

South Hams Council



Title:	Agenda																																													
Date:	Thursday, 5th November, 2015																																													
Time:	2.00 pm																																													
Venue:	Council Chamber - Follaton House																																													
Full Members:	<p style="text-align: center;">Chairman Cllr Bramble Vice Chairman Cllr Smerdon</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldry</td> <td style="width: 33%;">Cllr Holway</td> <td style="width: 33%;"></td> </tr> <tr> <td>Cllr Barnes</td> <td>Cllr Horsburgh</td> <td></td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr May</td> <td></td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr Pearce</td> <td></td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pennington</td> <td></td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> <td></td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Rowe</td> <td></td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Saltern</td> <td></td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Steer</td> <td></td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Tucker</td> <td></td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Vint</td> <td></td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Ward</td> <td></td> </tr> <tr> <td>Cllr Hicks</td> <td>Cllr Wingate</td> <td></td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Wright</td> <td></td> </tr> <tr> <td>Cllr Hodgson</td> <td></td> <td></td> </tr> </table>	Cllr Baldry	Cllr Holway		Cllr Barnes	Cllr Horsburgh		Cllr Bastone	Cllr May		Cllr Blackler	Cllr Pearce		Cllr Brazil	Cllr Pennington		Cllr Brown	Cllr Pringle		Cllr Cane	Cllr Rowe		Cllr Cuthbert	Cllr Saltern		Cllr Foss	Cllr Steer		Cllr Gilbert	Cllr Tucker		Cllr Green	Cllr Vint		Cllr Hawkins	Cllr Ward		Cllr Hicks	Cllr Wingate		Cllr Hitchins	Cllr Wright		Cllr Hodgson		
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																																													
Committee administrator:	Member.Services@swdevon.gov.uk																																													

1. Urgent Business

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

2. Exempt Information

to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;

3. Declarations of Interest

Members are invited to declare any personal; or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

4. Our Plan Update

1 - 18

to consider a report that updates Members on the status of Our Plan, in particular the Development Plan element of the Plan

5. Appointment to Council Bodies and Independent Persons

19 - 22

to consider a report that seeks to appoint Cllr Green on to the Overview and Scrutiny Panel and to re-appoint Messrs Barnicott and Fowkes as the Council's Independent Persons

Our Plan Update

Report to: **Special Council**

Date: **5 November 2015**

Title: **Our Plan Update**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)
Immediately after this meeting

Author: **Ross Kennerley** Role: **Lead Specialist – Place and Strategy**

Contact: **1379 ross.kennerley@swdevon.gov.uk**

Recommendations:

That Council be RECOMMENDED that:-

- 1. Option 2 for progression of *South Hams Our Plan*, as set out at section 4, be pursued recognising that this will need a plan period to 2032 or 2033 or alignment with neighbouring authorities;**
- 2. A detailed Duty to Co-operate protocol, or similar agreement, be established with neighbouring planning authorities within the Housing Market Area. This would address joint approaches to strategic planning relating to timetable, evidence, policies, strategic allocations, governance, staffing, scope of Housing Market Area, viability and infrastructure amongst other matters;**
- 3. The Local Development Scheme be reviewed and re-issued in line with recommendation 1;**
- 4. Further evidence work (joint or specific) be procured as required;**
- 5. The response to the Our Plan Topic Papers public consultations be published as set out at section 4;**

Our Plan Update

- 6. Remaining Strategic Housing Land Availability assessment work be published as set out in section 4 and options for additional sites be explored;**
- 7. That a budget provision for 2016/17 of £75,000 is made for Our Plan examination anticipated to be met from the *Planning Policy and Major Development Reserve*;**
- 8. That Guidance for Neighbourhood Plan Groups be issued to inform their work as it relates to Our Plan;**
- 9. That a refreshed Our Plan Engagement Strategy be issued;**
- 10. That regular updates be provided to the Strategic Planning Working Group**
- 11. That a further report be submitted to Executive and Council making specific proposals for future consultation, consideration and submission of Our Plan**
- 12. Those specific details to be agreed under recommendations 2,3,6,8 and 9 are delegated to the Lead Specialist – Place and Strategy in consultation with Chair of Strategic Planning Working Group and Leader.**

1. Executive summary

This report updates members on the status of *Our Plan*, in particular the Development Plan element of the plan. It makes recommendations for next steps which involve an adapted approach focussed around the Housing Market Area (HMA) and a strengthened Duty to Co-operate arrangement. This will require an amendment to the *Local Development Scheme* (LDS) which is the document that establishes the timescale for *Our Plan*.

