

**Meeting:** Cabinet

**Date:** 18 February 2025

**Wards affected:** All

**Report Title:** Local Development Scheme (Local Plan Timetable)

**When does the decision need to be implemented?** A draft Local Plan timetable needs to be submitted to the Government by 6 March 2025.

**Cabinet Member Contact Details:** Councillor Chris Lewis, Deputy Leader of Torbay Council and Cabinet Member for Place Development and Economic Growth.

**Director Contact Details:** Anthony Payne, Interim Director of Pride in Place  
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## 1. Purpose of Report

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- 1.1. The purpose of this report is to agree an updated timetable for the Local Plan, known as a Local Development Scheme.
- 1.2. As part of its drive to boost housebuilding and expedite Local Plan preparation, the Government has required local planning authorities to update their timetable for Local Plan preparation. The Ministry of Housing Communities and Local Government (MHCLG) has set local planning authorities a deadline of 6 March 2025 (12 weeks for the publication of the amended National Planning Policy Framework).
- 1.3. No substantive decisions on the content of the Local Plan are needed at this stage. The Local Development Scheme (LDS) merely sets out a timetable for plan preparation. The LDS can be amended if circumstances change.

## 2. Reason for Proposal and its benefits

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- 2.1. This report sets a draft timetable for Local Plan preparation to meet the Government's requirements for this to be published by 6 March 2025. The Local Plan itself sets a legal framework for determining planning applications and sets land use policies to help us to deliver our vision of a healthy, happy, and prosperous Torbay.
- 2.2. The proposed timetable for Plan preparation is set out below. It is emphasised that this timetable does not require decisions about the content of the Plan, and that the timetable can be amended to take account of changing circumstances, such as those noted in section 6.

- 2.3. The timetable recommends the consultation of a full draft Local Plan in Summer 2025. Although at “Regulation 18” issue and options stage, the purpose of this is to consult on a full draft Plan. Reasonable alternatives must be assessed as part of the Sustainability Appraisal. However, the Council has already consulted on different growth options (in March 2022 and October 2022) and now needs to consult on a draft Plan.

Date	Stage
February-August 2025	Evidence base, discussion of options and sites with Members etc. Local Plan drafting, cross party Local Plan Working Party meetings.
Spring/Summer 2025	Consultation on draft policies on detailed matters such as Core Tourism Investment Areas, affordable housing, and climate change. If appropriate these could be approved as Supplementary Planning Documents in advance of the Local Plan.
September 2025	Agreement of full Draft Local Plan by Cabinet (At Regulation 18 stage)
October 2025	Public Consultation on full Draft Local Plan
Spring 2026	Agreement of “preferred option” (Regulation 19) for consultation by Council (Followed by 6 week Reg 19 Consultation)
Autumn 2026	Agreement of Submission Local Plan by Council
By December 2026	Submission of Local Plan to Secretary of State
2027	Examination, Modifications if needed, Adoption.

### 3. Recommendation(s) / Proposed Decision

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1. That Ministry of Housing Communities and Local Government (MHCLG) be informed of the timetable for the Local Plan preparation as set out in the submitted report, by 6 March 2025.
2. That the Local Plan preparation timetable be kept under review and updated as necessary and the Divisional Director of Planning, Housing and Climate Emergency be authorised to make amendments to the Local Development Scheme (LDS) in consultation with the Cabinet Member for Place Development and Economic Growth.

