

CABINET

4TH FEBRUARY 2021

REPORT OF HEAD OF PLANNING, ECONOMY AND REGENERATION

NEW MID DEVON LOCAL PLAN

Cabinet Member(s): Councillor Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To consider options available to Council for the scope, approach and timetable for the preparation of a new Local Plan for Mid Devon.

RECOMMENDATION:

That Cabinet approves:

The preparation of a new Local Plan for Mid Devon following the approach set out in Option 6b: Full Local Plan (enhanced consultation) together with Option 3: Non-statutory interim policy statement on planning for the climate emergency set out in Table 1.

Financial Implications: Local Plan preparation includes the commissioning of evidence to inform it as well as the formal examination in public by a Planning Inspector. These will come at a cost to the Council and are budgeted for through earmarked reserves that are set aside annually specifically for plan making. In this way the cost of statutory plan making is spread across financial years rather than disproportionately impacting on some financial years more than others.

Legal Implications: Regulation 4 (amendment of Regulation 10A) of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, exercises the powers of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Act 2017, and places a requirement for a review of the Local Plan to be completed every five years starting from the date of the adoption of the Local Plan. The current Mid Devon Local Plan was adopted on 29th July 2020.

Risk Assessment: A Local Plan review can take up to five years to complete. A decision to not commence a review of the Local Plan, or a delay to do so, will increase the prospect of the existing Local Plan becoming out of date but without a new Local Plan to replace it to maintain a 5 year supply of housing sites and up to date planning policies for the district. A consequence would be the district being more vulnerable to speculative planning applications promoting development in locations the Council has not identified for sustainable growth.

Budget and Policy Framework: The preparation of a new Local Plan will have significant associated production costs, potentially about £500,000, to include the gathering of evidence, technical studies, key stages of public engagement and independent examination. Budget provision has been provided for this statutory function with the use of earmarked reserves, which will be reviewed as the preparation of the Local Plan is progressed.

Equality Impact Assessment: The recommendations will have no direct impact on equalities. The preparation of a new Local Plan will be subject to a separate Equalities Impact Assessment.

Relationship to Corporate Plan: The preparation of a new Local Plan is a key corporate priority and will help the Council achieve its four Corporate Plan priorities - Homes, Environment, Community and Economy. The Local Plan Review will form the legal basis for determining planning proposals, once it has been adopted, and as a vehicle to realise a range of corporate priorities.

Impact on Climate Change: The Local Plan will be prepared within a legal framework and national planning policy that has at its heart the principle of sustainable development and policies to help address climate change through the development and use of land. The recommended non-statutory interim policy statement on planning for the climate emergency would provide material consideration to planning applications and could provide an opportunity to reinforce existing Local Plan policies taking into account recent climate emergency declarations and associated net-zero Devon evidence.

1.0 Introduction/Background

Context

- 1.1 The Mid Devon Local Plan Review 2013 – 2033 was adopted by the Council on 29th July 2020 and carries full weight for the determination of planning applications as part of the statutory development plan for the district (excluding the part situated within the Dartmoor National Park).
- 1.2 The Council is required to keep its Local Plan up to date with a cycle of plan review and updates a minimum of every five years. There is a need to begin a review of the adopted Local Plan as soon as practicable and to prepare a new Local Plan for Mid Devon. This new Local Plan must be legally compliant, meet statutory tests, be consistent with national planning policy, and provide the basis for meeting the development needs of the district for a minimum period of 15 years from its adoption.
- 1.3 The Development Plan for Mid Devon (outside the Dartmoor National Park) will include the adopted Mid Devon Local Plan, the adopted Devon Minerals and Waste Plans and Neighbourhood Development Plans (once these have been 'made' and adopted by the Council following their referendum).

- 1.4 Members will recall that as part of the Council's consideration of proposed main modifications to the Mid Devon Local Plan at its meeting on 4th December 2019 (minute 99), the substantive motion that was carried included the proviso:

"In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme"

The site allocation subject to Policy SP2 (Higher Town, Sampford Peverell) remains subject to a live planning appeal and a decision is awaited on this from the Planning Inspectorate.

Strategic planning and duty to cooperate

- 1.5 On 3rd December 2020 (Minute 268) the Cabinet approved a recommendation to Council to support in principle the production of a joint non-statutory plan, to include a joint strategy and infrastructure matters, for the Greater Exeter area in partnership with Exeter, East Devon, Teignbridge and Devon County Councils. This follows previous decisions by East Devon District Council to withdraw from working on the Greater Exeter Strategic Plan and this Council's resolution to prepare a revised joint strategic plan. The Council considered and approved the Cabinet's recommendation at its meeting on 6th January 2021.
- 1.6 A joint non-statutory plan can provide an opportunity to agree a positive framework for cross-boundary matters and a co-ordinated response to Greater Exeter area's strategic economic, climate, housing, environmental and infrastructure issues to help secure central government investment. However, it will not be a statutory development plan or be binding on each Council. Each Council will still be required to prepare its own Local Plan, which will need to make provision for the assessed housing and other development needs of their administrative area through making site allocations and setting out local planning policies.
- 1.7 The preparation of a joint non-statutory plan and a new Local Plan will help the Council discharge the requirements of the current duty to cooperate with other councils and prescribed bodies, on strategic matters that cross administrative boundaries. At time of writing this duty to cooperate is still in place. Whilst the Government has indicated in the recent White Paper an intent to remove this requirement, the outcome of the recent consultation process is not known at this time and if removed, it is expected that measures will still be needed to plan for cross-boundary issues.

