreciation of achieved and planned infrastructure delivery to meet anticipated needs.
- 4.11. The finalised PAS Toolkit (Part 1) generally presents a positive position regarding the effective operation of the Local Plan in respect of proposals being determined in accordance with adopted policies to achieve delivery against established targets. Additionally, the strategic policies of the Local Plan, which establish the local framework for decision making are considered to remain valid to achieve strategic aims and objectives, across the themes of the economy, environment, housing, and community and provide opportunities within defined growth strategies to address projected needs. The finalised PAS Toolkit (Part 2) further provides that the Local Plan generally continues to work within the parameters of national planning policy.
- 4.12. While recognising the positive outcomes presented in the Toolkits, the assessments also indicate that there are elements of the Local Plan, which currently must be regarded as out of date, significantly in respect of the Councils current inability to demonstrate a five year supply of deliverable housing sites and by virtue of omission or inconsistency in some policy provisions as a consequence of updates to national planning policy subsequent to the submission of the Local Plan. Having regard to the assessed position the recommendation outcome from the PAS Toolkits is that a partial review of the Local Plan is undertaken to ensure local policy compliance with national planning policy.
- 4.13. In parallel to the objective analysis of the performance of the Local Plan, a comprehensive programme of engagement has been completed to understand elected Members' priorities and to identify where they consider that the Local Plan is not delivering appropriately for the communities that they represent. This engagement took the form of two virtual workshop sessions, supplemented by an online survey, all of which were open to all elected Members. The findings of the engagement activity have been drawn together into a Feedback Report (Appendix 3)

- 4.14. As set out in Appendix 3, Members discussions on the Local Plan were wide ranging, which included both considerations of how the Local Plan continues to provide an appropriate framework for decision making but also policy areas that should be considered for review. It was recognised that generally the Local Plan remains relevant and effective, but that there are policy areas that should be reviewed consequent of changing national circumstances and local priorities. The policy areas that were highlighted by Members in respect of local priorities included: the location, affordability, and quality of housing; the delivery of infrastructure, services, and facilities; enhanced economic opportunities and performance; and climate change. Of note, while the referenced policy areas were key themes, there were a range of views on how they should be addressed.
- 4.15. To aid the Councils in determining the appropriate course of action for updating the Local Plan external support, provided by the Planning Advisory Service (PAS), has been utilised. The PAS are funded by Government to help get local plans up-to-date and to improve decision making. Through their Local Plan Project Management Programme, PAS engaged a third-party consultant – DAC Planning, who provided a ‘critical friend’ review of the Local Plan.
- 4.16. The support included a review of relevant documentation, direct engagement with a range of Officers, attendance at a Joint Planning Policy Committee and active participation at the Member workshop events. This allowed the PAS consultant team to gain a good insight and understanding of the situation in northern Devon and to allow them to provide advice on what might be an appropriate way forward. The support culminated with the delivery of key findings and observations to the Councils, which are provided to inform and support decision making on the appropriate course of action in respect of reviewing and updating the Local Plan (Appendix 4).
- 4.17. The key findings and observations provided by PAS are as follows:
- a. *The Councils are recommended to carefully consider how the scope of any update planned to the policies of the adopted Local Plan can be proportionate at this time. Many of the concerns and issues being raised with the adopted Local Plan appear to be more relating to the application of Local Plan policies and the current lack of a five-year land supply rather than the approach of the Plan or the policies themselves.*
  - b. *There are a number of other vehicles or mechanisms available to the Council which can assist in responding to current challenges.*
  - c. *A targeted update to the Local Plan in the short-term under the ‘current’ system could be followed by a ‘new’ Local Plan which addresses some of the wider concerns expressed in the medium to long term.*
  - d. *The Councils should carefully consider how to conclude the review and publicise outcomes in order to manage potential risk. The review outcome could be presented as part of a package of measures being taken to achieve an adequate five-year land supply and an up-to-date policy framework at the earliest possible opportunity.*

- 4.18. Reflecting on the information they gathered as part of their review, PAS advised that a potential way forward could be to *carry out a targeted update to the Local Plan in the short-term under the 'current' system [which] could be followed by a 'new' Local Plan which addresses some of the wider concerns expressed [by Members] and may enable the Council to benefit from the opportunities presented by reforms to the planning system in the medium to long term.*
- 4.19. PAS go on to suggest that any targeted update focus upon:
- a. *policies that are no longer consistent with national planning policy (and therefore cannot be given full weight);*
  - b. *policies which are currently considered to be ineffectively worded; and*
  - c. *strategic housing policies which can provide for a five-year land supply.*
- 4.20. PAS also advised that a targeted update could also consider *specific policies which no longer conform to the majority views of the Councils which need to be amended.*
- 4.21. PAS in commenting on the key drivers for undertaking an update to the Local Plan, referenced the distinction between what must be updated and the policy areas which would be desirable to update. Of significance there was an indication that there was no widespread discontent in relation to the policies of the Local Plan, but there were concerns regarding the implications of the absence of a five-year housing land supply. As set out above (key findings), PAS suggest a range of mechanisms to respond to both national and locally arising issues over the short and longer term. In the short term, the advocated approach would be to undertake a targeted update, which would necessarily be limited in scope, with wider ranging issues being addressed through a new Local Plan in the medium to long term.
- 4.22. Having regard to the scope of an update to the Local Plan as advocated by PAS, in the short term, there would likely be limitations on policy changes. Appendix 5 sets out a consideration of matters arising from the PAS Toolkits and identified Member issues and the scope of how such could be addressed within the range of a partial or a comprehensive update of the Local Plan, and where there might be opportunities to respond to issues outside the planning making process. A partial update of the Local Plan, would have a narrow focus on matters that are not associated with the strategic policies of the Local Plan. Wider revisions that would embrace strategic policies would necessitate a comprehensive update of the Local Plan.
- 4.23. Having regard to the scope of an update to the Local Plan as advocated by PAS, in the short term, there would likely be limitations on policy changes. Appendix 5 sets out a consideration of matters arising from the PAS Toolkits and identified Member issues and the scope of how such could be addressed within the range of a partial review or a comprehensive review of the Local Plan, and where there might be opportunities to respond to issues outside the planning making process. A partial review of the Local Plan, would have a narrow focus on matters that are not associated with the strategic policies of the

Local Plan. A wider review that would embrace strategic policies would necessitate a comprehensive update of the Local Plan. As set out above, Members have expressed a range of ambitions that should be considered as part of an update to the Local Plan, of note in this respect is the scope of enabled development in the rural areas and policy provision related to climate change, which could not easily be addressed through a partial review of the Local Plan.

