

Report to: **Strategic Planning Committee**

Date of Meeting: 4 February 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



East Devon Local Plan – approval for Regulation 19 consultation 2025

Report summary:

This report seeks approval for consultation on (a slightly amended from previous drafts) Regulation 19 local plan. On the 12 December 2024 a new National Planning Policy Framework was published, it allows for a period of three months from the date of its publication for local plans to start the Regulation 19 stage of public consultation. A resolution at Strategic Planning Committee on 11 December 2024 provided delegated authority for minor changes to be made to the plan before consultation started. However, given that we now have the flexibility to come back to committee with a final proposed consultation plan it was seen as prudent to do so to ensure that committee can see, and we trust endorse, the final plan for consultation. Subject to committee approval (with no additional committee changes being of a substantial scale) consultation will commence in the week starting 10 February 2025 and run for six weeks.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- 1 That Strategic Planning Committee approve the Publication draft of the plan as appended to this report with delegated authority for the Assistant Director Planning Strategy and Development Management, in consultation with the Chair, to make final minor adjustments to tidy up and refine local plan text wording to ensure consistency of approach through the plan, align formatting and correct typographical errors.
- 2 That Strategic Planning Committee agree to consult on the Regulation 19 version of the Local Plan as appended (subject to amendments agreed under recommendation 1) to run for six weeks, to commence in the week starting 10 February 2025.

Reason for recommendation:

To ensure the Council can undertake consultation under Regulation 19 of the plan making regulations in a timely manner.

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: High Risk; There are significant risks, and more strictly speaking challenges, associated with producing a local plan, these relate (amongst other matters) to technical robustness and justification of content and uncertainties over timing. There are, however, greater risks associated with not having a plan, either through choice or through failure at Examination.

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

1. Introduction

- 1.1 This committee report should be seen and read as an addition to the report 'East Devon Local Plan – approval for Regulation 19 consultation' that was considered by Strategic Planning Committee on 11 December 2024 - [1. Reg 19 approval for consultation report Final.pdf \(eastdevon.gov.uk\)](#). We do not seek to replicate issues in that report, rather we update and highlight matters going forward that will allow for consultation, under Regulation 19 of the plan making regulations, to commence in the week starting 10 February 2025 and to run for six weeks. That is subject to committee not wanting to make any significant changes to the plan that will take time to complete and/or require coming back to committee.

- 1.2 In the report of the 11 December 2024, we advised that we did not know when the new National Planning Policy Framework (NPPF) would be published. Specifically noting the unknowns around how much time, when published, it would allow for plans to progress to Regulation 19 stage of plan making, under transitional arrangements, noting that the Government have advised that a new plan making regime is coming into place. Given the uncertainty over timings, and the potential need to move swiftly to start the Regulation 19 consultation, resolution in December 2024 was sought and gained for delegated authority to be granted to allow for final plan changes to be made prior to consultation starting. However, one day after committee, on the 12 December 2024, the NPPF was published. It provides for a three-month period for consultation to start from the date of its publication. We do, therefore, have leeway to bring a report back to committee with final plan changes. We need to submit the plan for Examination before the end of 2025.
- 1.3 Officers have been reviewing and refining the plan since the last committee meeting and the full local plan text is attached as Appendix 1 (this a clean version). Appendix 2 to this committee report is a tracked changes version so that Members can note the specific changes with notes explain why they have been made.
- 1.4 The local plan text is accompanied by the Policies Map which is on an online interactive map that can be viewed (in current draft) at:
<https://maps.strata.solutions/portal/apps/webappviewer/index.html?appid=8da794a146d94df680ee37c7589e9a1e>
- 1.5 It should be noted that the policies map is subject to refinement and tidying up, but not boundary changes (unless committee resolve to make changes) ahead of consultation starting. PDF versions of maps of the towns and villages within the settlement hierarchy will also be available here: <https://eastdevon.gov.uk/local-plan>

2 Changes made to the 11 December 2024 draft of the plan

- 2.1 The plan text at Appendix 1 forms a redraft of that endorsed (noting resolutions and agreed changes) at Strategic Planning Committee on 11 December 2024 and some mostly minor additional changes that seek to provide further clarification and address anomalies.
- 2.2 In the tracked change background version, where very minor changes are made (that is in most cases) those changes are not highlighted with supporting/justifying comment (and some very minor ones are not shown as tracked changes). For example, in the draft plan there were references to 'new community', 'new town' and 'new settlement'. We have standardised text to now refer to 'new community' only (unless alternative wording is specifically used in a qualified manner by explicit design).
- 2.3 Changes in the background version of the plan text that are seen as slightly more than minor have accompanying commentary to explain why the change is made.
- 2.4 Changes made to the plan, from the 11 December 2024 version' take account of:

