

TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE

01 JUNE 2021

<b>Report Title</b>	<b>Local Plan (Part 2) 2020-2040: ‘Creating Quality Places – Site Options’ Consultation on Draft Plan</b>
<b>Purpose of Report</b>	To resolve to publish the <i>Draft Local Plan (Part 2) 2020-2040</i> and its associated documents for public consultation
<b>Recommendation(s)</b>	<p><b>The Executive RESOLVES to:</b></p> <ol style="list-style-type: none"><li><b>1. Publish for consultation the ‘<i>Draft Local Plan (Part 2) 2020-2040: Creating Quality Places – Site Options</i>’ and associated documents (a – c below), to be made available for an eight week period of public consultation in accordance with the Statement of Community Involvement 2019 (and 2020 update):</b><ol style="list-style-type: none"><li><b>a) Strategic Environmental Assessment/Sustainability Appraisal Stage B (Appendix B);</b></li><li><b>b) Habitat Regulations Assessment Screening (Appendix C);</b></li><li><b>c) Consultation Statement (Appendix D);</b></li></ol></li><li><b>2. Make a ‘Call for Gypsy and Traveller Sites’ alongside the Draft Local Plan consultation; and</b></li><li><b>3. Grant delegated authority to the Head of Place and Commercial Services to make minor amendments to the above documents and associated mapping in preparation for publication.</b></li></ol>

<b>Financial Implications</b>	<p>See paragraph 2.1.1</p> <p>Martin Flitcroft Chief Finance Officer</p> <p>Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk</p>
<b>Legal Implications</b>	<p>In terms of the consultation, the Council must carry out its consultation in accordance with its statement of community involvement. Although this does not prevent it from consulting in different ways on different plans, given the anticipated removal of social distancing measures, the temporary SCI (which limited some of the consultation measures) may no longer apply. Measures set out in the adopted SCI (May 2019) should be followed in addition to any other replacement temporary measures applied during social distancing provided always that the SCI can (and should be) regularly reviewed to secure reasonable levels of public consultation in the circumstances prevailing at the relevant time.</p> <p>Karen Trickey, Monitoring Officer, Solicitor to the Council and Monitoring Officer</p> <p>Tel: 01626 215119 Email: karen.trickey@teignbridge.gov.uk</p>
<b>Risk Assessment</b>	<p>See paragraphs 2.3.1 – 2.3.3</p> <p>Michelle Luscombe</p> <p>Tel: 01626 215754 Email: michelle.luscombe@teignbridge.gov.uk</p>
<b>Environmental/ Climate Change Implications</b>	<p>See paragraphs 2.4.1 – 2.4.2</p> <p>William Elliott, Climate Change Officer, Email: William.elliott@teignbridge.gov.uk</p>
<b>Report Authors</b>	<p>Michelle Luscombe and Alex Lessware, Principal Policy Planners</p> <p>Tel: 01626 215754 Email: alex.lessware@teignbridge.gov.uk</p>
<b>Portfolio Holder</b>	<p>Portfolio Holder for Planning (Cllr Gary Taylor)</p>

<b>Appendices</b>	<p>A. Draft Local Plan (Part 2) 2020-2040</p> <p>B. Stage B Strategic Environmental Assessment/Sustainability Appraisal Report</p> <p>C. HRA Screening Report</p> <p>D. Consultation Statement</p> <p>For Appendices B and C please follow this link:  <a href="https://app.box.com/s/uklzvhx36mmmo65t41l32wzma7l36qw8">https://app.box.com/s/uklzvhx36mmmo65t41l32wzma7l36qw8</a></p>
<b>Part I or II</b>	Part 1
<b>Background Papers</b>	None

## 1. PURPOSE & BACKGROUND

- 1.1.1. This report is seeking a resolution to consult on the *Draft Local Plan (Part 2) 2020-2040: 'Creating Quality Places' – Site Options* (Appendix A) and its associated documents (Appendices B, C, and D) with a recommendation to publish them for an eight week consultation period.
- 1.1.2. The Local Plan is one of the key documents used by planners to determine planning applications. Having an up to date local plan allows the Council to refuse poor development in inappropriate locations, whilst permitting development which complies with the plan. If the Council fails to have an up to date local plan which identifies sufficient land for housing to meet Government targets, decision makers must default to national policy. This is explained further in section 2.2 and 2.3 below.
- 1.1.3. An Issues Consultation on the updated Local Plan was published in 2018 and ran for the period 21 May to 16 July 2018. All of the comments received during the consultation which relate to matters within this Draft Plan have been recorded, summarised and responded to in the Consultation Statement (Appendix D).
- 1.1.4. A consultation on Part 1 of the Draft Plan was held between March and July 2020. This consultation focused solely on policy matters (i.e. the rules around **how** development should take place).
- 1.1.5. This consultation on Part 2 of the Draft Plan focuses solely on **where** development could take place. It includes site options for housing development, employment land, secondary schools and considers evidence relating to renewable energy provision.
- 1.1.6. The housing target of 751 homes per annum and subsequent number of site options presented is driven by the Government's standard housing calculation. Not all the site options will be required, and the consultation is

seeking information and comments back from the public and statutory consultees, particularly those comments focussing on planning issues relating to the site options.

