

Report to: **Strategic Planning Committee**



Date of Meeting: 5 September 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon Local Plan – Future work planning

Report summary:

This report provides further information around work planning for the new local plan and also highlights issues associated with Government consultation on proposed changes to the local plan making system.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That local plan production continues under the current existing plan making system though with future periodic reviews to assess possible potential and desirability to work under the proposed new system.
2. That committee endorse working on and refining the existing draft local plan notwithstanding that scope exists to alter plan strategy and add to, delete or amend draft policies in the future.

Reason for recommendation:

To ensure local plan work can continue.

Officer: Ed Freeman – Assistant Director, Planning Strategy and Development Management, e-mail – efreeman@eastdevon.gov.uk, Tel 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

The consultation draft local plan from November 2022 and other local plan papers can be viewed at:

[Draft Local Plan Consultation - East Devon](#)

Links to other background documents are contained in the body of this report.

Link to Council Plan

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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1. Local plan work planning

- 1.1 At Strategic Planning Committee on 21 July 2023 Members discussed local plan work and the points in time when future reports, around and to inform policy development and refinement, would come to committee.
- 1.2 At this stage it is not possible to give a definitive proposed schedule of every future item or report that might be expected to come to or through committee as there are many unknowns ahead, including any decision committee may wish to take on housing numbers and any changes they may wish to see to the draft local plan. There is also the need to work more fully through consultation responses on the draft local plan and their implications, especially where respondents raised legislative, procedural or technical considerations in comment.

2. Consultation on changes to the plan making system and timing issues

- 2.1 As mentioned at Members July meeting we need to be mindful of future legislative changes to local plan production which are coming forward and could significantly change plan making. These changes are particularly significant as they will give end dates for production of Local Plans under the current legislation which we would need to adhere to in order to adopt the current draft Local Plan when complete.
- 2.2 On the 25 July 2023 the Government started consultation on proposed changes to the local plan making system. These proposed changes are linked to and have their legislative basis in and through the Levelling-up and Regeneration Bill (which is currently progressing through Parliament). The intention is that a report with recommended responses to the questions set out in the consultation document will come to this committee on the 3 October 2023 (consultation closes on 18 October

2023). In this specific report, however, we wanted to highlight some key matters in the consultation as they could have some bearing on local plan making timetables in East Devon.

- 2.3 The Government consultation sets out an agenda that advises that it seeks to simplify local plans and speed up their production, it highlights the importance of community engagement and importance of having a positive forward looking vision informing the local plan. A very significant consideration is that under the new plan making system, and for planning more generally, it is proposed that there will be national development management policies that will be standardised and apply across the whole of England. These development management policies should cover many matters routinely used in determining planning applications and as such may be duplicated, more or less, in many existing local plans across the country (or so the case is presented).
- 2.4 By stripping development management policies out of plans it should make shorter plans that will concentrate on policies that are addressing specific matters relevant to any locality (or at least matters that are clearly different from the norm). Such local policies (that will still fall to East Devon District Council to make) will include those that allocate land for development and they can be expected to include other matters where policies have boundaries shown on a map.
- 2.5 The consultation advises that the current existing plan making system will remain in place and operational for plans that are:
- submitted for examination up until 30 June 2025; and
 - they will need to be adopted by 31 December 2026.
- For our local plan these dates look critical.
- 2.6 Should the Council choose to wait for the new local plan making system to be in place and work to a new style plan under the new system the consultation advises that the new plan making regulations, policy and guidance will be in place by autumn 2024. In respect of the new plan making system it might be possible, to comply with a three year time horizon, to formally start work in autumn 2024 and (three years later) have a completed plan in autumn 2027. But there are major challenges that include the fact that the Government are proposing to invite small numbers of authorities to initially trial the new system and there are also challenges around whether the new system will actually be in place, whether it is fully understandable and coherent and whether there will actually be sufficient Planning Inspectors to examine plans coming through under the new system.
- 2.7 In due course Committee may wish to review options and desirability of moving to plan making under the new system but as things stand it is considered that we should proceed with the system that is in place at the current time.

