

**Teignbridge District Council  
Full Council  
Thursday 12<sup>th</sup> January 2023  
Part i**

**Teignbridge Proposed Submission Local Plan 2020 to 2040**

**Purpose of Report**

To consider the Proposed Submission (Regulation 19) Teignbridge Local Plan 2020 to 2040 and associated documents, with a recommendation to publish them for a minimum 6-week period of public consultation, followed by submission of the Plan and associated documents to the Secretary of State for the Department of Levelling Up, Housing and Communities.

**Recommendation(s)**

The Committee RESOLVES to:

- (1) Approve the Proposed Submission (Regulation 19) Teignbridge Local Plan 2020 to 2040 (Appendix A) for at least a 6-week period of public consultation;
- (2) Approve the Policies Map (Appendix B) for at least a 6-week period of public consultation;
- (3) Approve the Sustainability Appraisal Report (Appendix C) for at least a 6-week period of public consultation;
- (4) Approve the Habitats Regulations Assessment (Appendix D) for at least a 6-week period of public consultation;
- (5) Approve the Draft Community Infrastructure Levy Charging Schedule (Appendix E) for at least a 6-week period of public consultation;
- (6) Note the content of the Consultation Statement for the Part 1, 2 and 3 Regulation 18 consultations (Appendix F);
- (7) Note the content and conclusion of the Equality Impact Assessment (Appendix G);
- (8) Grant delegated authority to the Head of Place and Commercial Services, in consultation with the Executive Member for Planning, to make minor changes to items (1)-(6) prior to consultation to address any editorial errors and matters of clarification; and
- (9) Following consultation, submit the Proposed Submission Local Plan 2020 to 2040, and associated documents, to the Secretary of State for the Department of Levelling Up, Housing and Communities to begin proceedings for Public Examination.

**Financial Implications**

The financial implications are detailed in 5a of this report.

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## **Legal Implications**

Legal implications are set out in section 5b of this report.

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## **Risk Assessment**

Risks are set out in section 5c of this report.

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## **Environmental/ Climate Change Implications**

Environmental/climate change implications are set out in section 5d of this report.

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## **Executive Member**

Councillor Gary Taylor, Executive Member for Planning

## **Appendices/Background Papers**

[Appendix A: Proposed Submission \(Regulation 19\) Local Plan 2020 to 2040](#)

[Appendix B: Policies Map \(interactive\)](#)

[Appendix C: Sustainability Appraisal](#)

[Appendix D: Habitats Regulations Assessment](#)

[Appendix E: Community Infrastructure Levy Draft Charging Schedule](#)

[Appendix F: Consultation Statement](#)

[Appendix G: Equalities Impact Assessment](#)

[Background Paper 1: Local Development Scheme](#)

[Background Paper 2: Local Plan Working Group Terms of Reference](#)

[Background Paper 3: Local Plan Working Group – Summary of Discussions](#)

[Background Paper 4: 5-Year Housing Land Supply Statement \(2022\)](#)

## **1. Introduction/Background**

- 1.1 The Council has a statutory duty to prepare Local Plans for the district. Local Plans set out a framework for addressing local housing, economic, social and environmental issues. These plans must include strategic policies which deal with the local planning authority's priorities for the development and use of land in its area. The Local Plan is used as the starting point for determining planning applications. The Local Plan for Teignbridge covers the area outside of the Dartmoor National Park only.
- 1.2 The Council currently uses the 2014 Adopted Local Plan as the basis for guiding planning decisions in the district. This Plan needs updating to reflect changes in national policy, increased local housing requirements and rapidly emerging issues relating to climate change.
- 1.3 The Proposed Submission Local Plan will supersede the policies in the adopted Local Plan, except for site allocation policies that are yet to be built out, which remain extant. A full list of policies that are to be superseded and those which will remain extant is included in Appendix 1 to the Proposed Submission Local Plan. The extant policies will be outside the scope of this consultation.

