

CABINET

10 May 2018

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

LOCAL DEVELOPMENT SCHEME

Portfolio Holder Cllr Richard Chesterton
Responsible Officer Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To approve a revised timetable (Local Development Scheme) for the preparation of the Mid Devon Local Plan Review and the Greater Exeter Strategic Plan.

RECOMMENDATIONS:

That Cabinet approves the new Local Development Scheme (LDS) in Appendix 1 which will have effect from 18th May 2018 and that this is published on the Council's website.

Relationship to Corporate Plan: The new LDS, appended to this report, sets out a revised timetable for the preparation of the Mid Devon Local Plan Review 2013-2033 and also for the Greater Exeter Strategic Plan. The new Local Plan will set the strategy for guiding new development in the district, allocating sites for housing, employment and retail uses, the provision of infrastructure, as well as policies for the protection of the environment and managing development. The Greater Exeter Strategic Plan (GESP) will set out a shared vision, strategic policies and proposals for development and conservation in the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge up to 2040. These plans will help meet the Corporate Plan priorities: 'Economy', 'Homes', 'Community' and 'Environment'.

Financial Implications: The report itself has no direct financial implications, however the preparation of planning policy documents have associated production costs. There is currently a budget for the examination of the Local Plan and production of the Greater Exeter Strategic Plan within the planning service.

Legal Implications: A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 as amended by Section 111 of the Localism Act 2011. It must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publicly and kept up to date.

Risk Assessment: The Local Plan Review was submitted in March 2017 and is currently subject to examination prior to adoption. It could be subject to challenge during the examination process, if it can be demonstrated that it was not drawn up in compliance with the LDS. The proposed LDS provides an accurate, updated timetable for the production of development plans.

1.0 Introduction

- 1.1 Local Planning Authorities are required to prepare and keep up to date a development plan for their area. It is important that the development plan is kept up to date to ensure that it reflects recent changes in the planning system, the Council's current corporate objectives and provides a sound basis for decision making. Therefore a project plan needs to be put in place to ensure the review is completed efficiently.
- 1.2 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires local authorities to prepare and maintain a LDS for the district. The LDS provides interested people and organisations with the Council's project plan for the preparation of local development documents. The Council's adherence to the LDS is part of the legal compliance check applied to Local Plans at their examinations.
- 1.3 The purpose of this report is to present a revised version of the LDS which takes account of the adjournment of examination hearings for the Mid Devon Local Plan Review that were scheduled to commence in September 2017, and additional time needed for the preparation of the Greater Exeter Strategic Plan to reach the Draft Plan Consultation Stage.

2.0 Mid Devon Local Plan Review and Greater Exeter Strategic Plan

Mid Devon Local Plan Review

- 2.1 Hearings for the examination of the Mid Devon Local Plan Review were due to be held on 26th and 27th September 2017. The Council requested the Planning Inspectorate to adjourn these hearings so that it could commission an independent assessment of the Sustainability Appraisal of proposed modifications made to the submission plan. The Council considered that this precautionary additional work would benefit the Local Plan Examination, aid the Inspector's decision making and give additional assurance of all hearing participants and the public that a fair and thorough assessment had been undertaken.
- 2.2 The independent assessment was completed in January 2018 and considered the Sustainability Appraisal of proposed modifications to be proportionate and appropriate to meet the legal requirements. Changes to the Sustainability Appraisal Update (2017) were recommended by the independent consultants to improve the clarity of this document.
- 2.3 The Council considered the findings of the assessment and the next steps for the Local Plan Review at meetings of the Cabinet on 9th February 2018 and Full Council on 21st February 2018.
- 2.4 A six week consultation was undertaken on the proposed changes to the Sustainability Appraisal 28 February – 11 April 2018. The independent assessment, changes to the Sustainability Appraisal and responses to the consultation will be submitted to the Inspector who will set revised hearing dates in due course.

Greater Exeter Strategic Plan (GESP)