The item outlines a complex national context of significant change over the last 6 months and a number of local issues which require further consideration before submission of *Our Plan*. Each of these will require further detailed work including the need to confirm potential development sites through additional work on the SHLAA (Strategic Housing Land Availability Assessment). The item also notes public consultation responses to the *Our Plan* Topic Papers that took place in the spring.

Officers are mindful of the significant interest in *Our Plan* – ranging from individuals, Town & Parish Councils and Neighbourhood Plan groups through to landowners, developers and agents. To ensure strong communication it is recommended that the Engagement Strategy be updated and, in particular, detailed and specific guidance be issued for Neighbourhood Plan Groups to support them in their continued work.

Our Plan Update

Irrespective of any amendments to the approach to *Our Plan* there is a need to confirm a budget to cover evidence gathering, examination, additional staffing and legal representation (if required). An estimated budget is identified. Officers will look for opportunities through the Duty to Co-operate approach to share and minimise costs.

The details of the further work proposed in this item will be reported back to the Strategic Planning Working Group and through formal items to Executive and Council. The other elements of Our Plan, in particular the Annual Delivery Plan, will be picked up in separate reports to Overview and Scrutiny.

(NOTE: this report was also considered by the Executive on 15 October 2015, with the recommendations being endorsed at this meeting (Minute E.31/15 refers)).

2. Background

The Council has an adopted Core Strategy to 2016 and a series of allocation documents which contain sites for housing and employment for the period up to 2016 and beyond. Work started last year to prepare a new plan for the District following the introduction of the National Planning Policy Framework (NPPF) and a need to update the plan to ensure it covered at least a 15 year plan period. A compliance exercise was undertaken in late-2013 to cross-reference SHDC adopted policies and the NPPF. The vast majority of policies were still considered sound, but it was considered prudent to begin work on a new plan –entitled *Our Plan* - to ensure it was up to date and based on robust evidence.

Our Plan will be the single strategic plan that sets out the vision, objectives and activities of South Hams District Council. It brings together all strategies and plans and sets out a comprehensive story of what the council wants to achieve. Central to *Our Plan* is the development plan that establishes policies and land allocations for development – and it is this development plan element that is the subject of this update.

The original Local Development Scheme was published in March 2014, which then fed into a formal Regulation 18 consultation, which ran from 9th May – 20th June 2014. The purpose of the regulation 18 was to ask if the scope and themes of the plan were considered correct. SHDC received 76 responses to the consultation. A number of headline issues were raised, requiring a greater level of detail regarding:

- Biodiversity
- Water resources and quality
- Digital/communications infrastructure
- Transport and road infrastructure
- Energy infrastructure
- Resource management
- Working with our partners
- Fuel poverty

Our Plan Update

These issues have been reviewed and included in the key themes identified in *Our Plan*, along with an additional theme of 'Our Partners', which recognises the role of SHDC as a partner and stakeholder working with numerous other organisations to deliver key services. These themes are set out below.



These formed the basis of ongoing consultation throughout the summer of 2014, which included public events in all SHDC market towns and some of our local centres. Alongside the consultation events, there have been a number of additional topic specific e-Newsletters released between mid-2014 and into early 2015, covering Our Resources, Our Heritage and Our Environment. A number of detailed submissions were received in response to these consultations, which also coincided with changes in national policy and guidance.

A summary document has been prepared in response to each of the consultations that have been conducted regarding *Our Plan*. This has addressed the many responses and has helped shaped future policies within the plan.

Our Plan Update

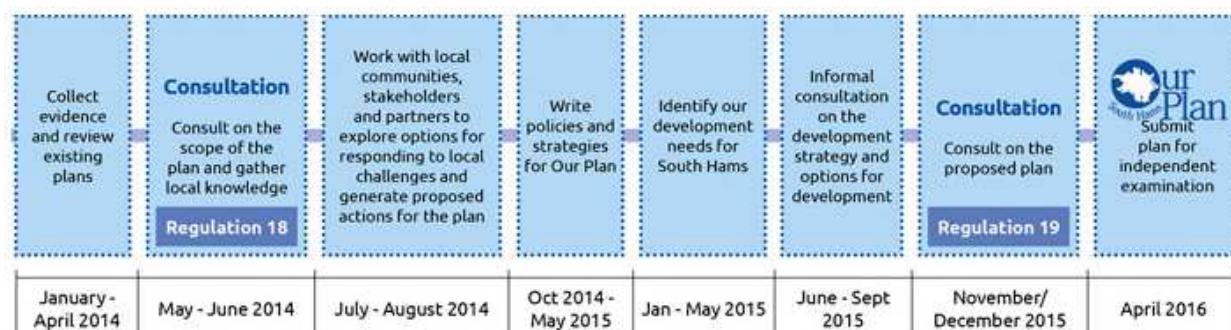
The exception to this has been the last consultation, regarding Our Resources, Our Heritage and Our Environment. The timing of these consultations was determined by a previous project timetable that foresaw a draft *Our Plan* being written early in 2015. External factors have necessitated the timetable for *Our Plan* to be put back, and as such the need to formalise specific policy approaches has reduced, with resources instead focussed on evidencing our development needs. A summary document will be issued on the last consultation to ensure that the feedback circle is complete. There may be a need to consult again on these themes, and others, following legislation, policy and guidance changes that have taken place following the 2015 general election.

