

**TEIGNBRIDGE DISTRICT COUNCIL**

**EXECUTIVE**

**01 DECEMBER 2020**

<b>Report Title</b>	<b>Local Development Scheme Update</b>
<b>Purpose of Report</b>	To update the Local Development Scheme following withdrawal from the Greater Exeter Strategic Plan project.
<b>Recommendation(s)</b>	<b>The Committee RESOLVES to:</b>  <ol style="list-style-type: none"><li>1. Approve the Local Development Scheme as attached at Appendix A to come into effect on 9 December 2020.</li><li>2. Additional budget of £40k is made available to fund the cost of plan preparation work over the next 4 years.</li></ol>

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<b>Financial Implications</b>	These are as set out in section 2.1 Martin Flitcroft Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk
<b>Legal Implications</b>	These are as set out in section 2.2 Paul Woodhead, Legal Services Team Leader and Deputy Monitoring Officer Tel: 01626 215139 Email: paul.woodhead@teignbridge.gov.uk
<b>Risk Assessment</b>	These are as set out in section 2.3 Michelle Luscombe Principal Planning Policy Officer Tel: 01626 215754 Email: michelle.luscombe@teignbridge.gov.uk
<b>Environmental/ Climate Change Implications</b>	Further to the environment and climate change implications set out in Section 2.4, the recommendation to support consultation on a partial draft plan, as outlined in Section 3, may help to mitigate contentions around sustainable development, e.g. the allocation of renewable energy generation sites. It is important that the new local plan and its enhanced environmental policies are brought forward in the shortest practical timeframe to promote sustainable development. William Elliott Tel: 01626 215754 Email: william.elliott@teignbridge.gov.uk
<b>Report Author</b>	Michelle Luscombe Principal Planning Policy Officer Tel: 01626 215706 Email: michelle.luscombe@teignbridge.gov.uk
<b>Executive Member</b>	Executive Member for Planning (Gary Taylor)
<b>Appendices</b>	1. Timetable Options 2. Local Development Scheme – December 2020
<b>Part I or II</b>	Part 1
<b>Background Papers</b>	None

## 1. PURPOSE

- 1.1 The purpose of this report is to seek agreement on an updated Local Development Scheme (i.e. the timetable for preparing the Local Plan) following the Council's formal withdrawal from the Greater Exeter Strategic Plan project in November 2020.

## 2. REPORT DETAIL

### 2.1. Financial

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2.1.1. In order to make a sound plan, there are costs associated with gathering evidence, site investigation work and the statutory examination. The majority of the costs associated with procuring evidence can be met within the Spatial Planning base budget but detailed site investigation work and the costs of examination cannot be met fully from this budget and require additional financing.

2.1.2. It is estimated that over the next four years, the overall cost of preparing the plan is likely to exceed the Spatial Planning base budget by c. £40k. It is therefore requested that this budget gap is noted as a budget pressure and that sufficient funds are made available when required. This budget gap may increase if our housing number changes and/or depending on our preferred sites for development which may require more detailed investigation. If this is the case, a further report will be brought back to the Executive as the plan progresses to request additional funds for specific pieces of work to support the plan.

2.1.3. It should be noted that In October 2019, the Executive resolved to make additional budget available to fund the costs of statutory plan examination for the Local Plan of £30k in 2021/22 and £50k in 2023/24. This was on the basis of preparing the Local Plan in two parts. As this report sets out, it is no longer proposed to prepare the plan in two parts, thereby avoiding two separate examinations. There will also be no examination for the Greater Exeter Strategic Plan for which a budget pressure of £30k was also agreed in October 2019 to be made available in 2022/23. Combining the three plans into one single process will therefore save an estimated £40k on examination costs.

## **2.2. Legal**

2.2.1. Preparing and updating local plans is a statutory requirement. Section 15 of the Planning and Compulsory Purchase Act requires local planning authorities to prepare and maintain an LDS which sets out the plans which are to be prepared, their scope, and the timetable for preparing

them. The new Local Plan 2020-2040 will replace various existing policies of the Teignbridge Local Plan 2013-2033. Once adopted it will have full weight in considering planning applications.

### **2.3. Risks**

2.3.1. The main risk is that a submitted plan is found unsound by the local plan inspector, or unlawful once it has been adopted. A secondary, albeit important, risk is that preparation of any plan is delayed by various factors such as changing government policy and background evidence and advice/requirements of the local plan inspectors. These are strategic risks in the council's corporate risk register and are regularly updated and reported to Councillors in the quarterly reports.

2.3.2. It should be noted that this LDS is being updated at a time when national planning reforms are being proposed. The proposed timetable is based on the Local Plan being prepared under existing or transitional arrangements. If and when the reforms are introduced, Officers will review the impact of the changes and bring a revised Local Development Scheme back to the Executive if necessary at that stage. In the meantime, it is considered important to continue to press ahead with Local Plan preparation, as the majority of the work involved will inevitably be transferable into any new planning system introduced.