### 4. Appendices

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None

### 5. Background Documents

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- [Chief Planner's newsletter December 2024](#)
- [Planning and Compulsory Purchase Act 2004](#)

# Supporting Information

## 6. Introduction

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- 6.1. Local Development Schemes (LDSs) are required by Section 15 of the Planning and Compulsory Act 2004. They set out a timetable for plan preparation and should be kept up to date. LDSs should specify: The documents that will comprise local development documents (i.e. the Local Plan), the geographical area that the local plan will cover, and the timetable for plan preparation/revision. MHCLG has instructed local planning authorities to review and update their LDSs in light of the revised NPPF, within 12 weeks of its publication (i.e. by 6<sup>th</sup> March 2025). The LDS timetable was discussed at the Local Plan Working Party on 29<sup>th</sup> January 2025.
- 6.2. The Council previously consulted on Local Plan Growth Options and Housing Site Options in January and October 2022. The next step is to publish a full Draft Local Plan including detailed development management policies. It is recommended that this is carried out under “Regulation 18” (The Town and Country Planning (Local Planning) (England) Regulations 2012) rather than moving to Regulation 19 Pre-Submission Plan. The Council held an advisory meeting with the Planning Inspectorate on 28 November 2024, who advised the Council to publish a full draft under Regulation 18.
- 6.3. It is recommended that a full draft Local Plan is prepared for consultation over Autumn 2025, in accordance with the timetable noted above. This will allow the Council to set out draft policies on matters such as climate change, affordable housing, and tourism. Once a full draft has been prepared and consulted on, and representations considered, the preparation of a Regulation 19 “Preferred Option”/Pre-Submission Plan could be carried out more speedily. The timetable may be amended in light of changing circumstances, including those noted below.
- 6.4. Despite the Government’s drive to get local plan coverage, there are several substantial challenges to the planning system on the horizon, and it is recommended that these are kept under review, and that the timetable be amended if necessary in the light of changing circumstances. The Levelling Up and Regeneration Act 2023 (The LURA) amends the Local Plan making system to create “new style” 30-month plans that are prepared over a fixed and pre-specified timeframe. The Regulations, and content requirements, for new-style plans have not yet been published and commentators have noted that 30-month plan preparation may not be workable. A new Plan making system will inevitably have teething troubles, and will be subject to legal challenges. The deadline for preparing Local Plans under the current system is for them to be submitted for examination by December 2026. Given progress of the Local Plan so far, it is recommended that the council proceeds under the current system.
- 6.5. The Government has set out revised Standard Method Local Housing Need (LHN) targets, which raises Torbay’s housing need figure from 600 dwellings a year to 940. Officers have advised that this places additional challenges on Plan preparation. Many Councils are in this position. However, there is a legal requirement for Councils to prepare local plans setting out strategic policies for achieving sustainable development. In this context “sustainable development” means applying the tests in Paragraph 11 of the National Planning Policy Framework (NPPF). Other briefing notes have looked at this issue in more detail. Without a Plan in place, the Council is more vulnerable to speculative housing

development. Nor can it set its own policies on matters such as S106 developer contributions, density, climate emergency, or affordable housing.

- 6.6. The Devolution White Paper will have significant implications for local government. In planning terms, it proposes to introduce “Spatial Development Strategies” by the end of this Parliament. More details of SDSs may be set out in the Planning and Infrastructure Bill, due to be published in the Spring. Torbay Council has indicated for several years that growth levels need to be set on a larger than local basis and that Torbay is unable to meet its Standard Method Local Housing Need figure. In the short term, however, unmet local needs must be addressed through the Duty to Cooperate. The revised NPPF contains additional advice on the Duty to Cooperate. It is necessary for Torbay to determine how much of its development needs it can meet in order to go to its neighbours with the deficit. The Planning Inspectorate Advisory visit recommended arriving at a figure as soon as possible in order to be able to advise neighbours.

