

CABINET

22 November 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 2013 – 2033, the Greater Exeter Strategic Plan and a new Local Plan for Mid Devon.

RECOMMENDATIONS:

That Cabinet approves the new Local Development Scheme (LDS) in Appendix 1 which will have effect from 30 November 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. It also includes the timetable for the Greater Exeter Strategic Plan and also a timetable for a new Local Plan for Mid Devon that will eventually replace the Mid Devon Local Plan Review 2013-2033. The Local Plan Review 2013 - 2033 and will set the strategy for guiding new development in the district, allocating sites for housing, employment and retail uses and 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. The new Local Plan for Mid Devon will sit alongside the Greater Exeter Strategic Plan and adopted Neighbourhood Plans, and will include both strategic policies (other than those included in the Greater Exeter Strategic Plan) and non-strategic policies for the use and development of land and buildings in Mid Devon. 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. Budgetary provision will be earmarked for the preparation of a new Local Plan for Mid Devon in future budgets.

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.

Equality Impact Assessment: The Local Development Scheme sets out the Council's project plan and timescales for the development of local development documents. It would not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the 'protected characteristics'). The Local Plan Review was subject to a full Equalities Impact Assessment.

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. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 has introduced a legal requirement to review local development documents within certain time periods. In respect of a local plan, a review must be completed every five years, starting from the date of adoption of the local plan. Consequently, this LDS review incorporates an indicative timescale for the production of a new local plan post-adoption of the Local Plan Review 2013 – 2033.
- 1.3 The purpose of this report is to present a revised version of the LDS which takes account of the preliminary examination hearings that took place in September 2018 and to incorporate the forthcoming main examination hearings into the remainder of the Plan.

2.0 The Local Plan Review 2013 - 2033, the Greater Exeter Strategic Plan and a new Local Plan for Mid Devon

Mid Devon Local Plan Review 2013 - 2033

- 2.1 Preliminary Hearings for the examination of the Mid Devon Local Plan Review took place on the 20 and 21 September 2018. During these hearings, the Inspector considered the proposed allocations at Junction 27 of the M5 and two associated additional housing sites at Blundell's School, Tiverton and Higher Town, Sampford Peverell. The Council has now received a letter from the Inspector clarifying the situation in relation to those policies. Broadly, the

Inspector considers there is no 'in principle' difficulty with Policy J27 but wishes to address the precise wording of the policy in one of the Main Hearings. In addition, the Inspector is content that the Council's conclusion that development of the site at SP2 could take place with very little or no harmful impact on the setting or the significance of the Grand Western Canal Conservation Area is not an unreasonable one. The Inspector does not share the view, expressed by some, that the process by which the site was selected over others was flawed. However, the Inspector has indicated his intention to return to the detailed wording of the policy in one of the Main Hearings. The Inspector further considers that the allocation of the Policy TIV16 Blundells School is soundly based and there is no need for a tie within it to Policy J27.

- 2.2 The Inspector will now identify a series of "Matters and Issues" which are questions about the policies and content of the plan, and make these available in early December 2018. At the time of writing this report it is envisaged that the Main Hearings into the remainder of the Plan will take place in February 2019. It is to be noted that this is currently subject to confirmation from the Inspector and is envisaged that these will take place over 6 sitting days, over two consecutive weeks.

Greater Exeter Strategic Plan (GESP)

- 2.3 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, including the revised National Planning Policy Framework 2018. This includes 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 to ensure that Highways England are content with the work. This work is still ongoing and will inform a key element of the GESP strategy.
- 2.4 There is also still some uncertainty with regards to the interpretation of the new NPPF given that much of the Government's Planning Practice Guidance has yet to be updated. These factors mean that draft policies and site options are not likely to be ready before June 2019. The full draft plan will be published in November 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. This timetable also allows for an additional stage of consultation during the plan preparation process.
- 2.5 Allowing for the various legal and other requirements of plan making, the proposed LDS sets publication/proposed submission in February 2021, plan submission in July 2021 and adoption in April 2022.