- 2.5 The preparation of the GESP has been held up by a number of factors, the main ones being as follows:
- Significant and ongoing review of national planning and housing policies, commencing with the Housing White Paper and most recently involving a draft revised NPPF and associated Practice Guidance. These documents include amendments to the five year supply approach, a new housing “delivery test” and changes to the way housing need is calculated.
 - A very high response to the “call for sites” with over 700 sites made available, which needed to be assessed and considered via the HELAA (Housing and Employment Land Availability Assessment) process.
 - The need to resolve complex transport issues associated with the plan, particularly in the Exeter area, including extensive modelling, roadside interviews and scheme assessment. This work is still ongoing and will inform a key element of the GESP strategy.
- 2.6 It is not expected that the transport work will be ready before the end of 2018, given the complexities and in particular the need to ensure that Highways England are content with the work. The NPPF review is expected to be complete in the summer of 2018. These factors mean that the draft plan is not likely to be ready before spring 2019. In order to avoid issues of ‘purdah’ associated with the local elections in May 2019 it is therefore now proposed that the draft plan should be published in June 2019. An 8 week consultation period is allowed for (subject to approval of the Statement of Community Involvement for the GESP), longer than the normal 6 weeks referred to in the regulations.
- 2.7 Allowing for the various legal and other requirements of plan making, the proposed LDS sets publication/proposed submission in September 2020, plan submission in February 2021 and adoption in December 2021.
- 2.8 Each of the other local planning authorities preparing GESPs have taken or will be taking a report to update their LDS which contains an identical timetable and section on the GESPs.
- 3.0 **Groups Consulted**
- 3.1 The Planning Policy Advisory Group (PPAG) were advised of the timings within the new LDS at its meeting held on 1st May 2018.
- 4.0 **Approval of the LDS**
- 4.1 The Cabinet Report of 9th June 2016 ‘Planning policy documents for consideration by the Planning Policy Advisory Group, Cabinet and Council’ states that Cabinet is the only body that needs to give approval to the adoption of a new LDS. There is no longer a requirement for the LDS to be signed off by the Secretary of State. If approved, the new LDS will be published on the Council’s website.

4.2 It is recommended that the LDS is approved, is published on the Council's website and will have effect from Friday 18th May 2018.

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Circulation of the Report: Councillor Richard Chesterton, Leadership Team

List of Background Papers: The previous LDS can be viewed on the Mid Devon website by following this link:

<https://www.middevon.gov.uk/residents/planning-policy/local-development-scheme/>

Mid Devon District Council Local Development Scheme – 18th May 2018

1. INTRODUCTION

1.1 Mid Devon District Council is required to prepare and maintain a Local Development Scheme (LDS) for the district. The LDS provides interested people and organisations with the Council's project plan for the preparation of local development documents. The Planning and Compulsory Purchase Act 2004 states that the LDS must specify:

- The local development documents which are to be 'development plan documents'
- The subject matter and geographical area to which each development plan document relates
- The timetable for preparation and revision of the development plan documents

1.2 Local authorities can update their LDS at such times as considered appropriate. The previous Mid Devon version has been in place since November 2016.

2. THE LOCAL PLAN

2.1 The National Planning Policy Framework (NPPF) states that Local Plans are key to delivering sustainable development and that local authorities should produce a Local Plan for their area. The Local Plan can then be reviewed in whole or in part to respond flexibly to changing circumstances.

2.2 Mid Devon's Local Plan is currently made up of three parts, all of which are development plan documents. The three documents are:

Document	Adopted	Scope	Subject matter
Local Plan Part 1 - Core Strategy 2006 to 2026	July 2007	Mid Devon	The Core Strategy is part 1 of the district's Local Plan. It was adopted in accordance with the timetable set out in the Council's first Local Development Scheme. It sets out a spatial strategy and strategic policies for Mid Devon and its settlements.
Local Plan Part 2 – Allocations and Infrastructure Development Plan Document (AIDPD)	October 2010	Mid Devon	The AIDPD is part 2 of the district's Local Plan. It allocates sites for housing, retail and employment development, whilst setting necessary infrastructure requirements, with policies on the Community Infrastructure Levy, public open space, affordable housing, education provision, green infrastructure and carbon footprint reduction.
Local Plan Part 3 – Development management policies (LP3)	October 2013	Mid Devon	LP3 is part 3 of the district's Local Plan. It provides the detailed development control policies to deal with the specifics of planning applications

2.3 Devon County Council has a strategic planning role and is responsible for minerals and waste planning in Devon including the production of mineral and waste plans. The Devon Minerals and Waste Plan is currently made up of two parts which are development plan documents. The two documents are:

Document	Adopted	Scope	Subject matter
Devon Minerals Plan 2011-2033	February 2017	Devon	The Devon Minerals Plan contains the Council's vision and objectives for minerals planning and provides the policy framework and site proposals to maintain the supply of minerals and limit the impacts of their working.
Devon Waste Plan	December 2014	Devon	The role of the Devon Waste Plan is to establish the overarching principles and policy direction for waste planning in Devon, it also identifies strategic sites for energy recovery across the County and a series of planning policies for making decisions on planning applications. The Plan covers the period to 2031.

