

CABINET

4TH JANUARY 2022

PLAN MID DEVON ISSUES PAPER

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

Responsible Officer: Richard Marsh, Director of Place

Reason for Report: To approve the Issues Paper for consultation to meet the requirements of Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012

RECOMMENDATION to Cabinet:

1. The Plan Mid Devon Issues Paper (Appendix 1), its Sustainability Appraisal Scoping Report (Appendix 2) and Equalities Impact Assessment Screening Report (Appendix 3) be approved for public consultation.
2. That delegated authority be given to the Director of Place (in consultation with the Cabinet Member for Planning and Economic Regeneration) to make such further minor changes to the Issue Paper as he considers appropriate prior to the consultation.

Financial Implications: There are no direct financial implications arising from approving the Issues Paper. 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: In accordance with Town and Country Planning (Local Planning) Regulations 2012 (Regulation 10A) the Council is required to review its local plan which was adopted on 29th July 2020 at least every five years. This report commences the first public stage of that review.

District Solicitor (Ref. 29.11.21)

Risk Assessment: Cabinet approval of the Issues Paper is needed so that the Regulation 18 stage of plan preparation can be commenced as soon as practicable. A Local Plan review can take up to five years to complete. A decision to not commence the Regulation 18 stage of plan preparation, or a delay to do so, will increase the prospect of the existing Local Plan becoming out of date but without a new Local Plan to replace it to maintain a 5 year supply of housing sites and up to date planning policies for the district.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 £600,000, 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. Once the Local Plan has been adopted it will form part of the Council's policy framework.

Equality Impact Assessment: The Issues Paper has been subject to an Equality Impact Assessment. It will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the 'protected characteristics').

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. There is a statutory duty on the Council to include policies in the new Local Plan to tackle climate change and its impacts. This is placed through the Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by Section 182 of the Planning Act 2008 which states 'Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the Local Planning Authority's area contribute to the mitigation of, and adaptation to, climate change'. National planning policy places significant emphasis on the role of the planning system to support the transition to a low carbon future in a changing climate. The Issues Paper includes content relevant to the shaping of policies in the new Local Plan that will help mitigate the impacts of climate changes and help move towards a zero carbon economy. The inclusion of a priority in Plan Mid Devon to move towards net-zero carbon will mean that the district will be planned so as to reduce emissions to the lowest amount and with offsetting as a last resort.

1.0 Introduction/Background

Context

- 1.1 The current Mid Devon Local Plan was adopted on 29th July 2020. This forms part of the statutory development plan for the district (excluding the part at Cheriton Bishop within the Dartmoor National Park), together with the adopted Devon Minerals and Waste Plans and the Cullompton Neighbourhood Plan which covers the Cullompton area. 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.

- 1.2 The Cabinet meeting on 4th February 2021 approved the preparation of a new Local Plan (minute 304) and a new Local Development Scheme (timetable for preparing the new Local Plan) (minute 305). Officers have prepared the Plan Mid Devon Issues Paper following these Cabinet decisions.
- 1.3 The Council is also engaged with East Devon, Exeter, and Teignbridge Councils in preparing a non-statutory Joint Strategy for the combined area of the four local authorities. This follows decisions taken by the Council on 6th January 2021 (minute 111) and the Cabinet on 8th June 2021 (minute 21). The Joint Strategy will not be a statutory plan and therefore will not set the planning policies of the four authorities. This will be the role of Local Plans. Instead, the Joint Strategy will provide an overarching framework that allows strategic planning and delivery matters to be considered collaboratively.

National Planning Policy

- 1.4 The National Planning Policy Framework 2021 (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.
- 1.5 In August 2020 the Government published and consulted on a set of reforms to the planning system through the white paper "Planning for the Future". These proposals include simplifying the role of Local Plans, so that they identify areas for growth, renewal and protection, they include clear rules rather than general policies for development, and that they are visual, map based and standardised. The Government envisages Local Plans will be shorter in length, limited to no more than setting out site or area-specific parameters and opportunities and will be prepared to meet a statutory timetable (of no more than 30 months in total) for the key stages of the process. While further details are awaited, it is likely that the preparation of Plan Mid Devon will be affected by reforms to the planning system where these may be introduced over the next several years.
- 1.6 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.
- 1.7 For the time being the preparation of the new Local Plan will follow the current legislation, national planning policy framework and planning guidance.

