

NORTH DEVON COUNCIL AND TORRIDGE DISTRICT COUNCIL
JOINT LOCAL PLANNING POLICY COMMITTEE

Minutes of a meeting of LOCAL PLANNING POLICY COMMITTEE held at Barum Room - Brynsworthy on Friday, 17th March, 2023 at 11.00 am

PRESENT: Councillors:

North Devon Council: Councillor Prowse (Chair)
Councillors Chesters, Wilkinson, Worden and Yabsley

Torrige District Council: Councillors Hames, James, Pennington and Spear

Officers:

North Devon Council: Chief Executive (KM), Head of Place (SM),
Property and Regeneration and Planning Policy Officer (MA)

Torrige District Council: Planning and Economy Manager (SK),
Planning Manager, (IR)Senior Planning Policy Officer (IR) and
Solicitor (SD)

39. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Clarke, Councillor Cottle-Hunkin, Councillor Hackett, Councillor Lofthouse (who sent Councillor L Spear as a substitute), Councillor Tucker (who sent Councillor Wilkinson as a substitute) and Councillor Watson (who sent Councillor Pennington as a substitute).

40. TO AGREE THE MINUTES OF THE PREVIOUS MEETING HELD ON 27TH JANUARY 2023

RESOLVED that the minutes of the meeting held on 27th January 2023 (circulated previously) be approved as a correct record and signed by the Chair.

41. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

42. SCOPING A PARTIAL UPDATE OF THE NORTH DEVON AND TORRIDGE LOCAL PLAN

The Committee considered the report "Scoping a Partial Update of the North Devon and Torrige Local Plan" (circulated previously).

The Senior Planning Policy Officer (TDC) advised the Committee that:

- NDC had agreed, at their February Full Council, to the partial update of the North Devon and Torridge Local Plan 2011 – 2031 (NDTLP), but TDC had, at their January Full Council referred the proposal back to the JPPC requesting full recommendations, which would then be considered at their Full Council meeting in June 2023.
- The Local Elections in May 2023 could change the focus of the two Local Authorities and it would be necessary to keep any approach to updating the local plan under review.
- The Senior Planning Policy Officer (TDC) outlined the context of the report and the timeline for potential influences on the process, from the elections in May 2023 through to the proposed first adoption of new-style Local Plans in April 2027.

The Head of Place, Property and Regeneration (NDC) advised that:

- The topics considered capable of taking forward through a partial update had been identified using a number of sources including engagement with elected members and a technical review of the local plan.
- For each topic, scoping information was provided as part of the agenda which covered potential costs, evidence required, staffing, time-frame and value add among others. Officers provided a recommendation for each topic advising as to whether in their view it should be included within the scope of any partial update to the Local Plan.

The officers provided a summary of the report and covered the identified topics which had been divided into a range of themes. Each topic was covered, and voted on, separately.

Topic: Housing

The Head of Place, Property and Regeneration (NDC) provided the Committee with the following in relation to Housing:

- The Five Year Housing Land Supply (5YHLS) had been under review by the teams and the value of allocating small sites would be predicated on the outcome of that exercise.
- An additional requirement for First Homes as an aspect of affordable housing delivery was an opportunity beyond the existing requirements at the time the Local Plan was prepared.
- A policy to manage First Homes along with new small-scale site allocations could be considered.

In response to questions from the Committee, the Senior Planning Policy Officer advised that:

- Sites where there was reasonable prospect of build-out within the five years could be included if suitable evidence was provided.
- The Authorities were extremely mindful of viability on sites when considering development proposals, but that developers were permitted to adjust what is offered based on viability. There was a need for robust testing, and that consideration of viability in plan-making had been strengthened with the HELAA panel included a viability expert.

- There were no significant changes proposed within the new NPPF proposals that would affect these topics.
- The availability of sites for possible development within villages and their surrounding areas could be reviewed as part of this exercise.

RESOLVED that the recommendation that “First Homes and the allocation of small sites (except in relation to viability)” formed part of a partial review be agreed.

Topic: Retail and Town Centres

The Head of Place, Property and Regeneration (NDC) introduced the topic and provided the Committee with the following in relation to Retail and Town Centres:

- Policy ST12 was the main strategic policy which dealt with retail and town centres. This plan set out the hierarchy of the town centres – which could not readily be amended.
- Policies DM19 and DM20 could be updated and there might be scope for the local plan town centre allocations to be reviewed, care would be needed to not impact on wider spatial strategies.
- The Needs Assessment (2012) was significantly out of date and would require a comprehensive review in due course.
- A targeted review could be carried out although this was deemed to potentially have limited value, and recognised that development management are comfortably managing applications that come forward.