#### Neighbouring Authorities and the Duty-to-Cooperate

- 4.24. The Councils have not at this stage engaged with neighbouring authorities through the Duty-to-Cooperate as part of the process of reviewing the local plan. Whilst it is considered prudent to do so, given the relatively self-contained nature of northern Devon, it is not anticipated that there will be any significant cross-border issues forthcoming that would have a fundamental bearing on the outcomes of the plan review. That-being-said, it is the intention to complete a programme of engagement with those parties in due course to validate this position.

#### Concluding Formal Plan Review

- 4.25. Recognising that there remains significant uncertainty with respect to the five-year housing land supply, updates to national planning policy are expected to be forthcoming in the Spring and the need to engage with duty-to-cooperate partners with regard to the performance of the local plan, it is not recommended to conclude the formal review of the local plan, as required through legislation at this point in time. Rather, it is suggested that a report is brought back to a future meeting of this Committee once more certainty is derived and in advance of the five-year deadline of local plan adoption on 29 October 2023.

#### National Planning Reforms

- 4.26. On 22<sup>nd</sup> December 2022, the Government launched a consultation<sup>2</sup> on reforms to national planning policy, coupled to the progression of a wider programme of legislative reforms being taken forward through the Levelling-up and Regeneration Bill. The consultation sets out proposals for a series of short-term changes to national planning policy which, subject to the conclusion of the consultation, it intends to bring forward in Spring 2023. It also seeks views on a range of more fundamental changes to national planning policy that it intends to bring into force alongside the introduction of wider legislative changes before the end of 2024. The consultation documentation also provides an insight into the intentions and consequences arising from the programme of wider legislative reforms.
- 4.27. The reforms to national planning policy proposed for the short-term, along with the legislative and policy changes advocated for the medium-term are

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<sup>2</sup> <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

considered to have a potential bearing on determining the appropriate course of action for the local plan.

- 4.28. There are a range of proposals that are potentially pertinent to the consideration of the appropriate course of action with the local plan at this point in time:

*Short-term Policy Proposals*

- 4.29. The Government provides for consultation on a range of changes to national planning policy that it states it intends to introduce immediately (subject to and following consultation) with the purpose of allowing them to *swiftly deliver the government's commitments to building enough of the right homes in the right places with the right infrastructure, ensuring the environment is protected and giving local people a greater say on where and where not to place new beautiful development*. It also advocates changes to allow the delivery of *cheaper, cleaner, more secure power in the places that communities want to see onshore wind*. The Government explains these proposals in detail through the consultation documentation, whilst also providing a 'track-change' draft of a proposed revised National Planning Policy Framework<sup>3</sup>.
- 4.30. One of the key short-term proposals of consequence is for the reform of the five-year housing land supply (5YHLS). The Government intends to remove the requirement for local planning authorities with an up-to-date local plan to demonstrate continually a five-year supply of deliverable housing land and as a consequence to not have to apply the presumption in favour of sustainable development (the so-called 'tilted balance') when considering applications for the development of housing. The proposals, as currently being consulted upon, would initially remove the 5YHLS requirement for a period of five years from the adoption of a local plan, whilst potentially allowing this to be extended for a further period where the housing requirement set out in strategic policies is more than five years old and the strategic policies have been reviewed and found not to require updating.
- 4.31. For North Devon and Torridge, the proposals (if brought into force) would provide for the Councils to not have to demonstrate a five-year housing land supply, and consequentially not apply the *tilted balance* for housing proposals on this basis, until at least the 29<sup>th</sup> October 2023 - that being the five year anniversary of the adoption of the NDTLP. Subject to the outcomes of the formal review of the NDTLP, it is also possible that the proposals would allow for this position to extend beyond October 2023 and for so long as it is considered that the strategic policies, and in particular the housing requirement, remain up-to-date. At the present time, having reviewed the housing requirement against the provisions of the Government's standard method for calculating housing need, it is considered that the housing requirement would be determined to be up-to-date. The outcomes of the PAS Toolkit would also



suggest that the wider strategic policies of the local plan remain broadly up-to-date.