- a) general tidying up and removal of spurious detail and a more general attempts to make wording as succinct as reasonably possible.
- b) Seeking to make policy and the plan precise in terms of application and meaning.
- c) ensuring that changes agreed by committee on 11 December are incorporated.
- d) updating to reflect the 12 December 2024 NPPF, though noting that the plan text is written to align with, and will be examined under, the December 2023 NPPF, but we do need to be aware of the new version and what it is seeking to achieve.
- e) Other minor matters that have been noted and general points of clarity that are deemed helpful to include, specifically including about the proposed 2nd round of Regulation 19 consultation for Spring 2025.
- f) There are also some minor matters, for example in respect of consultation start date, that are in highlighted text that will need to be resolved in final editing.

2.5 We will need to undertake re-formatting and make inconsequential final amendments to the draft plan to ensure that there will be an attractive finished plan to consult on.

3 An attractive and an accessible version of the plan and a plain accessible version

3.1 The plan, attached as Appendix 1, has been designed to be visually attractive, appealing and accessible. It will go on to the Council web site and will be the draft of the plan that we will primarily publicise and expect most people to use. However, to achieve very highest reasonable possible levels of accessibility we will also seek to produce a plain text version that is stripped back to black and white, limited formatting, text only.

4 Housing provision in the local plan

4.1 We would highlight that there was a change made in the new, December 2024 NPPF, that amended the housing numbers that plans need to provide for under transitional arrangements. Prior to publication of the new NPPF we were working to Government guidance that resulted in needing to plan for at least 946 new homes per year. The NPPF change, paragraph 236 - [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework-2024/national-planning-policy-framework-2024) establishes an approach that results in needing to plan for at least 950.4 homes per year. The annual change is very small but it does add up to an extra figure of 97 over the 22-year life of the plan.

4.2 Committee will be aware that in previous assessment work we had built an additional buffer into our housing number calculations, we were aiming for a 10% headroom allowance. The additional houses we need to plan for will 'eat' a small way into the

buffer provision. Taking the plan as a whole, for 2020 to 2042 (i.e. over 22 years) the sources of housing supply are:

- houses built to date;
- planning permissions not yet implemented;
- projected future windfall developments; and
- local plan allocations).

- 4.3 There is a projected delivery, if all of the above are built, of 22,614 new homes. This is set against a need of 20,908.8 homes (22 years multiplied by 950.4 per year). There is, therefore, a 'surplus', an amount by which we exceed need, of 1,705.2 new homes. This surplus, expressed as a percentage equals 8.16% and is an overarching headroom figure, it gives flexibility around the fact that some of the sources of supply may not in practice be built.
- 4.4 Though a refinement that can be applied to the above is based on the fact that 3,514 of the houses have already been built and as such there is not a concern that they will not be built. We can, therefore, deduct 3,514 from the gross supply of 22,614 to give a net supply, for the years 2024 to 2042, of 19,100. Across the 18 years running from 2024 to 2042, there is a need to accommodate a net figure of 17,398.4 new homes (this is based on a gross 22 year need of 20,908 minus the 3,514 that have already been built). Deducting this projected supply from a need for 17,398.4 gives a 'surplus' of 1,705.2. This surplus figure, expressed as a percentage of the need for 17,398.4, gives a refined headroom of 9.80%.
- 4.5 We need to be aware that figures are based on housing monitoring records to the year end of 31 March 2024. We will need to recalculate these figures to reflect data for future monitoring years and also Government Standard Method housing numbers are revised over time so in future years the need to accommodate numbers may change.
- 4.6 Given complexities of bringing sites forward for development in East Devon we have also previously highlighted the need for a stepped delivery trajectory of housing in East Devon. The work we have undertaken adopts more conservative and realistic delivery assumptions across existing settlements, resulting in a more measured trajectory compared to that previously presented to members in the first version of the publication plan in late 2024. Key refinements include adjusting the timing of more complex development sites (those over 300 units, sites within National Landscapes, and brownfield sites) to commence beyond the first five years following plan adoption. Additionally, we have taken a more cautious approach to early-year delivery rates, acknowledging the uncertainties around when allocated sites may come forward. This conservative approach provides some resilience against potential delays in site delivery during the crucial early plan period.
- 4.7 In recognition of the complexities inherent in delivering major development sites, particularly the proposed new community, we are proposing a stepped housing target approach for the plan period. This would set an annual target of 850 dwellings from 2020/21 to 2031/32 (incorporating the first five years post-adoption, estimated for

