

**Report for: Cabinet**

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Date of Meeting:	4 <sup>th</sup> March 2025
Subject:	Local Development Scheme 2025
Cabinet Member:	Councillor Steven Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	None
Wards Affected:	All Wards
Enclosures:	Appendix 1 – Local Development Scheme 2025

**Section 1 – Summary and Recommendation(s)**

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

**Recommendation(s):**

**That:**

- 1. The Local Development Scheme 2025 based on option 3 in Table 1 in this report and which is included in Appendix 1 be approved and is published on the Council’s website.**
- 2. A copy of the Local Development Scheme 2025 (Appendix 1) be submitted to the Ministry of Housing, Communities and Local Government by the Government’s deadline of the 6<sup>th</sup> March 2025.**

**Section 2 – Report**

**1.0 Introduction**

*The need for a new local plan and the key drivers*

- 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 changes in the planning system, the Council's corporate objectives and provides a sound basis for decision making.
- 1.2 The development plan for Mid Devon includes the Mid Devon Local Plan which was adopted by the Council on 29<sup>th</sup> July 2020, the Devon Minerals and Waste Plans (prepared by Devon County Council), and adopted ('made') Neighbourhood Plans (prepared by Town and Parish Councils with local

communities). Mid Devon District Council is the local planning authority responsible for preparing the district-wide local plan (excluding a small part of Mid Devon at Cheriton Bishop which falls within the Dartmoor National Park).

- 1.3 The Council is required to prepare and maintain a Local Development Scheme (LDS) for the district. This provides interested people and organisations with the Council's project plan for the preparation of local development documents. 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 to assess whether its policies need updating. The Local Plan does not become out-of-date automatically after 5 years. However, the review process is needed to ensure that the plan and the policies within it remain effective. Since the current local plan was adopted there have been changes to national legislation relevant to planning (Environment Act 2021 and Levelling-up and Regeneration Act 2023), new national planning policy and guidance, the objectively assessed development needs of the district have been updated which need to be planned for, and the socio-economic context for the plan has changed (e.g. the UK leaving the European Union, high inflation and energy costs, and supply challenges). Also, the Council signed the Devon Climate Change Declaration 2019. While the current adopted Mid Devon Local Plan will continue to bring benefits to the district through its policies to secure new homes, jobs, infrastructure and guide the development and use of land, a new local plan will ensure Mid Devon will continue to benefit from a planned approach for development to meet current and future needs over a longer time period beyond 2033 (current end date of the adopted local plan).
- 1.4 Officers are progressing the preparation of a new local plan for Mid Devon (with the working title 'Plan Mid Devon') and substantive progress has been made.
- 1.5 The gathering of technical evidence and other work continues, with multiple work-streams across projects being undertaken in-house or with the use of suitable external consultants. Several have been in partnership with other local authorities. This has included, amongst others, a Playing Pitch Strategy (January 2022) and Retail Leisure and Tourism Study (February 2024). While a Water Cycle Study and Strategic Flood Risk Assessment are currently in progress, significant further work remains with the need for a new call for sites, transport and infrastructure studies, viability appraisal, Sustainability Appraisal and Habitat Regulations Assessment.
- 1.6 A Regulation 18 stage Issues Paper was published and consulted on in early 2022. Views were invited about what the new Local Plan will include and how Mid Devon should be planned for in the future. The Issues Paper identified 6 top priorities that should go to the heart of the strategy for the new Local Plan and which can help achieve sustainable development, including responding to

the climate emergency and moving to a net-zero carbon future, and delivering new development and infrastructure to meet identified needs.

- 1.7 The preparation of a 'Draft Policies and Site Options' consultation report has been the subject of numerous meetings with the Planning Policy Advisory Group through 2024, with the intention that this would be published in December 2024. However, progress has been impacted through unforeseen and competing work pressures and priorities from late 2023 and through 2024. This has significantly impacted the capacity of the Forward Planning team, which remains the case, and it has not been possible to complete the preparation of a 'Draft Policies and Site Options' report and to consult on this as intended.
- 1.8 The Government published a new National Planning Policy Framework on 12<sup>th</sup> December 2024, alongside its response to the consultation it launched in July 2024. At the same time, the Government also published a new standard method for calculating a districts' annual housing requirement that will need to be planned for, results of the Housing Delivery Test 2023, and a revised Planning Policy for Traveller Sites. Whilst the full details for these are not the focus of this report the salient matters relevant to the timetable and technical work needed for the preparation of a new local plan for Mid Devon are as follows:

*Transitional arrangements for plan making*

- 1.9 The new NPPF includes transitional arrangements for the implementation of its policies in relation to the preparation of local plans under the current 2004 Act system and previous NPPF version for local plans that will have reached their Regulation 19 (pre-submission stage) on or before 12<sup>th</sup> March 2025. Since the preparation of the new local plan for Mid Devon will not have reached this stage, it will need to be prepared in relation to the policies in the new NPPF.
- 1.10 The Government has also made clear that all earlier stage plans progressing under the December 2024 NPPF will be expected to be submitted for examination under the existing 2004 Act system by December 2026. Local Plans submitted after that will be subject to a reformed plan making system.