2.3.3. The current coronavirus situation presents an element of risk in terms of delays to the overall programme as a result of further lockdowns, school closures, furloughing of staff and sickness absence resulting from positive cases. At the moment, this risk remains low but we will continue to monitor this and amend our service priorities and/or timetable accordingly if and when necessary.

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

2.4.1. Climate change mitigation and adaptation will be contained in the Local Plan, reflecting an updated carbon reduction target and specific policies to manage carbon emissions from new development.

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## **2.5. Background**

2.5.1. In October 2019, the current Local Development Scheme was agreed for the district which included the following plans, all of which would have collectively comprised the Development Plan for Teignbridge. These were:

- The Greater Exeter Strategic Plan (prepared jointly by East Devon, Mid Devon, Exeter and Teignbridge Councils to provide strategic planning policies and site allocations for the Greater Exeter area).
- Teignbridge Local Plan Review Part 1 (policies managing how development takes place).
- Teignbridge Local Plan Review Part 2 (site allocations for new homes, employment land, facilities and supporting infrastructure).
- Wolborough Development Plan Document (site specific policies to manage the NA3 allocated site).

2.5.2. Since October 2019, various changes have taken place which now require a fundamental review of the Local Development Scheme. Most significantly, each of the partners involved in the GESP has sought, or is in the process of seeking, formal agreement from their respective Councils to withdraw from the GESP project. This follows East Devon's decision to withdraw in August 2020. As a result, all work relating to strategic planning policies and site allocations will now need to be incorporated within the Local Plan. It is hoped that all partners will agree over the next few months to prepare a non-statutory joint plan alongside Local Plans to address common and cross-boundary issues and coordinate the delivery of strategic infrastructure and investment.

2.5.3. It should also be noted that Full Council made a decision on 24 February 2020 to cease work on the Wolborough Development Plan Document and it was subsequently removed from the Local Development Scheme at that time.

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2.5.4. Under the current Local Development Scheme, the Local Plan is scheduled to be prepared in two parts. At the point at which this was agreed, the Local Plan timetable was dependent on the GESP and its progress because of the relationship between the two on matters like development levels and distribution. As such, it was considered necessary to 'fast track' any parts of the plan which were not dependent on GESP (such as policies on climate change, design, affordable housing and biodiversity) with the second part of the Local Plan including site allocations, and following on at a later date once the GESP had progressed through further stages.

2.5.5. Now that the GESP is no longer proceeding, the Local Plan timetable is not dependent on any other plans being prepared. It is also going to be solely responsible for allocating sufficient land to meet the districts development needs over the next 20 years. As such, it is no longer appropriate to only fast track policy matters, as land allocations which would have been made through GESP now need to be expediently progressed through the Local Plan. It is therefore proposed that the Local Plan proceeds as a single plan, with Parts 1 and 2 combined.

### **3. OPTIONS**

#### **3.1. Consideration of timetable options**

3.1.1. It is clear that we need to progress the Local Plan as quickly as possible in order to get updated policies in place and ensure we have sufficient deliverable sites available to meet our 5 year land supply and Housing Delivery Test requirements.

3.1.2. There are 5 statutory stages which the preparation of a Local Plan has to go through. The first of these (the Regulation 18 stage) is the only stage at which there is significant flexibility in what can be included in a draft plan and how many iterations of it can be consulted on. For example, the content of the draft plan could range from simply setting out the scope of the plan to including draft policies and options for site

allocations. The more content that we consult on at this stage, the longer it will take to prepare the Local Plan overall. However, the Regulation 18 stage is seen as a critical period for enabling meaningful community and stakeholder engagement from the outset as it is the point at which key decisions about where and how development takes place will be shaped.

3.1.3. We have already undertaken an extensive Regulation 18 consultation on what was Part 1 of the Local Plan in March-June 2020. This comprised all draft policies relating to sustainable communities, climate change, design and wellbeing, homes, economy, and the environment. There is no requirement to re-consult on these policies prior to the Regulation 19 (Proposed Submission) stage.

3.1.4. However, we have not undertaken any consultation on site options for housing, employment, renewable energy and gypsy and traveller pitches. Similarly, there are some policies which would have been included within the GESP which have not been consulted on. It is important these issues are reflected in another Regulation 18 consultation in order for us to satisfy our legal procedural requirements as well as give our community and stakeholders an opportunity to comment on them at an early stage.