## 7. Options under consideration

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- 7.1. The recommended approach is to prepare a Local Plan under the existing system. This is set by the Planning and Compulsory Purchase Act 2004 and Local Plan Regulations 2012. A draft Plan should be consulted on in Autumn 2025, with the intention of preparing a Regulation 19 “Preferred Option” in early 2026. The timetable does allow for some more detailed consultation over the summer on matters such as affordable housing, climate change, and Core Tourism Investment Area policies. This would allow greater engagement and testing on key policies that will need to be included in the Local Plan.
- 7.2. Since the Council has consulted on growth options under regulation 18, it could legally jump to Regulation 19 Pre-Submission Plan (also called the “Preferred Option”). Council officers advise against this. Although it would mean that the Local Plan arrives at Regulation 19 slightly quicker (e.g. in Winter 2025), it would leave many detailed matters not consulted on. The Planning Inspector carrying out the Advisory Meeting in November 2024 advised that anyone who makes representations at Regulation 19 stage has a right to appear at Examination. Regulation 18 is the chance to set the scope of the Local Plan. Things shouldn’t change too much by Regulation 19 stage, and carrying out several Regulation 19 consultation stages would make the Examination and its administration very complicated.
- 7.3. Another option would be to wait for “new style plans” under the Levelling Up and Regeneration Act. These have to be prepared to a strict 30-month timescale, and the regulations for preparing them have not yet been published. They will inevitably take several years to bed in and for court judgements to clarify the system. If the Regulations are published in 2025 and appear to offer significant advantages over the 2012 Regulations; the council can decide to jump to the new system.
- 7.4. Sub-regional spatial development strategies are further off and require primary legislation to put in place. As yet the geography that they will cover, and the administrative arrangements under which they will be prepared is not known. Should the Devon and Torbay Combined County Authority take on responsibilities to prepare Spatial Development Strategies (SDSs), this can be reflected in the Local Plan timetable at a later date. SDSs will be required to meet the sum of Standard Method Local Housing Need within the wider

plan area. Therefore, it will still be necessary for Torbay to come to a view about how much of its development needs it is able to meet within the current boundary of Torbay.

- 7.5. There is a legal requirement for local planning authorities to prepare strategic plans, although many have not done so. The Government has indicated that it will use its legal powers to intervene should Councils not make progress with plan preparation. In the short term the Council will be more vulnerable to speculative planning applications, particularly on greenfield sites. The greatest pressure is in the south of Torbay, which is also the most environmentally sensitive and least accessible part of Torbay. Without a Plan in place, the Council is less able to set out policies directing the type of development it wishes to see, set infrastructure funding priorities etc. It is unable to update its policies on developer contributions.

## 8. Financial Opportunities and Implications

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- 8.1. None for the LDS, other than for the Council to show good faith in seeking to prepare a Plan and to promote regeneration schemes etc. The Local Plan allows the Council to update policies for infrastructure funding (Community Infrastructure Levy (CIL) and Section 106).

## 9. Legal Implications

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- 9.1. The Local Plan is subject to numerous legal requirements. However, the LDS may be amended when circumstances change and there are limited legal implications for the LDS.

## 10. Engagement and Consultation

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- 10.1. The Local Plan is subject to several stages of consultation. The LDS sets a timetable for carrying out consultation and engagement. The contents of the Local Plan are currently being considered by the Local Plan Working Party. More detailed papers on the Government's planning reforms have been discussed by the Working Party.

## 11. Procurement Implications

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- 11.1. Local Plans are expensive to produce, since they require an extensive evidence base, detailed mapping and consultation management software. The LDS has sought to take into account the timescales for procuring evidence.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. The Presumption in Favour of Sustainable Development requires local plans to promote a sustainable pattern of development that seeks to meet the development needs of an area, align growth and infrastructure, improve the natural environment, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

## 13. Associated Risks

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- 13.1. The risk of not updating the LDS is that the Government could directly take over Plan making, or more likely commission private consultants to prepare a Plan. This is unlikely in

the case of Torbay, as some other LPAs have made far less progress with Plan preparation.

- 13.2. A more likely outcome of refusing to update the LDS would be the withdrawal of regeneration funding; and increased likelihood of housing applications being approved at appeal.

## 14. Equality Impact Assessment

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- 14.1. The Local Plan will have significant equalities impacts. However, the LDS has very limited impact on equalities. The proposed timetable seeks to maximise opportunities to engage with all groups.

## 15. Cumulative Council Impact

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- 15.1. None for the LDS

## 16. Cumulative Community Impacts

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- 16.1. None for the LDS