*New standard method for calculating housing need and 5 year housing supply*

- 1.11 The use of the standard method and housing targets are now mandatory and is no longer an advisory start point. It includes an approach to calculating housing need based on existing housing stock (rather than household projections as in the previous method) and affordability using a three year average. This has resulted in a significant increase in the annual housing need for Mid Devon, from 346 to 572 new homes.
- 1.12 The new NPPF has restored the requirement for local authorities to continually demonstrate a 5 year supply of deliverable sites for housing (this requirement had been removed in the previous version in December 2023). For plan making, "planning policies should identify a sufficient supply and mix of sites, taking into

account their availability, suitability and likely economic viability. Planning policies should identify a supply of a) specific deliverable sites for five years following the intended date of adoption". This point is important since it will require greater certainty at a later stage in the housing trajectory for the local plan, and not at the plan's start date or from the base date for housing supply calculations that are produced to evidence the local plan. Where the Housing Delivery Test results indicate that delivery is below the 85% of the housing requirement a 20% buffer will need to be added to the housing land supply to improve the prospect of achieving the plan's supply of land for housing. Also from 1<sup>st</sup> July 2026, for the purpose of decision making only, where local planning authorities have a housing requirement adopted in the last 5 years and examined against the previous version of the NPPF the buffer to be applied to housing supply calculations will increase from 5% to 20% where the annual average housing requirement is 80% or less in relation to that calculated under the new standard method. These points emphasise the importance and need for timely plan-making.

- 1.13 Officers are currently assessing the implications of the increased housing need for the preparation of a spatial development strategy and development site options for the new local plan. While this will culminate with draft local plan proposals which will be subject to future decisions taken by the Council, it has generated the need for additional technical work and evidence gathering that will protract the plan making process, and which will need to be reflected in a new Local Development Scheme. A key piece of technical work that is necessary to understand the development potential of land in Mid Devon is the Housing and Economic Land Availability Assessment ('HELAA'), which can form a basis for investigating potential development site options for inclusion in the new local plan. The HELAA is in progress following a 'call for sites' undertaken in early 2021. The increased housing need for the district has placed a need for a new 'call for sites' that will provide a further opportunity for land to be brought to the Council's attention for assessment, and for updating information on sites previously submitted. This work is in progress and may take at least 6 months to complete, with the need for engagement with statutory consultees, Government agencies, technical specialists and a stakeholder panel of representatives from organisations across the development industry as part of assessing the development potential of sites, identifying any constraints to their delivery and the need for new or improved infrastructure.

*Examination of plans and "soundness"*

- 1.14 The NPPF makes clear that local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are "sound". Plans are 'sound' if they are "positively prepared", "justified", "effective" and "consistent with national policy". To meet these tests the local plan will need to provide an appropriate strategy taking into account reasonable alternatives, which as a minimum seeks to meet the area's objectively assessed development needs, be based on proportionate evidence

and be deliverable over the plan period. This will also need to include consideration of cross-boundary strategic matters and accommodating unmet needs from neighbouring areas where it is practical to do so.

*The need for technical studies and evidence to support plan making*

- 1.15 The soundness of a local plan is dependent on the technical studies, evidence gathering and other work that is necessary to inform its preparation. While there is a balance to be struck between what technical studies and evidence is essential and what may be ‘nice to have’, there is particular work that is required to give the greatest certainty of a local plan being found sound, or capable of being sound subject to modifications being made to it at its examination. This includes the HELAA, the Strategic Flood Risk Assessment (‘SFRA’), Local Housing Needs Assessment (‘LHNA’), Economic Development Needs Assessment (‘EDNA’) and others too.

*National set of development management policies*

- 1.16 The Levelling-up and Regeneration Act (LURA 2023) provides for the creation of National Development Management Policies. The Government has since reaffirmed its intention to consult on a set of national development management policies for decision making (expected in spring 2025). Until these are published it remains uncertain what development management policies may still need to be included in the new local plan.

*Community Infrastructure Levy*

- 1.17 The Government has indicated that it does not wish to implement a national infrastructure levy, but focus on improving the developer contributions system. This would be through the use of Section 106 planning obligations and Community Infrastructure Levy. The preparation of a new local plan will include an assessment of new and improved infrastructure needed to support planned development and the implementation of the local plan. This can include consideration of how developer contributions are secured in Mid Devon and whether the introduction of a Community Infrastructure Levy should be re-visited. While this work can form part of the process of Viability Appraisal of the local plan, the technical work and production of a Community Infrastructure Levy charging schedule, its testing through independent examination and implementation will have resource and budget implications that will need to be fully considered by the Council alongside consideration of the merits of introducing the levy itself.