## **2. Process**

- 2.1 Local Plans must go through several stages of preparation. The specific requirements are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. These stages include public engagement on the scope of the plan and the key issues to be addressed (Regulation 18), followed by a final formal stage of public consultation on the version which the Council intends to submit to the Secretary of State for examination (Regulation 19). Over the past 4 years, the Council has undertaken four rounds of public engagement which have informed the preparation of the Proposed Submission Local Plan. The details of these are set out in the Local Development Scheme (Background Paper 1).
- 2.2 The Council received more than 7,000 responses to these previous consultations, from residents, businesses, interest groups, the development industry, landowners, and statutory consultees (which include neighbouring authorities, town and parish councils and government agencies). The Consultation Statement in Appendix G explains how these responses have been considered and reflected in the Plan.
- 2.3 In getting the plan to this point, a working group of elected members (The Local Plan Working Group) has met regularly to provide advice and guidance to the officer team. It was convened in October 2019 and comprises cross-party membership of 9 elected councillors, although all Members can attend. The

Terms of Reference for the Group are available in Background Paper 2 and a summary of the discussions with the Group is provided in Background Paper 3.

- 2.4 Publication of the Proposed Submission Local Plan forms the final stage of consultation. Following consultation, the Council will submit the Plan, environmental assessments, evidence, and consultation responses to the Planning Inspectorate, via the Secretary of State for Levelling Up, Housing and Communities. In due course, the Plan will be subject to a Public Examination which provides an opportunity for both supporters and objectors to the Plan to make their case publicly to an appointed Inspector.
- 2.5 The Public Examination will determine whether the plan is 'sound', i.e. whether it satisfies the four tests of soundness set out in paragraph 35 of the National Planning Policy Framework which requires plans to be: positively prepared; justified; effective; and consistent with national policy.

### **3. Plan Content**

3.1 The Proposed Submission Local Plan is comprised of:

- Part 1 - Quality as Standard: This section contains a range of Development Management policies which are concerned with how development takes place. It includes policies relating to infrastructure, climate change, the economy, housing, and the environment, and includes a District Design Code.
- Part 2 – Delivering Quality Development: This section focuses on where development takes place. It includes site allocations for 4,560 homes, 65 hectares of employment land, two gypsy and traveller sites and 10 wind turbine allocations.

3.2 The Plan is supported by a raft of evidence and supporting documents. These include environmental assessments (see Appendices C and D) which we are legally required to prepare and consult on alongside the Local Plan. Other pieces of evidence relating to housing and economic needs, flood risk, low carbon potential, and landscape sensitivity and heritage impact, will be made available on the Council's website as reference documents as part of the consultation.

3.3 The Plan is accompanied by a Community Infrastructure Levy (CIL) Charging Schedule (Appendix E). CIL is a charge on new development that is used to pay for improving and providing new infrastructure. The CIL Charging Schedule shows the amounts payable per square metre of floorspace on qualifying developments and was adopted in 2014. The new draft Charging Schedule has been updated to reflect new viability evidence supporting the Local Plan. The 2010 CIL Regulations (as amended) require consultation on a Draft Charging Schedule prior to submitting it to the Secretary of State for examination. A joint examination of the CIL and Local Plan will have both time and cost savings.

### **4. Consultation**

- 4.1 It is recommended that the Proposed Submission Local Plan and associated documents are published for consultation in January 2023 for a minimum 6-week period of consultation. This accords with both statutory requirements and the Council's adopted Statement of Community Involvement, whilst bearing in mind restrictions relating to consultation in the pre-election period.
- 4.2 A range of consultation methods will be used in accordance with a Consultation Strategy approved by the Council's Communications Team. In light of the success recorded in the largely virtual Part 1, Part 2 and Part 3 consultations between March 2020 and January 2021, it is proposed that similar arrangements will be used this time. The entirely virtual Part 1 consultation reached more than 52,000 people via social media advertising, attracted more than 5,500 video views, and generated 476 formal responses to the plan. This compares to 144 formal responses received using traditional methods of consultation for the Issues Consultation in 2018.
- 4.3 It is therefore proposed that consultation on the Proposed Submission Local Plan will use similar methods, including online videos, social media advertising, plain English guides, and interactive mapping. Subject to available resources, the Local Plan team will also be available for round table meetings with parish/town councils and representatives of affected communities and interested parties. As usual, documents will be available in public offices, consultees registered on our database will be contacted directly, and wider media releases will alert communities to the consultation.