- 1.8 The National Planning Policy Framework makes clear that Local Plans should be based on an up to date and robust evidence base. A ‘call for sites’ exercise was undertaken in early 2021 and the assessment of sites submitted to the Council for consideration is currently in progress. A number of technical studies are either currently in progress, or will be commenced over the coming months which provide evidence to support the preparation of the new Local Plan. This will include, amongst others, a Local Housing Needs Assessment, Economic Development Needs Assessment, Flood Risk Assessment, and a Landscape Character Assessment. The new Local Plan will also be subject to a Habitat Regulations Assessment, a Viability Appraisal and will be supported with an Infrastructure Delivery Plan.

Regulation 18 Issues Stage

- 1.9 Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 is the first formal stage for preparing a local plan. This requires the Council to notify specified bodies and persons of the subject of a local plan which it proposes to prepare and to invite them to make representations about what the local plan ought to contain. The aim of the Issues Paper document is to identify the issues that the Local Plan needs to address and to invite comments on these. The Issues Paper does not set development targets, propose a strategy for the distribution of new growth, identify potential sites for development across district or include draft planning policies. These matters will be the subject of the next stage in the preparation of Plan Mid Devon (Draft Policies and Site Options).

2.0 Plan Mid Devon Issues Paper

- 2.1 ‘Plan Mid Devon’ is the working title for the new Local Plan for Mid Devon. It is intended this new Local Plan will look forward to 2043, set within a vision that looks further ahead (to 2053) to encompass the planning and development of the Culm Garden Village at Cullompton.

Key content

- 2.2 The Plan Mid Devon Issues Paper identifies six top priorities that it is considered should go to the heart of the strategy for the new Local Plan and which can help achieve sustainable development in Mid Devon. Each priority is important in its own right and each are interrelated. However, the Issues Paper indicates that responding to the climate emergency and moving to a net-zero carbon future must be the overarching top priority for the Plan Mid Devon. This is since many of the actions that are needed to tackle the climate crisis are also key in helping to achieve the 5 other priorities that have identified to plan for a sustainable, resilient and prosperous Mid Devon.

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| Priority 1 | Responding to the climate emergency and moving to a net-zero carbon future |
| Priority 2 | Delivering development, infrastructure and regeneration to meet our needs now and in the future |
| Priority 3 | Addressing housing affordability and improving choice |

- Priority 4 Protecting and enhancing the natural and built environment, and respecting environmental limits
- Priority 5 Improving our health and well-being
- Priority 6 Supporting rural vitality and a prosperous rural economy

2.3 The Issues Paper includes 17 sections as follows:

- Introduction
- Plan Mid Devon – sustainable development and six top priorities
- Our Mid Devon – Vision and Objectives
- Responding to the climate emergency and moving to net-zero carbon
- Access to new technologies and digital communications
- Meeting housing needs
- Supporting our businesses and jobs
- Infrastructure and how we travel
- Our natural and historic built environment
- Improving our health and well-being
- How our places look and are used
- Our towns and their environs
- Our rural areas and villages
- Culm Garden Village
- Proposals at Junction 27, M5 motorway
- A sustainable distribution of development across Mid Devon
- Next steps

2.4 Each section includes one or more related questions (there are 56 questions in total) which provide an opportunity for comments to be made on the wide range of planning issues that have been identified in the Issues Paper.

2.5 The Plan Mid Devon Issues Paper explains the Government's standard method for calculating housing need in Mid Devon but it does not set a housing development target or consider potential site options for the district. These will be subject to the later stages for preparing the new Local Plan. Plan Mid Devon will be the first opportunity to develop a new spatial development plan for the district following the Council's declaration of a climate emergency in mid-2019. The new local plan can include a strategic approach through policies for the development and use of land to support a green economic recovery and commitment to moving to net zero. It can also be informed through lessons from the covid-19 pandemic and include responses to challenges and opportunities for growth from Britain leaving the European Union where these are relevant to Mid Devon.

3.0 Sustainability Appraisal

3.1 The Council is required by law (Planning and Compulsory Purchase Act 2004 and Environmental Assessment of Plans and Programmes Regulations ["the SEA Regulations]) to carry out a Sustainability Appraisal (SA) and a Strategic

Environmental Assessment (SEA) of the new Local Plan as it developed. The SA assists in promoting sustainable development through integrating sustainability considerations into plan making. It is an iterative, ongoing process and integral to plan making. The process helps to consider the effects of the plan (and the effect without the plan) on the environment, people and the economy. It helps planning authorities to consider the merit of a variety of options to help determine the sustainable policy decisions.