*Devolution and local government reorganisation*

- 1.18 The Government is committed to a programme of devolution to bring about local government reform in England. In February the Government confirmed that six new areas will join the Devolution Priority Programme. While Devon was not included in this programme, a new Devon and Torbay Combined County

Authority has now come into being. This will mean significant opportunities for collaboration with government agencies on major projects such as housing.

- 1.19 Local Government reorganisation is a separate process to simplify structures created as a result of devolution, seeking to replace the current two-tier district and county councils structure with a new two-tier structure of unitary councils and sub-regional strategic authorities. The formation of unitary councils in Devon may not happen until April 2028. This is relevant to the preparation of a new local plan and is considered in relation to option 3 presented in **Table 1 in Annex 1** to this report.

*Strategic planning at a sub-regional scale*

- 1.20 A Joint Strategy for Exeter, Teignbridge, East Devon and Mid Devon was completed in January 2024. This is a non-statutory document that reflects the ambitions and proposals of existing and emerging local plans for the four Councils. It covers a range of strategic planning matters and includes a list of infrastructure matters that have cross-boundary significance for supporting the delivery of planned new homes, jobs, services, transport and other development. The Government is committed to introduce a universal system of strategic planning, with details expected in a future NPPF revision. The introduction of a system for strategic planning may have potential resourcing and capacity implications for the Council and it is not clear how strategic planning might impact on the scope of policies within local plans.

*Requirement for a new Local Development Scheme*

- 1.21 All local planning authorities must produce an updated Local Development Scheme (LDS) within 12 weeks of the publication of the NPPF i.e. by no later than 6<sup>th</sup> March 2025. This must be publicly available and a copy sent to the MHCLG, together with the completion of an on-line form to record key information. This requirement underpins the reason for this Cabinet report.

**2.0 Current Local Development Scheme**

- 2.1 The current Local Development Scheme (LDS) was approved by Cabinet on 4<sup>th</sup> July 2023 (minute 17), and came into effect from 12<sup>th</sup> July 2023. It sets out a timetable for preparing the new local plan under the current 2004 Act system:

Stage	Date
Regulation 18 Issues Consultation	Jan – March 2022 (Completed)
Draft Policies and Site Options Consultation (Regulation 18 continued)	November 2024 – January 2025
Regulation 19 Publication (Proposed Submission) consultation	December 2025 – February 2026
Submission	April 2026
Examination and Main Modifications	April 2026 – March 2027
Adoption	April 2027

2.2 The timetable includes a two staged approach for plan making and for public engagement, with a Regulation 18 'Draft Policies and Site Options' and a statutory Regulation 19 publication (proposed submission) stage plan. While there is statutory requirement for a Regulation 18 stage consultation to invite representations about what a local plan should contain, there is no requirement for a second Regulation 18 consultation on draft policies and site options. This two stage approach follows a Cabinet decision (4<sup>th</sup> February 2021; minute 304) to ensure the plan making process provided an enhanced early opportunity for public engagement to help shape and inform the preparation of the local plan before it reaches draft plan publication stage. For the reasons detailed in this report, it has not been possible to prepare and consult on Draft Policies and Site Options in November 2024 to January 2025 as set out in this LDS.

### **3.0 External advice**

3.1 External consultancy support has been used for advice on reviewing the timetable for producing of a new local plan. This has considered the scope of matters identified in section 1 to this report, including the preparation of the new local plan under the current 2004 Act system and moving to the reformed plan making system. While the consultant's interim report is in draft form, it has helped to detail options available for the Council. In particular, it has identified that to be capable of achieving the submission of the local plan under the current 2004 Act system by December 2026 the Regulation 19 publication (proposed submission) stage plan would need to be completed by April 2026. Also, it has highlighted significant difficulties and potential risks in seeking to include a preceding additional Regulation 18 stage and consultation on Draft Policies and Site Options, with the need for additional resourcing and potential for the evidence base supporting the local plan to be incomplete. It has highlighted risks of moving to the new plan making system when the details are not yet known.

### **4.0 Options for a new Local Development Scheme**

- 4.1 Officers have identified four options available for a new plan making timetable and LDS, taking into consideration the external consultancy advice:
- **Option 1** - Prepare the local plan under the current 2004 Act system through the two staged approach to plan making including a second Regulation 18 consultation on Draft Policies and Site Options consultation and Regulation 19 publication (proposed submission) stage plan.
  - **Option 2** - Prepare the local plan under the current 2004 Act system through moving straight to a Regulation 19 publication (proposed submission) stage plan.
  - **Option 3** – Move to the reformed plan making system once this has been introduced and front load the process now though progressing technical studies, evidence gathering and develop emerging spatial development strategy and site development options.

