

Report to: **Strategic Planning Committee**

Date of Meeting: 25 February 2020

Public Document: Yes

Exemption: None

Review date for release None



Subject: **East Devon – Local Development Scheme**

Purpose of report: The Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents. The previous LDS dates from 2018 and requires an update. This report introduces the proposed new LDS, summarises key content and provides more information on plan production considerations.

Recommendation: **That committee approve the proposed new Local Development Scheme, as appended to this report, to take effect from 26 February 2020.**

Reason for recommendation: To ensure the Council has an up to date Local Development Scheme.

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Financial implications: There are no specific financial implications within the report which require comment, future staffing requirements and costs of producing the plans and policies within the report will be assessed during the setting of the Planning Department's future budgets.

Legal implications: Under the Planning and Compulsory Purchase Act 2004 the Council is legally required to maintain and update when it considers appropriate a Local Development Scheme (LDS). Adoption of the enclosed revised LDS will ensure compliance with our legal obligations. Other legal implications are covered in the report.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Low Risk

Links to background information:

- The proposed new [Local Development Scheme](#) (LDS) is appended to this report and has web links within. The previous LDS, from July 2018, can be viewed via the web page accessed through the link below and the intent is that on agreement the new LDS will replace it on the same page:

<https://eastdevon.gov.uk/planning/planning-policy/policy-work-whats-new/what-policy-documents-will-we-produce-and-how-will-we-consult-on-them/local-development-scheme/#article-content>

Link to [Council Plan](#): Delivering and promoting our outstanding environment

1 Introduction

- 1.1 There is a requirement for planning authorities to have an up to date Local Development Scheme (LDS).
- 1.2 The new proposed LDS forms a future work programme for the Planning Policy team at the Council (and partners in planning policy production) and is appended to this committee report. The new LDS lists key policy documents that are proposed to be produced by the Planning Policy team or in which the policy team is partnering in production. The LDS also 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.

2 Development Plan Documents

- 2.1 The appended LDS advises of and sets out more detail on production of three Development Plan Documents (DPDs). These are:
 - a) The Greater Exeter Strategic Plan;
 - b) A new East Devon Local Plan; and
 - c) The Cranbrook Plan.
- 2.2 Members will have received, and will receive in the future, many reports on the **Greater Exeter Strategic Plan** (GESP) so in this committee report detailed commentary is not provided, though the appended LDS does comment further.
- 2.3 A new **Local Plan for East Devon** is expected to cover all policy matters not addressed by GESP and it will add detail to and seek to advise more fully on implementation of the strategy and policies in the GESP. The recommendation is that new local plan production should follow similar steps, specifically public consultation steps, to GESP but the corresponding steps will in each case take place approximately 12 months after the GESP stage has taken place. Taking this approach would mean, however, that with GESP scheduled for adoption in April 2023 a new local plan for East Devon would not be adopted until April 2024.
- 2.4 Despite the comparatively long time it will take to get a new local plan adopted (it being a local plan that covers all policy matters not addressed through GESP) it is the recommended approach but it is advised that there are other options that the Council could follow.
- 2.5 The key reason to do local plan work, after corresponding GESP stages of work are completed, is that GESP will provide certainty and clarity over the strategic picture and scale and location for further development in East Devon.

- 2.6 If a new East Devon Local Plan were produced at the same time as GESP (or theoretically even before it) we would not have clarity or confidence of what GESP is going to say in emerging draft versions, and more importantly in its final adopted draft. Therefore there could be no guarantees that a new local plan would be compatible or in accordance with the strategy and overall thrust of GESP let alone any matters of GESP policy detail. To give an example – an expectation is that GESP will identify an appropriate number of houses to be accommodated in each local planning authority area and that it will also allocate larger scale strategic development sites and specify housing numbers for these sites to accommodate. The allocated strategic sites could be expected to meet some but not all of the houses that under GESP are to be accommodated in that local authority area. One of the jobs of a future East Devon Local Plan would be to provide for the future East Devon houses, that GESP does not allocate in the District, in order to make up the shortfall. If, and its stressed this is hypothetical, GESP policy advises that East Devon should accommodate 10,000 extra houses overall and if it (GESP) allocates land for 6,000 of these houses on strategic sites it would leave a remainder figure of 4,000 houses for a future East Devon local plan to accommodate (10,000 – 6,000 = 4,000).
- 2.7 Taking the above example, and specifically if we knew now exactly what the final adopted GESP would be saying in terms of housing numbers for East Devon, we could start immediately on a new local plan to meet that housing need. But the point is that we do not know now what that final number will be. As GESP production and consultation progresses there could be all sorts of changes to numbers and changes in proposed strategic sites and policies for the distribution of houses. Then at examination of GESP a Planning Inspector may endorse these figures or could recommend something either marginally or entirely different. To proceed too quickly with a new local plan would mean that we would have to be making significant assumptions about what GESP would ultimately say, but without assurance that we would be correct. This would lead to all sorts of uncertainty in respect of plan making. The example given above applies to housing numbers but of course this is just one of many policy areas that GESP might be expected to address and changes could happen to all or any of them as GESP makes its way to adoption.
- 2.8 As it stands we have sought to define a timetable for a new local plan that follows on as reasonably quickly after GESP as appears practicable. Under the timetable the new local plan work would not need to make any clear explicit conclusions on preferred policy choices until there is emerging clarity over explicitly what the partner Councils believe GESP should say. Further to this we have timetabled local plan making so that it is only after GESP adoption that we move to a position of formally publishing what we believe the final local plan should say and it is only then that we can have confidence that it will be in conformity with GESP. It is this final plan that the Planning Inspector examines.
- 2.9 Further complications in seeking to move ahead with a new Local Plan at a quicker time scale than that planned could include:
- a) GESP documents and local plan documents going out for consultation at the same or similar times causing confusion to the public and other bodies and organisations;

- b) Possible lack of staff resources, and pressures on members, to manage production of two plans at the same times;
- c) 'Open-door' opportunities for objectors and respondents to 'play' one plan off against the other.