- 3.2 A Sustainability Appraisal Scoping Report has been prepared alongside the preparation of the Plan Mid Devon Issues Report. The Scoping Report includes the collection of baseline information about Mid Devon, identifies sustainability issues and challenges in the district, and includes a framework to assess sustainability with 9 sustainability objectives and a scoring system that will be used to highlight the scale of any potential impact of the Local Plan policies as these emerge through stages of the plan's preparation. To meet the requirements of the SEA Directive, the Council must seek the views of the three statutory environmental consultation bodies – Natural England, the Environment Agency and Historic England. They have the opportunity to comment on the scope and level of detail of the environmental information contained within the Scoping Report. Local communities and other bodies will also be consulted on the content of the Scoping Report.

4.0 Duty to Cooperate

- 4.1 There is a legal duty placed on the Council to engage constructively, actively and on an ongoing basis with other local authorities and prescribed organisations in relation to strategic matters when preparing a new local plan, including those matters that cross the district boundary. The preparation of Plan Mid Devon will involve engagement with Government agencies, Devon County Council, neighbouring district Councils, Town and Parish Councils, the NHS, transport and other infrastructure providers at key stages.

5.0 Groups consulted

- 5.1 The Planning Policy Advisory Group has been engaged in the preparation of the Plan Mid Devon Issues Paper through a series of eight meetings since March 2021. There have been a further four meetings open for all Members, which have provided an opportunity to focus on planning issues for each of the three main towns and the rural area of Mid Devon. Feedback from these meetings has been used to inform the preparation of the Issues Paper.
- 5.2 The Planning Policy Advisory Group met on the 17th November 2021 to consider a completed draft of the Issues Paper, which has been updated to reflect comments made at that meeting. The Planning Policy Advisory Group has noted the contents of this report and has endorsed its recommendations to the Cabinet.

6.0 Next steps

- 6.1 The Issues Paper will be amended where necessary in light of the Cabinet meeting. It will be published together with a Sustainability Appraisal and Equalities Impact Assessment and these documents will be consulted on for a

period which will be at least 6 weeks. This public engagement will be commenced as soon as practicable following the Cabinet decision. The Issues Paper will be supported by other material, including a summary paper, webpage digital resource and through on-line social media.

- 6.2 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. Where possible digital engagement tools will be used to complement face-to-face exhibitions / drop-in events as part of a blended approach to facilitate public engagement, subject to the staffing and technological resources available. The ability to hold face to face exhibitions / drop-in events will be subject to any restrictions placed on public gatherings and risk assessment in light of the covid-19 pandemic, and should further restrictions be imposed in the future which limit face to face engagement, digital engagement will necessarily become the primary form of engagement for as long as is necessary. In this scenario, every effort will be made to deliver accessible and inclusive digital engagement.
- 6.3 Once the consultation has ended, comments received will be published on the Council's website and made publicly available, together with a report summarising what those responses were. This information will be used alongside technical studies and other evidence to inform the work leading to the Draft Policies and Site Options stage for Plan Mid Devon.
- 6.4 The Plan Mid Devon Issues Paper (Appendix 1) Section 17.0 includes a timetable for the preparation of the new Local Plan. This timetable is taken from an amended Mid Devon Local Development Scheme which is subject to approval from this Cabinet meeting in a separate report. The amended timetable is as follows:

Stage	Date
Reg 18 Issues Consultation	January – March 2022
Draft Policies and Site Options Consultation	June – July 2023
Reg 19 Publication (Proposed Submission) consultation	May - June 2024
Submission	September – October 2024
Examination and Main Modifications	November 2024 – May 2025
Adoption	July 2025

- 6.5 The Mid Devon Local Development Scheme is published on our website here.

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

Contacts for more Information:

Tristan Peat, Forward Planning Team Leader 01884 234344 / tpeat@middevon.gov.uk

Richard Marsh, Director of Place rmarsh@middevon.gov.uk

Circulation of the Report: Cabinet Member seen and approved [yes/no – name of Cabinet Member], Leadership Team seen and approved [yes/no]

List of Background Papers and Links:

Appendix 1 Plan Mid Devon Issues Paper

Appendix 2 Plan Mid Devon Sustainability Appraisal

Appendix 3 Plan Mid Devon Equalities Impact Assessment

National Planning Policy Framework (July 2021)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.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%28SCI>

[%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>