- **Option 4** - Stop production of a new Local Plan and wait for the Government to introduce new regulations for preparing plans under the Levelling Up and Regeneration Act 2023 expected in the summer 2025.
- 4.2 These four options have been evaluated and this is detailed in **Table 1** included in **Annex 1** at the end of this report. This evaluation has taken into consideration the scope of matters explained in section 1 to this report.
- 4.3 While there will be a need to prepare and adopt a new local plan as soon as practicable as the current local plan will be 5 years old in July 2025 and a review of its strategic policies are necessary, an overarching priority must be that the new local plan is found sound at its examination. The Government is clear that “local planning authorities must not submit local plans unless they think they are ready for independent examination” and that “local planning authorities should not therefore submit deficient plans believing that Inspectors will use significant time and resource during examinations to “fix them”. This stems from the Section 20(2) of the Planning and Compulsory Purchase Act 2004.
- 4.4 Cabinet should note that once a plan has been submitted to the Secretary of State, the Planning Inspectorate will be responsible for setting the timetable for the independent examination. The examination will include the scheduling of hearings, potential main modifications and consultation on these, before receipt of the Inspector’s report and the plan’s adoption. The number and complexity of the matters and issues to be resolved could affect the length of the examination. As such, it remains uncertain how long an examination for the new local plan might take. Research undertaken by David Lock Associates published in 2018 has found the national average for the adoption of local plans from the point of final publication has been 19 months, with the fastest being 7 months. For the purpose of the options below is has been assumed an examination process might take approximately 12 months.
- 4.5 Where reference is made to current regulations in **Table 1** and elsewhere in this report these are requirements placed through The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.6 The key findings of the evaluation are summarised as follows:
- **Option 1** – There is insufficient time remaining in the period to December 2026 to include a further Regulation 18 consultation on Draft Policies and Site Options, allowing for the completion of technical studies and evidence and preparation of the Regulation 19 Publication Draft Plan for its submission. There is no guarantee that trying to speed up the plan making process through increased resourcing or rationalising work will be successful and this could risk the plan being found unsound.
  - **Option 2** – The removal of a further Regulation 18 stage consultation on Draft Policies and Site Options would mean there would be no opportunity for early public engagement and for the Mid Devon community to have a say on emerging draft plan proposals before the Regulation 19 Publication



(Proposed Submission) Plan is finalised. It would also not provide an early opportunity to identify any unforeseen matters and issues relevant to the soundness of the local plan and to resolve these before the local plan is submitted for its examination. This could protract the examination process and increase the risk of the local plan being found unsound.

- **Option 3** – Moving to a new plan making system will provide two potential mandatory consultation stages and opportunities for the Mid Devon community to have a say on shaping the plan’s content. It will also provide more time to finalise the plan and increase the likelihood of it being found sound at its examination. While there is uncertainty about what the forthcoming plan making regulations will be, risks can be mitigated through frontloading work now that is core to plan-making, including an emerging spatial development strategy and site options.
- **Option 4** – Delaying the production of a new local plan will mean it will take longer for the new local plan to be completed. A new local plan is needed as soon as practicable to maintain a 5 year supply of land for housing.

### *Conclusion*

- 4.7 It is recommended to Cabinet that Option 3 is taken forward for the preparation of the new local plan for Mid Devon and for the purpose of a new local plan timetable to be included in the Local Development Scheme. The justification for this is summarised above, and is explained in the detailed evaluation of options in **Table 1** in **Annex 1** to this report and the context for plan making explained in Section 1.0 to this report.

## **5.0 Groups Consulted**

- 5.1 The Planning Policy Advisory Group (PPAG) was consulted (meeting held on 11<sup>th</sup> February 2025) on the 4 options for progressing the preparation of the new local plan set out in **Table 1** and has endorsed the recommendation that Option 3 is taken forward for the Local Development Scheme.

## **6.0 Approval of the LDS**

- 6.1 The Cabinet report of 9<sup>th</sup> 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.
- 6.2 It is recommended that the updated LDS (**Appendix 1**) is approved and is published on the Council’s website once the Cabinet’s decision comes into effect. It is also recommended that a copy of the LDS is submitted to the Ministry of Housing, Communities and Local Government by the Government’s deadline of 6<sup>th</sup> March 2025. There is also a requirement for key information to be recorded by filling out the online form through the link provided in the Chief Planner’s newsletter dated 13<sup>th</sup> December 2024.

- 6.3 The LDS will be kept under review and may require further updating in light of progress made in preparing the Local Plan and the publication of forthcoming regulations detailing the statutory process for preparing local plans through a reformed plan-making system.

