

Report to: **Strategic Planning Committee**



Date of Meeting: 31 October 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## **East Devon Local Plan – timetable and Local Development Scheme**

### **Report summary:**

This report sets out a proposed timetable, highlighting key stages of work, for production of the East Devon Local Plan, specifically to take the plan through to submission for Examination. The report also seeks approval for a new Local Development Scheme, a new 'higher level' overarching project plan to take the local plan through to adoption.

### **Is the proposed decision in accordance with:**

Budget                      Yes  No

Policy Framework    Yes  No

### **Recommendation:**

1. That Committee endorse the timetable and approach to local plan making work that is set out in this committee report.
2. That Strategic Planning Committee endorse the proposed new Local Development Scheme, appended to this report, and recommend it for adoption by Council.

### **Reason for recommendation:**

To provide details of timetabling for local plan production.

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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 5 September 2023 Members of this committee received a report on future work areas and evidence reports for the local plan – see item 8: [Agenda for Strategic Planning Committee on Tuesday, 5th September, 2023, 10.00 am - East Devon](#) This committee report can be usefully read alongside the earlier committee report.
- 1.2 This report provides more detail, specifically including a Gantt (style) chart, setting out proposed dates at which key papers will come to committee and at when future consultation is proposed to take place. This report, drawing on these key dates, also recommends that committee endorse a proposed new Local Development Scheme (LDS) which sets out a programme and timetable for production of the local plan to adoption and which makes reference to other planning policy documents. The previous LDS dates from April 2022 and requires an update. The actual approval of the LDS is the responsibility of Council so it is recommended that this Committee seek Council approval.

## **2. Proposed new plan making timetable**

- 2.1 Having reviewed evidence production timetables and plan making workloads (specifically noting details raised in the September report to this committee) officers have produced a new timetable for production of the local plan. This timetable is mindful of the fact that in consultation on a new proposed system for local plan making the Government have advised that plans under the current plan making systems need to:
  - be submitted for Examination before the end of June 2025; and
  - Adopted before the end of December 2026.

- 2.2 The very clear intent is to produce and adopt a local plan under the current plan making system.
- 2.3 In tabular format (Gantt style) a chart is set out below/over the page setting out proposed key stages of work to take the local plan to submission for Examination. The emphasis in this chart is placed on the dates of key reports to committee and proposed public consultation that follows. Substantial levels of additional work will sit behind these public facing aspects of plan making and there are a significant number of dependency links through and across the many separate work areas.
- 2.4 The table takes the plan making work from this committee meeting, at the end of October 2023, through to a point of plan submission in May 2025, this submission date being ahead of, but not substantially so, the deadline of the end of June 2025. It is seen as a credible timeline to follow given the scale and complexity of work ahead. There may be some, but limited scope, to move a little quicker which potentially could allow for a slightly earlier submission (perhaps a month or two earlier) but given the scale of work required and lead in times (including for committee papers) making substantially quicker progress is not seen as a realistic proposition. It should be noted that as currently set out Publication consultation would be across the Christmas 2024/new year 2025 break.
- 2.5 One key risk to meeting this timetable is staff resources. The team currently has a vacant Planning Officer post and despite recently advertising the post it was not possible to recruit to the post. We are currently considering options including sending work out to consultants or bringing in agency planners to help to support the work of the team. Such measures will be necessary in order to keep to the timetable set out in this report.
- 2.6 A key early focus of work is preparation of material for additional consultation under Regulation 18 of the plan making regulations. As highlighted in the September Committee report we envisage a series of reports that will be made available for public comment in respect of the following subject matters:
- Employment allocations
  - Potential new housing or other allocations
  - Clyst Valley Regional Park Boundary
  - Green wedges
  - Coastal Preservation Areas
  - Designated Neighbourhood Area housing requirements
  - Town centre retail boundaries
- 2.7 The intention is that these reports with maps and other supporting papers included, where appropriate, will come to the 5 March 2024 committee meeting (if not before in some cases) and consultation, subject to committee approval, will run, for six weeks, into April 2024. Whilst consultation is being undertaken, and after that the subsequent analysis of feedback, work will carry on with other evidence gathering and analysis and assessment work. We will also, in and through 2024, bring redrafted chapters of the

local plan to committee (starting with chapters that the above consultation does not relate to) seeking approval for suggested amended wording to feature in a first working draft of the proposed Publication plan.