## **5. Implications, Risk Management and Climate Change Impact**

### **A. Financial**

- 5.1 The approved budget for the Local Plan was £300,000 over 4 years, including its examination. There has been a need to prepare additional evidence relating to viability, landscape and heritage assessments, and a small portion of the costs for that work was taken from the budget earmarked for the examination process. Once the costs of the examination process and any further evidence required arising from the consultation is known a request will be made for any additional budget required to cover these costs if necessary.

### **B. Legal**

- 5.2 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. This stage of the plan-making process is under "Regulation 19" of the 2012 Local Planning Regulations.
- 5.3 Development plans are obliged to be accompanied by a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). The SA Report is provided at Appendix C.

- 5.4 Legislation requires that a plan will not adversely affect the ecological integrity of European wildlife sites. This is considered through a Habitats Regulation Assessment (HRA) included at Appendix D.
- 5.5 The 2012 Local Planning Regulations require a Consultation Statement to be prepared which summarises how responses received for the Regulation 18 consultations have been considered in the preparation of the Regulation 19 Plan. This is provided in Appendix F.
- 5.6 Under the Equality Act 2010, the Local Plan 2020 to 2040 has been assessed by an Equalities Impact Assessment (Appendix G).

### C. Risks

***Without an up-to-date Local Plan, decisions will be made against outdated policies or policies that no longer carry any weight compared to the National Planning Policy Framework. This will also reduce the ability to negotiate as strongly on priority issues for the Council, such as carbon reduction, climate change, biodiversity, homes, and jobs.***

- 5.7 National policy requires plans to be reviewed every 5 years to check they remain up to date. The 5-year review of the 2014 Local Plan was carried out in 2019 and identified several areas where the plan required updating. This included the need to identify additional land to meet an uplift in housing targets as required by the nationally prescribed standard method for calculating housing need.
- 5.8 The review concluded that whilst the 2014 Local Plan remained largely in conformity with national policy, the significant change in housing requirement triggered a need to update the Plan. Since the review, the NPPF has been further updated, the economic situation has changed as a result of the Covid-19 pandemic and cost of living crisis, and the urgency needed to tackle the climate change emergency and energy security crisis has increased significantly.
- 5.9 Therefore, in the absence of the new Local Plan to 2040 going forward, the key risks are as follows:
- The Council will be reliant on outdated policies and targets, particularly in relation to carbon reduction, overall housing targets, types of homes required, design standards, and environmental protection.
  - The Council will continue to have to address the policy consequences of not meeting the Housing Delivery Test. This is an annual measurement of housing delivery in the area. In recent years, housing delivery in the district has been less than required targets, increasing the likelihood of planning decisions being determined against the presumption in favour of sustainable development and with less emphasis on the Local Plan, in accordance with the requirements of the National Planning Policy Framework.
  - The Council will not be able to demonstrate a 5-year land supply of housing sites, meaning that more applications will come forward on



unallocated sites. Without a 5-year land supply, there is more chance that these developments will be approved.

- Development will still happen, but the Council will lose the ability to control where and how they are located, and what infrastructure will be required to support them.
- The Council will lose the ability to plan strategically, identify appropriate funding mechanisms, and ensure the most sustainable outcomes for our communities and environments. The Council's latest 5-year Housing Land Supply Statement is available as Background Paper 4.
- Out of date plans weaken the Council's ability to apply for external funding for infrastructure and other associated projects.

***Evidence informing the Local Plan will become out of date, and any delay may require more evidence to be procured and funded.***

5.10 It should be noted that evidence for the Local Plan should be kept up to date. If there are further delays to the plan, some of the existing evidence base may need to be refreshed, with further time and financial implications.

***Making changes contrary to the National Planning Policy Framework or evidence base could result in the plan being found 'unsound'.***

5.11 Paragraph 35 of the National Planning Policy Framework requires plans to be: positively prepared; justified; effective; and consistent with national policy.

5.12 If the Local Plan is amended without the technical evidence to support the change and against the advice of professional officers, it increases the risk of the plan being found 'unsound'.