### **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**

The Planning and Compulsory Purchase Act 2004 (Section 15) as amended by the Localism Act 2011 requires local authorities to prepare and maintain a Local Development Scheme (LDS) for the district. The LDS 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 updated timetable for the production of development plans based on the introduction of a reformed plan making system where the regulations for this have not yet been published, but makes assumptions about what these may be. This uncertainty introduces some risk, but the risk is mitigated through progressing technical studies and evidence and the development of a spatial development strategy and potential development site options which will be work that is core the preparation of a new local plan. This approach will frontload the work that will be needed to prepare a new local plan through the reformed plan making system. A review of the local plan must be completed 5 years from the date of the local plan's adoption, and most plans are likely to require updating in whole or part at least every 5 years. Where a review has identified that policies in a local plan need to be updated there is a risk these policies will become out-of-date for decision making. Without a new Local Plan to update policies in relation to housing supply and site allocations, there will be a risk that it will eventually no longer be possible to maintain five years supply of housing sites. A consequence could be the district being more vulnerable to speculative planning applications promoting development in locations the Council has not identified for sustainable growth. Where an authority is unable to demonstrate a five years supply of housing its local plan policies would become out of date in relation to housing land supply. In such circumstances a 'tilted balance' may be applied, where in accordance with paragraph 11(d) ii of the National Planning Policy Framework, the presumption would be that planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits". Where local planning authorities fail to progress the preparation of local plans there is a risk of intervention by the Secretary of State exercising local plan intervention powers set out in sections 27 and 27A of the 2004 Act.

## 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. The reduction or removal of greenhouse gas emissions can be influenced through the spatial development strategy for the local plan, including the distribution of planned growth, location of development sites and relationship with transport infrastructure (public transport, roads, rail and opportunities for active travel - including walking and cycling). The local plan may also include policy/ies for seeking to increase the energy efficiency standards in new buildings above current building regulations, and also for the production of energy from renewal sources in the district (e.g. wind, solar and hydro-electric). The potential benefits from these policies has not yet been quantified and may need to be subject to future technical studies and assessment.

## Equalities 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 2024 – 2028 themes:

- **Planning, Environment and Sustainability** – through delivering policies to meet the objectively assessed development needs of the district, respond positively to the challenge posed by climate change, and through protecting the historic and natural environment, including protected landscapes, and areas of biodiversity, geodiversity and habitat.
- **Community, People and Equalities** – through involving and engaging with the communities.
- **Homes** – meeting the level of housing need required for the district and securing the delivery of new affordable homes.
- **Economy and Assets** – through including policies that help grow the district's economy, including our town centres and employment sites.

## Section 3 – Statutory Officer sign-off/mandatory checks

**Statutory Officer:** Andrew Jarrett  
Agreed by the Section 151 Officer  
**Date:** 18.02.2025

**Statutory Officer:** Maria De Leiburne  
Agreed by the Monitoring Officer  
**Date:** 18.02.2025

**Chief Officer:** Richard Marsh  
Agreed by the Corporate Director  
**Date:** 18.02.2025

**Performance and risk:** Steve Carr  
Agreed by the Corporate Performance & Improvement Manager  
**Date:** 13 February 2025

**Cabinet member notified:** Yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Tristan Peat, Forward Planning Team Leader  
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## Annex 1

**Table 1** Evaluation of options for plan making and its timetable (LDS)

Option	Description	Timetable and evaluation
Option 1	Prepare the local plan under the current 2004 Act system through the two staged approach to plan making with a non-statutory Regulation 18 Draft Policies and Site Options consultation and Regulation.	<ul style="list-style-type: none"> <li>• Draft Policies and Site Options Consultation (Regulation 18 continued) – November 2025 to January 2026</li> <li>• Regulation 19 Publication (Proposed Submission) consultation – June to July 2026</li> <li>• Submission – December 2026</li> <li>• Examination and main modifications – December 2026 to December 2027</li> <li>• Adoption – December 2027</li> </ul> <p>The submission deadline for plans under the 2004 Act system is December 2026. To meet this will require the completion of the Regulation 19 publication (proposed submission stage plan) by April 2026, Cabinet / Council approval in May / June 2026 and a subsequent period of 6 months for public consultation, summarising representations and finalising technical work and Duty to Co-operate statements so that the plan is ready for submission.</p> <p>This leaves a period of 14 months to complete the preparation of the Regulation 19 publication (proposed submission stage plan).</p> <p>The majority of technical studies and evidence base will need to be completed to inform the preparation of a Regulation 18 Draft Policies and Site Options report.</p> <p>While substantive progress has been made in completing technical studies and evidence, formulating emerging draft policies for a number of themes (including responding to the climate emergency, new homes, business and jobs) and initial consideration of some potential site options to meet the assessed development needs for the district there is now a need for a new call for sites and further technical work through the Housing and Economic Land Availability Assessment ('HELAA') in light of the increased housing requirement for the district. This work will not be completed until summer</p>