3. Refining the draft local plan

- 3.1 The draft local plan (the one consulted on from late 2022 to early 2023) is of a form and structure that could go through for submission for Examination, though with some further work on it needed. Committee may wish to make policy changes to the plan

and to proposed allocation sites for development – with scope to add new sites in and/or remove some that were shown as allocations. But substantive change to the plan form and structure is not required (though is an option). There will, however, be a need for more future evidence gathering and also consultation on aspects of the plan. The more changes are made to the draft local plan the longer it may take to get to a final adopted plan.

4. Further plan consultation and timescales for local plan production

- 4.1 We are currently at the ‘Regulation 18 – Preparation of a local plan’ stage of plan making [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk).
- 4.2 At this stage of work how we consult is open-ended, it is for the council to determine. A legal matter is, however, that we need to have consulted on every substantive issue or matter that we may subsequently take forward into the next stage, ‘Regulation 19 – Publication of a local plan’ of plan making. As clearly some new matters will supersede what was in the draft plan, and there were some acknowledged holes in the draft plan, there will be a need for at least some further consultation.
- 4.3 The question of whether consultation is needed, specifically to meet legal tests, will rest on interpretation of the degree to which matters are deemed to be new and previously not consulted on, or whether really they are a refinement of what is already in the plan and hence people will have had chance to comment already. If material constitutes a refinement then, for legal robustness, additional consultation may not be needed.
- 4.4 The recommended approach is that we undertake a series of tailored consultation events (perhaps with some combined if they cover similar types of topic matters) on new material that we would wish to see incorporated in to the local plan and which has not been consulted on to date.
- 4.5 Having reviewed the draft local plan and considered future work areas we would identify the following matters as key areas where future consultation is likely to be needed. For these subject matters we also give an indication on potential time scales for work to proceed and some general background commentary.

New town policy – site allocation and master planning – Work is ongoing on refining the assessment of the 3 options for a new community in light of consultation responses and further work on understanding the deliverability of each option. It is envisaged at this stage that this work would be presented to Members at their November meeting. Once Members have resolved which option they wish to progress having considered this work then master planning of the new town proposals can begin. This work is part of a wider consultant’s commission and we are currently working with them to refine the timetable for this work.

Employment allocations – The draft local plan was produced before we had completed evidence on need for employment land and potential allocations. A number of employment and mixed use allocations were included in the draft plan and on the face of it these were sufficient, however the Economic Development Needs

Assessment (EDNA) noted that further work was needed to understand delivery issues with long standing allocations which were to be carried over from the adopted Local Plan to understand if these would realistically be delivered. Work is on-going to investigate these issues and refine our approach to these sites. The EDNA also noted further work needed to understand the impact of proposals to redevelop employment sites within the city on the need for employment allocations in the cities hinterland. As a result of these two strands of work, there is likely to be a need for more employment allocations to be made in the plan and recommendations on:

- overall quantities of land appropriate for allocations;
- spatial strategy for distribution of provision; and
- actual preferred sites to allocate

Work assessing additional potential employment allocations will come to committee in late 2023 with a view to subsequent public consultation. Alongside this work would progress on understanding actual requirements so that decisions can be made on additional site allocations post consultation in spring 2024.

Any new housing or other allocations – work is ongoing in respect of refining assessments of sites and potential allocations in light of responses to the consultation and further assessment work. A small number of additional sites were put forward through the draft plan consultation. These need to be taken through the HELAA process and assessed with any suitable sites consulted on. The expectation is of reports on these additional sites coming to committee late 2023/early 2024 so that there is time to consult on these at the reg 18 stage if necessary. Refined assessments of the sites already consulted upon would follow in 2024.

Clyst Valley Regional Park Boundary – work is needed on defining a boundary for the Clyst Valley Regional Park (if to be amended from the current existing boundary) and this should be consulted on. We would envisage recommendations coming to committee in early 2024 with public consultation to follow.