2027), stepping up to 1,070 dwellings per year from 2032/33 until the end of the plan period. This stepped approach should enable the Council to demonstrate a robust 6.59% five-year housing land supply upon adoption, which is a critical requirement for plan soundness.

- 4.8 The new NPPF paragraph 78(c) also requires a 20% buffer for decision-making purposes post-adoption. Our trajectory planning has therefore incorporated sufficient headroom to maintain a five-year housing land supply even with this additional requirement.
- 4.9 Achievement of these trajectories relies on the continued and timely issuing of consents for new residential development so that sites that are projected for delivery can actually be delivered in the anticipated timescales. As a result, while a compliant position is achievable based on our current expectations it is important that the Council continue to give significant weight to the current housing land supply deficit in decision making.

5 The second, new community specific, Regulation 19 consultation in spring 2025

- 5.1 The draft local plan (Appendix 1) is written with the clear expectation that a second round of Regulation 19 consultation will take place in Spring 2025. This second round of consultation is explicitly concerned with the second proposed new community and detailed matters relating to it. However, there are interactions between the second new community and spatially surrounding areas and there are also wider district wide policy matters that have an inter-relationship.
- 5.2 It is very much a draft timetable at this stage but we would envisage that following the first round of consultation:
- A report will come to committee in early May 2025 with recommendation for a second round of Regulation 19 consultation.
 - The consultation will start in early/mid-May 2025.
 - Consultation will conclude in late June 2025.
 - The local plan, the product of the 1st and 2nd round of consultation, will be submitted for Examination in Autumn 2025 (likely to be October 2025).
- 5.3 Based on the above and plan Examination lasting one year (or slightly over one year) plan adoption would be envisaged in late 2026/early 2027.
- 5.4 Whilst we do in the draft plan (Appendix 1) include policy for the new community (and land allocation on the Policies Map) the 2nd round of plan consultation needs to be specifically seen within the context of the following:
- There is ongoing evidence work that needs to inform policy for the new community and therefore the 2nd round of plan consultation – specifically around transport assessment, new community viability and new community master planning.

- The council has submitted a bid under the Government new town programme - any feedback from that bid (ideally a 'green-light' endorsement), will help inform policy refinement.
- There is further wider assessment that is needed to inform the plan and submission for examination that will arise from and be related to the new community consultation, though potentially with wider local plan relationships and impacts.

5.5 Having the second round of consultation provides some but limited scope to also consider possible changes and refinement of the plan for matters outside of and beyond the 2nd new community where we receive feedback from the first round of consultation. These maybe in respect of new matters or considerations that arise and that warrant possible plan changes. Having a gap (though noting it is short – around one month) between the first consultation finishing and approval being gained at committee for the second round to start provides scope to look at potential wider plan changes and consulting on these as well before plan submission.

6 Local plan evidence

- 6.1 Committee will be aware that a substantial body of evidence has been produced to support the local plan and much is referenced in the plan itself (we are finalising some documents as well that will support the plan when consultation starts). But we would wish to draw to committee attention some key evidence documents, as listed below.
- a) **Infrastructure Delivery Plan** – this plan is specifically concerned with infrastructure that is identified as needed by or required to deliver local plan policy. At this stage it does not apply to the second new community which will have its own plan to be published at a future date.
 - b) **Greater Exeter Transport Study** – this study, which is ongoing with final outputs to inform the new community consultation later in the year, will assess options and potential for promoting non-car based/car reduced travel patterns and use thereby placing greater emphasis on such matters as public transport use and walking and cycling rather than building more roads, with more concrete to accommodate more vehicles.
 - c) **Habitat Regulations Assessment** – plans need to be supported by assessment under the Habitat Regulations. We should have an initial assessment available and published at the time plan consultation starts. There will be further ongoing work, in particular in respect of the second new community, and we will also need to commission a mitigation strategy arising from concerns around vehicle emissions adversely impacting on the Pebblebed Heaths and increases in vehicle flows that will occur on account of new development.
 - d) **Viability Assessment** – initial outputs from this commission have informed plan policy and a final report should be available at/before plan consultation starts. The new community will be subject to separate assessment work.