Option	Description	Timetable and evaluation
		<p>2025 and is necessary to inform the spatial development strategy and development site options which will subsequently need to be tested through further technical work that is critical to the preparation of the local plan, including the Strategic Flood Risk Assessment, Sustainability Appraisal, Habitat Regulations Assessment, transport and other infrastructure studies, and Viability Appraisal.</p> <p>A Regulation 18 Draft Policies and Site Options report is unlikely to be completed until late 2025 as it needs to be informed by the technical studies and evidence. The Regulation 18 stage consultation is likely to attract a significant level of representations which will need to be carefully considered and time for seeking to resolve objections. This process could take 3 to 4 months, and would not allow sufficient time to conclude technical studies and evidence and to finalise the preparation of Regulation 19 publication (proposed submission stage plan) plan by April 2026.</p> <p>The plan making process may be accelerated by increasing the capacity of the Forward Planning team: recruiting additional officers, employing agency staff or through outsourcing work to a suitable consultant. However, there is no existing budget, a recruitment process will take time to complete and previous experience has shown this may not be successful and there is no guarantee that increased capacity would mean the timescales would be met. It may be possible to consider rationalising technical studies and evidence, or in the case of the Sustainability Appraisal using consultants to undertake all the work including the appraisal of all draft policies and site options and their reasonable alternatives, rather than providing critical friend support to check the process is robust and legally compliant. Presently this work is undertaken in house due to the likely significant additional cost and provide a more efficient work flow in the iterative process of preparing the plan and testing it. However, there is no guarantee these measures would provide sufficient time for a Regulation 18 Draft Policies and Site Options stage. The current</p>

Option	Description	Timetable and evaluation
		<p>scope of technical studies and evidence is considered to be the minimum essential to produce a sound local plan. Any rationalisation of technical studies and evidence could introduce significant risk that the local plan may be found unsound at its examination.</p> <p><b>Conclusion</b> It is recommended this option is not taken forward for the LDS.</p>
Option 2	Prepare the local plan under the current 2004 Act system through moving straight to a Regulation 19 publication (proposed submission) stage plan.	<ul style="list-style-type: none"> <li>• Regulation 19 Publication (Proposed Submission) consultation – June to July 2026</li> <li>• Submission – December 2026</li> <li>• Examination and main modifications – December 2026 to December 2027</li> <li>• Adoption – December 2027</li> </ul> <p>The removal of a Regulation 18 Draft Policies and Site Options stage from the plan making programme could allow 3 to 4 months to focus instead on the completion of the technical studies and evidence base and to write the Regulation 19 Publication (Proposed Submission Plan).</p> <p>However, this would not provide an opportunity for early public engagement and for the Mid Devon community to have a say on emerging draft plan proposals before the Regulation 19 Publication (Proposed Submission) Plan is finalised. It would also not provide an early opportunity to identify any unforeseen matters and issues relevant to the soundness of the local plan and to resolve these before the local plan is submitted for its examination. This could protract the examination process and increase the risk of the local plan being found unsound.</p> <p>Regulation 19 requires that before submitting a local plan the local planning authority must, amongst other requirements, make the proposed submission documents available for inspection and invite representations on these. Through Regulation 20, any person may make representations to a local planning authority about a local plan which the local planning authority proposes to submit. However,</p>

Option	Description	Timetable and evaluation
		<p>Regulation 22 only requires that if representations were made through Regulation 20 (i.e. this would be on the Regulation 19 Publication (Proposed Submission) Plan) the local planning authority must submit a statement setting out the number of representations made, and a summary of the main issues raised in those representations. There is no requirement at this stage for the local planning authority to take these representations into account and to modify the local plan before it is submitted for its examination. However, the Council could choose to make proposed modifications to the local plan before it is submitted (this was the case for the current adopted Mid Devon Local Plan) but this would require further consultation on those proposed modifications which would take additional time to complete and to modify the plan but might require further technical work to be undertaken. This could be similar to the 3 to 4 months (as a minimum) needed to complete a Regulation 18 Draft Policies and Site Options stage consultation and would not be feasible before the deadline of December 2026 to submit a local plan under the current 2004 Act system. It would not be feasible to bring forward the Regulation 19 Publication (Proposed Submission) Plan to an earlier date in the plan making timetable (i.e. in a period less than the remaining 14 months to finalise the draft plan) because of the need to complete all outstanding technical studies and evidence base, Sustainability Appraisal and Duty to Cooperate statements at that stage. Including a proposed modifications stage is also not recommended since the Planning Inspectorate’s published Procedure Guide for Local Plan Examinations makes clear that “the plan that is published for consultation at Regulation 19 stage should be the plan that the local planning authority intends to submit to the Planning Inspectorate”.</p> <p>As with Option 1, the Council could seek to speed up the plan making process through increasing the capacity of the Forward Planning team: recruiting additional officers, employing agency staff or through outsourcing work to a</p>



