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13 February 2025

## **FULL COUNCIL**

To all Members of Teignbridge District Council

A meeting of the **Full Council** will be held on **Tuesday, 25th February, 2025** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**



Phil Shears  
Managing Director

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

## **A G E N D A**

### **Part I**

13. **Changes to the Local Plan**  
Report to follow.

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**Teignbridge District Council  
Full Council  
25 February 2025  
Part i**

**Teignbridge Local Plan 2020-2040 – Main Modifications  
Consultation**

**Purpose of Report**

To agree main modifications to the Local Plan and to publish these for a minimum six-week period of public consultation.

**Recommendation(s)**

**The Council RESOLVES to:**

1. Note the content of the Inspectors' Post -Examination Letter (Appendix 1).
2. Agree to amend the Plan accordingly through a series of Main Modifications as directed by the Planning Inspectors, or as required by the Strategic Environmental Assessment (Sustainability Appraisal) and Habitats Regulation Assessment, to be delegated to the Leader in consultation with the Director of Place.
3. Publish the Inspectors' main modifications to the Local Plan and accompanying Strategic Environmental Assessment (Sustainability Appraisal) and Habitats Regulation Assessment for a minimum six-week period of public consultation.
4. Note the need for additional funds of up to £60,000 to pay for additional costs arising from the examination.
5. Approve the Local Development Scheme (Local Plan timetable) as attached at Appendix 4 to come into effect on 25 February 2025.

**Financial Implications**

These are as set out in section 5.1.

Martin Flitcroft

Director - Corporate

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**Legal Implications**

These are as set out in section 5.2.

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**Risk Assessment**

These are as set out in section 5.3.

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## **Environmental/ Climate Change Implications**

These are as set out in section 5.4.  
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## **Report Author**

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## **Executive Member**

Leader – Cllr Richard Keeling

**Appendices** – see [www.teignbridge.gov.uk/mainmodifications](http://www.teignbridge.gov.uk/mainmodifications)

1. Post Hearing Letter
2. Equalities Impact Assessment
3. Local Plan Budget Spreadsheet
4. Local Development Scheme February 2025

## PURPOSE

- 1.1. The purpose of this report is to provide Full Council with the Inspectors' Post-Hearing Letter relating to the Local Plan 2020-2040. The report asks for approval to consult on a series of Main Modifications to the Plan in response to this letter and other matters raised during the public hearing sessions.

## 2. REPORT DETAIL

### 2.1. Overview

- 2.1.1. The Teignbridge Local Plan 2020-2040 ('the Plan') has been under preparation since 2018 and has included six rounds of public consultation. It was submitted to the Secretary of State for Communities and Local Government on 14<sup>th</sup> March 2024 and two Government Inspectors were subsequently appointed to carry out an independent examination of the Plan. Public hearings led by the Inspectors were held between September and November 2024, and anyone who had previously commented on the Plan was invited to speak and register their views or concerns at these hearings. A further closed hearing session was also held on the 24<sup>th</sup> January 2025 in relation to the Design Codes.
- 2.1.2. Following the hearings, the Inspectors have issued a Post-Hearing Letter which provides their initial advice in relation to the Plan (see Appendix 1). The letter states that with modifications *'the plan is likely to be capable of being found legally compliant and sound'*.
- 2.1.3. A series of modifications to the Plan are being finalised by the Planning Inspectors, to address the matters discussed at the hearing sessions. These modifications will be split into two categories:
- Main Modifications: changes to the plan which are necessary to make the Plan sound or legally compliant.
  - Additional (Minor) Modifications: changes which do not materially affect the Plan's policies (i.e. editorial errors or factual updates)

- 2.1.4. Given the direction officers have received from the Inspectors to date, there are, at this stage, no significant amendments expected to be made to the Local Plan that would change the meaning of the policies or proposals but would largely be for clarification purposes.
- 2.1.5. This report is therefore presented to Full Council prior to the Modifications being signed off by the Inspectors. As such, it asks for Full Council to give delegated authority to the Leader and Director of Place to agree the final proposed changes as directed by the Planning Inspectors, or as subsequently required by the accompanying Strategic Environmental Assessment (Sustainability Appraisal) and Habitats Regulation Assessment. This is to ensure that we can progress with consultation on the Plan as quickly as possible in order to secure adoption of the Plan in summer 2025. It should be noted that the Plan cannot be found sound unless we agree to the modifications requested by the Inspectors.
- 2.1.6. Following consultation on the Main Modifications, the Plan will be brought back to Full Council to seek approval for adoption.
- 2.1.7. The current timetable for preparing the Local Plan anticipated adoption of the Plan in November 2024. The examination has taken longer than anticipated and therefore this target has not been met. As such, the timetable for preparing the Plan has been updated and is included in Appendix 4 and aims for adoption of the Plan by July 2025.