Member involvement to date has included

- 3 July 2014 (1st Member Single Topic Discussion on the development strategy)
- 4 September 2014 (MSTD 2 on the development strategy)
- 9 October 2014 (MSTD 3 which included the development strategy and objectively assessed needs. The session also contained information on Coastal management, Health and Wellbeing and Vision and Priorities)
- Strategic Planning Working Groups on 10th December 2014, 24 March 2015 and 25th September 2015

The issue of Objectively Assessed Housing Need was taken on by the Strategic Planning Working Group, as there were numerous complex issues to unpick. The SPWG has taken an initial look at the housing numbers and worked through some of the methodology required to set our Objectively Assessed Need for Housing but there is more work required on this before we can finally agree the level of growth for the District. These issues affecting housing numbers are set out later in this report.

As it became apparent that the issues being addressed within *Our Plan* were increasingly complex, primarily housing numbers, available sites and our relationship with neighbouring authorities, the Local Development Scheme was amended and approved in December 2014. The amended LDS predicted the plan being submitted for examination by April 2016.



Neighbouring authorities are also taking stock and considering refreshed LDS with a view to alignment and closer collaboration within the Housing Market Area. WDBC has already adopted the approach being recommended in this item with the other authorities seeking to work closely on common approaches in order to demonstrate soundness at examination.

Our Plan Update

As *Our Plan* has replaced the Connect Strategy, an Annual Delivery Plan was put in place from April 2015. The emerging themes from the Regulation 18 consultation and engagement events were used to create a Vision, Aims and Objectives, which formed the basis of the 2015 Annual Delivery Plan. Outcomes for this Delivery Plan will be reported separately.

The Council now needs to consider a range of issues as set out below at 3 & 4 and decide what next key steps to take in the preparation of *Our Plan*. This will result in further changes to the LDS.

3. Outcomes/outputs

The main requirement is to progress *Our Plan* to submission in a manner that will maximise the chances of it being found sound at Examination. To do so the Council needs to carefully consider and address a broad, and increasing, range of issues.

By any measure, it has been a frenetic period of change to planning since the *Reg 18* consultation was issued. Guidance, case law and development plan examinations have all produced outcomes relevant to consideration of the next steps for *Our Plan*. A significant number of issues have emerged in the Government's *Fixing the Foundations* paper (July 2015) and the more recently published *Towards a One Nation Economy: A 10 point plan for boosting productivity in rural areas* (August 2015). The national issues with greatest potential impact are summarised in Appendix 1 with the more specific local issues summarised in appendix 2. Cumulatively these present a complex context for progress with much uncertainty at national level.

Set against this the Council is under pressure to progress, with the Government indicating it intends to intervene where Councils don't have plans in place by 2017, and to introduce league tables. What this means in detail and how it applies is unclear until further guidance is published. Government is also looking to apply further measures to fast-track the development plan process and a government working group is expected to report by February 2016.

Against this context the Officer recommendation is to take stock and move forward aligned to neighbouring LPAs and that that this will be more expedient than progressing in isolation with the current range of uncertainties. Details are at 4 below. Members of SPWG have sought an updated project plan to underpin this work and this will be made available.

4. Options available and consideration of risk

The *Our Plan* process is started and it is not a question of whether or not we continue, that is in no doubt given the Government's establishment of targets and "league" tables for development plans. The main decisions are over timing and the extent to which *Our Plan* addresses our Duty to Co-operate and reflects wider geographic issues within the HMA. Essentially, there are two main options.