Culm Garden Village

- 1.8 The decision not to progress the preparation of the Greater Exeter Strategic Plan means that an alternative approach is needed to incorporate emerging

proposals for the Culm Garden Village in a development plan which will provide the statutory planning basis for the scheme. This could include a potential Local Development Order, a free-standing development plan document, or as part of a single new Local Plan document for Mid Devon. The merits of each approach are weighed up through an appraisal of options available to the Council to prepare a new Local Plan (see section 2.0 to this report) taking into account our current thinking around the Culm Garden Village, understanding of planning legislation and national planning policy, and the proposed planning reforms.

Reforms to the planning system

- 1.9 The Government published its White Paper “Planning for the Future” in August 2020 for consultation. This sets out plans to undertake a wide-ranging and fundamental reform of the planning system, including the plan-making process, promoting greater use of digital data, strengthening focus on design quality and environmental outcomes and introducing a new infrastructure levy. The reforms would see the role of land use plans to be simplified through:
- The identification of three types of land: ‘growth areas’, ‘renewal areas’ and ‘areas that are protected’;
 - The introduction of a single statutory ‘sustainable development’ test replacing the tests of soundness and the duty to co-operate;
 - Development management policies established at a national scale;
 - A requirement to complete plans within 30 months;
 - A revised standard method for establishing housing requirements;
 - Being visual, map-based, standardised, based on the latest digital technology and supported by a new template.
- 1.10 The White Paper was the subject of a report considered by the Cabinet on 1st October 2020 (Minute 238) and the Council’s response to the consultation was submitted to the Government on 26th October 2020.
- 1.11 It is expected the Government will publish a response in the Spring 2021 setting out its decisions on the proposed way forward including preparing for legislation, should the Government so decide in the Autumn of 2021. Initial work will focus on developing the next level of policy detail, having considered the consultation responses received. It is understood the reforms will take a few years to implement. While the White Paper has introduced some uncertainty about how plans will be prepared in the future the Government (including the Chief Planner’s newsletters October and December 2020) has strongly encouraged local authorities to continue the preparation and adoption of local plans and not to delay this in the expectation of future planning reforms. The Minister of State for Housing has since written to Local Authorities in January 2021 and has issued a press release to remind of the continued importance of maintaining progress on producing up-to-date Local Plans.
- 1.12 Officers believe that the introduction of reforms is likely to include a transition period for plans in preparation (potentially where already submitted for

examination) to continue to be progressed under the current legal framework and following national planning policy and practice guidance.

2.0 Options available to prepare a new Local Plan

Legal framework, and National Planning Policy

- 2.1 The current legal framework for preparing a Local Plan is principally through the Planning and Compulsory Purchase Act 2004 (as amended), The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Neighbourhood Planning Act 2017. Broadly, these cover the form, scope and statutory process for preparing Local Plans.
- 2.2 Local Plans are at the heart of the planning system and are the main consideration in deciding local planning applications. The Local Plan guides decisions on future development proposals and addresses the needs and opportunities of the area. Topics that Local Plans usually cover include housing, employment, heritage and the environment and they also identify where development should take place and areas where development should be restricted. They typically include strategic policies which set out the overall strategy of the area, development management policies which set out the detail of managing sustainable development in line with the strategic policies and site allocations which identify areas of land suitable for housing, employment and other uses. Alongside this a policies map is also produced which illustrates geographically the policies of the Local Plan
- 2.3 To produce a Local Plan there are two formal stages of consultation. Regulation 18 which requires an authority to contact interested bodies and individuals seeking their views on what a plan ought to contain. Responses received at this stage are taken into account in developing the plan. Following this, the next formal legally defined stage is Regulation 19 where the plan which the Council believes should be the final definitive plan, is published and comments are invited. This plan, comments received on it and supporting evidence is then submitted to the Secretary of State (in practice sent to the Planning Inspectorate) for examination. There is no legal requirement to produce and consult on a draft plan, but it is good practice to do so. It provides an opportunity for stakeholders and members of the public to see a draft of the plan alongside options available and in undertaking this stage matters of concern that may be raised can be responded to before a final plan is produced. A draft plan and its consultation would fall between Regulation 18 and Regulation 19 stages and it would be the Council's choice to do this work.
- 2.4 The National Planning Policy Framework 2019 (NPPF) makes clear the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings. The development plan must include strategic policies to address the Council's

priorities for the development and use of land in its area, and policies to address non-strategic matters.