3.1.5. A range of options for progressing the next Regulation 18 stage were discussed with the Local Plan Working Group (a cross party Member group advising on Local Plan matters) in October 2020. These were broadly:

- Option 1: Frontload a **full draft plan** consultation with an informal consultation on the Housing and Economic Land Availability Assessment (i.e. a schedule of c. 360 sites which have been submitted for assessment as possible development sites). Follow with consultation on a full draft plan as per Option 2.
- Option 2: Consult on a **full draft plan** that includes all site options for housing, employment, renewable energy and gypsy and traveller

pitches **and** re-consults on all policies previously consulted on in the March 2020 consultation.

- Option 3: Consult on a **partial draft plan** that includes all site options for housing, employment, renewable energy and gypsy and traveller pitches. Consult on any former GESP policies which have not yet been consulted on as well as any policies previously consulted on in March 2020 which are affected by material changes.
- Option 4: Frontload a **partial draft plan** consultation with an informal consultation on the Housing and Economic Land Availability Assessment (i.e. a schedule of c. 360 sites which have been submitted for assessment as possible development sites). Follow with consultation on a **partial draft plan** as per Option 2.
- Option 5: Consult on the scope of the plan only (i.e. an explanation of the matters which will be included in the Proposed Submission plan).

3.1.6. A more detailed scoping of the options is provided in Appendix 1.

3.1.7. There was consensus from the Local Plan Working Group that Option 5 would not be acceptable in meeting shared aspirations for community and stakeholder engagement in the Local Plan process. It was also agreed that in the interests of progressing the Local Plan as swiftly as possible, Options 1 and 2 were not time efficient options.

3.1.8. Consultation on a partial draft plan, as per Options 3 and 4, was therefore considered to provide the best way forward. There was some discussion around the option to consult on the Housing and Economic Land Availability Assessment (HELAA) separately, with some Members keen to take communities through the process of selecting and eliminating sites at the earliest stage. However, others were satisfied with publishing the HELAA as evidence alongside the partial draft plan to ensure transparency but to balance this with progressing more quickly with the Regulation 18 consultation. The majority of the Local Plan

Working Group supported this latter approach which aims to submit the plan within this administrative period. It is therefore this approach (Option 3) which is reflected in the proposed Local Development Scheme (Appendix 2).

## 4. CONCLUSION

### 4.1. Proposed timetable

4.1.1. Having considered the options available and the advice of the Local Plan Working Group it is recommended that the following timetable is approved for the Local Development Scheme:

- March 2020 – *Regulation 18* Draft Plan (policies only) - **COMPLETED**
- May 2021 – *Regulation 18* Draft Plan (site options and policies not previously consulted on or which are subject to a material change)
- July 2022 – *Regulation 19* Proposed Submission
- January 2023 – *Regulation 22* Submission
- June 2023 – *Regulation 23-25* Examination in Public
- January 2024 – *Regulation 26* Adopt Plan

4.1.2. The Local Development Scheme is provided in Appendix 2.

# Appendix 1

## Timetable Options

Option	Scope	Indicative timescales	Risks/benefits
<p><b>Option 1</b> Consultation on HELAA and full Draft Plan</p>	<p>Informal consultation on unconstrained assessment of HELAA sites (6 weeks)</p> <p>Formal consultation on full Draft Plan (policies, development strategy and site options) (8 weeks)</p>	<ul style="list-style-type: none"> <li>• Publish HELAA: Jan/Feb 2021</li> <li>• Reg 18 (Draft Plan): September 2021</li> <li>• Reg 19 (Proposed Submission): January 2023</li> <li>• Submission: July 2023</li> <li>• Examination: October 2023</li> <li>• Adoption: July 2024</li> <li>•</li> </ul>	<p>Publication of the HELAA would enable communities to comment on all sites submitted for consideration. However, publishing all HELAA sites could generate a significant amount of avoidable objection as many sites will not progress to the next stage.</p> <p>Second opportunity to comment on policies, although analysing two sets of responses will add approximately 2 months to the programme.</p> <p>Submission date is after the current administrative term.</p> <p>Lengthy initial stages will limit our opportunity to prepare the Local Plan under transitional arrangements (prior to White Paper planning reforms and new housing numbers coming into force).</p>
<p><b>Option 2</b> Consultation on full Draft Plan</p>	<p>Formal consultation on full Draft Plan (policies, development strategy and site options) (8 weeks)</p> <ul style="list-style-type: none"> <li>• Publish HELAA alongside as evidence</li> </ul>	<ul style="list-style-type: none"> <li>• Reg 18 (Draft Plan): June 2021</li> <li>• Reg 19 (Proposed Submission): October 2022</li> <li>• Submission: April 2023</li> <li>• Examination: August 2023</li> <li>• Adoption: April 2024</li> </ul>	<p>Second opportunity to comment on policies, although analysing two sets of responses will add approximately 2 months to the programme.</p> <p>Submission date within purdah for district elections so would have to be delayed until after this administrative term.</p> <p>Lengthy initial stages will limit our opportunity to prepare the Local Plan under transitional arrangements (prior to White Paper planning reforms and new housing numbers coming into force).</p>