New Mid Devon Local Plan

- 2.6 As set out in paragraph 1.2, there is now a legal requirement for councils to complete a review of their local development documents every five years. The procedure for preparing a local plan requires the development of a robust evidence base, extensive public consultation and detailed consideration of economic, social and environmental issues facing the area. Therefore a project plan needs to be put in place to ensure the review is completed efficiently.
- 2.7 A review will also be required as the Greater Exeter Strategic Plan reaches more advanced stages of preparation. The GESP will be a formal statutory document, providing the overall spatial strategy and level of housing and employment land to be provided in the period to 2040. The document will provide the high level strategic planning policy framework for the area and will therefore supersede specified parts of the Mid Devon Local Plan Review 2013 – 2033. This will create a need for a future review to identify other strategic policies and also non-strategic policies for the use and development of land and buildings in Mid Devon.
- 2.8 An indicative timetable for a new Local Plan for Mid Devon is provided in Appendix 1 (Section 5.0).

3.0 Groups Consulted

- 3.1 The Planning Policy Advisory Group (PPAG) were advised of the timings within the new LDS. No comments on the contents of this report were received.

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 30th November 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/>

Inspector's Letter to Council 29 October 2018:

<https://www.middevon.gov.uk/media/346288/id08-mid-devon-local-plan-examination-inspectors-letter-29oct2018.pdf>

Appendix 1: Local Development Scheme (November 2018)

Mid Devon District Council

Local Development Scheme – 30 November 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 May 2018.
- 1.3 The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 has introduced the requirement to review local development documents within certain time periods. In respect of local plans, a review must be completed every five years, starting from the date of adoption of the local plan. Consequently, this LDS incorporates an indicative timescale for the production of a new local plan post-adoption of the Local Plan Review 2013 - 2033.

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	October 2010	Mid Devon	The AIDPD is part 2 of the District's Local Plan. It allocates sites for housing, retail and employment development,

Development Plan Document (AIDPD)			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 County 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 Neighbourhood Plan

2.5 Supplementary Planning Documents (SPDs) are not part of the Local Plan, nor are they 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 LOCAL PLAN REVIEW 2013 - 2033

Local Plan Review (Core Strategy, AIDPD and LP3)

Adoption Target: 2019

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 NPPF. 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 NPPF.

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	September 2018 (Preliminary hearings completed) – Main Hearings February 2019

Adoption	July – September 2019*
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 2004. 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 policies and site options	June 2019
Draft Plan Consultation	November 2019
Publication (Proposed Submission)	February 2021
Submission	July 2021
Hearings	September 2021
Adoption	April 2022

5.0 NEW LOCAL PLAN

5.1 A new Local Plan will be prepared following the adoption of the Local Plan Review 2013 – 2033. This new Local Plan will cover Mid Devon District (excluding part of the district within the Dartmoor National Park). Once adopted, it will form part of the Development Plan for Mid Devon together with other development plans (once adopted) including the Greater Exeter Strategic Plan, Devon Minerals and Waste Local Plans and Neighbourhood Plans. The new Local Plan will include strategic policies (other than those included in the Greater Exeter Strategic Plan) and non-strategic policies for the use and development of land and buildings in Mid Devon.

5.2 The new Local Plan, once adopted, will supersede specified parts of allocations, infrastructure and development management policies within the Local Plan Review 2013 - 2033. The Greater Exeter Strategic Plan will provide the overall vision and strategy for development in Mid Devon.

- 5.3 The following table sets out the timetable for production and adoption of the document, which is subject to the successful achievement of the Greater Exeter Strategic Plan:

Stage	Date
Issues Consultation	September 2020
Draft Plan Consultation	September 2021
Publication (Proposed Submission)	September 2022
Submission	December 2022
Hearings	May 2023
Adoption	November 2023

6.0 PROGRESS REPORTING

- 6.1 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.

- 6.2 The AMR is made available on the Mid Devon website and can be seen at:
<https://new.middevon.gov.uk/planning-policy/monitoring/>

7.0 IMPLEMENTATION

- 7.1 This LDS will have effect from 30 November 2018.

8.0 REVIEW

- 8.1 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.