- 4.32. As discussed further below, re-establishing a five-year supply of deliverable housing land is one of the potential drivers for requiring an update to the NDTLP. The proposal therefore has the potential to mitigate, either partially or fully, this driver for updating the NDTLP.
- 4.33. Of potential consequence for northern Devon is also the proposal to lessen the barriers to the provision of on-shore wind energy development; consulting on changes to planning policy to deliver a *more localist approach that provides local authorities more flexibility to respond to the views of their local communities*. At present, existing national planning policy only allows for proposals for wind energy development to be approved where they are in an area identified as being suitable for wind energy development within an adopted development plan and it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.
- 4.34. The proposals seek to introduce changes to national planning policy that seek to ensure that planning permission for wind energy development is predicated on satisfactorily addressing the planning impacts of on-shore wind projects as identified by local communities and subject to demonstrable local support for the scheme. It also seeks to provide local authorities with a range of routes to demonstrate their support for certain areas in their boundaries to be suitable for onshore wind without having to go through the *overly rigid* requirement to designate such areas within the development plan.
- 4.35. Whilst the opportunities arising from these proposals to enable support for wind energy development in northern Devon have not been fully explored at this stage, there is a clear intent to allow local planning authorities to be able to introduce more positive enabling approaches to the delivery of wind energy proposals without necessarily requiring change to the development plan.
- 4.36. From a plan-making perspective, the Government proposes removing one of the 'tests of soundness' which are used in the examination of local plans in order to determine whether a local plan may be found *sound* and therefore adopted. The Government is consulting on proposals that would remove the requirement for local plans to be *justified*, and hence to be *an appropriate strategy, taking account the reasonable alternatives, and based on proportionate evidence*. This is potentially a significant shift and could on first inspection provide an opportunity to reduce the time required to prepare and examine a local plan; reducing the burden of evidence required, the rigour of options and alternatives necessarily considered and the scope for challenge at examination.
- 4.37. It is questionable as to the extent to which the levels of evidence could be reduced, given that many specific aspects of national policy still require local planning authorities to establish particular approaches through their plan-making which can only be understood through the preparation of clear local evidence (for example the specific housing requirements of different sectors of

the community). It is equally difficult to see how it is possible to derive an effective strategy for particular matters without in effect considering what might be the reasonable alternatives, nor be satisfied that it is possible to convey this as appropriate to local communities.

#### *Medium-term Policy and legislative Proposals*

- 4.38. Alongside the proposals for specific changes to national planning policy in the short-term, the consultation also calls for views on a wider range of proposals. In particular, these focus on *making sure that the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity*. It signals areas that the Government expect to consider in the context of a wider review of national planning policy that it will bring about following the Royal Ascent of the Levelling Up and Regeneration Bill.
- 4.39. The Government also sets out its proposals for a transition to a new plan-making regime, including its programme for the implementation of provisions being taken forward through the Levelling Up and Regeneration Bill. The Government sets out that it intends (subject to parliamentary approval) to implement its plan-making reforms in late 2024.
- 4.40. From November 2024, the Government states its intention to move to a new plan-making regime, with local planning authorities required to start work on a new-style local plan by, at the latest, five years after the adoption of their previous plan, and for that new plan to be adopted within 30 months, taking it through to adoption, within a period of 30 months. Even with a reformed planning system that seeks to streamline the content and preparation processes for preparing and adopting a local plan, this timeframe is considered likely to represent an extremely demanding notion; especially for those front-running authorities having to trailblaze without the benefit of best practice.
- 4.41. The Government does propose a range of transitional arrangements for the plan-making elements of their proposals, allowing local planning authorities to continue to progress the preparation of 'old style' plans under the existing plan-making system, so long as they are submitted for examination by 30 June 2025 and adopted by 31 December 2026. Any plans that do not meet these deadlines would be required to prepare plans under the new plan-making system. The proposals also seek to protect plans from being considered out-of-date if they would become so (i.e. be over five years old) within a period of 30 months from the introduction of the new system.
- 4.42. The Councils are currently committed to a comprehensive review and update of the adopted NDTLP under the auspices of the 'People and Place' project. The programme for doing so is set out in the adopted Local Development Scheme which provides for the submission of the revised local plan in November 2024. As reported previously, for a variety of reasons, the programme of work for the comprehensive update has been subject to a period of slippage, which in part has been the driver for reconsidering whether it remain the appropriate course of action. This slippage, along with the time taken to implement this review, will

ultimately result in the timeline for the submission of the local plan extending beyond the November 2024 date that was originally envisaged.

- 4.43. In support of streamlining the planning process – both for plan-making and decision taking purposes - the Government proposes to introduce a suite of National Development Management Policies which would be afforded the same weight as the development plan (i.e. the local plan) in decision taking on planning applications. It intends that these will cover key nationally important issues and are intended to ensure consistency on such matters, whilst helping local planning authorities to produce swifter slimmer local plans. Local planning authorities are proposed to retain the ability to prepare their own local plan policies on distinctly local issues but would be precluded from including policies which duplicate or are inconsistent with the National Development Management Policies.
- 4.44. The Government advocates removing the existing ‘Duty-to-Cooperate’ that currently obligates local planning authorities to engage proactively with neighbouring local planning authorities and a range of other bodies throughout the process of plan-making; seeking to replace this with an as yet undefined ‘alignment policy’. Whilst the duty-to-cooperate has not historically caused any significant challenges to plan-making across northern Devon, it has caused difficulty for local planning authorities elsewhere, hence the proposals for reform.

*Initial reflections on national planning reform proposals*

- 4.45. There are potentially significant consequences for determining the future approach to plan-making for northern Devon. The NDTLP would be over five-years old by the date proposed for the introduction of the new plan-making system (November 2024). Therefore, the local planning authorities would be obligated to begin work on a new local plan immediately at the transition to the new system and to adopt a new-style local plan within a period of 30 months, unless they are continuing to work on an existing plan and intend to submit it in accordance with the transitional arrangements. Should a decision be made to continue with a comprehensive update to the NDTLP, the proposals, if taken forward, will be imperative that it is submitted for examination by the end of June 2025 and for it to be subsequently adopted by the end of December 2026. Should a partial update be preferred, it too would need to be taken forward in accordance with the same timelines.
- 4.46. While the proposed reforms have the potential to influence or impact upon the future approach to plan-making, it must be recognised that at this stage they are only consultation proposals (or provisions in draft legislation). As such, there is the potential for the individual proposals, or the reforms as a whole, to be subject to change, to not be taken forward or to come into effect on a timeline different to that envisaged. This current uncertainty as to the future planning reforms does afford a challenge to establishing the appropriate course of action for the local plan.
- 4.47. In proposing significant reform to the planning system, the Government does explicitly state its view that it is *critical that work should continue on plans before*

*the new system is in place, to ensure that the planning system can maximise its role in helping everyone shape the future of the areas they live in, maximising opportunities to enhance the environment and provide the jobs and homes needed locally. They also indicate a view that Authorities with an up-to-date local plan in place [at the time of implementing the plan-making reforms] will be in the best possible position to adapt to the reforms provided for in the Bill.* Therefore, there is a clear direction from the Government that the proposed reforms are not intended to be a barrier to the continuation of plan-making activity; however, in reality, the proposals are clearly a factor in determining an appropriate course of action.