Our Plan Update

<p>Option 1 Continue with South Hams stand alone approach with a refreshed timetable that brings in additional member decision making and formal consultation.</p> <p><i>Potential timescale</i></p> <p>Nov 2015 Refreshed evidence Issues review</p> <p>Feb 2016 Consultation Duty to Co-operate agreed and signed up by all authorities</p> <p>(N.B May need more time to demonstrate we have undertaken our Duty to Cooperate with Plymouth, West Devon, Dartmoor National Park and Cornwall)</p> <p>April 2016 Representation review</p> <p>Summer/Autumn 2016 Submission</p>	<p>Pro's</p> <ul style="list-style-type: none"> • If found sound, the Plan could be in place sooner providing an up to date NPPF compliant development plan. • Should meet with the DCLGs cut off point of plan making progress by 2017 • Pushing on with the timetable would provide Neighbourhood Plan Groups with a steer for planned requirement. <p>Cons</p> <ul style="list-style-type: none"> • The timetable is challenging and we would need to ensure that evidence to support the strategy is robust or the plan could fail at examination. Any delay at Examination would set process back significantly • Need to ensure adequate time to provide robust evidence to show that we are able to deal with all of our housing requirements • Need to revise SHMNA whatever happens. This requires adequate time to consider the wider HMA • Resource implications to address all of the outstanding issues in a short space of time • Submission with 2031 horizon could cause issues with the 15 year supply
<p>Option 2 Work with the other authorities within the HMA to demonstrate conclusively that all have complied with the Duty to Co-operate. This may require revising the timetable for the Plan and roll the Plan forward (say by one or two years) to achieve a demonstrable 15 year horizon</p> <p><i>Potential timescale</i></p> <p>Nov 2015 Refreshed evidence Issues review</p> <p>Feb 2016</p>	<p>Pro's</p> <ul style="list-style-type: none"> • Enable the plan to meet the requirements to show a full 15 year supply • Ensure evidence is robust and up to date • Link effectively to sub-regional HMA work • Provide adequate time to work with neighbouring authorities • More efficient distribution of resources across specialist pool within the Council • Fulfil our Duty to Cooperate and enable a common approach across the HMA which would make the plan more robust • Opportunity for further meaningful consultation with town and parish councils and local communities • There will be opportunities for resource efficiencies through joint working <p>Cons</p>

Our Plan Update

<p>Duty to Co-operate principles agreed</p> <p>April 2016 Duty to Co-operate agreed and signed up by all authorities</p> <p>July 2016 Further consultation</p> <p>Autumn/Winter 2016 Submission</p>	<ul style="list-style-type: none"> • Perception of delay for NP groups, and others, who are awaiting plan requirements • Lack of certainty for new employment allocations • Need to carefully consider presentation to achieve co-operation without losing identity. • Will need to consider timing of neighbouring authorities and expectation for alignment
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On balance Officers recommend Option 2 noting that this will require an extended Plan period through to 2032 or 2033 to ensure a clear 15 year horizon beyond adoption. In due course (and subject to further reports back to members) there may be considered to be merit in aligning with the PCC horizon of 2036.

In promoting option 2 officers have identified a range of pieces of work for consideration as follows:

Process and Timing

There will be a need to further develop the existing Devon Wide Duty to Co-operate protocol to establish more detailed working arrangements with our neighbouring planning authorities in the HMA, primarily Plymouth City Council, Dartmoor National Park Authority, West Devon Borough Council, Cornwall Council and Devon County Council. This will need to adhere to Government guidance (with nationally recognised templates available) and, amongst other issues, will need to address joint approaches to strategic planning relating to timing, evidence, policies, allocations, governance, staffing, scope of HMA, viability and infrastructure.

There will need to be liaison with PINs and the Local Development Scheme will need to be reviewed and re-issued in line with Option 2, if agreed by Members. The proposed timing in Option 2 does assume rapid clarity around both national and local issues to allow plan making to progress with certainty.

Evidence

Further evidence work (joint or specific) will be needed to ensure the supporting information, particularly around housing numbers, is sound. Work is already underway in conjunction with neighbouring LPAs, but agreement to option 2 will allow this to progress on a common footing with partner LPAs – in particular to refine the work on the Housing Market Area and the objectively assessed need as it relates to both Affordable and Market Housing. It will be this work that refines the housing numbers required within the District and aligns these to evidence on economic growth.

Our Plan Update

Budget

Our Plan budget provision is made for delivery of Our Plan through funds allocated within the *Planning Policy and Major Development Reserve*

Sites and allocations

Alongside the emerging evidence on housing numbers and economic development there will be a need to review both the strategic approach to development across the district and the availability (and sustainability) of individual sites. This will need to review, and potentially extend, the existing Land Availability work. All work to date will be made available and the further review will be referred to the SPWG.

