

EXECUTIVE

LEADER: Cllr Gordon Hook

PORTFOLIO HOLDER: Cllr Gary Taylor

DATE: 30 July 2019

REPORT OF: Business Manager Strategic Place

SUBJECT: 5 Year Review of the Teignbridge Local Plan

PART I

RECOMMENDATIONS

**The Executive is recommended to
Resolve**

That the conclusions of the 5 Year Review of the Teignbridge Local Plan attached to this report are confirmed.

1. PURPOSE

1.1 To consider a 5 year review of the adopted Teignbridge Local Plan 2013-2033 which determines whether the policies contained within it are up to date and effective, as required by the local plan regulations and the National Planning Policy Framework.

2. BACKGROUND

- 2.1 In 2017 a new requirement was included in the Local Plan Regulations that a local plan should be reviewed 5 years from its adoption to determine whether the policies of the plan need updating. The review should take into account a number of factors, including changing circumstances affecting the area and changes to national policy, in particular relating to the need for housing in the area.
- 2.2 The Teignbridge Local Plan 2013-2033 was adopted on 6th May 2014. The review therefore became due in May 2019.
- 2.3 Members should note that the term “review” in this context means that the council prepares a statement setting out whether the plan needs updating. Unfortunately the terminology can be somewhat confusing, since “review” is also often used to describe the process of amending and updating a local plan (such as our proposed “Teignbridge Local Plan Review”). This is unfortunate since the processes are distinctly different, albeit somewhat linked. Officers will

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be considering whether to rename the Teignbridge Local Plan Review to minimise confusion.

- 2.4 The Review document itself is attached to this report as Appendix A.

3. MAIN IMPLICATIONS

Whether or not the Local Plan is considered up to date

- 3.1 A plan does not automatically become out of date once it reaches 5 years old. The requirement to review is there to ensure that the policies of the plan remain effective and are consistent with higher level policy contained in the National Planning Policy Framework.
- 3.2 There is guidance provided within the National Planning Practice Guidance as to how to carry out the 5 year review of the Local Plan. This sets out the factors that should be taken into account and are listed in section A paragraph 1.1 of the attached review in Appendix 1. The review discusses these in turn and concludes that, for the most part, the policies of the plan remain up to date and consistent with national policy. As such, the Local Plan will continue to be used as the starting point for determining planning applications (alongside any relevant adopted Neighbourhood Development Plans which also form the development plan for the area).
- 3.3 However, the review notes in section A paragraph 2.1 that there are three main areas where the Local Plan diverges from National Policy and as such require consideration during the Local Plan update. These relate to policies S1A (Presumption in Favour of Sustainable Development), S4 (Land for New Homes) and WE2 (Affordable Housing Site Targets).

Local Housing Need

- 3.4 The main implications relate to local housing need. The NPPF amends the policy on calculating housing need by replacing the previous general guidance for local authorities on how to determine “Objectively Assessed Need” for housing with a specific, nationally set, formula. This new approach, known as the standard method, currently results in an annual housing need calculation of 760 homes per year. This is an increase of 23% above the local plan target of 620. Paragraph 31 of the NPPF states that “*relevant strategic policies will need updating at least every 5 years if their applicable local housing need figure has changed significantly*”.
- 3.5 The Council Leader has written to the Prime Minister stating that the new approach to defining housing need is not appropriate and should be amended.
- 3.6 As this uplift is a ‘significant’ change, there is a clear need to update the Local Plan to take account of the new housing need calculation.
- 3.7 Members will be aware that the council is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement. If a five year

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supply cannot be identified, then the “presumption in favour of sustainable development” applies, reducing the weight to be attached to key local plan policies such as defined settlement limits. This would create the risk of more ad hoc development decisions and “planning by appeal”.

- 3.8 The Local Plan has a housing target of 620 homes per year, and currently we can show a housing supply in excess of five years against this target (see Section B of the attached appendix). Therefore, our decisions on planning applications have been able to apply full weight to our local plan policies.
- 3.9 However, as the Local Plan is considered to require updating as a result of the 5 year review, then the target to be used will be the government’s standard method calculation, which is currently 760 homes per year. At present we also can identify a 5 year supply against this higher target. However, clearly the supply in terms of years is reduced.
- 3.10 It should also be noted that there are similar implications for the “Housing Delivery Test” which measures housing completions against targets, looking back rather than forward. We have met the various requirements of the test, but, as for future five year supply statements, the higher housing need target will have an impact on that in future years.