Green wedges – Green wedges for the new local plan will need to be defined and consulted on. It was noted at the time of consultation on the draft plan that it had not been possible to complete this work in time for the draft plan consultation. As this area of work affects only a limited number of communities a more focused separate consultation was envisaged. The intention is to report on a methodology for this work to committee in October 2023 with a further report on the proposed green wedges and public consultation to follow.

Coastal Preservation Areas – the Coastal Preservation Area for the new local plan will need to be defined and consulted on. Like the green wedges this work could not be completed for the draft plan consultation but affects a limited number of communities. We would envisage this also being a work area that rapid progress can be made on and would envisage reporting to committee in early/mid autumn 2023 with public consultation to follow.

Designated Neighbourhood Area Housing Requirements – the NPPF requires us to identify a housing requirement figure for all designated neighbourhood areas within the local plan. This requirement and potential methodologies was set out in a report to the committee meeting on 7th March 2023. An initial on-line consultation event was held with neighbourhood planning groups and town and parish councils and was also attended by some Members. Further engagement with these groups is necessary and then formal consultation on a preferred approach.

4.6 So long as there are not fundamental or substantive changes to the draft local plan (from the late 2022 version) we would not see the need or benefit of new consultation on a refreshed complete draft local plan. The intention would be to do focused consultation on the areas identified above albeit this will depend on any further changes Members may wish to make to the plan and consultation on a further draft plan is an option. A further full draft plan consultation would however be time consuming and more resource intensive and is considered to put the whole plan timetable at risk if we are to adopt a plan before the end of 2026 deadline for the current plan making legislation.

5. Future detailed work plan and revised Local Development Scheme

5.1 Officers are working on a revised more detailed programme for local plan making that we would envisage bringing to committee at Members November meeting. It is envisaged that this would take the form of a simple GANTT chart showing timescales for each work stream which can then be kept up to date and brought to future meetings as required.

5.2 At the end of this report is a summary table showing the key work and evidence for each chapter of the plan which seeks to summarise the work that is on-going and will need to be completed in the future

5.3 The Local Development Scheme is the formal plan and timetable that sets out the programme for local plan (and any other Development Plan Document) production. Alongside the more detailed work plan for future plan making we would envisage bringing a new Local Development Scheme to committee.

Table of potential future work areas to support local plan production

The table below provides further information on additional evidence gathering and assessment work that we have identified as potentially needed to support local plan production.

In the table we summarise key studies and some of the larger potential work area requirements. But we would stress that this is not necessarily a comprehensive list of all further work areas and evidence documents that may be needed to support the plan. We identify the chapter of the draft plan that any given study is most closely aligned with or relevant to, but many studies will be relevant to more than one chapter in the plan.

Table of future work, evidence and committee considerations

Plan Chapter	Key work area/study	Commentary and key timing issues
Chapter 1 - Introduction, evidence and policies Note that these studies are relevant for the local plan overall (i.e. many or all chapters)	Whole Plan Viability Assessment	Plans need to be assessed for overall financial viability. We will need to appoint external consultants to undertake this work. Key future tasks will include: <ul style="list-style-type: none"> • Drafting and issuing a brief - this can start immediately; • Appointment and undertaking work – running into 2024 (and potentially beyond through plan examination).
	Sustainability Appraisal Report	This work assesses the sustainability impacts of plan proposals and alternatives. It is being undertaken ‘in-house’ and drafts of the work will come to members alongside future consultation documents and revised drafts of the local plan.
	Habitat Regulations Assessment And Joint Mitigation Strategy	This work is specifically concerned with impacts that may result on the highest tier of wildlife designated sites and where relevant mitigation that is needed. Consultants have been appointed to do this work and are currently screening draft plan proposals. It should be noted that the same consultants are also working, on an across authority commission, on a parallel work stream, identifying mitigation proposals to address adverse impacts that would otherwise occur on the Pebblebed Heaths, Exe Estuary and Dawlish Warren on account of residential development and development providing over-night accommodation (e.g. hotels). Completion is projected for late 2023/early 2024 after which it will be reported to committee.
	Equalities Impact Assessment	This work assess potential equalities impacts of plan proposals. It is being undertaken ‘in-house’ and drafts of the work will come to members alongside future local plan redrafting.
	Infrastructure Delivery Plan	This work identifies infrastructure needs generated by or from plan proposals. It will need to inform and sit alongside viability assessment work and other studies (especially if or where they generate specific infrastructure needs). It is being undertaken ‘in-house’.
	Chapter 2 - Vision and objectives	Vision workshop

