

REPORT OF Planning Manager

To: Full Council

Subject: Updating the North Devon and Torrridge Local Plan

Date: 31st July 2023

Reference:

PURPOSE OF REPORT: To consider the approach to undertaking an update of the North Devon and Torrridge Local Plan.

1. INTRODUCTION

1.1 This Council in late 2020 committed with North Devon Council to undertake a comprehensive review and update of the North Devon and Torrridge Local Plan 2011-2031 (the “Local Plan”)¹. Reflecting on a changing context (local and national), subsequent technical work and discussions with Members, principally through the Joint Planning Policy Committee (JPPC), this report seeks to guide a review of this position.

2. REPORT

2.1 The Local Plan was adopted by Torrridge and North Devon District Councils at a joint Full Council meeting on 29 October 2018. In response to a range of local and wider influences and considerations, the Councils determined in late 2020 to undertake a comprehensive review and update of the Local Plan, and importantly to continue to work together for the purposes of plan-making. Substantive work on this project was subsequently undertaken under the auspices of the “People and Place” project, to a timetable established in an updated Local Development Scheme, as agreed by the JPPC in January 2022.

2.2 In response to further changes to the local and national context, Officers in mid-2022 were tasked with re-examining whether undertaking a comprehensive update of the Local Plan remained the most appropriate course of action. Significant matters which triggered this review included a more challenging local government financial environment, emerging proposals for national planning reforms, a reflection of the performance of the adopted Local Plan and consideration of continuing compliance with national planning policy.

2.3 An extensive programme of work was subsequently undertaken to inform Members’ decision making in respect of an appropriate approach to the review and update of the Local Plan. This work included detailed technical assessments of the Local Plan and its performance, engagement with elected Members and utilising advice and support from the Planning Advisory Service.

2.4 A detailed report on the approach to reviewing and updating the Local Plan was considered by JPPC in January 2023. This included consideration of all of the programmes of work set out above and concluded that a number of plan-making options could potentially be taken forward. Each option was supported by a summary of the principal advantages, disadvantages, and associated risks. The options considered by JPPC were:

¹ Resolution at meeting of Full Council on 14th December 2020 – see <https://democracy.torrridge.gov.uk/ieListDocuments.aspx?CIId=135&MIId=2470&Ver=4>.

- a) a package of work to support implementation of existing plan;
- b) a partial Update to the Local Plan;
- c) a complementary Development Plan Document (DPD);
- d) a comprehensive Update to the adopted Local Plan; and
- e) to prepare for the development of a new-style local plan.

2.5 Given the original decision to comprehensively review and update the Local Plan was taken by resolution of the two respective Full Councils, JPPC has passed the decision on this matter back to them, rather providing a recommendation to be considered. The full recommendation from the meeting of JPPC on 20th January 2023 to the Full Councils of Torridge and North Devon, is provided as Appendix 1 to this report. In brief, it recommends moving from undertaking a comprehensive review and update of the Local Plan to a “targeted and focused partial update”. It advocated that this be “kept under review” having regard to local and national context and that the formal review of the local plan be deferred until the resolution of a range of matters relating to national planning reforms, the five-year housing land supply position, a review of the plan period and completion of the Duty to Cooperate process.

2.6 This recommendation of JPPC was subsequently considered at a meeting of this Full Council on 30th January 2023. Discussion on the matter identified uncertainties around the scope of a partial update and the timeframe for future changes to national planning reform. In response, this Council determined that the matter should be referred back to the JPPC, with the deliberations to be reported back to a meeting of this Council in April 2023. North Devon Council considered the same recommendation at its Full Council on 22nd February 2023, whereby the JPPC recommendations were agreed, including the principle of moving forward with a partial update of the Local Plan.

A meeting of JPPC on 17th March 2023 considered the scope of what could be achieved through a partial update to the Local Plan. Through discussion, the potential limitations of a partial update were recognised, including an appreciation that it would need to be narrowly focussed. In doing so, it was acknowledged that any partial update would need to be focused principally on the detail contained in the Development Management policies and that any revisions would need to continue to fall within the scope of the Local Plan’s established vision and strategic approaches; including adopted approaches to the scale, distribution and enabled scope of development. It was also recognised that a partial update would continue with the existing plan period, running from 2011 to 2031.

2.7 Following discussion, the topic areas that were recommended by JPPC at the meeting in March 2023 to fall within the scope of a partial update included:

- First Homes ~ introduction of policy to manage this housing product;
- small sites for housing~ potential additional small-scale allocations to support SME builders;
- tourism policies~ review on scope of what is enabled through policies DM17 (attractions) and DM18 (accommodation);
- rural economic policy ~ review of the scope of what is enabled through policy DM14;
- coastal change management~ progression towards the designation of Coastal Change Management Area(s);
- fluvial change management ~ exploration of the introduction of fluvial change management area(s), continuing involvement in the EA funded DRIP project;