- 2.5 While the Act and Regulations set out the legal requirements for plan making, there is flexibility for what plans may look like, which could for example involve local plans being prepared jointly by authorities working together. At this stage following the discontinuation of work on the Greater Exeter Strategic Plan, the Council has not been approached by another Council to prepare a joint statutory local plan.

Appraisal of 6 Options

- 2.6 Officers have undertaken an appraisal of 6 options (some including sub-options) that are available to the Council for progressing the preparation of a new Local Plan for Mid Devon, which are presented in this report for consideration by Members. The 6 options and sub-options are set out below in **Table 1** and broadly follow a sliding scale from an assessment of the current adopted Local Plan and no review being necessary, to a partial plan review, and a full plan review. The options also include different approaches to preparing plan documents for Mid Devon, which may be thematic (climate strategy and action plan) or area / place specific (e.g. main towns, rural area and Local Development Order) and where complete plan coverage for the district may be achieved through there being more than one development plan document. Some of the options could be undertaken alongside other options. Our conclusions on these options are based on our current understanding of relevant circumstances including statutory requirements and the status of key projects such as the Culm Garden Village.
- 2.7 The appraisal is supplemented by a more detailed assessment of the timetables for three alternative approaches for a full plan review achieved through a single Local Plan document. The appraisal of these three alternative approaches is set out in **Table 2** below. This shows that the time needed to complete a full plan review will be affected by the level of public engagement that is built into the plan making process. While Regulation 18 (issues stage) and Regulation 19 (publication stage) are mandatory and require public consultation (as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012) the inclusion of a draft policies and site options stage is optional and would protract the plan making timetable.

Non-statutory interim policy statement on planning for the climate emergency

- 2.8 The adopted Local Plan has been prepared in the context of the 2012 National Planning Policy Framework and was examined under transitional arrangements. Its content pre-dates more recent national planning policy, the Council's adoption of the Devon Climate Change Declaration (26th June 2019, item 18), and also technical evidence and policy formulation intended for the Greater Exeter Strategic Plan.

- 2.9 The preparation of a new Local Plan can include more up to date policies consistent with the current 2019 National Planning Policy Framework to help mitigate the impacts of climate change and move towards zero carbon, through a spatial strategy for the distribution of growth and managing the development and use of land and buildings. However, the preparation of a new local plan through a full plan review can take up to five years to complete.
- 2.10 Somerset West and Taunton Council has recently published a draft “Climate Positive Planning: Interim Policy Statement on Planning for the Climate Emergency”. This interim policy statement does not form part of the statutory plan, alter existing or set new planning policy, but is intended to clarify existing planning policy requirements for the assessment of development proposals. Officers consider there may be scope for a similar interim policy statement for Mid Devon, which can be capable of being a material consideration to supplement policies in the adopted Local Plan (i.e. Policy S1 Sustainable Development Priorities) and also help inform the preparation of a new Local Plan. An interim policy statement might include guidance in relation to promoting sustainable transport (e.g. walking and cycling), supporting high quality communications infrastructure, and also increasing the use and supply of renewable and low carbon energy. Further work will be needed to investigate the scope of content and detail of an interim policy statement, where these can relate to policy hooks in the adopted Local Plan. An interim policy statement could be progressed alongside the preparation of a new Local Plan. However, the Forward Planning team would need support from the Council’s new post of Climate and Sustainability Specialist, so that it can remain focused on the preparation of a new Local Plan and that this work is not delayed.

Public engagement

- 2.11 The Council’s Statement of Community Involvement (most recently updated in July 2020 and approved by the Council on the 26th August 2020, Minute 213) sets out in more detail the approach for public engagement in plan making in Mid Devon which is to be both accessible and inclusive. It is envisaged that any option taken forward for plan making can involve greater use of digital engagement tools to complement face-to-face meetings, workshops, exhibitions and drop-in events as part of a blended approach to facilitating public engagement subject to the staffing and technological resources available.

Recommended approach for plan making

- 2.12 The appraisal has helped officers identify an approach for preparing a new plan for Mid Devon (**Option 6b: Full Local Plan (enhanced consultation) together with Option 3: Non-statutory interim policy statement on planning for the climate emergency** which is recommended for approval by the Cabinet. Option 6b is recommended at this time since it will provide a comprehensive district-wide coverage of strategic and local policies, with the greatest opportunity for public engagement within the context of the resources currently available. Option 3 is also recommended since it would bring forward

most up to date thinking around addressing climate change to assist decision making alongside the policies of the recently adopted Mid Devon Local Plan, and in doing so help accelerate Members' aspirations to introduce measures through the planning process to help address the climate emergency. Although Option 3 would carry limited weight, it is capable of being a material consideration for the purpose of planning decisions. It can also be used to help evidence policies in a new Local Plan for the district. It therefore provides a means to enhance the position of the Council in negotiating and determining planning applications whilst the formal policy position is updated through the preparation of the new Local Plan. Option 3 may be achieved without delaying the preparation of the new Local Plan through resourcing in the form of support from Council's new post of Climate and Sustainability Specialist.