- 1.1.7. There will be a further consultation on opportunities and options for the location of new large-scale renewable energy provision later this year.
- 1.1.8. It had been the intention to include site options for gypsy and traveller pitches as part of this consultation. Unfortunately, despite an extensive exercise to identify potential sites, we have not been able to identify sufficient options to consult at this stage. Instead, we are proposing to issue a further 'call for sites' specifically for Gypsy and Traveller uses as part of this consultation.
- 1.1.9. Following this consultation, both Parts 1 and 2 will be combined for the Proposed Submission version of the plan, which is currently scheduled to be consulted on in July 2022.
- 1.1.10. The proposed consultation document on Part 2 of the Draft Local Plan is provided in Appendix A.

## **2. REPORT DETAIL**

### **2.1. Financial**

- 2.1.1. The costs of preparing the Local Plan are covered within the existing Spatial Planning base budget. The majority of these costs are associated with procuring evidence, testing the viability of the plan, and consultation. However, there are also unavoidable costs arising from the examination of the plan (which is a statutory part of the decision making process). An additional budget of £40,000 over the next 4 years was agreed by the Executive in December 2020 to fund the examination of the Local Plan (Part 1) 2020-2040. The financial position has not changed since then and therefore there are no financial implications arising from this report.

### **2.2. Legal**

- 2.2.1. Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement for Local Planning Authorities to prepare development plans (which includes the Local Plan) for their area. These plans must identify the strategic priorities and have policies to manage the use of land. Planning applications, by law, must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

- 2.2.2. The Local Plan must also comply with the National Planning Policy Framework which requires sufficient land is made available to meet the development needs of the district, including those as determined by the Government's standardised housing calculation.
- 2.2.3. This consultation comprises part of the Regulation 18 stage of the Town and Country Planning (England) Local Planning Regulations 2012 and is set out in the Council's Local Development Scheme, which identifies key milestones for consultation, submission, examination and adoption of the Local Plan.
- 2.2.4. Under relevant legislation, Local Plans must be accompanied by a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). These very similar requirements are usually integrated into one document/process. SA/SEA considers the effects of the plan on the environment, people and the economy, considers reasonable alternatives, propose measures to mitigate harmful effects, and proposes monitoring measures. In this way sustainability considerations are considered in plan preparation. The SA/SEA Stage B report is provided at Appendix B.
- 2.2.5. A Habitats Regulation Assessment Screening has been prepared as an initial examination of the proposed distribution of development. A full Appropriate Assessment will follow as the plan progresses. The HRA Screening is provided at Appendix C.

### **2.3. Risks**

- 2.3.1. To be effective, Local Plans should be kept up to date. This ensures that they are in general conformity with national policy. A plan does not automatically become 'out of date' after a certain period of time, but policies may lose effectiveness if they are not consistent with higher level policy.
- 2.3.2. Over the last couple of years, there have been two updates to the National Planning Policy Framework, including the introduction of the 'Standard Method' as the way in which housing requirements are calculated. This has resulted in Teignbridge's annual housing requirement increasing from 620 homes/year to 751 homes/year, which the adopted Local Plan does not make provision for. This creates risks for the Council in relation to statutory 5 year land supply and Housing Delivery Test requirements.
- 2.3.3. There are both short term and long term risks to consider if there are delays in reviewing the Local Plan. In particular, delays mean a higher chance of development sites being permitted by appeal. This increases the risk of unconnected development which doesn't benefit from the strategic planning of associated infrastructure, and a weaker negotiating position for the Council and communities. Delays also mean that our existing Local Plan continues to get older, becoming increasingly out of date and potentially out of sync with national policy and/or planning decisions needing to be determined by

national, rather than local, policy. The Draft Local Plan (Part 2) 2020-2040 responds to these issues by identifying a range of site options to meet the Government’s housing target and the employment needs of the district for the next 20 years.

