

Report to: Strategic Planning Committee



Date of Meeting: 22 November 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

New planning policy – Local Development Scheme and local plan Regulation 19 consultation

Report summary:

The Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents. The previous LDS dates from 2023 and requires an update. This report introduces the proposed new LDS, summarises key content and provides more information on plan production considerations.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Strategic Planning Committee:

- 1 Recommend to Council that the proposed new Local Development Scheme, as appended to this report as Appendix 1, should be endorsed and take effect immediately following approval.
- 2 Endorse the proposal for two rounds of Regulation 19 consultation as set out and proposed in this committee report.
- 3 Endorse the proposed communications strategy appended to this report as Appendix 2.

Reason for recommendation:

To ensure the Council has an up-to-date Local Development Scheme.

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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; The direct risk is low. But a new LDS related to the issue of local plan production for which there are wider substantive risks.

Links to background information

Links to 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. Introduction

- 1.1 There is a requirement for planning authorities to have an up-to-date Local Development Scheme (LDS). The LDS is a planning document setting out timetables for plan making work.
- 1.2 The new proposed LDS forms a future work programme for the Planning Policy team at the Council 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 one Development Plan Documents (DPD). This is: A new East Devon Local Plan – and is planned to be an overarching new plan covering all policy matters that typically come up for consideration in determination of planning applications by East Devon District Council. It will sit and work alongside the Cranbrook Plan.
- 2.2 The new local plan will supersede, on adoption, the existing local plan and also the existing villages plan. The new local plan and the Cranbrook Plan, along with made Neighbourhood Plans and adopted waste and minerals plans (produced by Devon County Council to whom responsibility falls) will constitute the ‘Development Plan’ for East Devon.

3 Timetable update for local plan production

- 3.1 The current LDS ([lds-december-2023.pdf \(eastdevon.gov.uk\)](#)) advises of the Regulation 19 stage of local plan consultation starting in December 2024 and Submission being in Spring (taken to be May) 2025. The spring date was defined in order to meet a then Government deadline, from around a year ago, for plans to be submitted for Examination before the end of June 2025, after this date plans would need to have gone into (according to the previous Government) a new plan making regime.
- 3.2 The Government elected in July 2024, however, advised of changes to plan making requirements and deadlines. Though it only did so in consultation draft material, specifically including a draft NPPF. In the consultation, under transitional arrangements, the Government advised that plans would need to be at the Regulation 19 stage of plan making (i.e. for us at the next stage of consultation) within one month of the publication date of the new/next NPPF. We do not know when the NPPF will be published, though some informed commentators have suggested towards the end of December (perhaps Friday 20 December 2024).
- 3.3 Working on the basis of a mid or late December publication, and assuming the one month 'window' remains, it is proposed that consultation on the plan is pushed to the other side of Christmas/new year and the consultation starts in January 2025. It is generally seen as good practice to avoid running consultation over the festive period and so a January start makes good sense. It also gives scope for more time for minor tidying up of the plan and other preparation work following the Committees consideration of the plan in December and before consultation starts.
- 3.4 We would though wish to keep the consultation start date under review depending on when and if national guidance is issued and what it may say. Should it allow a longer than one month window, or set a definitive deadline, there may be a good case for reviewing the Regulation 19 consultation arrangements. As things stand, according to the Government consultation, submission of the plan for Examination would need to be by the end of 2025, i.e. six months later than the previous Governments deadline.

4 Regulation 19 consultation

- 4.1 Because of complexities in planning for the new town it is proposed that we run two stages of Regulation 19 consultation. Work on a masterplan and business case for an appropriate delivery vehicle for the new town are underway but will not be prepared in time to meet the deadlines anticipated in the new NPPF. Further evidence is also being prepared particularly a transport study that will also not be completed in time. Work is also underway in terms of understanding how proposals can align with the Governments emerging new towns programme which has an expectation of proposals reaching a minimum size threshold of 10,000 new homes. Under this programme there is the potential for substantial support in planning work, financial and other, so being part of it could be very desirable.

- 4.2 The first proposed Regulation 19 consultation would focus on the Local Plan itself. It would cover all content of the plan with the exception of detailed Master planning work (and hence final end policy wording) for the new community and also detailed transport work and modelling that will also inform policy.
- 4.3 The extra new community work streams are underway but will not be completed until Spring 2025 and they are seen as essential to inform final local plan policy coverage for the new town. For this reason the second round of Regulation 19 consultation is seen as essential. We would not plan for other aspects of the plan to be subject to further consultation unless the first round generates issues or concerns that warrant plan changes and these changes are appropriate for consultation before plan Submission. The second round does, therefore, introduce some possible further additional flexibility.
- 4.4 We would highlight that we will keep timing matters under review and if, for example, the one month to get to Regulation 19 stage is amended and becomes say six months from date of publication of the new NPPF we may consider it to be desirable to defer the initial Regulation 19 consultation to a later date, for example to coincide with when the second stage might have otherwise been expected to start. Under this scenario there would be just a single combined consultation.
- 4.5 It is important to note that the Regulation 19 consultation stage is markedly different from previous stages of Local Plan consultation carried out under Regulation 18. At Regulation 18 stage we were presenting options and draft proposals and actively seeking feedback to inform decision making and final plan production. The Regulation 19 plan is essentially a final draft and should be presented as the councils intended local plan for examination and subsequent adoption. The presentation is therefore of the completed plan and communications should therefore focus on explaining the work that has fed into the plans production including how the evidence and previous consultation responses have been considered and informed its production. It would then be for respondents to formally object to the plan, if they wish, so that their concerns can be formally considered through the examination process.

5 A consultation strategy for the Publication consultation

- 5.1 On assumption that we move swiftly to the Regulation 19 consultation the Communications team of the Council have produced a Communications Strategy to inform how plan engagement and specifically the 'journey to get this far' has progressed, what the next stages are and how people can make representations on the plan to be considered by the appointed planning inspector at the Examination of the plan.

The communications plan is appended to this committee report and members feedback on the proposed approach is welcomed.

6 Supplementary Planning Documents and other strategy and policy documents

- 6.1 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 (or superseding documents in title if amended under Government planning reforms) and other strategy and policy documents. Those proposed for production are set out in the appended LDS report. However, it should be noted with a specific focus on local plan work the scope to undertake other tasks is significantly reduced at the present time.

7 Implications for Neighbourhood Planning

- 7.1 Many communities are waiting until greater certainty about plan of the local plan or until it's adoption to trigger the production or review of a neighbourhood plan, and those that are progressing an emerging plan in this transitional period are dealing with an extra layer of complexity, needing to both demonstrate conformity with the adopted Local Plan whilst considering the relationship with the new emerging one. Maintaining and publishing an up-to-date timetable for the new LP is therefore critical for our neighbourhood planning communities

Financial implications:

There are no specific financial implications impacting the council in this report.

Legal implications:

There are no legal implications other than as set out in this report (002533/22 November 2024/DH).