- 2.8 It should be noted that the above table and timelines include only limited selected stages of work, specifically redrafted chapters and those geared around reports to committee seeking approval for consultation and the subsequent periods of consultation that thereafter follow. Behind these timelines there is a much fuller project plan which addresses the full spectrum of evidence and assessment work that is being undertaken and the linkages between and across these full work areas. Current workloads, through to early in the new year, are dominated by ongoing assessment and evaluation work of potential site allocations. This work will inform final recommendations on sites to be allocated for development.
- 2.9 The intention is that redrafted chapters will come back to committee starting in February 2024 and will progressively come through in blocks of chapters each month. We have provided a guide to a possible programme of when chapters may come to committee though this schedule is liable to change and be subject to refinement. It is stressed that chapters of the plan that allocate land for development are likely to come to committee in August and September 2024, as is Chapter 3 the Spatial Strategy chapter. It is also highlighted that the existing chapters 4 and 18 will not feature in the next draft of the plan. These chapters included specific materials for the draft plan consultation and so are not referenced in the table. It should be noted that there may be a case for splitting some chapters in the draft plan or otherwise moving the location of some policies in the plan, though our expectation is that any such changes will be limited. In due course chapter renumbering will be undertaken but at this point references are to chapter numbers in the draft plan. Very importantly it is also highlighted that there are likely to be some gaps in some draft chapters that come to committee in the first half of 2024, given that evidence work is ongoing and information to provide full content will not be in place until later in 2024.
- 2.10 In the summer of 2024 the intent is that all work streams will be drawing to conclusions to allow for a proposed Publication plan to be produced/finalised and for this to come to Strategic Planning Committee in November 2024 with a recommendation seeking approval for consultation under Regulation 19 of the plan making regulations alongside the supporting evidence documents. The consultation that follows needs to be for a minimum of six weeks though with consultation scheduled to run over the Christmas/new year period a longer consultation is likely to be appropriate; it is suggested that it should run for eight weeks. One of the fundamental challenges in preparing the plan will be having completed housing monitoring data from year ending 31 March 2024 and following on from this is the task of assessing projected house building delivery and ensuring levels of development match or exceed housing need numbers. The earliest that this work can be expected to be completed is in September or October 2024 and this means that a November 2024 committee date for the Publication plan is the earliest realistic date to work to. The consequence is an across Christmas/new year consultation. If we waited until the new year to start consultation it could prejudice meeting future deadlines, specifically including Submission of the Plan for Examination by the end of June 2025.
- 2.11 Following the above stages of work would allow for comments received to be assembled and summarised and any final tasks to be completed before coming back

to Strategic Planning Committee, and Full Council, seeking authority to submit for Examination. Under the timetable set out we would envisage this to be in May 2025.

- 2.12 It is reiterated that the proposed timetable is tight and it does depend on work progressing in a timely and smooth manner and the necessary staff resources being available. Any significant changes in policy direction or substantial deviation from the form and format of the draft plan as currently drafted could delay production. A consequence and risk that is explicitly highlighted is that delays could push the plan making timeline beyond a June 2025 submission date. This may mean that we could not progress with the plan under the current system and may have to work to the new plan making system, if this were to happen it is unclear how much of the work undertaken to date could be rolled forward and regardless of this it would be expected that there would be substantial delays on getting a new plan in place.

### **3. Proposed new Local Development Scheme**

- 3.1 Following on from and bearing in mind the above reporting on plan making timelines now is an appropriate point in time to update the Council's Local Development Scheme.
- 3.2 The new proposed LDS is appended to this report and it identifies the fact that we are producing a new local plan and it sets out key stages of work and timing for these stages. The new LDS lists other Development Plan Documents that exist and provides an overview of, and advises on, relevant planning policy work undertaken by outside partners, to include Devon County Council, in respect of waste and minerals plans and local communities in respect of Neighbourhood Plan making.

#### **Financial implications:**

There are no direct financial implication resulting from the report.

#### **Legal implications:**

There are no legal implications requiring comment.

# Appendix to the Local Plan committee report of the 31 October 2023, on local plan making timetable, setting out a proposed new Local Development Scheme

The proposed text of the new LDS is set out below. Subject to committee and Council approval it will be tidied up into pdf pamphlet format, given a front cover, index page and contact details and placed on the planning policy pages of the Council web site.

It will have a similar format/presentational style as the existing LDS – see: [lds-april-2022.pdf](https://www.eastdevon.gov.uk/lds-april-2022.pdf) ([eastdevon.gov.uk](https://www.eastdevon.gov.uk))

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## Introduction

This East Devon District Council Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents by the Council.

East Devon District Council has resolved that this new LDS should take effect from ..... date to be inserted once agreed. This LDS covers the time period from October 2023 through to the end of 2026, it is envisaged however that it will be revised and superseded before this end date.

## The stages in Development Plan Document preparation

Development Plan Documents (DPDs) sit at the top of the hierarchy of District Council planning policy documents, on adoption they form part of what is defined as the Development Plan. The term 'local plan' is often used interchangeably with DPD and the Council has an adopted plan (which is a DPD) called the 'East Devon Local Plan'.

DPDs are of fundamental importance in respect of informing prospective developers of the types of development and locations for development that are likely to be appropriate and they are the key policy documents used in determining planning applications. DPDs also inform communities, infrastructure and service providers and other council and wider service providers of development proposals. There are specific legally defined procedural steps that need to be complied with by the Council in order to produce a DPD, some of these are referred to in this LDS, however for a more complete picture see: The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), noting that future changes may be made:

<http://www.legislation.gov.uk/ukxi/2012/767/contents>

In this LDS we set out dates for undertaking key stages in production of DPDs; the stages we report on are summarised below:



**Issues Consultation** – this is the starting point where comments on general issues and plan scope are sought. At this stage of plan making potential options and alternatives for development may be identified.