The Chair noted that the town centres had changed and this needed to be reflected within policy decisions.

RESOLVED that Policy DM19 not be updated to bring it in line with national planning policy, as on balance there was considered to be limited value in undertaking a targeted review in response to changes to the Use Class Order and enabled Permitted Development, which already guided decisions, where required, and that for decision making an updated policy would have limited value.

Topic: Tourism

The Head of Place, Property and Regeneration (NDC) provided the Committee with the following in relation to Tourism:

- There is scope to carry out a review of tourism in the rural areas and consideration of sustainable/green tourism.
- The plan’s framework for tourism was set out in ST06, ST07 and ST13.
- Development Management policies DM17 and DM18 could be considered and reviewed – to establish what was, and wasn’t working.
- The work could be undertaken ‘in-house’. This was estimated to require 12 weeks to complete.
- This work could add value to the existing Local Plan.

The Chair noted the need to work with external organisations, such as North Devon Plus, and the internal Economic Development teams within the two authorities.

In response to a question from the Committee, the Senior Planning Officer confirmed that DM17 and DM18 centred on support for attractions and accommodation. The locations, and scale of, developments which could be supported could be reviewed. Councillor Pennington stated that there was a need to consider access to countryside (eg for walks, wild camping etc) within this work, despite this not-being considered economic tourism.

RESOLVED that the recommendation that Tourism be considered but further work be undertaken to explore the concerns of members and the performance of policies DM17 and DM18 and establish whether any amendments could be made through a Partial review be agreed.

Topic: Rural Strategy- Economy

The Senior Planning Policy Officer provided the Committee with the following in relation to Rural Strategy- Economy:

- National planning policy appeared to provide scope to review how rural economic development was considered. It would be difficult to consider changes to ST07 but could potentially influence other development policies such a DM14.
- The size of development proposals allowed through policy could be considered.
- A review of DM14 within the partial review was recommended as most appropriate.

The Committee members noted that:

- Existing businesses faced problems when trying to develop to meet changing demands.
- As the world changed there was need to be able to provide support to those affected.
- Previously farming and forestry were considered the main rural enterprises but this was no longer the case.
- There were concerns about the operation of DM27 and a time limit for DM27 could be one solution.
- Supporting facilities and the age-profiles of residents within villages were concerns.
- Broadband provision was a key element required by businesses.

RESOLVED that a revision of Policy DM14 be undertaken, and a new policy be considered to guide agricultural development as part of a partial review be agreed.

Topic: Coastal Change Management Areas

The Senior Planning Policy Officer provided the Committee with the following in relation to Coastal Change Management Areas:

- Officers had worked on a wider project with external partners to define Coastal Change Management Areas (CCMAs).
- It was noted that the main 'hooks' for managing coastal change were in place in the existing local plan through ST03 and ST09.
- There was not yet a detailed policy mechanism in place for managing the issue.

- A sub-regional project was undertaken two years ago which looked to define the areas that might be at risk and to start to develop the policy approach needed. Since then, Plymouth University had been appointed to roll out this work for the remaining coastline areas.
- There was a need to continue to engage with stakeholders and that engagement with communities would be important.
- The technical evidence that had been, and was being prepared could be used as material consideration even outside of the partial update.
- Although this work was already under way it would be beneficial to include it within the scope of the partial update as it may be possible to include updated policy.

Councillor Yabsley expressed concerns that the effects of climate change were being experienced quicker than once anticipated, and that the rebuilding of Ukraine, with the huge demand for concrete, was only likely to increase this.

The Chair noted that issues were experienced both at the Braunton and Northam Burrows. He also noted that some medieval towns in the area were below the low-water level.

RESOLVED that the recommendation to include Coastal Change Management Areas in a partial update be agreed.

Topic: Fluvial Change Management Areas

The Senior Planning Policy Officer provided the Committee with the following in relation to Fluvial Change Management Areas:

- The Authorities had been invited to work with Devon County Council as part of a multi-agency project. This was part of a wider scheme with the Devon Resilience Innovation Project (DRIP).
- The project would consider applying approaches similar to those used for coastal change to watercourse catchments.
- £50k/£60k of external funding had been received to assist with costs.
- The project would run until 2027- and the timings were in line with the aspirations of the JPPC for updating the plan.