Policies

Given the common approach to Our Plan for West Devon and South Hams there is clear opportunity to bring forward aligned themes and policies for many issues (for example Heritage and Environment). WDBC has already advanced to a Regulation 19 *West Devon Our Plan* consultation and thus issued (and received comments on) a full range of policies. The policies can be viewed at <http://www.westdevon.gov.uk/CHttpHandler.ashx?id=12825&p=0>

Many of these can be readily adapted for use in South Hams and further details will be considered at SPWG. All consultation information to date on topics and policies will be issued.

Neighbourhood Plans

At a national level there is some uncertainty over how Neighbourhood Plans advance where a development plan is emerging. Neighbourhood Plans are being both approved and delayed where they are emerging alongside District development plans. There is a clear risk to the momentum and confidence in the Neighbourhood Plan process and it is recommended that specific guidance and support is provided for Neighbourhood Plan Groups to ensure continuity as *Our Plan* moves to next steps.

Publicity and consultation

Clarifying the approach to progressing *Our Plan* is important in keeping the wide range of stakeholders engaged. Over and above the specific work targeted at Neighbourhood Plan Groups it is proposed that the *Our Plan Engagement Strategy* be refreshed and delivered.

Our Plan Update

Risk Management

The following key risks have been identified with measures to manage them

Area of risk or opportunity	Details	Level of risk	Measures
Establish Strategic Direction	<i>Our Plan</i> provides comprehensive strategic direction for the future of the District and organisation	High if uncoordinated or if Plans and priorities don't meet local needs comprehensively.	One overarching plan bringing together corporate plan, local plan and financial plan giving clearer strategic direction Effective engagement and consultation with Members, partners, community and stakeholders Regular review and updating.
Establish level and location of development through Planning Policy and Housing and Employment Growth	Planning policies that comply with the NPPF and meet the needs of the District A housing target that meets the Objectively Assessed Need in the District An authority that is "open for business" and encouraging economic growth	High if <i>Our Plan</i> doesn't progress appropriately or is found unsound – leading to speculative development that doesn't meet local needs and weakened planning decisions and loss at appeal	Development Plan integral part of <i>Our Plan</i> Policies developed in line with principles of NPPF and local need Sites identified with potential for future development and a readily available supply of sites for next five years with sufficient longer term supply identified, reviewed and updated annually Review of evidence base, policies and allocations to meet national guidance. Effective engagement and consultation with Members, partners, community and stakeholders
Community Engagement	Effectively engage communities in developing plans for their locality to meet local needs	Medium Local People need to be able to influence and shape plans	Refresh engagement strategy and updated advice to Neighbourhood Plan groups. One corporate annual engagement timetable Role of Members and towns/parishes.

Our Plan Update

			Use of a variety of engagement tools including social media and website. Support to Neighbourhood Planning
Economic Conditions and Funding	Difficult economic conditions and reducing funding could impact on delivery	Potentially High - Unable to deliver outcomes to meet local needs	Financial strategy integral part of <i>Our Plan</i> with resources identified during development stages of the plan Commissioning cycle used to identify most efficient methods of delivery Regular monitoring and updating to identify and address emerging issues
New Government Policy	Actions need to be in conformity with Government legislation	Medium Actions don't deliver outcomes in line with Government policy	Maintaining understanding of Government legislation Working closely with stakeholders, partners and community to develop action plans that reflect Government policy and meet local need
Partnership approach	Need to progress in conformity with Duty to Co-operate	High Requires partner LPAs to align their approaches	Pursue duty to co-operate protocol and build in appropriate checks and balances to ensure SHDC can progress unhindered.
Resources	Require adequate financial and staff capacity and capability	Low if adequate resources are identified.	Ensure the resources and expertise required to take <i>Our Plan</i> forward are in place. Seek duty to cooperate efficiencies

5. Proposed Way Forward

The Government has expressed its determination that all local planning authorities will make significant progress on Local Plans by 2017. In respect of *Our Plan*, this item has set out the background of national changes to the planning process and the need to reconsider evidence locally – particularly housing numbers.

Our Plan Update

This item sets out two options for moving forward:

- Option 1 - proceeding at the fastest possible pace based on update of current evidence
- Option 2- proceeding in full co-operation with neighbouring authorities based on joint update of current evidence.

