

REPORT OF **Planning Manager**

To: **Full Council**

Subject: **Local Plan Review**

Date: **30th January 2023**

Reference:

<p>PURPOSE OF REPORT: To resolve the appropriate way forward with the update of the development plan (the local plan).</p>

1. INTRODUCTION

- 1.1. Following a resolution of this Council in late 2020, the Council is currently committed, in partnership with North Devon Council, to completing a comprehensive review and update of the adopted North Devon and Torridge Local Plan 2011-2031 (the Local Plan). Reflecting on a changing context, this report seeks the re-consideration of this position.

2. REPORT

- 2.1. The North Devon and Torridge Local Plan 2011-2031 was adopted by North Devon and Torridge 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. 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 the Joint Planning Policy Committee in January 2022.
- 2.2. In response to a changing local and national context, Officers were tasked with re-examining whether delivering a comprehensive update of the Local Plan remained the most appropriate course of action. This recognised matters such as a more challenging local government finance context, emerging proposals for national planning reform and a reflection on the performance of the adopted local plan.
- 2.3. Subsequently, an extensive programme of work has been undertaken over the past few months to inform the appropriate way forward. This has included detailed technical assessments of the adopted Local Plan, engagement with elected Members and the provision of professional advice and support from the Planning Advisory Service (PAS).
- 2.4. Responsibility for all matters relating to the preparation of the development plan (i.e. the local plan), with the exception of the formal adoption of any plan, is delegated to the Joint Planning Policy Committee (JPPC). However, as the decision to carry out a comprehensive review and update of the local plan pre-dates the establishment of the JPPC and it was a decision previously resolved by Full Council, it was considered appropriate for this matter to be referred back to a meeting of Full Council for decision.
- 2.5. A detailed report drawing together the outcomes of this work is subject to consideration by the Joint Planning Policy Committee on the 27th January 2023. Through that report JPPC have been tasked with putting forward a recommendation



to the respective meetings of Full Council at North Devon and Torridge as to the appropriate way to proceed with updating the Local Plan.

- 2.6. In the interests of brevity and avoiding repetition, the full detail of the context and considerations that are pertinent to determining the way forward with the Local Plan are not replicated in full directly as part of this report. Rather, they are set out in the extensive report presented to JPPC which is provided at Appendix 1 to this report.
- 2.7. Given the timings of the publication of this agenda and the meeting of JPPC, the recommendation(s) resolved by JPPC will be published to Members of Full Council by way of an update to this report on the afternoon of the 27th January 2023.
- 2.8. Members of Full Council are being asked to consider through this item the recommendation(s) of JPPC and to resolve the appropriate way to proceed with this matter.
- 2.9. A comparable report is being presented to a meeting of the Full Council at North Devon Council on 22nd February 2023.

3. IMPLICATIONS

Legal Implications

Local Planning authorities are required to identify their strategic priorities and have policies to address these in their development plan documents, taken as a whole (Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 (as amended)). Regulations stipulate that a review of a local plan must be completed within five years of adoption (Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)). The five-year review period concludes on 29th October 2023.

Further legislation governs the content of local plans and prescribes, in detail, the processes of preparation, examination and adoption. It will be necessary for any plan review and update to conform with all prescribed legislative requirements.

Of note currently proposed reforms to national planning policy alongside legislative and policy changes, if taken forward, will have implications for the time period over which the Local Plan will be required to progress to adoption, irrespective of the approach, i.e., a partial review or comprehensive update.

Financial Implications

Undertaking a partial or a comprehensive review of the Local Plan will be a significant undertaking for the Council, with direct costs associated to a range of activities such as consultation and engagement, provision of technical evidence and the examination. Clearly the financial burden in the short term will be less for a partial review rather than a comprehensive update is undertaken.

With a determination of the approach to a plan review/comprehensive update, detailed financial implications will be developed through a comprehensive project scoping and programming exercise, which will feed into the completion of the Business Plan and budget setting processes.



Human Resources Implications

When established, the programme of work in relation to reviewing/updating the Local Plan will form the principal programme of work for both Torridge and North Devon's planning policy teams.

Sustainability/Biodiversity Implications

Section 39 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to exercise their functions in relation to plan making with the objective of contributing to the achievement of sustainable development. The preparation of a new Local Plan provides the Council with the opportunity to guide and influence how northern Devon should develop in a sustainable manner.

A Sustainability Appraisal report will need to be produced alongside a revised /updated Local Plan to demonstrate how the sustainability of alternative sites/policy options have been considered and assessed as part of policy development.

Equality/Diversity

A full Equality and Diversity Impact Assessment will need to be prepared at each stage of Local Plan preparation.

Risk Management

A review or update of the Local Plan will be subject to a range of internal and external risks that could impact on its progression, significantly at this time proposed changes to national planning policy. It will be necessary to apply appropriate project management approaches, alongside to ensure a successful outcome. These will be progressed as part of detailed scoping work once the scope of a plan review/update is established.

Compliance with Policies and Strategies

The Local Plan is a key strategy for the Council that provides the opportunity to shape how the area develops in the future. Undertaking a review/ update of the Local Plan will be Preparation of the Local Plan will be informed by the Council's priorities, as set out in formal Policies and Strategies

Data Protection (GDPR) Implications

Appropriate arrangements will be put in place to ensure that all personal information associated to plan preparation activities is processed appropriately in accordance with data protection principles and requirements

Climate Change

A review/update of the Local Plan will provide the opportunity to consider how the Council should respond, through planning, to climate change.



Ward Member and Lead Member Views
Date of Consultation – 19th January 2023

Lead Member for Planning – Cllr Peter Watson

It is clear from the work that has been completed as part of this review that the local plan is still broadly working as intended but that there clearly matters of concern to fellow members. Given where we are, it seems entirely sensible to reflect on whether it is still right to carry on with a comprehensive update at this point in time and look at alternative options.

Vice-Chair, Joint Planning Policy Committee – Cllr Robert Hicks

The Joint Planning Policy Committee have been fully immersed with considering the right approach to updating the local plan. The Committee has explored all of the options and will be presenting to Full Council what is felt to be the right approach at this time.

4. CONCLUSIONS

- 4.1. Having regard to the changed context since the decision was taken by this Council in late 2020 to pursue a comprehensive review and update of the local plan, there are drivers that suggest it is prudent to reconsider whether that remains the appropriate approach. As set out in the report to JPPC, there is a complex context to this decision which could influence the appropriate course of action.
- 4.2. JPPC has been actively engaged with reviewing all of the pertinent information over the previous months and have been tasked with presenting a considered recommendation to respective meetings of Full Council for North Devon and Torridge. It is for Members of the Council to consider the recommendations presented from JPPC and to resolve the appropriate approach to pursue.

5. RECOMMENDATIONS

- 5.1. To consider the recommendation(s) of the Joint Planning Policy Committee, as per the provided update to this report and to resolve the appropriate way forward with the review and update of the local plan.

SUPPORTING INFORMATION

Consultations: Date of Consultation – 19th January 2022
 Officers Consulted –
 Steve Hearse, Chief Executive
 Staci Dorey, Head of Legal, Governance and
 Monitoring
 Sean Kearney, Head of Communities and Place
 David Heyes, Finance Manager

Contact Officer(s): Helen Smith, Planning Manager
 Ian Rowland, Senior Planning Policy Officer



Dawn Burgess, Senior Planning Policy Officer

Background Papers:

- a. Report to Joint Planning Policy Committee (4th 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)

Appendix 1: Report on Local Plan Review to Joint Planning Policy Committee (27th January 2023)