- 2.10 Given these concerns it is not recommended to proceed with a new local plan on a quicker timetable. The only realistic option to this approach would be to proceed with specific DPD's focused on specific geographical areas or subject matters. This is to some degree, where we are at the moment with the adopted East Devon Local Plan, a separate Villages Plan and the soon to be adopted Cranbrook Plan. Despite there being three separate plans they are all part of the Development Plan for East Devon and have/will have the same legal status. Having multiple plans can though cause confusion and potential for conflict, for example in respect of operational dates or inconsistency in application or interpretation of policy. None the less if there were particular topic matters or a geographic area that was seen to warrant or need particular attention then resources could be put into producing a plan (a DPD) specifically on that matter or for that location. Though it is highlighted that plans can be costly to produce and there should be clear economies of scale, and therefore cost savings, in doing a fewer rather than greater number of plans.
- 2.11 It should be noted that there could be a reasonable expectation that any DPD should cover matters of at least reasonable significance. The smaller the scale of issue/s or location/s a plan relates to the greater the possibility there is that an Inspector would dismiss it on the grounds of it not being relevant. And if it's a bigger strategic matter that a new plan proposes to address then it raises the question of why not address it through GESP or indeed why not just defer it for what would not be that much longer of a time scale to comprehensively address it alongside all other matters in an all embracing comprehensive new local plan?
- 2.12 There are examples within the south west where authorities are pursuing DPD's to cover specific areas most notably Teignbridge District Council who while awaiting progress with GESP are reviewing their suite of Development Management policies through a separate DPD. While the desire to make progress with this work is fully understood officers are concerned that without the GESP strategy being agreed and site allocations determined it is difficult to ensure that the development management policies reflect the overall strategy for development in the district. It is notable in the current local plan how principles established in the strategy section are followed through into the details of the development management policies. Without first establishing the strategy there is no basis for the development management policies that stem from it. Equally all plans have to be viable and deliverable under government policy and it is difficult to see how development management policies can be fully tested in terms of their viability and deliverability in the absence of the site allocations that will need to comply with them.
- 2.13 Cornwall Council are pursuing a separate DPD on climate change, however it is considered that this faces similar challenges to the Teignbridge approach while climate change is a fundamental issue that should underpin all areas of a new local plan and so it is difficult to see how this can be considered in isolation. Aside from this climate change is clearly a

shared issue with our partners in GESP and so should appropriately be dealt with consistently across the area through the GESP.

- 2.14 Notwithstanding which options are pursued it will be appropriate to keep under review the potential need for a topic or geographic area based plan if particular circumstances change or if GESP production were to be delayed. Should East Devon fall behind on five year land supply there may, for example, be a case to progress with a plan to speedily allocate extra housing sites. There may be new emerging policy considerations or changing circumstances in part or the whole of East Devon, or perhaps legislative changes made by Government, that make production of a new detailed matter DPD appropriate.

3 Policy for Gypsy and Traveller Provision

- 3.1 The Council had previously advised that it would produce a **Gypsy and Traveller DPD**, a key job of which would be to allocate land for gypsy and traveller occupation. However, finding sites, that are not part of a large scale mixed use land allocation, and that are appropriate for gypsy and traveller occupation and that have been promoted for such a use by the land owner, has been extremely challenging. Extensive effort has been put into the site search process over recent years with no success to date in terms of site delivery, this is despite the fact that the Council has a budget of £500,000 to support site acquisition and provision. Failure to identify appropriate sites has meant that it would not be appropriate, at this point in time (it would likely be a flawed exercise), to seek to promote and undertake work on production of a specific Gypsy and Traveller DPD.
- 3.2 Rather than seeking to allocate stand-alone sites for gypsies and travellers there would appear to be more merit, and likelihood of success, by including provision as part of and a requirement in large scale mixed use allocations. This approach is being applied in the Cranbrook Plan which is at Examination at the present time and which allocates two land areas for provision of 15 pitches in total. The approach at Cranbrook is not without its challenges, and is subject to some opposition, if however it is found sound by the planning inspector examining the plan it would appear to be a robust means to make any necessary future provision. In GESP and/or a future local plan any large or larger scale housing and/or mixed use allocation could also be planned to include provision for gypsy or traveller site allocations. Though, in addition, it will still be appropriate and desirable to search for potential sites for gypsy and traveller occupation and bring forward such sites through a regular planning application route. This more pragmatic approach would be likely to be a simpler and quicker exercise than making allocations in a specific gypsy and traveller DPD, noting that once in as an allocation in a DPD, with all the challenges that would present, there would still be the need for a planning application to be approved and implemented.

4 Supplementary Planning Documents and other strategy and policy documents

- 4.1 In addition to DPD production the intent is that the Planning Policy team will produce, or partner in production of, a series of additional Supplementary Planning Documents (SPDs) and other strategy and policy documents. Those proposed for production are set out in section 5 of the appended LDS report.