### **3. PROPOSED MODIFICATIONS**

#### **3.1. Development Management Policies (Chapters 1-6)**

- 3.1.1. A number of modifications are likely to be proposed to the development management policies and explanatory text contained within Chapters 1 to 6 of the Plan. In the main, these relate to ensuring that the Plan can be effectively used by the Development Management Team and Planning Committee in determining applications, by making sure that the intention of the policy is clear and unambiguous. Other modifications have been

proposed to ensure consistency across the Plan or with national policy requirements.

3.1.2. There are some further modifications proposed which are more significant. These are listed below, but are still subject to final agreement by the planning Inspectors:

- The re-use of previously developed land is proposed to be included within policies GP3 (Settlement Limits and the Countryside) and EN2 (Undeveloped Coast) which would enable such land to be redeveloped for residential or other uses in areas outside of settlement limits and within the Undeveloped Coast. This is to ensure consistency with national policy which has a permissive approach to the re-use of previously developed land.
- Policy GP4 (Ashburton and Buckfastleigh) is proposed to be deleted as the policy is not considered to be necessary as it duplicates requirements already set out in GP3.
- Policy CC6 (Wind Turbine Development) is proposed to be amended to allow for wind turbine proposals to come forward on unallocated sites and to remove the requirement for such proposals to have community support. This is in response to a shift in the national policy position on wind turbine development.
- Policy H2 (Affordable Housing Targets) is proposed to be amended to apply a 0% affordable housing requirement on specific types of retirement housing. This is in response to viability evidence undertaken alongside the Plan.
- Policy H10 (Home for the Travelling Community) is proposed to increase the number of pitches required from 49 to 63. This is in response to the most up to date evidence of need and recent change in definition of Gypsies and Travellers.

### **3.2. Site Allocation Policies (Chapters 7-12)**

- 3.2.1. A number of modifications are proposed to the site allocation policies. These largely provide clarity on what will be required on individual sites in response to concerns raised by objectors to the Plan.
- 3.2.2. Policy EE2 (Peamore and West Exe) is proposed to be amended to reflect the recent designation of Peamore House as a Grade II Registered Park and Garden. This has required additional safeguards in the policy and the removal of land from the proposed allocation which currently falls within the Park and Garden. This would reduce the number of homes that can be built on this part of the development by approximately 40 homes. There is, however, space within the West Exe portion of the site to accommodate this loss without having any significant impact on employment delivery. An amendment to the policy has therefore been proposed to address this.

### **3.3. Local Plan Appendices**

- 3.3.1. A number of amendments are likely to be made to the Local Plan Appendices. These primarily relate to:
- Additions to Appendix 2 (Useful Terms) to improve understanding of the Plan.
  - Update to Appendix 3 (Housing Trajectory) to reflect the figures as of 1<sup>st</sup> April 2024.
  - Removal of Appendix 5 (Illustrative Concept Plans) as the concept plans provided useful evidence to support the Plan but are likely to cause confusion and contradictions as more detailed designs are drawn up at planning application stage.
  - Changes to Appendix 4 (District Design Code) and Appendix 7 (Houghton Barton and Bradmore Design Code) to address issues in relation to its status and how it is applied. The Design Codes are still subject to some uncertainty, and it is possible that further substantial changes will be requested.

### **3.4. Policies Map**



- 3.4.1. Some amendments to the Policies Map are being considered to reflect changes to the Plan.

#### **4. PUBLIC CONSULTATION**

- 4.1.1. There is a statutory requirement to consult on the Main Modifications for a minimum six-week period. The consultation is likely to begin in March or April, once the Inspectors have agreed all final modifications.

- 4.1.2. In line with the Planning Inspectorate's [Procedure Guide for Examinations](#), the consultation will only be about the proposed Main Modifications and any policies map changes.

- 4.1.3. All comments made about the Main Modifications will be considered by the Inspectors.

- 4.1.4. Given the nature of this consultation and the limited scope of what can be commented on, it is proposed to focus consultation on the following methods:

- Direct notifications to any individual or organisation who has previously commented on the Plan or is registered on the consultation database, statutory consultees, and town and parish councils
- Publish information on the website
- Media releases (including via the Residents Newsletter)
- Social media notifications
- All documents will be available at Forde House Offices and local libraries

#### **5. IMPLICATIONS, RISK MANAGEMENT AND CLIMATE CHANGE IMPACT**

##### **5.1. Financial**

- 5.1.1. The Local Plan has had an annual budget of £65,000 for years 2020/21-2024/25, plus an additional budget of £30,000 in year 2022/23 to cover all

costs associated with preparation of the Plan, including the costs of public examination, evidence, legally required environmental assessments, and Programme Officer salary. All costs accrued and committed are set out in Appendix 3 and estimate a shortfall of around £49,000.