- e) **Flooding studies** – consultants have produced Strategic Flood Risk Assessment work for the council that will be published.
- f) **Equalities Impact Assessment** – An assessment of the plan has been completed. This shows how equality considerations have been taken into account and addressed in the plan.
- g) **Site Selection reports** – site allocations for development, and committee consideration of these, has been informed by site selection reports. These will be published, though updated to note committee consideration/decisions.
- h) **Sustainability Appraisal** – this work sets out assessment of the plan overall and policies within (and alternative options), in respect of potential sustainability impacts.
- i) **Water Cycle Study** – this work is ongoing and whilst having local plan relevance it is also of wider corporate relevance to the Council and our communities.
- j) **Sites within National Landscapes** – the National Planning Policy Framework includes specific reference around development of sites in National Landscapes and this assessment work references assessment work we are undertaking.

6.2 We are building up a full evidence library, that will be expanded on over time, to support the local plan and to which local plan referenced evidence will refer. When available this will include the documents listed above and many others - [Evidence Base and Supporting Documents - East Devon](#)

7 The format for consultation

- 7.1 The Regulation 19 consultation will be hosted using Commonplace, the council's citizen engagement platform, which all respondents are encouraged to use when submitting comments. It is important to note that the Regulation 19 consultation is to ascertain whether or not the draft Local Plan has met all the necessary legal requirements, rather than having the more general 'have your say' approach the Regulation 18 consultation had. It is a formal, technical consultation, and this will be reflected in the standardised response form. However, all comments will be reviewed, summarised and presented in a consultation feedback report and made available for the planning inspector appointed to undertake the Examination.
- 7.2 The consultation should be presented as this is the local plan that the council has produced and intends to submit for examination following the extensive engagement process that we have been through and the many changes to the plan that have happened as a result. Now it is for those that formally wish to object to make their views known rather than for there to be further discussion and amendments. To reflect this it is not proposed to hold public meetings or exhibitions, in respect of this consultation.

8 Implications for neighbourhood planning

- 8.1 The implications for neighbourhood plans, whether 'made', emerging, or future, vary across the district, depending on the nature and application of the policies and proposals in the new Local Plan in each area.
- 8.2 The transition period from one adopted Local Plan to another is a particularly challenging time for neighbourhood plan making, related to the uncertainty of the final content of the emerging Plan and the legal requirement for neighbourhood plans to continue to demonstrate general conformity with the adopted Local Plan.
- 8.3 The timely publication of the Regulation 19 Local Plan will mark a significant milestone by giving communities a somewhat firmer basis for considering the relationship, and appraising the need for / focus of a new or updated neighbourhood plan going forward.
- 8.4 It should be stressed that all made neighbourhood plans remain part of the statutory development plan, until such time and extent to which they are superseded by the new Local Plan. Decisions on planning applications will therefore continue to be made with reference to and in accordance with them, in line with the full weight that can be afforded to them in all the circumstances by national planning policy and guidance.
- 8.5 The adoption of the new Local Plan is a logical trigger for a review of a neighbourhood plan although this is not a mandatory requirement, and likewise, a neighbourhood plan can be progressed at any time in response to particular local needs/circumstances.
- 8.6 Dedicated Officer support is available to communities in considering, preparing and reviewing neighbourhood plans and understanding the relationship with the local plan.
- 8.7 As part of this role, Officers propose holding the next in a series of webinars to support town and parish councils (whether engaged in neighbourhood plans or not) to hear more about the Regulation 19 stage and the onward stages and ask questions of Officers to help with considering implications for their communities, any formal response they may wish to make, and whether and when work on a new or updated NP may be appropriate. As previously, the session would be open to all EDDC Members.
- 8.8 Dedicated Officer support is available to communities in considering, preparing and reviewing neighbourhood plans and understanding the relationship with the local plan.

Financial implications:

There are no direct financial implications identified in this report.

Legal implications:

The legal implications are set out within the report (002533/4 February 2025/DH).