Plan Chapter	Key work area/study	Commentary and key timing issues
<p>Chapter 3 - The spatial strategy</p> <p>It should be noted that many of the studies that are identified against Chapter 3 of the local plan have a relevance that extends across and will inform a range of additional chapters in the plan – in particular including in respect of land allocation chapters.</p>	<p>The Role and Function of Settlements</p>	<p>This study was completed in 2021. An update may, however, be relevant in respect of any circumstances that have changed (for example in respect of facility availability). Key future tasks, if needed, will include:</p> <ul style="list-style-type: none"> Update report to committee in late 2023, referencing consultation feedback.
	<p>Housing Needs Assessment - update</p>	<p>We have an existing housing needs study, by consultants ORS, but this may need updating.</p>
	<p>Housing numbers study and aligning numbers with economic growth proposals</p>	<p>Should committee wish to plan for a level of housing growth that falls below the standard method number then a study may be needed to establish and justify a relevant number. Committee should, however, be aware that we are yet to draw conclusions on job growth and economic activity and also potential displacement of jobs from Exeter into East Devon. Should any of this work indicate a mismatch (shortfall) between the projected workforce population of the District and job numbers (taking into account other factors to include commuting) then we may need to plan for additional housing to accommodate the needs of a larger workforce.</p>
	<p>Designated Neighbourhood Area Housing Requirements</p>	<p>Further work is needed to consult on options for determining a housing requirement figure for all designated neighbourhood areas and then figures using the favoured methodology will need to be determined and consulted on as well.</p>
	<p>Housing monitoring</p>	<p>Housing monitoring returns on dwellings completed and projected development. Work is undertaken annually but will need specific work outputs in respect of calculating trajectories of development and their alignment and compatibility with meeting housing numbers.</p> <p>We are aiming for the next housing monitoring report to come to committee in October 2023. With the subsequent year report in October 2024.</p>
	<p>Greater Exeter transport modelling study</p>	<p>This is an ongoing, cross-authority study, which is being led by Devon County Council. We would envisage a report coming to committee in late 2023/early 2024. The work is essential in respect of understanding growth considerations in the western part of East Devon and also in respect of cross boundary considerations in and for Exeter and potentially Teignbridge.</p>
	<p>Greater Exeter employment study</p>	<p>Whilst we have an Economic Needs Assessment Study we have identified a possible need for a follow-on more detailed cross-authority study that looks in more detail at overarching cross authority employment needs. A consultant brief is being drawn up for this possible work stream.</p>
	<p>Employment site availability / delivery study</p>	<p>We as officers are working jointly with Economic Development staff at the council looking into economic viability considerations in respect of potential employment site allocations. We will aim to report this in-house work to committee in late 2023/early 2024.</p>