***An 'unsound' Local Plan will mean abortive costs and require the process to be undertaken again.***

5.13 If during consultation there are issues of soundness raised which Officers agree with and which risk the plan being found unsound at examination, the plan will not be submitted and a revised plan will be brought back to Members. This will have time and potentially financial implications if further evidence is required.

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

5.14 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 does this in several ways:

- Co-locating the majority of new homes with jobs, services and public transport options;
- taking account of climate change in assessing the flood and coastal erosion risks to and from developments;
- Requiring the buildings, layout, planting and infrastructure of new development to incorporate climate resistant design, in view of the

potential for extremes of weather, taking account of the likely changes in temperature, rainfall, and wind in their design;

- Increasing tree canopy coverage in the district to 25% by 2040;
- Requiring minimum standards for low and zero-carbon development;
- Providing a permissive policy for solar pv within designated 'opportunity areas'
- Allocating several sites for wind turbines which would collectively generate around 15% of the district's energy demand;
- Requiring residential and commercial development to provide infrastructure for electric vehicles;
- Requiring at least 50% of trips to be made by walking, cycling and public transport on major developments.

## **6. Alternative Options**

- 6.1 Possible alternatives to the recommendation are to either refuse or delay the publication of the Proposed Submission Local Plan.
- 6.2 If delayed, the earliest a revised plan could be brought back to Full Council would be June 2023 due to the pre-election period and post-election changes.
- 6.3 If refused, the Council would be in a plan 'hiatus', with local planning decisions being determined against the 'presumption in favour of sustainable development' as set out in the National Planning Policy Framework, rather than the Local Plan.
- 6.4 The impact of both these alternatives would put the Council at further risk of not having a 5-year housing land supply, failing the Housing Delivery Test, and being vulnerable to the other risks as set out in section 5c.
- 6.5 With regards to plan content, all reasonable alternatives to policy approaches and sites are assessed in the Sustainability Appraisal/Strategic Environmental Assessment (see Appendix B). The options considered to be the most sustainable and accord with the overall objectives in the plan are the ones which have been included in the Proposed Submission Local Plan.

## **7. Conclusion**

- 7.1 The Plan which is recommended to Full Council has been developed with extensive engagement with the community, infrastructure providers, stakeholders, internal departments, and the Elected Member Local Plan Working Group. It is supported by robust evidence and environmental appraisals and is in accordance with national policy requirements.
- 7.2 The plan is an ambitious, forward-looking document, which will enable the provision of housing and employment, while also safeguarding the special characteristics and environments of our District. The key features of the plan are:



- Expressing our commitment to secure a net-zero carbon future, by moving to net zero developments by 2028 and encouraging renewable and low carbon energy production through wind turbines and solar panels.
  - Building on the success of Dawlish Countryside Park and Ridgetop Park in Matford near Exminster, the Plan provides more open spaces including the West Exe Countryside Park and Newton Abbot Hilltop Park. We're requiring more tree planting, better access to play and recreational areas and a 10% increase in the variety of habitats, plant and animal life on new development sites.
  - A new design code builds on the best of current community characteristics and new ideas to deliver excellent standards in all future Teignbridge developments, ensuring they are designed around people and reduce the need to drive.
  - Sufficient land is identified to meet our housing requirement for the next 15 years, through a mix of small sites (typically fewer than 30 homes), large sites (30-500 homes), strategic sites (more than 500 homes), sites solely for custom build housing, pitches for gypsies and travellers and opportunities for extra care housing and retirement communities.
  - Enabling many more people to have a home of their own by requiring around 25% of all new properties to be affordable, available as either shared ownership schemes, First Homes or at rents which will be 60% of market value.
  - More homes than ever before will be built for people with mobility issues.
  - Creating greater job opportunities by allocating more employment land for local start-ups and expansions, as well as attracting investment from further afield.
- 7.3 Officers consider the plan to be 'sound' and on this basis recommend that the plan, and its supporting documents, are published for consultation in January 2023, followed thereafter by submission to the Secretary of State.
- 7.4 The publication of this consultation ensures that the Local Plan remains on track to be submitted for examination in Summer 2023 with a view to adoption in early 2024. The adoption of a new Local Plan will have significant benefits for the district, enabling it to take full control about where and how future development in Teignbridge takes place.