<p><b>Option 3</b> Consultation on partial Draft Plan (site options and policies not previously consulted on or which are subject to a material change)</p>	<p>Formal consultation on partial Draft Plan (8 weeks)</p> <ul style="list-style-type: none"> <li>• Publish HELAA alongside as evidence</li> </ul>	<ul style="list-style-type: none"> <li>• Reg 18 (Draft Plan): May 21</li> <li>• Reg 19 (Proposed Submission): July 22</li> <li>• Submission: January 23</li> <li>• Examination: June 23</li> <li>• Adoption: January 24</li> </ul>	<p><i>NB: cannot publish Reg 18 ahead of end of May due to County elections and would not be ready prior to purdah.</i></p> <p>Opportunity to speed up the early stages by not repeating a consultation on policies. However, the amount of work required for development strategy and site options still limits our opportunity to prepare the Local Plan under transitional arrangements (prior to White Paper planning reforms and new housing numbers coming into force).</p> <p>Submission date close to pre-election run-up but possible.</p>
<p><b>Option 4</b> Consultation on HELAA, partial Draft Plan (site options and policies not previously consulted on or which are subject to a material change)</p>	<p>Informal consultation on unconstrained assessment of HELAA+ sites (6 weeks)</p> <p>Formal consultation on partial Draft Plan (8 weeks)</p>	<ul style="list-style-type: none"> <li>• Publish HELAA: Jan/Feb 2021</li> <li>• Reg 18 (Draft Plan): September 2021</li> <li>• Reg 19 (Proposed Submission): December 2022</li> <li>• Submission: June 2023</li> <li>• Examination: October 2023</li> <li>• Adoption: June 2024</li> </ul>	<p>The amount of work required on HELAA engagement and site options work limits opportunities to publish the Draft Plan sooner than September 2021, although leaving out policies will shorten the next stage by around 2 months compared to options 1 and 1a.</p> <p>Submission date is after the current administrative term.</p>
<p><b>Option 5</b> Consultation on scope of plan only</p>	<p>Formal consultation on the scope of the plan only (6 weeks)</p>	<ul style="list-style-type: none"> <li>• Reg 18 (Scope): Feb 2021</li> <li>• Reg 19 (Proposed Submission): April 2022</li> <li>• Submission: October 2022</li> <li>• Examination: March 2023</li> <li>• Adoption: October 23</li> </ul>	<p>Best opportunity to get a Local Plan prepared under transitional arrangements (prior to White Paper planning reforms and new housing numbers coming into force).</p> <p>Significant reputational risk due to lack of transparency over development strategy and site selection.</p>

## Appendix 2

### Proposed Local Development Scheme

**To come into force on 9 December 2020**

#### **Introduction**

Teignbridge Council proposes to prepare one Development Plan Document which will be the Teignbridge Local Plan 2020-2040. The timetable and description are set out below:

#### **Teignbridge Local Plan 2020-2040**

This document will set an overall vision and strategy for the area in the context of local circumstances, national policy, and climate and ecological emergency declarations. It will set the overall amount of growth for the period 2020 – 2040 and implement the overall vision and strategy by allocating sufficient land for new employment, housing, renewable energy and other development needs.

The Local Plan will include strategic and non-strategic policies to manage how development takes place in the district. Policies will focus on improving our built and natural spaces to support high quality living conditions in an increasingly zero carbon environment. They will set out the Council's expectations for high standards of design, development and living conditions to give a clear and improved framework for all future development taking place in the district.

The Local Plan will include policies and site allocations relating to:

- Climate change and energy requirements;
- Design;
- Employment (e.g. business development; rural economy; tourism);
- Environmental conditions (e.g. air, water and soil quality; contamination; pollution);
- Environmental protection (e.g. landscapes; biodiversity; woodland; protected sites);
- Town centres;

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- Natural infrastructure;
- Health and wellbeing;
- Housing types and standards (e.g. affordable housing; exception sites; custom build; accessible homes);
- Settlement hierarchy;
- Settlement limits;
- Employment allocations;
- Gypsy and traveller site allocations;
- Housing allocations;
- Renewable energy allocations;
- Town centre redevelopment proposals;
- Town specific retail requirements;
- Place specific policies and initiatives.

**Timetable:**

- March 2020 – *Regulation 18* Draft Plan (policies only) - **COMPLETED**
- May 2021 – *Regulation 18* Draft Plan (site options and policies not previously consulted on or which are subject to a material change)
- July 2022 – *Regulation 19* Proposed Submission
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