**Draft plan** – this is where a draft version of the plan or some other consultation document or documents are produced and feedback is sought.

**Publication** – this is the plan that the Council intend to submit for examination. The plan is made available and formal objections and other responses are sought from at this stage. Anyone can comment.

**Submission** – the publication plan, the evidence supporting the plan and the formal responses to the plan are submitted to the government who appoint an independent inspector to consider the soundness of the plan. The examination of a plan, carried out by a Planning Inspector, starts at plan submission.

**Inspector's Hearings** – as part of the examination process there will typically be hearing sessions at which the Inspector will lead discussion on the contents of the plan, this helps the Inspector prepare their report.

**Adoption** – the Council receive a report from the inspector and can then, assuming earlier tasks do not need to be revisited, adopt the plan.

It is stressed that the above stages are a much-simplified version of what happens in plan making, however they give an overview of plan preparation timelines. Government plan making regulations and legislation (and other guidance) should be reviewed for a complete picture of legislative processes that have to be followed.

## The adopted East Devon Local Plan, the Villages Plan and the Cranbrook Plan

There are now three existing current East Devon District Council adopted DPDs:

- The existing East Devon Local Plan, covering most policy matters across the district, was adopted on the 28 January 2016.
- An East Devon Villages Plan, adopted on 26 July 2018, has a much more narrowly defined remit of defining Built-up Area Boundaries around selected village settlements and it defines retail policy for Beer and Colyton.
- The Cranbrook Plan covers development matters at the new town and was adopted on 19 October 2022.

It should be noted that policies in local plans should be reviewed at least every five years to assess whether they need updating, and the reasons for decision should be published. A formal review of the adopted East Devon Local Plan was undertaken in 2020.

## Future Development Plan Documents in East Devon

This LDS sets out that, from 2023 to 2026, there will be one further DPD that will be produced by the Council, summary details with dates set against key stages, are set out below. It should be noted that the dates (year and months) provided are based on what we currently know or best estimates, changes over time are, however, possible.

a) **Future East Devon Local Plan** – the expectation is that this plan will address all Development Plan matters, potentially other than at Cranbrook, that fall to the responsibility of East Devon District Council. The following forms the timetable for production:

- Issues Consultation – completed in January 2021.
- Draft plan – the first consultation was completed in January 2023 and there is further consultation planned for March/April 2024.
- Publication – consultation projected for December 2024/January 2025.
- Submission – Spring 2025.
- Inspector's Hearings – 2025/2026.
- Adoption – Mid/late 2026.

## Other policy documents identified for production

In addition to DPDs the Council also produce a number of additional policy documents. Of greatest importance in respect of determining planning applications are Supplementary Planning Documents (SPDs). SPDs are intended to provide more detail on the use and implementation on policies in DPDs. Procedures for producing SPDs are set out in legislation and regulations and the Council has a protocol for SPD production, see: <https://eastdevon.gov.uk/media/2443645/spd-protocol-adopted-by-spc-20-march-18.pdf>

SPDs need to go through two stages of consultation but they are not subject to examination and therefore their preparation is shorter and simpler than DPDs; but they do not carry the same weight in decision making.

The Planning Policy team of the Council may also produce further guidance and advice to support and promote development and promote wider social and environmental objectives. Such guidance will not have the formal status of an SPD but we will often look to follow similar processes in production.

## Community Infrastructure Levy - Charging Schedule

In East Devon a financial charge, called a Community Infrastructure Levy (CIL), is placed on certain types of new development (most notably new housing) and monies raised are used to help pay for infrastructure that is needed to support development.

In order to be able to charge CIL the Council had to produce a charging schedule that is supported by financial viability assessment evidence, undertake consultation and take the work to Examination by an independent examiner. In this respect production of the CIL charging schedule follows a similar path to that for DPDs (but under separate legislation). The current charging schedule was approved in 2020 and applied from 1 February 2021.

## Neighbourhood Plans

Neighbourhood Plans are produced by local communities and in East Devon they are typically produced at the parish level. Neighbourhood Plans set out policies and proposals for development and in this respect they are similar to DPDs and they follow reasonably similar stages in production (but under separate legislation). Once adopted (the technical term is that they are Made) they also form part of the Development Plan for the District and are used alongside DPDs, SPDs and other policy documents in the determination of planning applications.

For more information on Neighbourhood Plans see: <https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/>

## Waste and minerals planning and Devon County Council work

The responsibility for waste planning and minerals planning in East Devon rests with Devon County Council; they have legal responsibility for producing plans and determining planning applications for these two matters. The County Council adopted a new Devon waste plan in 2014 and adopted a new minerals plan in 2017. For more information see:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy>

The adopted waste plan and adopted minerals plan are also part of the Development Plan for East Devon.