The Committee noted:

- Soil run-off should be considered.
- The need for flood-water to have space to drain.
- The benefit of allocating permanent pasture areas.

RESOLVED that the recommendation to continue with the Fluvial Change Management Areas project and, if the evidence gathering could take place within the timeframe needed to prepare and submit the partial review to the Planning Inspectorate by June 2025, then it should be included in the partial review, be agreed.

Topic: Climate Change

The Senior Planning Policy Officer provided the Committee with the following in relation to Climate Change:

- At the visioning workshops several issues related to renewable energy were raised, including concerns that ST16 was not adequate in its coverage of wind turbines and renewable energy, particularly in relation to smaller proposals that contributed to supporting the rural economy.
- The Local plan did not currently enable any on-shore wind energy development nor differentiate between small and large scale.
- There was a requirement within the existing NPPF that on-shore wind energy proposals could not be supported unless they were in areas had already been designated within a Local Plan.
- There was potential to update the strategic renewable energy policy and to consider whether there was any change required to DM08a Landscape and Seascape Charter.
- Within ST16 the ability to introduce requirements for a carbon assessment or small-scale on-plot renewables within developments would likely be challenging as it could have an impact on wider aspects of the plan due to viability, hence the suggestion to target land-based renewables.
- The landscape sensitivity assessment required a review as this was last done in 2014. Consultants would need to be commissioned to undertake this work.
- Following comments on introducing wider sustainability approaches, it was suggested that approaches on matters such as tree canopy cover could be explored.

The Committee discussed the possibility of considering Climate Change as a Supplementary Policy Document (SPD), suggesting that this could help develop approaches that could form part of the preparation for the next Local Plan.

RESOLVED that the recommendation to include Climate Change as part of a partial review be agreed.

Topic: Design Codes

The Head of Planning (TDC) provided the Committee with the following in relation to Design Codes:

- The current Local Plan is 'silent' with regard to design codes.
- The report included a summary of the existing NPPF.
- The Levelling-up and Regeneration Bill included the requirement for each Local Plan to be accompanied by an area-wide design code - to be adopted as part of the Local Plan or as an SPD.
- Neither Councils currently had a design code.
- The work could be undertaken in-house or by external consultants.
- Estimate of costs were £100k+ (based on estimate taken from a pilot scheme)
- ST04 and DM04 had a number of guiding principles.
- Design was a key component and the completion of local codes would have a positive impact, however, given the estimated costs and time involved there would be limited value of doing so via a partial review, given that a national model design code had been published.
- It might be possible to introduce 'hooks' for design codes in DM04 through a partial review.

RESOLVED that the recommendation not to include Design Codes in the partial review be agreed

Topic: Traveller Sites

The Head of Planning (TDC) provided the Committee with the following in relation to Traveller Sites:

- NDC had a temporary toleration site at Seven Brethren, Barnstaple.
- There was a need to identify suitable sites. This could be done by officers, or external consultants. The consultant costs were likely to be £30k. Estimate time to complete this works was 20 weeks.
- There was a duty under Equality legislation to provide sites.
- The risk of not identifying permanent pitches was low due to the low numbers being required.

The Committee discussed the pressures, and concerns from local residents when seeking such sites.

The Chair suggested that appointing external consultants for this work could have the added advantage of impartiality and reduce pressure on officers.

RESOLVED that the recommendation to include Traveller Sites in the partial review be agreed.

Topic: Active Travel

The Head of Planning (TDC) provided the Committee with the following in relation to Active Travel:

- Policy DM05 of the Local Plan covered highway matters.
- Paragraphs 104, 105 and 106d of Chapter 9 of the NPPF related to promoting sustainable transport.
- It was not considered that the outcomes of the LCWIP could realistically be part of a partial review, but rather for the time being the LCWIPs would form material consideration when determining planning applications.
- It was recognised that LCWIP was only available for the Barnstaple-Bideford corridor (including Northam and Fremington) and that further LCWIPs would potentially be undertaken for other areas.

The Committee considered that:

- Work would be needed regarding cycle paths – although the width of roads did sometimes result in cars parking over such paths.
- Car parking availability was an issue.
- An invite would be given to DCC highways to attend future JPPC meetings.

RESOLVED that the recommendation not to include Active Travel in the partial review be agreed.

43. DATES OF FUTURE MEETINGS

RESOLVED that the proposed dates for future meetings (16th June 2023, 22nd September 2023, 8th December 2023 and 15th March 2024) be agreed.

Chairman

The meeting ended at 1.10 pm