Option 1 may enable fastest progress– but with a greater risk that *Our Plan* would be found unsound because of a failure to comply with the Duty to Co-operate and may lead to delay at examination.

Option 2 would provide an opportunity to take a collaborative leading role within the sub-region and to develop a long-term comprehensive approach with neighbouring authorities. This would establish a clear policy picture within the HMA with Plymouth supported as a confident and growing city, a hinterland of resilient and vibrant towns and villages in South Hams and a backdrop of carefully controlled development within the AONBs and National Park

There are clear risks attached to the options but on balance a measured review, taking into account of the range of local and national issues, as presented in option 2, is considered most appropriate.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Town and Country Planning (Local Planning) (England) Regulations 2012 National Planning Policy Framework 2012 The Planning and Compulsory Purchase Act (2004) Environmental Assessment of Plans and Programmes Regulations 2004
Financial		The item highlights the need for revenue budgets to be identified to support this work The cost of the Examination in Public (EIP) required for the Our Plan following submission will be in the region of £75,000 plus costs for further evidence gathering, examination, additional staffing and legal representation (if required). Any further expenditure in 2015/16 will need to be met from reserves or other suitable revenue budgets.
Risk		See risk assessment in section 4.
Comprehensive Impact Assessment Implications		

Our Plan Update

Equality and Diversity		There are no direct implications relating to this report on equality and human rights. However, these issues will be considered as the plan is developed
Safeguarding		There are no direct implications relating to this report on safeguarding
Community Safety, Crime and Disorder		Policies will include positive measures to address Community safety, crime and disorder
Health and Wellbeing		Policies will include positive measures to address Health and wellbeing
Other implications		None identified

Supporting Information

Appendices:

Appendix 1. National Issues

Appendix 2. Local Issues

Background Papers:

National Planning Policy Framework

National Planning Policy Guidance

Fixing the Foundations(July 2015)

Towards a one nation economy: A 10 point plan for boosting productivity in rural areas (August 2015)

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	No

Appendix 1. National Issues

Issue	Implications
Self and Custom Build – New policy	Requirement to maintain a register of those interested in self/custom build. Details TBC

Our Plan Update

Rent control for RPs – New policy	Disruption to RP business planning and capacity. Details TBC
Right to Buy for RPs – New Policy	Disruption to RP business planning and capacity. Details TBC
Starter Home provision – New Policy	Will front load starter homes to sites and preclude other types of AH. Details TBC
Brownfield land release – New Policy	Requires identification and release of brownfield land for housing, including maintaining a register of such land. Details TBC but indication that there will be legislation to grant automatic permission in principle on brownfield sites on the register, subject to the approval of a limited number of technical details.
Local plan requirement – New Policy	Requires plans to be in place by start of 2017. SH already has adopted Core Strategy so implications unclear but Core Strategy will fall away just before this deadline. Also plans to streamline length and process for preparing plans and league tables. Details TBC
Neighbourhood Plans – New Policies	New policy to help villages to thrive by making it easier for them to establish a neighbourhood plan and allocate land for new homes, including through the use of rural exception sites to deliver Starter Homes. The forthcoming Housing Bill will also place a 'clearer responsibility' on councils to help groups produce neighbourhood plans. Details TBC
Travel to Work Areas and Local Labour market Data	ONS updated national information in September based on 2011 census. Reconfigures local interpretation of TTWA and emphasises increasing role of major urban centres.
Conversion of Agricultural Buildings to residential – New Policy	Review the current threshold for agricultural buildings to convert to residential buildings. Details TBC
Conversion of Offices to residential use – Permitted development	Review of existing time limited Permitted Development measures awaited. Details TBC
Wind Energy Development – New policy	Ministerial statement on 18 th June setting out updated criteria and increased role for identified areas suitable for wind energy.
National House Build Space Standards	New internal housing space standards came into effect 1 st October 2015. Will require policy interpretation locally.
Neighbourhood Plan - examinations	NPs being approved both ahead of Local Plans and being held back. Need to be able to give clear and consistent advice to groups.

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Duty to co-operate – examinations and further government guidance	Failure to comply with the Duty to Cooperate is one of the commonest reasons for Plans being found 'unsound'. It is imperative to demonstrate collaboration and support of neighbouring planning authorities on cross-boundary issues. Councils can't advance alone and new guidance is awaited.
Housing Market Area – Case law	HMA is the primary area for assessing need and should be addressed comprehensively. This covers Cornwall, West Devon, South Hams, Plymouth and Dartmoor. Evidence completed in 2013 but may not now be NPPF compliant.
Affordable housing requirement – Case law	AH requirements must be calculated accurately and allocated collaboratively across the Housing Market Area, including consideration of existing backlog and newly arising need. This could impact on the number of market homes required.
Site thresholds – case law	Government introduction of 10/5 threshold precluding AH now overturned.