- 4.48. It will be important to keep the proposals for national planning reform under review as they emerge, recognising that they may continue to have implications for the approach taken to plan-making and that it may be necessary to respond and adapt any agreed course of action as time goes by.

#### Wider Considerations and challenges

##### *Five-year housing land supply*

- 4.49. The Councils are unable to currently demonstrate a five-year supply of deliverable housing land. The consequence of this position is that the Councils are currently required to apply the presumption in favour of sustainable development (the so-called 'tilted balance') when determining planning applications for housing. This has resulted in the Councils having to look more favourably on proposals for housing, often in locations that would not otherwise be considered acceptable if the Council was able to apply a plan-led approach and follow the provisions of the adopted NDTLP. This is rightly identified by Members as being an issue of concern and does have a fundamental bearing on the effectiveness of the adopted local plan.
- 4.50. Aside from the acute decision-taking implications, the five-year housing land supply situation also has a bearing on both the review and update of the local plan. For the formal review of the local plan, the consequence is that it is not possible without a five-year housing land supply to confirm that the local plan is considered to be up-to-date. From a plan-making perspective, the considerations are two-fold. Firstly, it has an impact on the scale and nature of the actions that may be required through an updated plan to re-establish a five-year supply. It also has a bearing on the potential acceptability of different approaches to actually updating the plan.
- 4.51. Work is currently underway to determine the current supply of deliverable housing land, with an ambition to re-establish an adequate supply and be in a position to demonstrate a five-year housing land supply. The outcomes of this work are not however currently available, with an expectation of the findings to emerge over the coming months. Whilst the Councils are optimistic that this work will result in a positive outcome, at this point in time, there is no certainty as to whether it will be possible to re-establish a 5YHLS through a reliance upon existing identified supply.

- 4.52. The proposed planning reforms could provide an alternate route to potentially alleviate, at least in the short-term, the adverse impacts arising from a lack of 5YHLS from a planning application decision-taking perspective.
- 4.53. Should either of the above courses of action be successful, it would not be necessary to seek to re-establish a five-year housing land supply through updates to the local plan.
- 4.54. Updating the local plan does potentially provide a pathway to re-establish a five-year supply of deliverable housing land if necessary. It may be the case that modest allocations could be introduced through a partial update to the local plan, however if more significant additional land supply was required then this could trigger a need for more fundamental and comprehensive update to the local plan, recognising it could potentially impact on the spatial hierarchy and place-based strategies. Ironically, it is somewhat unclear as to what benefit the identification of additional supply through an update to the plan would achieve, given that it is not an inherent lack of supply that poses the current challenge to proving an adequate supply, the issue rather being one of a technical demonstration of deliverability.
- 4.55. A re-basing of the plan and the introduction of a revised plan period would also have the potential to improve the five-year housing land supply situation. It provides the potential to reduce the overall housing requirement and remove the backlog attributed to under-delivery since the start of the existing plan period; both of which would have a positive benefit to establishing and maintaining a five-year supply. This would however require a more fundamental and comprehensive update to the plan.
- 4.56. There is uncertainty as to whether a partial update to the local plan would be accepted by a planning inspector at examination if it was not possible to demonstrate a five-year supply at the point of adoption of that update. This does provide an inherent risk to progressing with a partial update at this point in time. One potential way to mitigate this risk could be to prepare the update as a complementary Development Plan Document (DPD) which would potentially present a more favourable and palatable approach at examination.
- 4.57. It can therefore be seen that should it be determined that it would be necessary to address a shortfall in the five-year housing land supply through an update to the local plan, this could influence the scale, nature and form of any such update. In advance of knowing the situation with the five-year housing land supply, this clearly provides a challenge in determining an appropriate course of action as to the approach to be taken towards plan-making at this time. It may be necessary to reconsider the appropriate course of action in terms of plan-making when more certainty is achieved in terms of re-establishing (or otherwise) the five-year supply.

#### *Plan Period*

- 4.58. National Planning Policy requires that when plan making, local plans should look ahead over a minimum 15-year period from adoption (paragraph 22, National Planning Policy Framework). The adopted local plan has a plan period

that currently runs until 31<sup>st</sup> March 2031, meaning that there are only circa 8 years of the plan period remaining at this point in time, which would clearly be reduced further at the point of adopting any update to the plan.

- 4.59. Updates to local plans are subject to the same preparation and examination process as new local plans, although national planning policy does recognise that the *tests of soundness*, including the requirement to be consistent with national policy, should be applied to non-strategic policies (such as development management policies) in a proportionate way.
- 4.60. Given the above, it is however currently unclear as to the extent of a partial update that could be achieved without re-basing the local plan to a new plan period; recognising that the consequence of re-basing to a new plan period would be to require a much more comprehensive update to the plan, based upon a more extensive evidence base and likely including a review of fundamental matters such as the housing requirement and the ongoing legitimacy of strategies and allocations. This was a matter identified by PAS as part of their critical friend review and potentially has implications as to the achievability of the various plan-making options and in particular the extent of change that may be achievable through a targeted partial review.
- 4.61. Members should be aware that this could temper the scope of a partial update. Officers have found a recent example of a Planning Inspector who has accepted a change to a significant strategic element of a local plan through a partial update without requiring a re-basing of the whole plan; an outcome that provides optimism that a pragmatic approach would be adopted. Dependent upon the plan-making option to be taken forward, it may however be necessary to carry out further exploratory work in order to determine the achievability of that course of action and any associated risks to doing so.