- climate change considerations – exploring opportunities to enhance approach towards mitigating and adapting to climate change, potentially through preparation of guidance; and
 - sites for travellers – seeking to make provision of sites to accommodate the needs of travellers.
- 2.8 Reconsideration of the progression of the Local Plan, with the benefit of JPPC’s consideration of the potential scope of a partial update, has not been undertaken as originally anticipated by this Council. The April Full Council meeting was cancelled as a consequence of its proximity to Local Elections and the subsequent Full Council meeting on 19th June was focused on the appointment of Lead Members and appointments to committees and working groups. This meeting of Full Council therefore provides the first opportunity for the Council to consider this matter.
- 2.9 From the point at which this matter was previously considered by both Councils there has been a number of significant points of change, including: a revised membership of both Councils, an altered positive position with regard to the five-year housing land supply, the continuing absence of revised national planning policy that had been expected to be in place this spring but for which there is no current published timetable and uncertainty about the potential scope and timeline for the introduction of any reforms to the plan-making regime.
- 2.10 In addition to the above, it is considered that there is a need to reflect on how a range of significant opportunities could be best supported in order to ensure that benefits are optimised and maximised in support of the area’s economic prosperity.
- 2.11 The Council, Torridge as an area and northern Devon more widely have a range of emerging opportunities that have the potential to be transformative. Focussed on the “green economy” the range of investment, programmes, projects and proposals come with significant benefits to business and employment opportunities whilst importantly delivering on the Council’s commitments to respond to the consequences of climate change. Examples of such opportunities include the evolution of agriculture, green hydrogen, marine technologies, aquaculture, onshore wind, and solar/battery storage. The Council and the area’s communities are also seeing significant inward investment through the successful Levelling Up bid funding the Clean Maritime Innovation centre at Middle Dock, Appledore and the confirmation of Torridge being identified as one of the areas to benefit from being identified to form a Levelling Up Partnership.
- 2.12 The potential benefits to the area arising from these opportunities are significant, and Members are asked to reflect on how the Local Plan may best support and enable these to facilitate and maximise benefits. In the absence of a comprehensive update or new plan, the approach of the adopted Local Plan towards these opportunities will be likely be supportive, however it will be reactive rather than being proactive.
- 2.13 In coming to a view on the scope of a plan update and carrying out a review of the existing Plan, and as per Planning Practice Guidance, the following are matters for consideration:
- conformity with national policy;
 - changes in local circumstances;
 - demonstration of a five-year housing supply;
 - appeal performance;
 - cross boundary issues; and
 - changes to social, environmental, or economic performance.

- 2.14 The work completed on reviewing the Local Plan to date, including the completion of a Planning Advisory Service Plan Review Toolkit provided that, on balance, the Local Plan remains fit for purpose. With the exception of a few areas where there have been changes to national planning policy since the Plan's adoption, it has also been found to remain in general conformity with current national planning policy. It was however recognised that there are issues that would need to be addressed through an update/review of the Local Plan, relating to revised national planning policy, any potential absence of a five-year housing supply, at the time of assessment and the consideration of changing local priorities. It was further recognised by JPPC that the Council must complete a formal review of the Local Plan, within five years from the date of adoption of the Local Plan (29th October 2018) and that this will need to be completed irrespective of how the Council determines at this time as to how to progress with an update of the Local Plan.

3. IMPLICATIONS

Legal Implications

- 3.1 Local planning authorities are required to identify their strategic priorities and have policies to address these in their development plan documents (i.e. the Local Plan), 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. The five-year period review period for the North Devon and Torridge Local Plan concludes on 29th October 2023.
- 3.2 Further legislation governs the content of local plans and prescribes, in detail the preparation process, examination and adoption. It will be necessary for any plan review/update, irrespective of scope to conform with all legislative requirements associated to the process of plan-making and the content of local plans. Changes to the plan-making process, including the introduction of a mandatory maximum 30-month preparation process, are currently being considered as part of the Levelling Up and Regeneration Bill that is progressing through Parliament.
- 3.3 Local planning authorities are currently awaiting revisions to national planning policy alongside legislative and policy changes. A revised NPPF, following consultation, was expected in spring 2023, but currently there is no updated timeframe for publication.

Financial Implications

- 3.4 Undertaking a partial or a comprehensive update of the Local Plan will be a significant undertaking for the Council with associated financial costs. In addition to officer time, there will be a range of costs associated with carrying out the required activities such as consultation, engagement and the examination of the Local Plan. There will be further costs relating to the preparation of necessary technical evidence often provided by commissioning third party specialist consultancy services.
- 3.5 The Council holds a financial reserve specifically budgeted to support plan-making activity, along with annual budget resources to support the commissioning of consultancy studies, etc. The adequacy of these will need to be determined once the scope of any update is established. Upon the determination of the approach to updating the Local Plan, the financial implications will be fully developed through a comprehensive project scoping and programming exercise, which will feed into Council's Business Plan and budget setting processes.