Appendix 2. Local Issues

Issue	Implications
Has the Council correctly identified the extent of the Housing Market Area (HMA)?	<p>The evidence base assumed a defined HMA covering Cornwall, Plymouth, West Devon, South Hams and Dartmoor. This area isn't clearly justified in light of NPPF advice and is being reviewed.</p> <p>Recent reports from Local Plan Examinations are highlighting the need to ensure that the Local Plan sets out clearly how the development strategy relates to the wider housing market area. Paragraph 47 of the NPPF is clear:</p> <p><i>To boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;</i></p> <p>It will be critical for <i>Our Plan</i> to be found sound that it can show not only that we are meeting needs within South Hams ie our locally evidenced objectively assessed need but that we also show how we are working within the wider housing market area to meet the larger than local vision/strategy for the defined Housing Market Area.</p>

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	<p>Work is continuing through the Duty to Cooperate to define an Objectively Assessed Need for Housing for a more clearly defined HMA.</p> <p>Working in this way could have significant benefits for the rural parts of the South Hams with a strategy which clearly defines what sustainable development means for South Hams, a strategy which:</p> <ul style="list-style-type: none"> • Defines the rural parts of South Hams identifying what makes them special, this will help develop a strategy for sustainable growth which meets our objectively assessed need but also recognises the character and quality of the area; • Defines the Urban Fringe so we could work with Plymouth to define appropriate locations for growth which meet the strategic objectives of the wider housing market area. The need for a thriving city is critical to the future of the area around Plymouth and a twofold strategy could be beneficial to planning effectively in South Hams
<p>Has the Objectively Assessed Need (OAN) for housing been properly assessed?</p>	<p>There is a need to ensure that the work done so far on the OAN is compliant with government guidance – which has been further updated in July 2015 and also revised population and household projection figures.</p> <p>Need to ensure adjustments to the figures for market signals, past under delivery/ backlog, affordable housing and also lessons learnt from recent EiPs such as Cornwall and their adjustment for second home ownership as required by their Inspector.</p> <p>This will define an overall housing figure for the plan period which can then be broken down into annual delivery rates for monitoring/5 year supply purposes.</p>
<p>Has the objectively assessed need for Affordable Housing including the backlog been fully assessed?</p>	<p>There is a need to review the evidence for Affordable Housing to address any backlog in the overall figure. Recent case law '<i>Satnam Millennium V Warrington Borough Council</i>' has set out the following principles which Inspectors are applying during Local Plan Examinations in Public:</p> <ol style="list-style-type: none"> a. As part of the Objectively Assessed Need exercise (OAN) the LPA should identify the Objectively Assessed Need for Affordable Housing (OANAH) b. Having identified the OANAH, consideration should also be given to its likely delivery as a proportion of mixed/affordable housing development;

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	<p>c. An increase in total housing figures included within the LP should be considered where this would help deliver affordable housing</p> <p>The Council will need to review the evidence and then consider what level of affordable housing it wishes to achieve. This could have an impact on the future levels of growth required and the final figure of our OAN. It could also be impacted by national policy changes where requirements for Affordable Housing are diminishing. The Council might be driving for higher AH figures as the legislative support is eroding away.</p>
<p>The need to demonstrate a 5, 10 and 15 year supply?</p>	<p>The NPPF (para 47) requires that the Local Plan covers a 15 year time horizon and be kept up to date. Local Plans should:</p> <p><i>Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.</i></p> <p><i>Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land; and</i></p> <p><i>Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;</i></p> <p>Need to ensure the Plan contains an adequate timeframe. PCC is planning to roll plan forward to cover the timeframe to 2036 and it would also make sense for South Hams to consider this option. At very least a 15 year horizon (with some margin) needs to be considered.</p>
<p>How much windfall can we include within our annual supply?</p>	<p>There is a need to ensure robust evidence to support the use of windfall development as part of supply. Updated delivery rates will be needed to evidence this.</p>
<p>Has the Council demonstrated the Duty to Co-operate?</p>	<p>Work to date has been in cooperation with neighbouring LPAs – but government guidance is tightening the requirement to demonstrate this and deliver joint outcomes. Further discussions and agreement are needed with neighbours. The duty to cooperate work will need to be fully embedded into the plan within the Plymouth HMA but also with Torbay and Teignbridge. The Torbay Local Plan includes specific requirements around future cooperation.</p>