#### Resolving a way forward

- 4.62. Having regard to all of the above, it is considered that there are a number of plan-making options that could potentially be taken forward at this time:
- a. Package of work to support implementation of existing plan
  - b. Partial Update to the Local Plan
  - c. Complementary Development Plan Document (DPD)
  - d. Comprehensive Update to the adopted Local Plan
  - e. Prepare for the development of a new-style local plan
- 4.63. Each of the options set out above have their own advantages and disadvantages. Some of the options are mutually exclusive, whilst others could potentially be taken forward in combination. The tables below provide a summary of the advantages, disadvantages and risks associated to each of the potential plan-making approaches.

Approach:	<b>Comprehensive Update</b>
Scope:	<p>All matters covered by a local plan would be within scope of comprehensive update. Opportunity to amend or develop approaches, strategies and policies across all topic areas.</p> <p>Provides an opportunity to fully address all areas of non-conformity and silence. Enables widest exploration and tackling of issues and concerns raised by elected Members.</p>
Cost:	<p>Requires collation of comprehensive evidence base and extensive stakeholder and community engagement, along with a likely expansive examination in public. Preparing a comprehensive update is an expensive endeavour.</p>
Preparation Period:	<p>Lengthy preparation programme extending across a multi-year period, incorporating multiple formal stages of public and stakeholder engagement, along with extensive examination in public.</p>
Impacts of planning reform proposals:	<p>Proposed transitional arrangements would require submission of any revised development plan document by end June 2025, with adoption by end December 2026.</p> <p>Adoption of comprehensive update would likely result in deferral of requirement to prepare new-style local plan, with revised plan considered up-to-date from point of adoption and remaining so for up to five years.</p>
Risks:	<p>Deadline for submission of comprehensive update in accordance with transitional arrangements represents a challenging and potentially unrealistic proposition.</p> <p>Risk of needing to transition to new-style plan late in preparation process, potentially resulting in elements of abortive work, unnecessary expenditure and inhibiting ability to support successful transition to new plan-making system.</p>
Value Analysis:	<p>Existing plan is determined to be broadly fit-for-purpose and, with the exception of the impact of the lack of five-year land supply, is supporting effective decision taking. Question necessity of undertaking such a costly and time-consuming exercise when majority of plan is deemed robust and appropriate.</p> <p>Does provide the opportunity to fully explore and leverage the abilities of the planning system to address matters of concern arising from elected Members.</p> <p>Comprehensive update would provide opportunity to retain and build upon the effective and appropriate elements of the existing local plan, whilst seeking to comprehensively address member priorities and areas of current non-conformity.</p> <p>Question over duration of plan validity following implementation of Government's planning reforms.</p>

Approach:	<b>Partial Update (incorporated into existing plan)</b>
Scope:	<p>More limited than what could be achieved through a comprehensive update. Some flexibility as to scope of what could potentially be covered in a partial update, with extent and nature of proposed changes having direct bearing on the cost and duration of any update.</p> <p>Likely limited to changes of a non-strategic nature, such as amendments or additions to development management policies. Potentially scope to make limited changes to self-contained strategies – such as renewable energy – where they would not have knock on and a cascade for wider strategies.</p>
Cost:	<p>May require collation of targeted evidence focussed on the issues subject to change, with cost proportionate to scale of change. Will still require statutory periods of consultation and subject to examination in public, although extent and nature of both will be proportionate to scale and nature of topics covered, reducing cost in the short-term. Still likely to require expenditure on new plan in medium term.</p>
Preparation Period:	<p>Duration of preparation programme will be related to the extent of proposed change. Will require formal consultation in accordance with plan making legislation and examination in public, although the nature of both likely to be more limited than for a new plan or comprehensive update.</p> <p>Partial update with narrow scope could potentially be achieved to accelerated programme compared to that for a comprehensive update, bringing forth resolution to some member issues in an expedited manner.</p>
Impacts of planning reform proposals:	<p>Proposed transitional arrangements would require submission of any revised development plan document, including any partial update, by end June 2025, with adoption by end December 2026.</p> <p>Proposals for relaxation of tests of soundness to be introduced in Spring 2023 may reduce requirements for evidence and justification, potentially lowering cost and foreshortening preparation period.</p> <p>Preparation of partial update considered unlikely to result in deferment of requirement to prepare new-style local plan, with 30-month preparation period potentially still triggered from November 2024.</p>
Risks:	<p>Potential that achievable scope of partial update would not allow for Members ambitions to be adequately realised.</p> <p>Risk of scope of any partial update being acceptable to Planning Inspector through the examination in public, particularly without updating to provide a fifteen-year plan period from the point of adoption.</p> <p>Potential for progression of abortive work that would be superseded by requirement to prepare new-style local plan, or through introduction of National Development Management Policies, although carefully considering scope to ensure ongoing value could minimise this.</p> <p>Challenge of progressing partial update within a timeframe that does not interfere with the transition to the new plan-making regime and impinge on the limited time available to commence work on new plan.</p>
Value Analysis:	<p>Existing plan is determined to be broadly fit-for-purpose and, with the exception of the impact of the lack of five-year land supply, is supporting effective decision taking. Question value of carrying out even limited updating of plan when it is deemed robust and appropriate.</p>



Approach:	<b>Partial Update (incorporated into existing plan)</b>
	<p>Partial update would provide opportunity to retain and build upon the effective and appropriate elements of the existing local plan, whilst seeking to target some of the elected Member priorities and some key areas of non-conformity.</p> <p>Question over duration of plan validity following implementation of Government's planning reforms.</p>

