

CABINET

4TH JANUARY 2022

REPORT OF DIRECTOR OF PLACE

LOCAL DEVELOPMENT SCHEME UPDATE 2022

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

Responsible Officer: Richard Marsh, Director of Place

Reason for Report: To update the Local Development Scheme and provide an updated timetable for the production of a new Local Plan for Mid Devon.

RECOMMENDATION to Cabinet:

- 1. That the revised Local Development Scheme (Appendix 1) be approved for the period from 12th January 2022.**

Financial Implications: The Local Development Scheme has no direct financial implications, however the preparation of planning policy documents have associated production costs. Budgetary 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.

Legal Implications: A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004. 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: Preparing and updating local plans is a statutory requirement. A Local Plan may be subject to challenge if it can be demonstrated that it was not drawn up in compliance with the Local Development Scheme. The proposed Local Development Scheme provides an accurate, updated timetable for the production of development plans.

Budget and Policy Framework: No direct budget implications. Although the preparation of a new Local Plan will have significant associated production costs.

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 new Local Plan will be subject to a full Equality Impact Assessment.

Relationship to Corporate Plan: The new Local Development Scheme, appended to this report, sets out a timetable for a new Local Plan, which will set the strategy for guiding new development in the district, allocate sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of

the environment and managing development. The plan will help meet the Corporate Plan priorities: 'Economy', 'Homes', 'Community' and 'Environment'

Impact on Climate Change: The preparation of local plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy.

1.0 Introduction/Background

- 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 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 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 a timescale for the production of a new local plan.

2.0 Changes to the current Local Development Scheme

- 2.1 The current LDS was approved by the Cabinet at its meeting on the 4th February 2021 (minute 305). This followed an earlier decision by the Cabinet at the same meeting to approve the preparation of a new Local Plan for Mid Devon (minute 304).
- 2.2 Since these Cabinet decisions, the preparation of the new Local Plan (which has the working title 'Plan Mid Devon') has been commenced and good progress has been made. This has included:
 - The gathering of technical evidence and other work related to the new Local Plan, including a call for sites, the Housing and Economic Land Availability Assessment, a new homes occupier survey, Playing Pitch Strategy, assisting the preparation of the Housing Strategy, and a rural settlement services study (in progress).
 - The completion of a draft Issues consultation paper to meet the requirements of Regulation 18 of the Town and Country

Planning (Local Planning) (England) Regulations 2012 (as amended).

- 2.3 Approval will be sought from this Cabinet meeting for the ‘Plan Mid Devon’ Issues Paper and its Sustainability Appraisal Scoping Report (SA) and Equalities Impact Assessment Screening Report (EqIA) to be published for public consultation.
- 2.4 There are a number of changes that need to be made to the LDS in order to ensure it is up-to-date and complies with the requirements of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.5 The current approved LDS includes the following programme for key milestones for the preparation of the new Local Plan:

Current approved LDS	
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

- 2.6 The proposed amended programme for the key milestones is set out below:

Proposed amended LDS	
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

- 2.7 The amendments to the programme for the key milestones are necessary to reflect that the Regulation 18 Issues Consultation has been delayed by 5 months. This has arisen through a desire to provide an opportunity for extensive involvement of Members in shaping the content of the ‘Plan Mid Devon’ Issues Paper, and also due to a reduced capacity of the Forward Planning team over a period dating back to April 2019, where a number of posts have been vacant and recruitment has been protracted due to challenges in attracting suitable

applicants. The Forward Planning team has not reached its full capacity until mid-September 2021.

2.8 Member engagement has included a series of 12 meetings:

Planning Policy Advisory Group (PPAG) on:

- 25th March – scope, content and themes for Issues Paper
- 1st July – housing needs briefing and standard method
- 4th August – emerging draft Issues Paper
- 7th September – emerging draft Issues Paper
- 16th September – sections of completed Draft Issues Paper
- 11th October – Sustainability Appraisal and Equalities Impact Assessment
- 15th October – sections of completed Draft Issues Paper
- 17th November – Final Draft Issues Paper

Place based focus meetings for all Members:

- Tiverton 7th July
- Cullompton 13th July
- Crediton 15th July
- Rural Areas 16th July

2.9 The series of meetings has been welcomed by Members and has enabled in-depth consideration and thorough discussions across the full range of issues relevant to the future planning of Mid Devon, which the new Local Plan will need to address. This is with the exception of development targets and its distribution across the district, which the Planning Policy Advisory Group has agreed will be subject to the later stages for preparing the new Local Plan. The series of meetings has provided a solid foundation for the content and direction of the new local plan at this early stage in its preparation, including 6 proposed top priorities that could help guide a spatial development strategy for the district and policies for the development and use of land and buildings.

2.10 The proposed amendments to the LDS include a programme for key milestones that will enable the new Local Plan to be adopted by July 2025. This will be 5 years from the date of the adoption of the current Mid Devon Local Plan by the Council at its meeting on 29th July 2020 (minute 38), and will be in accordance with the legal 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.

2.11 The proposed amendments show a reduction by 4 months in the period between consulting on a Draft Policies and Site Options Report and the Regulation 10 Publication Plan. This may be assisted through frontloading work in the preparation of the Issues Paper, but will be subject to the outcome of the consultation and work needed to progress the local plan to its Regulation 19 publication stage. The amended LDS also includes a reduced period for the examination process. The period following the submission of the Local Plan and its

examination will be subject to agreement with the Planning Inspectorate, the issues and matters that are identified by an appointed Planning Inspector and the need for any main modifications to be made to be consulted on and made to the Plan so that it is capable of being adopted. The ability to achieve the key milestones in the LDS will also be subject to:

- Maintaining the current capacity of the Forward Planning Team; and
- Future reforms to the planning system, and changes to the relevant planning acts and regulations, national planning policy and planning practice guidance which may require alteration to the programme for preparing the new Local Plan.

Joint Strategic Planning

- 2.12 The Cabinet is reminded that the LDS does not include a timetable for preparing a joint strategy for strategic planning with Exeter City, East Devon and Teignbridge District Councils (decision by the Council at its meeting on 1st July 2021, minute 21). This is since the joint strategy will not be a statutory development plan or subject to a formal process for plan making (through the Act or Regulations). The joint strategy is currently subject to a procurement process to secure a suitable consultant to take the project forward.

Commencement of a new Local Plan for Mid Devon

- 2.13 In accordance with the legal requirement to review local development documents within certain time periods, it is necessary to establish a project plan for preparing a new Local Plan for Mid Devon. The proposed LDS attached at Appendix 1 sets out the timetable for this.

3.0 Groups Consulted

- 3.1 The Planning Policy Advisory Group (PPAG) was consulted at its meeting on 29th November 2021 and has endorsed the revised timetable in the LDS. The Draft Policies and Site Options Consultation stage has subsequently been amended to June – July 2023 with the agreement of the Director of Place and Cabinet Member for Planning and Economic Regeneration.

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 and is published on the Council's website with effect from 12th January 2022.

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Circulation of the Report: Cabinet Member and Leadership Team

List of Background Papers and relevant links:

Cabinet meeting 4th February 2021 Local Development Scheme and New Mid Devon Local Plan
<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=133&MId=1264&Ver=4>

Council meeting 29th July 2020 Adoption of the Local Plan
<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1335&Ver=4>

Council meeting 1st July 2021 Approval given to prepare a Joint Strategy
<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1472&Ver=4>