2.4 Neighbourhood Plans were introduced through the Localism Act 2011. Neighbourhood Plans are a community-led framework for guiding the future development and growth of an area which conform to the strategic policies of the Local Plan. Neighbourhood Plans, once 'made' will be adopted as part of the overall development plan. The following Neighbourhood Plans are currently under development within the Mid Devon area:

- Crediton Neighbourhood Plan
- Cullompton Neighbourhood Plan
- Silverton Neighbourhood Plan
- Tiverton and Halberton Neighbourhood Plan

2.5 Supplementary Planning Documents (SPDs) are not part of the Local Plan, nor are they considered to be development plan documents. Therefore, information on their production is not set out within the LDS. Instead, such information can be found on the Mid Devon website at <https://new.middevon.gov.uk/planning-policy/supplementary-planning-documents/>.

3.0 NEW LOCAL PLAN

Local Plan Review (Core Strategy, AIDPD and LP3)

Adoption Target: 2018

3.1 The existing Core Strategy has been in place for approximately eleven years and the AIDPD for eight years. A review process began prior to the adoption of LP3 in October 2013 to reflect the need to adhere to the provisions of the National Planning Policy Framework. This review process includes all strategic policies and allocations for the district, and incorporates development management policies such as those in LP3. The updated document will replace the existing Core Strategy, the AIDPD and LP3 to produce a single Local Plan for the district (effectively a review of parts 1, 2 and 3 of the current Local Plan). The new document will extend the time period of the plan to 2033.

3.2 The reviewed Local Plan will contain:

- Strategic policies guiding housing, employment and retail distribution across the district;
- The development focus for each of the three towns of Tiverton, Crediton and Cullompton, the villages of the district and the open countryside;
- Site allocations for housing, employment, retail development, community facilities and infrastructure; and
- Development management policies.

3.3 The evidence base for the Local Plan includes a Strategic Housing Land Availability Assessment, Strategic Housing Market Assessment, Open Space and Play Area Strategy, Viability Assessment, Gypsy and Traveller Accommodation Assessment, Renewable and Low Carbon Energy Screening Study, Landscape Character Assessment, Habitat Regulations Assessment, Transport Assessment, Town and Village Character Assessment, Retail Study, Employment Land Review, Infrastructure Delivery Plan and Strategic Flood Risk Assessment. A Community Infrastructure Levy charging schedule has also been produced alongside the Local Plan review.

3.4 Coverage: Mid Devon District (excluding part of the district within the parish of Cheriton Bishop that is situated within the Dartmoor National Park. The Dartmoor National Park Authority is responsible for preparing a Local Plan for the Dartmoor National Park area).

3.5 Conformity: the document will be produced in conformity with the National Planning Policy Framework.

3.6 The following table sets out the timetable for production and adoption of the Local Plan review:

Stage	Date
Sustainability Appraisal Scoping	May 2013 (completed)
Preparation Stage Consultation	January 2014 (completed)
Publication Stage Consultation	February – April 2015 (completed)
Modifications Consultation	January – February 2017 (completed)
Submission	March 2017 (completed)
Hearings	July – September 2018*
Adoption	December 2018*
Review	2020

*subject to hearing dates set by the Planning Inspectorate and receipt of the Inspector’s report.

4.0 Greater Exeter Strategic Plan

4.1 The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:

- set an overall vision and strategy for the development of the area in the context of national and other high level policy;
- include overarching, cross-boundary and strategic targets, policies and proposals for development and conservation;
- guide the overall level and distribution of development;
- make strategic development and infrastructure proposals;
- contain other strategic policies necessary to implement the vision and strategy; and
- cover the period 2020 to 2040.

4.2 Once adopted it will supersede specific strategic parts of the East Devon Local Plan, Exeter Core Strategy, Exeter Local Plan, Mid Devon Local Plan, Teignbridge Local Plan and any other Development Plan Documents as necessary.

4.3 The following table sets out the timetable for production and adoption of the document:

Stage	Date
Issues Consultation	February 2017 (completed)
Draft Plan Consultation	June 2019
Publication (Proposed Submission)	September 2020
Submission	March 2021
Hearings	May 2021
Adoption	December 2021

5.0 PROGRESS REPORTING

5.1 The Council produces an Annual Monitoring Report (AMR) in December each year, covering the 'monitoring year' (of the preceding April-March period). The AMR sets out the list of documents that are included within the LDS, their timetable for preparation, the stage they are currently at, and if they are behind schedule the reasons for this.

5.2 The AMR is made available on the Mid Devon website and can be seen at:

<https://new.middevon.gov.uk/planning-policy/monitoring/>

6.0 IMPLEMENTATION

6.1 This LDS will have effect from 18th May 2018.

7.0 REVIEW

7.1 The Planning and Compulsory Purchase Act 2004 states that local authorities can revise their LDS at such times as they consider appropriate. The Mid Devon District Council website will be updated to set out if the LDS has been subject to further revision. Proposed changes are subject to ratification by Cabinet.