Approach:	<b>Partial Update (through a complementary Development Plan Document (DPD))</b>
Scope:	More limited than what could be achieved through a comprehensive update, as it would be expected to be sub-ordinate to adopted local plan. Likely similar in scope to partial update, with flexibility as to what could potentially be covered. Likely limited to changes of a non-strategic nature, such as amendments or additions to development management policies. Potentially scope to make limited changes to self-contained strategies – such as renewable energy – where they would not have knock on and a cascade for wider strategies.
Cost:	May require collation of targeted evidence focussed on the issues subject to change, with cost proportionate to scale of change. Will still require statutory periods of consultation and subject to examination in public, although extent and nature of both will be proportionate to scale and nature of topics covered, reducing cost in the short-term. Still likely to require expenditure on new plan in medium term.
Preparation Period:	Duration of preparation programme will be related to the extent of proposed change. Will require formal consultation in accordance with plan making legislation and examination in public, although the nature of both likely to be more limited that for a new plan or comprehensive update.  Partial update with narrow scope could potentially be achieved to accelerated programme compared to that for a comprehensive update, bringing forth resolution to some member issues in an expedited manner.
Impacts of planning reform proposals:	Proposed transitional arrangements would require submission of any complementary DPD by end June 2025 and adoption by end December 2026.  Proposals for relaxation of tests of soundness to be introduced in Spring 2023 may reduce requirements for evidence and justification, potentially lowering cost and foreshortening preparation period.  Preparation of complementary DPD considered unlikely to result in deferment of requirement to prepare new-style local plan, with 30-month preparation period potentially still triggered from November 2024.
Risks:	Potential that achievable scope of complementary DPD would not allow for Members ambitions to be adequately realised.  Risk of scope of any Complementary DPD being acceptable to a Planning Inspector through the examination in public, without updating wider plan to provide a fifteen-year plan period from the point of adoption. Risk likely to be reduced compared to partial update to existing adopted plan.  Potential for progression of abortive work that would be superseded by requirement to prepare new-style local plan, or through introduction of National Development Management Policies, although carefully considering scope to ensure ongoing value could minimise this.  Challenge of progressing partial update within a timeframe that does not interfere with the transition to the new plan-making regime and impinge on the limited time available to commence work on new plan.

Value Analysis:	<p>Existing plan is determined to be broadly fit-for-purpose and, with the exception of the impact of the lack of five-year land supply, is supporting effective decision taking. Question value of carrying out even limited updating of plan when it is deemed robust and appropriate.</p> <p>Complementary DPD would however provide opportunity to retain and build upon the effective and appropriate elements of the existing local plan, whilst seeking to target some of the elected Member priorities and some key areas of non-conformity. Question over duration of DPD's ongoing validity following implementation of Government's planning reforms.</p>
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Approach:	<b>Prepare for a new-style local plan</b>
Scope:	A new-style plan would provide the opportunity to amend or develop approaches, strategies and policies across all topic areas covered by a local plan. Government planning reforms do however seek to streamline local plans so that new-style plans are more focussed and succinct.
Cost:	<p>Government is proposing to make changes to plan-making system to make it cheaper by reducing the duration of plan preparation, refining the scope of plans and by reducing the burden of required technical evidence and justification. Plans will still require level of technical evidence and to be subject to examination in public with associated costs. Risk of attracting some additional cost due to pioneer new approaches without benefit of best practice and potentially completing work in advance of certainty of reforms.</p> <p>Minimises cost in short term and ensures that any work has longevity under the proposed planning reforms, minimising longer term expenditure.</p>
Preparation Period:	Planning reforms advocate need to adopt new-style local plans within a period of 30 months from requirement being established; with expectation that requirement will be introduced in November 2024. Timing of planning reforms would result in extended period to fully address issues raised by elected Members and other areas of non-conformity, with adoption of new-style plan envisaged by May 2027. Given demanding proposals for time limit on plan preparation, early commencement of plan-making activity may be significantly advantageous in the medium to long term. Precludes the ability to address issues identified by elected Members and areas of non-conformity and silence in the short-term, although could potentially be progressed in parallel with programme of work to enhance implementation of existing plan.
Impacts of planning reform proposals:	<p>Proposed planning reforms advocate requirement for preparation of a new-style plan from November 2024, unless adopted local plan is less than five years old, or local planning authority is completing preparation of plan under transitional arrangements.</p> <p>Timescale for preparation of new-style local plans likely to be demanding, with a 24-month preparation period, followed by six-month allowance for examination.</p>
Risks:	<p>Extends the time until any substantive changes can be brought in to address issues of concern raised by elected Members and areas of non-conformity and silence within the existing adopted local plan.</p> <p>Potential for abortive work to be progressed in advance of certainty with the planning reform proposals, although could be mitigated to some extent through careful project programming and management; prioritising work that could have benefit in any case.</p> <p>Planning reform predicated on successful progression of Levelling Up and Regeneration Bill. Potential for introduction of planning reform agenda may be delayed, extending time until which any new-style plan may be adopted.</p>
Value Analysis:	The approach would allow for the holistic consideration of all matters capable of being considered and addressed through the plan-making system, including those issues of concern for elected Members and issues of non-conformity and silence (both now and as may emerge from the planning reforms). This has the advantage of minimising cost and not pursuing work that may only have a finite life. The approach does not however allow issues to be addressed in the short term, rather deferring them for addressing in the medium to long term.