Plan Chapter	Key work area/study	Commentary and key timing issues
	Clean growth or economic development strategy for the district	We are looking at the possible need to undertake or commission a study to more fully understand issues associated with a clean economic growth agenda and its implications. Further commentary, including on possible timescale for work, may need to be provided in the future.
	Settlement boundaries study	This work is being done by officers and will provide an evidence base to justify settlement boundaries. Work is currently ongoing.
<p>Chapter 4 - identifying sites for development</p> <p>It should be noted that this chapter is not expected to feature in the final local plan but the assessment work will inform content of other plan chapters.</p>	Housing and Employment Land Availability Assessment (HELAA)	The HELAA exercise involves providing opportunities for people to identify land that they consider is suitable and appropriate for development. Assessment primarily considers the technical ability of any submitted site to accommodate development and not whether it should be allocated for development - which is a policy making choice. HELAA work is largely complete but there are some outstanding sites to assess. The work is being done in-house and final conclusion will be presented to committee in late 2023/early 2024.
	Site Selection report	The site selection work follows on from the HELAA. It is concerned with assessing the actual suitability and desirability of sites as allocations for development (for example in respect of ecological, landscape and built heritage sensitivity), and selecting which sites to allocate in the Local Plan. Much of the work has been undertaken and was used as evidence to justify allocations in the draft local plan. The work is being done in-house and with new sites to assess and Draft Local Plan consultation responses to review work will be ongoing for some months. It is envisaged that final assessment reports will be bought to committee in 2024.
	Major development in the AONB study	The draft local plan shows land allocations for development in AONBs (a number are quite large). If we retain these allocations we should be looking at a study specifically considering AONB impact considerations and examining alternative site options. We would envisage doing this work in-house and would envisage a report coming to committee in 2024.
<p>Chapter 5 - Future growth and development on the western side of East Devon</p>	Clyst Valley Regional Park expansion boundary study	This study will help define physical boundaries for the potential expansion of the Clyst Valley Regional Park and also help refine local plan policy wording for the park. The work will be done in - house.
	Development north of Topsham study	It is considered that we need to do a study to support development of land in the draft local plan, north of Topsham, which is to include around 580 new homes. This is expected to be produced through joint working with Exeter City Council.
	New Town assessment report	Consultants CBRE are part way through production of a detailed study commissioned by the Council that is assessing site and development options and delivery mechanisms for development of a new town (alternative site options were consulted on through the draft local plan). Members of the Council have already contributed to visioning workshops and the expectation is that further workshops will be held in 2023 and 2024. Update reports on work being produced will be reported to committee.

Plan Chapter	Key work area/study	Commentary and key timing issues
Chapter 6 - Strategy for development at Principal Centres, Main Centres, Local Centres and Service Villages		At this stage no specific evidence studies are identified against this chapter of the plan. However, other studies listed against other chapters will be directly relevant to this plan chapter and its content.
Chapter 7 - Tackling the climate emergency and responding to climate change	Strategic Flood Risk Assessment Level 1 (SFRA - 1)	This commissioned study is nearing completion, it addresses overarching flood risk considerations and it is hoped that the final report can come to committee in October or November 2023.
	Strategic Flood Risk Assessment Level 2 (SFRA - 2)	Following on from the SFRA -1 this level 2 study will be needed to assess the potential appropriateness of allocating sites with some degree of risk of flooding, scope for mitigation and comparison against alternative options.
	Coastal Change Up-date study	We have a coastal change study but will look to update or append extra material in response to representations received through consultation or any new evidence that is emerging.
	Water Cycle Study	This commissioned study is nearing completion, it addresses water supply and waste issues and it is hoped that the final report can come to committee in October or November 2023.
Chapter 8 - Meeting housing needs for all	2nd homes housing study	There were local plan comments that raised concerns around the number of 2 nd homes in the District and specific parts or locations and their impacts. We may need a short study to justify policy approach on this matter. If taken forward a report would be produced by policy staff with expected completion in early 2024 when it would be reported to committee.
	Gypsy and Traveller Accommodation Needs Assessment	This cross-boundary commissioned study is nearing completion and the final work will advise on levels of accommodation need and provide a basis to inform local plan policy development. We would plan to bring the final report to committee in autumn 2023.
	Housing topic paper - types of need	Drawing and building on the Housing Needs Assessment report this potential report, to be produced in house, will review justification of targets/mix to include for: <ul style="list-style-type: none"> • Older persons housing; • Accessible/adaptable housing; • Market housing. Need for this report will be kept under review.
	Self/custom build study	We have identified a possible need for a further study into self/custom build to justify policy approach. We will keep under review the need for a study.
Chapter 9 - Supporting jobs and the economy and	Employment and skills statements study	We have policy around this matter and query if we need an evidence study to justify the policy approach.