## 2.4. Environmental / Climate Change Impact

2.4.1. The Draft Local Plan (Part 2) proposes a distribution of development which is heavily focused around reducing contributions to climate change. This involves locating the majority of new development in places where there is the greatest access to services, employment and public transport connections by walking and cycling. A small amount of development is proposed in villages where at least a basic level of services are provided, to help support community facilities so that they remain viable businesses for the rural communities that rely on them. The provision of these rural services help to reduce car trips to the larger centres and therefore minimise carbon emissions arising from such trips.

2.4.2. The Authority commissioned the Centre for Energy and Environment at the University of Exeter to develop a Low Carbon Evidence Base to identify how and where low carbon development should feature in the district under the updated Local Plan. The Evidence Base provided a comparison between future district energy needs and the available renewable energy resource, and identified several suggestions for policy proposals supporting the transition to net-zero emissions. The next steps will involve a review of the low carbon policy proposals suggested in the Evidence Base and shortlisting site allocations for renewable energy; these items will be brought forward for public consultation in autumn 2021.

## 2.5 Groups consulted

The Draft Plan has been prepared collaboratively with District Councillors, independent consultants and advisory stakeholder panels. In particular, the following groups have been involved:

Group	Summary of Involvement
Local Plan Working Group	<p>Monthly meetings of cross-party group to discuss the development strategy and potential site options. Any District Councillor can attend. The permanent Members of the group are:</p> <p>Cllr Mike Haines</p>

	<p>Cllr Gary Taylor</p> <p>Cllr Andrew Swain</p> <p>Cllr Charles Nuttall</p> <p>Cllr Jackie Hook</p> <p>Cllr Linda Goodman-Bradbury</p> <p>Cllr Philip Bullivant</p> <p>Cllr Richard Daws</p> <p>Cllr Stephen Purser</p>
Advisory stakeholder panels	A series of meetings have been held with specialists advising on the suitability of potential sites for residential development, employment land and gypsy and traveller pitches. This included development industry representatives, commercial industry representatives, Registered Providers, highways officers, drainage officers, gypsy and traveller officers, Elected Member representatives and other specialists as required.
Centre for Energy and Environment, University of Exeter	Consultants working for the council on low carbon evidence, including options for how much and where new low carbon energy facilities may be located.
Three Dragons	Consultants working for the council on viability of potential development options.
County Ecologist (DCC)	Preparation of the Habitats Regulations Assessment Screening Report.

Table 1: Groups Consulted

## 2.6 Consultation Arrangements

2.6.1 It is proposed that the consultation period will run for an eight-week period from Monday 14 June 2021 until 12 noon on Monday 9 August 2021.

2.6.2 The Council's [Statement of Community Involvement](#) was updated on 1 June 2020 in response to updated Government Guidance on holding consultations during the pandemic. The update applied for as long as social distancing measures are required. Under the Government's current timetable for easing lockdown restrictions this is due to end on 21 June 2021. However, there is no

certainty on that date at the moment, and there is also no certainty regarding any measures that may be retained regarding social distancing.

- 2.6.3 Given the success recorded in the virtual Part 1 consultation last March-June and the uncertainty surrounding the lifting of restrictions, it is recommended that this consultation is primarily run virtually, whilst ensuring that it remains accessible to those in the community without online access. The Part 1 consultation reached nearly 50,000 more people in the district via social media than the 2018 Issues consultation, attracted 3 times as many formal responses, and had over 2,500 video views. We are therefore confident that another virtual consultation will be accessible and effective, and we will endeavour to do this alongside non-virtual publicity wherever Covid restrictions allow (such as press releases, posters, and distributing copies of the plan to parish and town councils, libraries, public buildings etc.).

### **3 OPTIONS**

- 3.1.1. This report proposes that Part 2 of the Draft Plan is published for consultation based on the reasons cited above. The alternative options are to not publish the plan, or to amend the plan significantly. Both would result in delays to the overall adoption of the Local Plan, continuing our vulnerability in terms of having an increasingly out of date existing Local Plan. Given that this consultation is essentially an *options* based document, it is recommended that the Plan is published as it is so that the community and stakeholders can comment at the earliest stage possible on how development might take place in Teignbridge over the next 20 years.

### **4 CONCLUSION**

- 4.1.1 The publication of this consultation ensures that the production of the Local Plan remains on track with the timetable set out in the Council's Local Development Scheme.
- 4.1.2 The Draft Plan recommended to the Executive has been developed with extensive engagement with the Member Local Plan Working Group, robust assessments and environmental appraisals, and in accordance with national policy requirements. It will help the Council meet the Government imposed housing target, as well as provide other benefits such as identifying sites for employment development and a new school.
- 4.1.3 The Draft Plan is considered to provide all the necessary information and feasible development options required in order to enable a meaningful consultation with the community and stakeholders.