Approach:	<b>Focus on improved plan implementation</b>
Scope:	Much more limited than what could be achieved through either a partial or comprehensive update. Focussed on making best use of existing plan policy, through reflection on interpretation and provision of advice, guidance and education rather than through the introduction of any revised approaches, strategies or policies. Removes opportunity to address areas of non-conformity and silence, whilst significantly reducing the opportunity to tackle many issues raised by Members in the short-term.
Cost:	Direct costs, beyond the utilisation of existing staff capacity within the planning service is likely to be limited, although some technical evidence may require commissioning and some costs incurred in relation to any engagement and consultation activity.
Preparation Period:	Preparation process likely to be relatively swift, dependent upon the programme of interventions and activity taken forward. Adoption of any formal guidance through Supplementary Planning Documents (SPDs) would require formal consultation, whilst any necessary technical evidence would need to be commissioned, adding to programme of work.
Impacts of planning reform proposals:	Planning reform proposals advocate the loss of ability for local planning authorities to prepare and utilise Supplementary Planning Documents (SPDs). Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.
Risks:	Scale of influence and practical change is limited and may not allow for elected Member's ambitions to be realised.  Removes opportunity to address areas of non-conformity or silence arising from adopted local plan.
Value Analysis:	Existing plan is determined to be broadly fit-for-purpose and, with the exception of the impact of the lack of five-year land supply, is supporting effective decision taking. Focusing on the practical implementation of the existing plan provides a relatively inexpensive approach to potentially afford some improvement to the performance of the local plan in decision making. The scope for implementing any change of approach is however likely to be very narrow. Subject to further consideration of resourcing, some work on supporting the practical implementation of the plan could potentially be taken forward alongside preparing for a new-style local plan.

## 5. Conclusions

- 5.1. The decision on the most appropriate course of action to pursue for plan-making across northern Devon at this point of time is not clear cut and as detailed in the report there are a complex web of uncertainties, choices and considerations. There is however considered to be merit in making a decision at this point in time, even if it is a decision that needs to be kept under review and revisited if circumstances change.
- 5.2. It is clear that the adopted NDTLP is broadly fit-for-purpose, its strategies remain sound and it is, on the whole, in conformity with national planning policy. There are some modest gaps and areas of non-conformity, but these are not currently causing fundamental issues with the practical implementation of the local plan. Whilst it would clearly be beneficial to address these matters, they are generally considered of currently being capable of being managed through the development management process.
- 5.3. Through the review process, a broad range of issues and concerns relating to the adopted NDTLP have been identified by elected Members. Upon investigation, it is however apparent that many of these are not issues which would be capable of addressing through revisions to the local plan or alternatively are issues that could be addressed through other means. Many arise from issues of implementation, often associated with the current inability to demonstrate a five-year housing land supply, some are matters outside of the scope of what could be achieved through a local plan, whilst others arise from a mis-understanding or mis-information. As detailed in the report, there does however remain a core range of issues and concerns raised by elected Members that could potentially be addressed through an update to the local plan.
- 5.4. Some of the identified issues are capable of being addressed by a partial update, whilst some of the wider ambitions may only be realised through a comprehensive update to the existing local plan or the preparation of a new local plan.
- 5.5. There are clear pressures on local government finance and it is therefore important to reflect on the costs and benefits offered through any plan-making approach. It is also important to be mindful of the Government's stated programme for significant planning and plan-making reform, with the proposed transitional arrangements constraining the time available to undertake plan-making activity under the existing plan-making system. These need to be balanced against the ambitions of elected Members, the nature and extent of current non-compliance and the weight attached to addressing any wider issues.
- 5.6. Preparing a comprehensive update to a local plan is an expensive and time-consuming process. The extended time required for preparing a comprehensive update is likely to run into issues arising from the transitional arrangements to the proposed new plan-making system, introducing an inherent risk and uncertainty as to the achievability and longevity of any such approach. This, coupled with the findings that the adopted NDTLP has been found to be broadly effective and that the range of concerns raised about the local plan is relatively modest, would

suggest that now is not the right time to be embarking on a comprehensive update to the existing local plan. Rather, it feels that this more fundamental and comprehensive change is likely to be better addressed through the preparation of a new-style local plan once the Government's plan-making reforms come into effect towards the end of 2024.

- 5.7. Given the above, attention focusses on what might be an appropriate alternate course of action. As identified in the report, there is potential for some of the issues raised around the performance of the existing local plan to be addressed through a partial update, whilst others could potentially be addressed by a programme of work to support the improved implementation of the existing local plan or through other actions of the Councils. Equally, there could be merit in rather focussing attention to ensure that the Councils are best placed to embark on preparing a new-style local plan upon the introduction of the Government's plan-making reforms.
- 5.8. There is clear legitimacy in the Councils carrying out a partial update to the local plan. This would allow a range of identified issues to be explored and potentially addressed in a shorter timeframe and at a lower cost than the currently endorsed approach of carrying out a comprehensive update. A partial update would provide an opportunity to address a targeted portfolio of issues that would meet some Member expectations and address some areas of non-conformity in the short-term, although other aspects are likely to only be able to be resolved through a comprehensive update or the preparation of a new plan in the longer-term.
- 5.9. It is unclear whether the outcome of a partial update would result in a revision to the adoption date of the wider plan and as such the benefits may be short-lived; being impacted by the planning reform's proposed transitional arrangements and a requirement to progress to prepare new-style local plan immediately upon implementation of planning reforms proposed for November 2024. It will be important to be mindful of the risk of any programme of work impinging on the finite 30-month timeframe that may come into effect to prepare a new-style local plan. The updated plan would however hopefully retain weight in decision-making during the preparation of a new-style plan and some of the work could however potentially be carried forward into future plan-making. There would be a need to ensure that the scope of any partial update is managed to avoid the need to revise the plan period and to ensure this is acceptable at examination. The vehicle for partial update could be to amend the existing plan document, or alternatively and to possibly better manage examination risks, adopt as a complementary Development Plan Document. This could be established once the scope of the partial update is further refined and a programme of work established.
- 5.10. The partial update provides a compromise option that would allow for some changes to be implemented in the short term, whilst addressing a desire for more fundamental change in the longer-term through the preparation of a new-style local plan.