Plan Chapter	Key work area/study	Commentary and key timing issues
vibrant town centres	Town centre retail and boundaries study	The draft local plan contains town centre policy boundaries and these were informed by survey work. We would, however, wish to formalise this work and set out details in an officer written covering report. We would envisage the report coming to committee in early 2024.
	Retail study	We have an overarching retail study, consultant produced, which is now quite dated. It may be that we need to commission new tailored work to update our over-arching understanding of retail matters. Need will be kept under review.
Chapter 10 - Designing beautiful and healthy spaces and buildings	District design guide	In support of the local plan, and available for Plan Publication, it may be desirable, but not essential, to have a district wide design guide. We will keep under review options and potential for production, though it could amount to a substantial amount of work.
	Site specific design guides or coding	These guides would relate to specific proposed development allocation sites. Whilst not essential for the local plan, at and through examination, they could be beneficial. Options for production will be kept under review but could follow on after plan Examination/adoption.
	Housing density study	With concerns over levels of land allocated for development in the local plan we will look at the potential scope to undertake more detailed site assessment work with a view to possible higher density levels.
Chapter 11 - Prioritising Sustainable travel and providing the transport and communications facilities we need	Parking Standards	We will need to review work on parking standards to refine policy provision.
	Promoting Sustainable transport modes	Promoting sustainable transport modes features heavily in local plan policy and whilst we have some evidence around this subject matter there could be value, linked into wider accessibility, movement and transport studies, to expand on this. This includes evidence relating to “20 minute neighbourhoods”.
Chapter 12 - Caring for our outstanding landscape	Coastal Preservation Area study	We have policy in the draft local plan for a Coastal Preservation Area but have not undertaken detailed study work to justify a new boundary or the robustness of the boundary in the existing local plan and any changes to it. We would envisage that a report on area boundary, to be produced by staff, will come to Committee in autumn 2023.
	Green wedge study	We have policy in the draft local plan for Green Wedges but have not undertaken detailed study work to justify boundaries or the robustness of the boundaries in the existing local plan and any changes to them. We would envisage that an initial report will come to Committee in autumn 2023.
Chapter 13 - Protecting and enhancing our	Biodiversity net gain study	We have policy seeking 20% biodiversity net gain in the local plan and will need to look at an evidence report to assess the credibility of this level of provision and justification. More work will be needed.

Plan Chapter	Key work area/study	Commentary and key timing issues
outstanding biodiversity and geodiversity	District wide Green Infrastructure Strategy	Natural England advise that we should have a district wide policy for helping people connect with nature that is based on the Green Infrastructure Home (naturalengland.org.uk) We will need to consider if policy provision is appropriate and if it needs to be supported by a background evidence report or assessment.
Chapter 14 - Open space and sports and recreation facilities	Playing Pitch Strategy	In house work on this strategy is ongoing and we plan to bring a draft strategy to Committee in Autumn 2023.
	Open space assessment study	We will need to look at need for updating past evidence work in respect of open space standards but would not envisage a report being available until 2024.
Chapter 15. Our outstanding historic environment		We have, at this stage, not identified the need for any further evidence studies in respect of supporting plan policy for this chapter of the plan. The Council does, however, have a Heritage Strategy that is becoming a little dated and which may warrant a refresh in order to help justify local plan policy.
Chapter 16. Ensuring we have community buildings and facilities		We have, at this stage, not identified the need for any further evidence studies in respect of supporting plan policy for this chapter of the plan.
Chapter 17. Implementation and monitoring of the local plan		We have, at this stage, not identified the need for any further evidence studies in respect of supporting plan policy for this chapter of the plan.

Financial implications:

There are no direct financial implication resulting from the recommendations.

Legal implications:

There are no legal implications requiring comment.