Option	Description	Timetable and evaluation
		<p>suitable consultant. However, there is no existing budget for this and a recruitment process will take time to complete and previous experience has shown this may not be successful. This could also involve rationalising technical studies and evidence, or in the case of the Sustainability Appraisal using consultants to undertake all the work including the appraisal of all draft policies and site options and their reasonable alternatives, rather than providing critical friend support to check the process is robust and legally compliant. Presently this detailed work is undertaken in house by the Forward Planning team due to the likely significant additional cost and provide a more efficient work flow in the iterative process of preparing the plan and testing it. However, there is no guarantee these measures would provide sufficient time to reach a Regulation 19 Publication (Proposed Submission) Plan sooner in the plan making timetable. The current scope of technical studies and evidence is considered to be the minimum essential to produce a sound local plan. Any rationalisation of technical studies and evidence could introduce significant risk that the local plan may be found unsound at its examination.</p> <p><b>Conclusion</b></p> <p>It is recommended this option is not been taken forward for the LDS.</p> <p>However, if the Cabinet is minded to take this option forward then it is recommended this should include a review of the plan making progress in early 2026 to understand whether the completion of the Regulation 19 Publication (Proposed Submission) Plan) can be achieved by April 2026. If the completion of the plan cannot be achieved by April 2026 then the LDS should be subject to a further review to include a new timetable for preparing the local plan through a reformed plan making system through the LURA 2023 and associated regulations that are expected to be introduced this summer.</p>

Option	Description	Timetable and evaluation
Option 3	Move to the reformed plan making system once this has been introduced and front load the process now though progressing technical studies, evidence gathering and develop emerging spatial development strategy and site development options.	<ul style="list-style-type: none"> <li>• Give notice of start of plan-making (4 months' notice) – August 2025 – November 2025</li> <li>• Gateway check (advisory) with the Planning Inspectorate – December 2025</li> <li>• Public consultation (mandatory 8 weeks) on draft vision and spatial options – March to April 2026</li> <li>• Gateway check (advisory) with the Planning Inspectorate – December 2026</li> <li>• Public consultation (mandatory 6 weeks) on draft plan – February to March 2027</li> <li>• Gateway check (stop / go) with the Planning Inspectorate – November 2027</li> <li>• Submission – November 2027</li> <li>• Examination – December 2027 to May 2028</li> <li>• Adoption – June 2028</li> </ul> <p>The Government has indicated that it intends to introduce new regulations this summer for the reformed plan making system under the LURA 2023. Until then, there will remain uncertainty about what the new plan making process will be. This uncertainty introduces some risk in seeking to prepare a local plan now while the details of the reformed system are not yet known, which makes accurate forecasting of timetables and work required difficult. However, it is expected that the reformed plan making system may follow, or be similar to proposals that were published by the previous Government in July 2023, in the “Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms”. This was recently intimated by a MHCLG representative through a webinar hosted by the Planning Advisory Service. These proposals included a new 30 month timeframe for the production of local plans, with three “Gateway” assessments to advise on the preparation of the plan, with the final assessment having a binding role to make sure the prescribed requirements for preparing the plan have been met. The 30 month timetable is preceded by a 4 month period for local planning authorities to scope out the preparation of the local plan, including project management, evidence required,</p>

Option	Description	Timetable and evaluation
		<p>preparation and review of Plan timetable and identifying monitoring requirements. The 30 month timetable includes two mandatory stages for public consultation and for local planning authorities to make changes to the plan prior to its submission. This two stage approach to plan making would provide more opportunity for public engagement on the new local plan and for the community to have a say in shaping the plans content than in option 2, where there would be no early consultation on emerging plan proposals through a Regulation 18 Draft Policies and Site Options consultation.</p> <p>The proposed timetable set out in this option has been informed by the previous Government’s consultation on implementation of plan-making reforms July 2023, and is based on the commencement of plan-making under the reformed system as soon as the new regulations have been introduced (summer 2025). The timetable indicates an adoption of the new local plan in June 2028. This is 6 months later than might be possible if the local plan were progressed under the current 2004 Act system where it has been assumed there may be a 12 month examination period. While it may be desirable to have an adopted local plan sooner to re-establish a 5 year supply of deliverable housing sites should it no longer be possible to demonstrate this in the interim period, this may not stop potential speculative planning applications being submitted to the Council for determination and for the annual 5 year housing supply updates to be challenged.</p> <p>There is a risk in moving to a reformed plan making system without knowing the details of what this will be. Also, it is not known whether the Council would be allowed to progress the plan making under the new system straight away following its introduction or need to wait as part of a phased roll-out of groups of local authorities in “waves” subject to the date of adoption of their current local plans. However, this risk can in part be mitigated through frontloading work now that will remain core to local plan production, including progressing the technical studies and evidence and continuing</p>