Table 1. Six options for preparing a new Local Plan for Mid Devon

Option 1: Legal requirement to complete 5 year review – assessment of LP and conclude no full review necessary	
Scope	Review under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
Timetable	2021 (6 months)
Resources	No additional resources necessary.
Pros	<p>No additional budgetary provision necessary.</p> <p>The Forward Planning Team can focus on the preparation of a joint non-statutory strategy and infrastructure plan with Exeter City, East Devon and Teignbridge District Councils, and Devon County Council, together with a comprehensive review of existing Supplementary Planning Documents and provide support for masterplanning work for adopted Local Plan site allocations and the Culm Garden Village.</p>
Cons	<p>Unlikely that an assessment under Regulation 10A will conclude that the policies remain relevant and effectively address the needs of the local community and therefore a full review will not be needed. Age of evidence in relation to existing local plan and consistency with 2019 NPPF cannot be expected to respond efficiently to current policy requirements.</p> <p>No scope to take forward more ambitious climate emergency/transport and environment policies.</p> <p>No scope to take forward a wider allocation at Culm Garden Village through a statutory development plan.</p>
Comments	The current adopted Local Plan has by its nature a limited shelf life. A delay to preparing a new Local Plan could risk the strategic policies for Mid Devon becoming out of date and an inability to demonstrate a 5 year supply of housing land, and the 'tilted balance' being applied to planning decisions for housing proposals on sites not identified in the Local Plan i.e. where the

	<p>balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise.</p> <p>THIS OPTION IS NOT RECOMMENDED.</p>
Option 2: Partial Plan Review	
Option 2a: Strategy only Development Plan Document	
Scope	Spatial strategy for Mid Devon. No site allocations or development management policies.
Timetable	Potential adoption target June 2024.
Resources	No additional resources above existing Forward Planning team. Budgetary provision has been made through earmarked reserves to fund technical evidence studies, consultation and the independent examination.
Pros	A strategy-only Development Plan Document would be quicker to prepare than a full local plan and would provide an opportunity to update existing policies in relation to climate change, transport environment and housing need.
Cons	<p>A strategy-only plan would not facilitate a wider allocation at Culm Garden Village.</p> <p>Does not provide a comprehensive plan review. A strategy-only plan would need to be followed by an immediate review of the Council's site allocations and development management policies resulting in a more protracted plan making process.</p>
Comments	<p>Option could be progressed alongside Option 5 district-wide coverage through area specific Development Plan Documents.</p> <p>THIS OPTION IS NOT RECOMMENDED.</p>
Option 2b: Strategy and Site Allocations Plan	
Scope	Spatial strategy and site allocations Plan. No development management policies.
Timetable	Potential adoption target January 2025.
Resources	No additional resources above existing Forward Planning team. Budgetary provision has been made through earmarked reserves to fund technical evidence studies, consultation and the independent examination.
Pros	Strategy and site allocations plan would provide an opportunity to update existing policies in relation to climate change, transport, environment and housing as well as facilitating a wider allocation at Culm Garden Village.

	Potential avoidance of abortive work on development management policies should planning reforms establish development management policies at a national scale.
Cons	<p>Option does not allow for an update to the Council's Development Management policies, reliant instead on the assumption of a national approach.</p> <p>Option is unlikely to be any quicker than Option 5 district-wide coverage through area specific DPDs, and Options 6a and 6c (Full Local Plan) given that the same statutory plan making process needs to be followed.</p>
Comments	<p>A separate Development Management policies DPD will be needed in the even that planning reforms do not establish development management policies at a national scale. This would incur additional cost, including a separate examination.</p> <p>THIS OPTION IS NOT RECOMMENDED AT THIS TIME GIVEN THE CURRENT UNDERSTANDING OF POTENTIAL FUTURE PLANNING REFORMS.</p>
Option 2c: Partial Plan Review of key policy priorities	
Scope	Review focused on a limited number of issues e.g. Culm Garden Village, Climate emergency.
Timetable	Potential adoption target Mid 2024.
Resources	No additional resources above existing Forward Planning team. Budgetary provision has been made through earmarked reserves to fund technical evidence studies, consultation and the independent examination.
Pros	Opportunity to prioritise specific policy objectives e.g. Culm Garden Village and climate emergency.
Cons	Very difficult to isolate Culm Garden Village and climate emergency policy priorities from other planning issues that would need to be reviewed given that the local plan was adopted in accordance with the 2012 National Planning Policy Framework (NPPF) under transitional arrangements. This difficulty could translate into risk to achieving a positive outcome from examination. There may also be a need to reflect on emerging Planning for the Future White Paper proposals.
Comments	The current adopted Local Plan has by its nature a limited shelf life. A delay to preparing a new Local Plan could risk the strategic policies for Mid Devon becoming out of date and an inability to demonstrate a 5 year supply of housing land, and the 'tilted balance' being applied to planning decisions for housing proposals on sites not identified in the Local Plan i.e. where the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably

	<p>outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise.</p> <p>THIS OPTION IS NOT RECOMMENDED AT THIS TIME GIVEN THIS WILL NOT PROVIDE FOR A COMPREHENSIVE REVIEW ON MATTERS SUCH AS DISTRICT DEVELOPMENT STRATEGY AND HOUSING SUPPLY.</p>
Option 3: Non-statutory interim policy statement on planning for the climate emergency	
Scope	Interim policy statement reflecting on relevant 'policy hooks' within the adopted local plan.
Timetable	2021 (up to 12 months)
Resources	Support will be needed from the Council's new post of Climate and Sustainability Specialist so that the Forward Planning team can remain focused on the preparation of a new Local Plan and that this work is not delayed.
Pros	<p>A material consideration that could provide an opportunity to reinforce existing local plan policies taking into account recent climate emergency declarations and associated net-zero Devon evidence.</p> <p>Whilst non-statutory, it would also help evidence future planning policies, as there is an opportunity to draw from a wide range of technical evidence documents and highlight areas where further policy intervention is required.</p>
Cons	<p>Limited weight in the decision making process.</p> <p>Does not provide a comprehensive plan review.</p>
Comments	<p>Option could complement Options 5 district-wide coverage through area specific DPDs and Options 6a, 6b and 6c (Full Plan coverage).</p> <p>RECOMMENDED IN CONJUNCTION WITH OPTION 6B.</p>
Option 4: Local Development Order (LDO) – Culm Garden Village	
Scope	Automatic grant of planning permission for the type of development specified in it (subject to conditions), thereby removing the need for a planning application to be made for that development.
Timetable	2 years?
Resources	<p>Additional staff resources required to progress LDO alongside local plan. Budgetary provision needed to fund technical evidence studies and community engagement. This would be significantly over and above the level of evidence needed for masterplanning purposes as it is equivalent in detail and evidence to a planning application.</p> <p>Policy/Development Management/Design input would be required.</p>

Pros	<p>LDO could potentially circumvent some of the risks associated with local plan preparation (i.e. examination process etc.)</p> <p>The Council would have more control over the process and outcomes.</p> <p>May be the quickest option for facilitating Phase 2 of Culm Garden Village.</p> <p>Innovative use of LDOs to facilitate garden communities, which may attract funding and support from Government.</p> <p>Opportunity to share costs of preparing an LDO, including its supporting evidence, with developers / landowners.</p>
Cons	<p>A number of risks associated with an LDO option (given limited examples elsewhere) and likely significant cost which is not budgeted for and which could amount to in the order of £500,000.</p> <p>Potential democratic deficit – more limited options for engagement, consultation and independent examination.</p> <p>Focus on Culm Garden Village may result in delaying wider local planning work.</p> <p>LDOs cannot be used to permit development that would affect a listed building – there are listed buildings within the site area for phase 2 of the Garden Village. Further investigation and legal advice would be necessary.</p> <p>Does not provide a comprehensive plan review.</p> <p>Loss of potential significant planning application fees where the LDO would grant planning permission.</p> <p>The Council has no previous experience of preparing a LDO.</p>
Comments	<p>Potential for the Council to include provision for an informal / non-statutory examination process to assist public engagement in the scrutiny of a draft LDO before it is adopted. This could take the form of a series of thematic public hearings, facilitated by an independent examiner.</p> <p>Option could be progressed alongside Option 5 district-wide coverage through area specific DPDs, where the statutory plan framework for the Culm Garden Village is achieved through a LDO and not a Development Plan Document (DPD).</p> <p>THIS OPTION IS NOT RECOMMENDED BASED ON OUR CURRENT UNDERSTANDING OF HOW LDOS OPERATE, BUDGET POSITION AND RISK</p>

Option 5: District-wide coverage though area specific Development Plan Documents (DPDs) (e.g. Culm Garden Village)	
Scope	A series of Development Plan Documents (DPDs) to cover each of the main towns, Culm Garden Village and Rural areas.
Timetable	Various timescales. Each DPD may take 3 years or longer to prepare and adopt, depending on the level of complexity and issues to be addressed.
Resources	Finite capacity of the Forward Planning team to progress multiple Development Plan Documents at the same time. Budgetary provision has been made through earmarked reserves to fund technical evidence studies, consultation and the independent examination.
Pros	<p>Bespoke Development Plan Documents, which can focus solely on the issues, planning and delivery of site allocations for each area e.g. Culm Garden Village.</p> <p>Area specific Development Plan Documents may be produced quicker than a full local plan (but will take longer to produce the full suite of DPDs).</p> <p>Ability to prioritise DPDs e.g. Culm Garden Village.</p> <p>Full local plan review achieved through this approach.</p>
Cons	<p>Likely need for 'trade-off' – tension between priorities of each DPD.</p> <p>Prioritisation of a Culm Garden Village Development Plan Document may result in delay in taking forward other district-wide policy priorities e.g. climate emergency/transport/ environment.</p> <p>Potential difficulties in justifying one site allocation e.g Culm Garden Village on its own through the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process and assessing reasonable alternatives.</p> <p>Would need a further Development Plan Document(s) prepared to address vision, strategy and distribution and development management policies. These may need to be drawn up in parallel to location specific DPDs in order to provide strategic context.</p> <p>Likelihood that a site / area based Development Plan Document would not be much quicker to prepare than a full local plan, given that it still needs to follow the same statutory plan-making stages. (Note that the Cranbrook Plan, East Devon District Council has been in preparation since 2015 and is still at Examination).</p> <p>Potential significant additional costs incurred through separate examinations.</p>
Comments	Disaggregation of the plan for Mid Devon through separate area specific DPDs may make it easier to update parts of the current adopted local plan without the need for a comprehensive replacement plan now.