Other Policies

- 3.11 Policy S1A was a standard policy recommended by the Planning Inspectorate, which incorporated the 2012 version of the presumption in favour of sustainable development within the plan. It is now out of line with the most recent NPPF in terms of how the presumption works, and it is no longer a recommended standard policy. In these circumstances, the policy requires updating.
- 3.12 Policy WE2 sets the “thresholds” used to seek affordable housing in rural and urban areas. The Local Plan seeks affordable housing on sites of “more than 4” homes. This is in line with the national indicative threshold of 5 dwellings or more in rural areas. However, it is lower than the 10+ dwelling threshold in urban areas. The policy will need to be considered during the Local Plan update.

Updating the Local Plan and Greater Exeter Strategic Plan

- 3.13 The Council has agreed to consider housing strategy jointly with our neighbouring Greater Exeter councils through the preparation of a joint statutory plan known as the Greater Exeter Strategic Plan (GESP). This will take account of new information on housing need across the wider area, and include decisions on overall strategic distribution. It is currently expected that this work will be completed in around 2022. An updated Local Plan will follow on alongside the GESP with a view to also being in place by the end of 2022.
- 3.14 Even though the review concludes that the local plan needs updating specifically in relation to housing need (policy S4) our five year supply position against the new housing need target gives us sufficient time to carry out that review via the GESP and the Local Plan update in accordance with this broad

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timetable. However, any significant delay would risk eroding our position with unfortunate consequences for both supply and delivery calculations.

3.15 The timetable, subject to any further changes, is contained in the following table.

Greater Exeter Strategic Plan	Teignbridge Local Plan First Review
<ul style="list-style-type: none">• February 2017 – Issues Consultation (Regulation 18) (complete)• June 2019 – Draft Policies and Site Options• Nov 2019 – Full Draft Plan• Feb 2021 – Proposed Submission (Regulation 19)• July 2021 – Submit Plan• September 2021 – Examine Plan• April 2022 – Adopt Plan	<ul style="list-style-type: none">• May 2018 – Issues Consultation (Regulation 18) (complete)• March 2020 – Draft Plan• April 2021 – Proposed Submission (Regulation 19)• March 2022 – Submit Plan• June 2022 – Examine Plan• Dec 2022 – Adopt Plan

Legal Implications

3.16 The 5 year review is a legal requirement. Guidance on how to carry out that review is contained in the NPPF and associated online practice guidance. Once carried out, and subject to Executive confirmation and call-in, the review will be published on the council website in accordance with the regulations.

4. GROUPS CONSULTED

4.1 None.

5. TIME-SCALE

5.1 The 5 Year Review will be published on the website once confirmed by the Executive, subject to call-in. The housing need figure of 760 (and any subsequent calculation of housing need in accordance with the standard method) will be applied to 5 year housing land supply calculations and Housing Delivery Tests from that date.

6. FINANCIAL IMPLICATIONS

6.1 The costs associated with updating the Local Plan and preparing the Greater Exeter Strategic Plan have previously been agreed and included within the Council's budget.

7. JUSTIFICATION

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- 7.1 Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012). Further guidance is contained in the NPPF and Practice Guidance. The 5 Year Review contains the full justification for considering that parts of the Local Plan require updating.

8. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

Tuesday 30 July 2019 at 10.am.

Simon Thornley
Business Manager, Strategic Place

Cllr Gary Taylor
Portfolio Holder for Planning and Housing

BELOW TO BE FILLED IN BY REPORT AUTHOR:

Wards affected	All outside Dartmoor NP
Contact for any more information	Michelle Luscombe
Background Papers (For Part I reports only)	Teignbridge Local Plan
Key Decision	N
In Forward Plan	Y
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	A: 5 Year Review of the Teignbridge Local Plan