- 5.11. It is legitimate to consider the alternative or complementary process of focussing on improving the performance and implementation of the existing adopted local plan and directing resource to supporting work outside of the scope of updating the local plan. This recognises that many of the issues identified by elected Members with the performance of the existing plan would appear to be more associated with its implementation rather than a fundamental issue with its actual policies and provisions. Whilst this option would require further scoping and prioritisation, it could potentially focus on a programme of information dissemination, education, guidance and wider actions across the Councils. It could also provide space and capacity to support wider initiatives such as being more proactive with support for neighbourhood planning and implementing new provisions such as mandatory Biodiversity Net Gain (that is coming into force in November 2023). This portfolio of work would not enable more fundamental concerns with some policy approaches to be addressed, nor for revised approaches to be introduced. It is however relatively low-cost and could result in some effect being realised in the short-term. It would also avoid the completion of work that may be abortive in the longer term. Dependent upon consideration of resources and capacity, this could be pursued in combination with a programme of work to prepare for a new-style local plan, or even possibly a partial update (although the latter may be unachievable within existing resources).
- 5.12. The Councils could alternatively seek to take forward a programme of work that would support the preparation of a new-style plan in due course and upon the introduction of the Government's plan-making reforms, currently anticipated towards the end of 2024. It is considered that there is potentially merit in doing so, particularly recognising that the reform proposals seek to introduce a fixed and challenging statutory timeframe for preparing and adopting new-style local plans. Doing so could place the Councils in a more favourable position to take advantage of these proposed planning reforms. The programme of work would need to be fully scoped but could focus on non-time critical evidence and advancing approaches to topics such as coastal change, design codes, biodiversity and climate change that could also have the opportunity to assist with the implementation of the existing plan. This approach would have the benefit of reducing plan-making costs in the short-term but would limit the ability of addressing identified issues over the short to medium term.
- 5.13. Given that the Councils have until the end of October 2023 to complete the formal review of the local plan, the Councils could alternatively defer the decision upon the approach to take towards plan-making until later in the year. This would have the benefit of allowing time to better understand the range of matters that are currently subject to a level of uncertainty – in particular the five-year housing land supply position and the national planning reforms. It could also provide the scope to understand the emerging direction of any new administrations following the local Government elections in May 2023. Conversely, doing so would reduce the period within which any short-term work could be progressed in advance of national planning reforms coming into effect – potentially rendering the opportunity to complete a partial update null and void.
- 5.14. It is apparent that given the current context, determining the appropriate approach to plan-making for northern Devon at this point in time is not a simple



exercise; however, on balance Officers consider that the preferred approach as advocated by the results of the PAS toolkit and consultant advice, is that we move forward with a partial update of the Plan at this stage. This does however need to be tempered by the current uncertainties arising from the local and national context, including proposals for planning reform. Whilst more limited in scope, as per Appendix 5, it would allow the Councils to address areas of non-conformity and some areas of the Plan that no longer conform to the majority views of elected Members. This should sit alongside measures to improve the implementation of the current Plan, which could include improved guidance notes, member and officer training and more formal Supplementary Planning Documents if required.

- 5.15. Members would however be legitimate in considering other approaches, recognising that there are compromises and uncertainties at play that mean that various alternatives could be legitimate. It is for Members to balance these competing advantages and dis-advantages in deriving the appropriate course of action.
- 5.16. Officers are unable to formally conclude the review of the Local Plan at this stage and so whilst Officers consider, on balance, that the Councils should progress in this way, it would be necessary to return to Members with a formal conclusion of the review of the Local Plan. This would also allow for further consideration of matters that are currently subject to a level of uncertainty and that could influence the appropriate course of action. These would include:
  - a. the results of the review of the 5YHLS position;
  - b. a further review of the impact of not extending the Plan period;
  - c. the outcomes of the current government consultation; and
  - d. the Duty to Cooperate process.

## 6. RESOURCE IMPLICATIONS

- 6.1. Both Councils have planning policy teams in place who have the responsibility to service, support and facilitate the Councils' plan-making activity. Both Councils have financial resources budgeted to support plan-making activity. The approach taken towards plan-making, both in the short-term and across the longer-term will have implications on the level of resourcing required.

## 7. EQUALITIES ASSESSMENT

- 7.1. Plan-making activity and the associated planning outcomes have the potential to impact on the day-to-day lives of individuals and communities. Consideration of equality is embedded into the plan-making process to ensure that it is given due consideration, including through the preparation of an Equalities Impact Assessment (EqIA).

## 8. ENVIRONMENTAL ASSESSMENT

- 8.1. Plan-making activity and the associated planning outcomes have the potential to have an impact on northern Devon's and the more global environment. Consideration of environmental outcomes is embedded into the plan-making process to ensure that it is given due consideration and regard.

## 9. CONSTITUTIONAL CONTEXT

- 9.1. Schedule 2, paragraph 1.1.-1.1.3 of the North Devon Councils and Torrige District Council Joint Planning 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: (The background papers are available for inspection and kept by the authors of the report):
- a. Report to Joint Planning Policy Committee (4<sup>th</sup> November 2022)
  - b. National Planning Policy Framework (NPPF); (MHCLG, July 2021)
  - c. Planning and Compulsory Purchase Act 2004 (as amended)
  - d. Town and Country (Local Planning) (England) Regulations 2012 (as amended)
  - e. Levelling-up and Regeneration Bill: reforms to national planning policy (DLUHC, December 2022)
  - f. National Planning Policy Framework: draft text for consultation (DLUHC, December 2022)

## 12. STATEMENT OF INTERNAL ADVICE

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

Cllr P Watson, Lead Member for Planning and Development (TDC)

Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Chair of Joint Planning Policy Committee (NDC)

Cllr R Hicks, Lead Member for the Economy; Vice-chair of Joint Planning Policy Committee (TDC)



Helen Smith, Planning Manager (TDC)

Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

### 13. Appendices

Appendix 1: PAS Toolkit – Part 1

Appendix 2: PAS Toolkit – Part 2

Appendix 3: Plan Review Member Feedback Report

Appendix 4: PAS Advice Note

Appendix 5: Schedule of Identified Issues and Potential Plan Options