	<p>Potential to prepare one or more DPDs before plan making is impacted by planning reforms.</p> <p>THIS OPTION IS NOT CURRENTLY RECOMMENDED AS A COMPREHENSIVE REVIEW WOULD ONLY BE ACHIEVED ONCE DISTRICT WIDE COVERAGE IS COMPLETE.</p>
Option 6: Full Local Plan Review (Options a-c)	
Option 6a: Full Local Plan (statutory level of consultation + adoption in 2024)	
Scope	<p>A single statutory plan containing strategic and local policies, infrastructure requirements, site allocations and development management policies</p> <p>Statutory level consultation following the legal requirements only. No draft policies and site options consultation.</p>
Timetable	Potential adoption target June 2024.
Resources	No additional staff resources above existing Forward Planning team. Budgetary provision has been made through earmarked reserves to fund technical evidence studies, consultation and the independent examination.
Pros	<p>Comprehensive local plan providing a full update of the evidence base and associated policies. Provides a robust mechanism to respond to all of the Council's policy priorities.</p> <p>This option is the quickest option for delivering a full local plan update and would mean the evidence used to inform the plan is more up to date at the time of the examination.</p> <p>Submission in May / June 2023 would have potential less risk of being impacted by planning reforms than Options 6b and 6c.</p>
Cons	<p>Fewer opportunities for community engagement compared to Options 6b and 6c.</p> <p>Since there is no draft policies and sites options stage there is no opportunity for community engagement to help shape the plan before it reaches its publication stage. There is reduced scope to make fundamental changes to the publication stage plan before it is submitted for examination.</p> <p>Higher risk of challenge at examination due to limited consultation and there being no ability to consider and resolve issues through a draft policies and site options stage.</p> <p>There is a more limited opportunity to update evidence as the timetable for preparing the plan is shorter than other options.</p>
Comments	Potential risk of impact from planning reforms.

	<p>Investigate ways to future proof the preparation of a new local plan, having regard where practicable to the Government's proposals in the White Paper "Planning for the Future" e.g. growth, renewal and areas of protection, and / or preparing the Local Plan as Part A (Vision, objectives, strategic policies and site allocations) and Part B (Development Management policies).</p> <p>WHILST THIS IS A VIABLE OPTION IT WOULD NOT ACHIEVE THE ENHANCED CONSULTATION LEVEL SET OUT IN OPTION 6B BELOW.</p>
Option 6b: Full Local Plan (enhanced consultation)	
Scope	<p>A single statutory plan containing strategic and local policies, infrastructure requirements, site allocations and development management policies.</p> <p>Enhanced consultation achieved through having a draft policies and site options consultation stage.</p>
Timetable	Potential adoption target June 2025.
Resources	No additional staff resources above existing Forward Planning team. Budgetary provision has been made through earmarked reserves to fund technical evidence studies, consultation and the independent examination.
Pros	<p>Comprehensive local plan providing a full update of the evidence base and associated policies. Provides a robust mechanism to respond to all of the Council's policy priorities.</p> <p>Community engagement on draft policies and site options can provide the ability to resolve issues and modify the plan before the publication stage is reached, which can reduce the risk of challenge at the examination.</p> <p>Greater opportunity to refresh evidence throughout the course of a longer timeframe for plan preparation, so this is kept up to date for the examination.</p>
Cons	<p>Slowest option for delivering a full local plan update.</p> <p>Submission in May / June 2024 would have the potential greatest risk of being impacted by planning reforms compare to Options 6a and 6c.</p> <p>Risk of evidence becoming dated due to the more lengthy time to prepare the plan and it becoming in need of a refresh.</p>
Comments	<p>Greatest risk of impact from planning reforms.</p> <p>Investigate ways to future proof the preparation of a new local plan, having regard where practicable to the Government's proposals in the White Paper "Planning for the Future" e.g. growth, renewal and areas of protection, and / or preparing the Local Plan as Part A (Vision, objectives, strategic policies and site allocations) and Part B (Development Management policies).</p>