- 3.6 A targeted partial update is likely be less costly than carrying out a comprehensive update or preparing a new plan in the short-term, however given the proximity to the end of the plan period (2031) it will be necessary to prepare a new plan in due course and therefore over the medium-term, this approach may be more expensive overall.
- 3.7 Joint plan-making with North Devon Council provides the opportunity for financial savings due to efficiencies of scale, cost sharing and utilisation of shared expertise and resources.

Human Resources Implications

- 3.8 The review and update of the Local Plan will form the principal element of the work programme for both Torridge and North Devon's planning policy teams. Consideration of the adequacy of existing staff capacity may be contingent upon the approach to be followed and may be impacted by the outcomes of any national planning reforms that affect the required content of future plans and the associated plan-making process.

Sustainability/Biodiversity Implications

- 3.9 Section 39 of the Planning and Compulsory 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.
- 3.10 A Sustainability Appraisal will be prepared alongside a revised/updated Local Plan, which will demonstrate how the sustainability of alternative policies/site options have been assessed and considered to inform policy development.

Equality/Diversity

- 3.11 An Equality and Diversity Impact Assessment will be undertaken as part of the preparation process of the 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.

Risk Management

- 3.12 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 the timing and scope of revisions to national planning policy and wider plan-making reforms. Appropriate project management approaches will be required to be applied to this project; detailed scoping work will be undertaken following the Council's determination of the scope of an update/review of the Local Plan.

Compliance with Policies and Strategies

- 3.13 The Local Plan is a key strategy for the Council, which provides the framework for shaping how the area will develop in the future, responding to the needs and aspirations of the area's communities. Undertaking a review/update of the Local Plan will be informed by the Council's priorities, as set out in formal policies and strategies.

Data Protection

- 3.14 Appropriate arrangements will be put in place to ensure that all data protection requirements associated with the protection of personal information are adhered to.

3.15 Climate Change

- 3.16 A review and update of the Local Plan will provide an opportunity to consider how the Council should respond, through planning, to climate change. The scope of will be directed by the Councils approach to reviewing and updating the local plan and external factors, such as opportunities provided by reforms to national planning policy and environmental legislation.

Ward Member and Lead Member Views

- 3.17 Ward Members – the local plan and the approach to its update is pertinent to all wards and therefore views have not been obtained from any specific individual Ward Member.

Lead Member for Planning and Development – Cllr Rosemary Lock

“The Local Plan is a key tool that provides the Council with the opportunity to shape the future of the area and how it develops. We need to make sure that we have a local plan in place that is fit for purpose and reflects the diverse needs of our communities which are facing a range of challenges. Whilst our existing local plan is serving us well, we now need to carefully consider how we update it to ensure that it is able to deliver on our future priorities and ambitions. We must ensure that no doors are left closed which will in anyway inhibit or prevent any new innovations moving forward in what will an exciting future for the next generations of Torridge residents.”

Vice Chair, Joint Planning Policy Committee & Lead Member for – Cllr Robert Hicks

“The Council is currently presented with a range of once-in-a-lifetime opportunities that have the potential to be transformational to the area’s economy. It is essential that we make the most of these opportunities to ensure that we maximise the benefits for our communities. The local plan plays a crucial role in how the area can develop and we need to ensure that it is appropriate to positively support this transformation.”

4. CONCLUSION

- 4.1 Members are asked to consider the appropriate approach to updating the Local Plan, reflecting on the decision of this Council in 2020 alongside subsequent discussions, resolutions and recommendations from the Joint Planning Policy Committee, as set out in this report.
- 4.2 It is apparent that the context upon which previous decisions on this matter have been made has altered at both a local and national level. It is therefore appropriate that a review of this matter is undertaken by Full Council.

5. RECOMMENDATIONS

- 5.1 It is recommended that the Council determine the appropriate approach to updating the North Devon and Torridge Local Plan, whether this should be a comprehensive

review and update as per the Council's previous resolution, a partial update in line with the scope advocated by JPPC, or some alternate approach.

SUPPORTING INFORMATION

Consultations: Steve Hearse, Chief Executive
Sean Kearney, Head of Communities and Place
Staci Dorey, Head of Legal, Governance and Monitoring

Contact Officers: Helen Smith - Planning Manager
Ian Rowland – Senior Planning Policy Officer

Background Papers:

- a. [Report to Joint Planning Policy Committee](#) – Item 10 - 4th November 2022
- b. [Report to Torridge Full Council Committee](#) - Item 7 - 27th January 2023
- c. [Report to Joint Planning Policy Committee](#) – Item 6 - 17th March 2023
- d. [National Planning Policy Framework \(NPPF\)](#) – MHCLG - July 2021
- e. [Planning and Compulsory Purchase Act 2004](#) (as amended)
- f. [Town and Country \(Local Planning\) \(England\) Regulations 2012](#) (as amended)
- g. [Levelling up and Regeneration Bill: reforms to national planning policy](#) (DLUHC, December 2022)

Appendix 1

FULL COUNCIL 30 JANUARY 2023

Agenda item 9 - Local Plan Review

Recommendations from Joint Planning Policy Committee held 27 January 2023:

It was proposed by Councillor Yabsley, seconded by Councillor Worden and – Resolved:

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.