- 5.1.2. The overall project has required some additional evidence which was not included within the initial forecasts. These include but are not limited to operational assessments of Alphington Roundabout, cost analysis of net-zero carbon new-build requirements, wind turbine heritage impact assessments, higher than anticipated costs from the Planning Inspectorate for the examination and environmental assessments required to support the main modifications consultation.
- 5.1.3. Some of these costs have been able to be absorbed within the budget but the higher than anticipated costs from the Planning Inspectorate will result in a shortfall of funding which is required to progress the plan through its final stages of examination and adoption. To date, we have made payments to the Planning Inspectorate totalling £77,000 and are expecting further invoices for the remainder of the examination which could be in the region of a further £50,000-70,000 as an estimate. There is also additional work required to undertake Sustainability Appraisal of the main modifications and Design Codes. There is no alternative but to pay these costs if we wish to continue with the examination.
- 5.1.4. Additional funding is therefore required to pay for additional costs associated with the examination. Although the shortfall has been estimated at c. £49,000, it could be higher and therefore the need for additional funds of up to £60,000 to pay for additional costs arising from the examination should be noted. These funds will be taken from either in year savings or reserves and will be within the range able to approved by the Managing Director/appropriate Head of Service in conjunction with the Chief Finance Officer.

## 5.2. Legal

- 5.2.1. Section 19 of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement for local planning authorities to prepare development plans. These plans must identify the priorities for the development and use of land in the authority's area. Consultation on Main Modifications of the Plan would be carried out under Regulation 19 of the 2012 Local Planning Regulations.
- 5.2.2. Legislation requires that Plans are accompanied by Strategic Environmental Assessment and Habitats Regulation Assessment. These have been carried out at each stage of the plan making process and published for consultation alongside the Plan. These are being updated to consider any additional, or change in, impacts that the draft Main Modifications have to the Plan. A final version will be prepared following agreement of the modifications by the Inspectors.
- 5.2.3. Section 15 of the Planning and Compulsory Purchase Act requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). These should be kept up to date. In addition, in light of the changes to the National Planning Policy Framework (NPPF), the Deputy Prime Minister has asked that all local planning authorities produce an updated Local Development Scheme (LDS) within 12 weeks of the publication of the NPPF, i.e. by no later than 6 March 2025.

## 5.3. Risks

- 5.3.1. Section 20(7C) of the Planning and Compulsory Purchase Act requires the Inspector to recommend Main Modifications if asked to do so by the Local Planning Authority, provided that the Main Modifications are necessary to make the plan sound and legally compliant. We have requested for such modifications to be proposed, and on that basis are recommending that we consult on these changes in order to achieve a 'sound' plan.
- 5.3.2. Unless we accept such modifications it is possible that following consultation, the Inspectors will conclude that the Plan is either unsound or

not legally compliant. This would delay adoption of a new Local Plan for the district.

5.3.3. There are various risks associated with not having an up-to-date plan in place which include loss of local control to determine planning applications, and harsher penalties for not meeting housing-related targets. Importantly, the Council will lose the ability to plan strategically, identify appropriate funding mechanisms, and ensure the most sustainable outcomes for our communities and environments.

5.3.4. The adoption of the Local Plan will 'set' the Council's housing requirement at 720 homes per year for five years from the date at which the Plan is adopted. Without the Plan in place, the Council's housing requirement will be determined by the 'standard method' formula which currently requires 1,090 homes per year.

#### **5.4. Environmental/Climate Change Impact**

5.4.1. The Local Plan 2020 to 2040 has significant potential to directly influence issues relating to climate change and contribute towards meeting local and national carbon budgets aligning with the Paris Agreement. The Plan provides further clarity on the following policy areas:

- Climate change/wind turbines/electric vehicles
- Green infrastructure standards
- Undeveloped Coast and European wildlife sites
- Site specific measures.

### **6. CONSIDERATION OF ALTERNATIVE OPTIONS**

6.1.1. The alternative option to the proposed recommendation is to not accept the Main Modifications as agreed with the Inspectors and stop progress on the Local Plan 2020-2040. Instead, we would rely on the current adopted Local Plan 2013-2033 to determine applications for development. As set out in

Section 3 of this report, the Main Modifications proposed do not affect the strategic direction of the plan or make any significant changes to housing numbers or the development strategy. Therefore, the Plan as proposed reflects closely the Plan supported by Members at earlier stages. There are significant risks to stopping progress on the Plan at this stage which include reliance on outdated policies, inability to meet our housing targets and lack of control over how new development is coordinated with infrastructure. It is therefore recommended that this is not pursued as an option.

## **7. CONCLUSION**

- 7.1.1. Agreeing to delegated authority for the finalisation of the Main Modifications is recommended to Members on the basis that it is the best way to proceed with the Local Plan and address potential issues of soundness that have been raised during the examination. It will allow for changes to be made that enable the Plan to be found 'sound' and brought into use for the authority at the earliest opportunity. Following consultation and receipt of the Inspectors' Report, the Plan will be brought back to Full Council for approval to adopt.

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