	<p>Most comprehensive approach.</p> <p>RECOMMENDED IN CONJUNCTION WITH OPTION 3.</p>
Option 6c: Full Local Plan (enhanced consultation + quicker plan production)	
Scope	<p>A single statutory plan containing strategic and local policies, infrastructure requirements, site allocations and development management policies.</p> <p>Enhanced consultation achieved through having a draft policies and site options consultation stage.</p>
Timetable	Potential adoption target January 2025.
Resources	Quicker plan production achieved through additional staff resource (2 additional Forward Planning Officers), particularly at draft plan and site options stage. Budgetary provision has been made through earmarked reserves to fund technical evidence studies, consultation and the independent examination.
Pros	<p>Comprehensive local plan providing a full update of the evidence base and associated policies. Provides a robust mechanism to respond to all of the Council's policy priorities.</p> <p>Option allows for enhanced consultation and quicker plan production – potentially 6 months quicker than Option 6b.</p>
Cons	<p>Additional staffing resource would need to be made available which may place significant additional cost (two 2-year temporary Forward Planning Officer posts at a total additional cost of £160,000).</p> <p>Submission in December 2023 / January 2024 could have a greater potential risk of being impacted by planning reforms than Option 6a.</p>
Comments	<p>Potential risk of impact from planning reforms.</p> <p>Investigate ways to future proof the preparation of a new local plan, having regard where practicable to the Government's proposals in the White Paper "Planning for the Future" e.g. growth, renewal and areas of protection, and / or preparing the Local Plan as Part A (Vision, objectives, strategic policies and site allocations) and Part B (Development Management policies).</p> <p>Only speeds plan production by 6 months, but at additional and unbudgeted cost.</p> <p>GIVEN THE CURRENT BUDGET POSITION THIS OPTION IS NOT RECOMMENDED.</p>

Table 2. Assessment of timetables for alternative approaches for a full plan review achieved through a single Local Plan document

Option 6a: Full Local Plan (Statutory level consultation + adoption in 2024)	
<p>Comment:</p> <p>Excludes draft policies and site options stage and consultation.</p>	
Stage	Date
Reg 18 Issues Consultation	August – October 2021
Reg 19 Publication (Proposed Submission) consultation	December 2022 – February 2023
Submission	May – June 2023
Examination and Main Modifications	September 2023 – March 2024
Adoption	June 2024

Option 6b: Full Local Plan (enhanced consultation)	
<p>Comment:</p> <p>Includes draft policies and site options stage and consultation.</p>	
Stage	Date
Reg 18 Issues Consultation	August – October 2021
Draft Policies and Site Options Consultation	October – November 2022
Reg 19 Publication (Proposed Submission) consultation	January – February 2024
Submission	May – June 2024
Examination and Main Modifications	September 2024 – March 2025
Adoption	June 2025

Option 6c: Full Local Plan (enhanced consultation + quicker plan production)	
<p>Comment:</p> <p>Hybrid - Time frame including draft policies and site options stage and consultation, sped up by additional staff resourcing</p>	
Stage	Date
Reg 18 Issues Consultation	August – October 2021
Draft Policies and Site Options Consultation	August – September 2022
Reg 19 Publication (Proposed Submission) consultation	August – October 2023
Submission	December 2023 - January 2024
Examination and Main Modifications	April – October 2024
Adoption	January 2025

3.0 Resources needed

Staffing

- 3.1 The Forward Planning Team currently consists 4 permanent Planning Officer posts (3.7 Fte), a 2 year fixed term Housing Enabling and Policy Officer Post (1 Fte but with potential to include 0.3 Fte for policy work) and a 2 year fixed term Forward Planning Research Officer Post (1Fte). A 4 Fte planning officer capacity is considered sufficient to prepare a new Local Plan for the district following either Options 6a Full Local Plan (statutory level consultation + adoption in 2024) or 6b Full Local Plan (enhanced consultation). This would be the main focus of the Forward Planning Team going forward over the next 5 years.
- 3.2 The preparation of a new Local Plan (either as a full local plan or partial plan review) would also involve the use of external consultants with expertise to undertake various technical studies.
- 3.3 Should the Cabinet choose to progress the preparation of the local plan through Option 6c Full Local Plan (enhanced consultation + quicker plan production) this can only be achieved through additional staffing capacity to support the Forward Planning team. This could be achieved through the secondment of one or more officers from other councils, consultancy support, or new posts in the Forward Planning team (which could be fixed term). This additional capacity would be necessary throughout the plan's preparation, including gathering of evidence, site assessments, consultation and processing representations received, drafting policies and support through the examination. The support of an external consultant and a secondment was needed for the examination stage of the current adopted Local Plan.
- 3.4 Option 3: Non-statutory interim policy statement on planning for the climate emergency will require support from the Council's new post of Climate and Sustainability Specialist so that the Forward Planning team can remain focused on the preparation of a new Local Plan and that this work is not delayed.