Option	Description	Timetable and evaluation
		<p>to develop an emerging spatial development strategy and site options that will meet the increased housing requirement through the new standard method. Moving to the new system would provide a longer period in 2026 to finalise this work that is crucial to inform a sound local plan and therefore will de-risk the examination process. In practice, the Council would have more than 30 months to complete a new style local plan.</p> <p>A requirement to prepare a local plan in 30 months and assumption that this will be fixed for duration of that period will require that sufficient resources and capacity are available to achieve this. This could include a review of the Forward Planning team capacity where experience has shown this has been subject to competing work pressures and recruitment difficulties, ring fencing plan making work, and wherever possible streamlining decision making processes and increased use of powers of delegation to ensure there will be an efficient pathway to progress the preparation of the plan.</p> <p>The adoption of the new local plan in June 2028 may follow the implementation of a new unitary authority/ies for Devon through the Government’s programme for Devolution and local government reform. While the precise timings for both are not yet known, it is assumed there would be a continued commitment to adopt the new local plan following its submission to the Secretary of State in November 2027 for examination.</p> <p><b>Conclusion</b></p> <p>It is recommended this option is taken forward for the LDS since it will provide the greatest level of certainty that a new local plan will be capable of being found sound at its examination.</p> <p>If Cabinet is minded to take this option forward then it is recommended this should include a review of the plan making timetable and LDS once the new plan making regulations have been introduced so that the key milestones can be confirmed or revised as necessary.</p>

Option	Description	Timetable and evaluation
Option 4	<p>Stop production of a new Local Plan and wait for the Government to introduce new regulations for preparing plans under the Levelling Up and Regeneration Act 2023 expected in the summer 2025.</p>	<p>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. Where a review has not been completed in five years and the plan has not been updated, the Local Plan may become out of date. The review of the adopted Mid Devon Local Plan has indicated that the plan needs to be updated due to reasons set out in paragraph 1.3 of this report and since the plan will be 5 years old in July 2025, at which point housing land supply calculations will be based on the housing requirement calculated through the new standard method.</p> <p>Government advice has been consistent for local planning authorities to continue to produce and adopt local plans. The Government’s consultation on reforms to national planning policy “is clear that plan production should continue to progress” and that “it is critical that work should continue on plans before the new system is in place”.</p> <p>Delaying the production of a new Local Plan will mean it will take longer for the new Local Plan to be completed. A new Local Plan will be needed to maintain a 5 year supply of land for housing since the current local plan will eventually become out of date for decision-making purposes in relation to housing land supply.</p> <p><b>Conclusion</b> It is recommended this option is not taken forward for the LDS.</p>

## Background papers:

Scrutiny Committee meeting 25<sup>th</sup> November 2024 The Impact of the Government's proposed changes to National Planning Policy on the Council's priorities and preparation of a new Local Plan (item 54) [Agenda for Scrutiny Committee on Monday, 25th November, 2024, 5.00 pm - MIDDEVON.GOV.UK](#)

Cabinet meeting 17<sup>th</sup> September 2024 Responses to the National Planning Policy Framework [Agenda for Cabinet on Tuesday, 17th September, 2024, 5.15 pm - MIDDEVON.GOV.UK](#)

Cabinet meeting 3<sup>rd</sup> July 2023 Local Development Scheme [Agenda for Cabinet on Tuesday, 4th July, 2023, 5.15 pm - MIDDEVON.GOV.UK](#)

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

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

## Links:

National Planning Policy Framework (December 2024) [National Planning Policy Framework - GOV.UK](#)

The Town and Country Planning (Local Planning)(England) Regulations 2012 [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

Consultation outcome – Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation [Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation - GOV.UK](#)

Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms” Department for Levelling Up, Housing and Communities (July 2023) [Plan-making reforms: consultation on implementation - GOV.UK](#)

Local Plans: the examination process [Local Plans: the examination process - GOV.UK](#)

Procedure Guide for Local Plan Examinations – Planning Inspectorate [Procedure Guide for Local Plan Examinations - GOV.UK](#)

Cabinet Meeting 4<sup>th</sup> July 2023 Local Development Scheme [Agenda for Cabinet on Tuesday, 4th July, 2023, 5.15 pm - MIDDEVON.GOV.UK](#)

How long does it take to adopt a local plan? David Lock Associates 2018 [How long does it take to adopt a local plan? - David Lock Associates Website](#)

Government press release 5<sup>th</sup> February 2025: [Devolution revolution: six areas to elect Mayors for first time - GOV.UK](#)