Costs

- 3.5 Initial estimates show that in addition to staffing costs, the preparation of a new Local Plan could cost about £500,000, principally for the use of consultants for technical work (e.g. viability appraisal, strategic flood-risk assessment, habitats surveys), including £100,000 for an independent examination. This will be funded through earmarked reserves, which will be reviewed as the preparation of the Local Plan is progressed. There exists a volume of technical work that has been completed for the preparation of the Greater Exeter Strategic Plan draft policies and site options. This is currently being evaluated for the purpose of the new Local Plan.
- 3.6 Additional staffing capacity required for Option 6c Full Local Plan (enhanced consultation + quicker plan production) may increase staffing costs by

£160,000, which might include two 2-year temporary Forward Planning Officer posts.

4.0 Local Development Scheme

- 4.1 The Council is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and maintain a Local Development Scheme, which is a public statement that must specify (among other matters) the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. The Local Development Scheme must be made available publicly and kept up-to-date.
- 4.2 The timetable for preparing the new Local Plan for Mid Devon that is recommended through Option 6b Full Local Plan (enhanced consultation) in this report will mean that it will be necessary to update the Council's Local Development Scheme. Approval for the updated Local Development Scheme is the subject of a separate report to be considered by the Cabinet.
- 4.3 The updated Local Development Scheme no longer includes a timetable for preparing the Greater Exeter Strategic Plan. This is in light of the previous decisions by East Devon District Council to withdraw from working on the Greater Exeter Strategic Plan and this Council's resolution to prepare a revised joint strategic plan. The updated Local Development Scheme does not include a timetable for preparing a joint non-statutory strategy and infrastructure plan. This is since this alternative strategic plan is non-statutory and will not be subject to a formal process for plan-making (through the Act or Regulations).

5.0 Call for sites

- 5.1 The preparation of a new Local Plan with site allocations will require that there is an up to date understanding of where there is land with development potential across the district. This can be achieved through a public "call for sites" consultation and assessment of the suitability, availability and capability of land being developed for housing and other uses through a "Housing and Economic Land Availability Assessment" ('HELAA').
- 5.2 The most recent public call for sites in Mid Devon was undertaken in early 2017 as part of a wider call for sites undertaken to help inform the preparation of the Greater Exeter Strategic Plan. This work is considered to be out of date given the likelihood of changes in land ownership and developer interests, and as such a fresh call for sites is needed.
- 5.3 Approval for officers to conduct a further call for sites process was given as part of the decisions taken by the Council on 26th August 2020 (minute 52) alongside a resolution to commit to prepare a revised joint strategic plan with other councils in the Greater Exeter area. Officers propose to act on this previous resolution to progress a new call for sites in the near future.

6.0 Groups consulted

- 6.1 The Planning Policy Advisory Group was consulted at its meeting on 15th January 2021. The following matters were raised: whether a full review of the Local Plan was needed now; whether the review should be more targeted and focused; and, the need for a nimbler plan making process but with full public engagement. The Planning Policy Advisory Group considered the merits of all the options presented and agreed to support the recommendation set out in this report.

7.0 Next Steps

- 7.1 Subject to Cabinet approval, the new Local Development Scheme will be published on the Council's website and officers will commence a public "Call for Sites" as soon as practicable. Members will be kept informed of the "Call for Sites" consultation by means of a summary of responses received.

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Circulation of the Report: Cabinet Members

List of Background Papers and relevant links:

National Planning Policy Framework February 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Government guidance on plan-making

<https://www.gov.uk/guidance/plan-making>

Minister of State for Housing's statement to Local Authorities January 2021

<https://www.gov.uk/government/news/councils-urged-to-ensure-local-plans-are-up-to-date>

Chief Planners Newsletter October 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/924423/Chief_Planners_Newsletter_-_October_2020.pdf

Chief Planners Newsletter December 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946245/Chief_Planners_Newsletter_-_December_2020.pdf

Planning and Compulsory Purchase Act 2004

<https://www.legislation.gov.uk/ukpga/2004/5/contents>

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

<https://www.legislation.gov.uk/uksi/2012/767>

Regulation 4 (amendment of Regulation 10A) of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

<https://www.legislation.gov.uk/uksi/2017/1244/regulation/4/made>

Mid Devon Statement of Community Involvement

<https://www.middevon.gov.uk/residents/planning-policy/statement-of-community-involvement/#:~:text=The%20Statement%20of%20Community%20Involvement%20%28SCIP%29%20was%20adopted,to%20Covid-19%20and%20restrictions%20on%20movement%20and%20gatherings.>

Council Meeting 6th January 2021

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1304&Ver=4>

Council Meeting 26th August 2020

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1302&Ver=4>

Council Meeting 4th December 2019

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1217&Ver=4>

Extraordinary meeting of the Council 26th June 2019: Devon Climate Declaration

<https://democracy.middevon.gov.uk/mgAi.aspx?ID=9431>

Somerset West and Taunton “Climate Positive Planning”

<https://www.somersetwestandtaunton.gov.uk/media/2487/draft-interim-policy-statement-climate-positive-planning.pdf>