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The economic strategy.	Need to ensure there is adequate evidence in place to support our approach to economic development and proposed employment sites– particularly key strategic sites such as Langage.
Should South Hams introduce a CIL?	This is an important decision for the Council and further work needs to be done on this topic. A government review is underway and outcomes on future operation due to be issued by end of 2015
What is the relationship of Our Plan and neighbourhood plans?	The concern is that Neighbourhood plans may, for a time, be left without the context of a development plan which brings uncertainty. Guidance and support needs to be maintained.
Managing development	Further consideration required around the role of settlement boundaries in managing development and ensuring that defined boundaries are developed with robust consistent evidence across the district.
How can we future proof Our Plan?	Need to consider building in some flexibility to accommodate a range of government initiatives including changes to permitted development, brownfield land zoning, review of CIL, refreshed definition of Travel to Work Areas and new measures to require Starter Homes.

Report to: **Special Council**

Date: **5 November 2015**

Title: **APPOINTMENTS TO COUNCIL BODIES AND INDEPENDENT PERSONS**

Portfolio Area: **All**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision) **Immediately following this meeting.**

Author: **Darryl White**
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Recommendations:

That the Council RESOLVES, with immediate effect, that:

- 1. Cllr J P Green be appointed to serve on the Overview and Scrutiny Panel for the remainder of the 2015/16 Municipal Year; and**
- 2. Messrs George Barnicott and Mike Fowkes be appointed as the Council's Independent Persons for the period until the Annual Council meeting in May 2019.**

1. Executive summary

- Council Bodies**

Members will be aware that Cllr J P Green, a Green Party Group Member, was elected to serve on the Council on 8 October 2015. As a consequence, it is necessary to revisit the political balance of the Council.

- **Independent Persons**

It is also now considered to be timely for the Council to consider extending the appointment of its Independent Persons for the period until the Annual Council meeting in May 2019.

2. Background

- **Council Bodies**

The election of Cllr Green has not had any wider implications on the political balance of the Council.

Members will recall the governance arrangements of the Council whereby each of the 31 Council Members will serve on one of either the Executive, Development Management Committee or the Overview and Scrutiny Panel.

Following consultation with the Opposition Group Leader, it is recommended that Cllr Green be appointed to fill the current vacancy on the Overview and Scrutiny Panel.

- **Independent Persons**

The Localism Act requires that the Council 'appoints Independent Persons to fulfil an advisory and consultative role in relation to the standards process.'

Following the abolition of the previous standards regime and the introduction of the Localism Act in July 2012, three Independent Persons were appointed in November 2012 (after a formal recruitment process). The Council now needs to consider the appointment of the Independent Persons for a further period of time.

In September 2014, Mrs Sandra Bell tendered her resignation for personal reasons, leaving the Council with two Independent Persons (Mr George Barnicott and Mr Mike Fowkes). Both Independent Persons have been informally consulted and have confirmed that they are happy to continue in their current roles.

The workload between the two Independent Persons is currently manageable, but we will keep this under review. The current Independent Persons are experienced in the role and provide invaluable support to the Monitoring Officer in providing timely responses and an independent view during the consultation process.

The Independent Persons currently receive a fixed allowance of £500 per annum (together with reimbursement of travel expenses). A review of these allowances will be included in the wider Members' Allowances review which will take place in the upcoming months.

It is recommended that the Council appoints Messrs George Barnicott and Mike Fowkes as the Council's Independent Persons for the period until the Annual Council meeting in May 2019. This does not commit the Independent Persons to remaining in the role for that period, as they may resign should they so wish, nor does this commitment prevent the Council from reviewing the situation in the future.

3. Options available and consideration of risk

- **Council Bodies**

There was an opportunity for a more wide scale review of Council Bodies' appointments to take place, but the Leader of the Opposition Group has been consulted and is of the view that this is not necessary at this time.

Without confirming this appointment, the Council would be in breach of its own Constitutional requirement whereby every Member of Council serves on one of either the Executive, Development Management Committee or Overview and Scrutiny Panel.

- **Independent Persons**

As an alternative option, the Council could decide to start afresh and appoint a new set of Independent Persons. However, this would result in the Council having a period of time (in line with the recruitment and selection process) during which it had no Independent Persons to consult with. As a consequence, the whole process would grind to a halt until replacements were appointed (and subsequently trained to the necessary level) by the Council.

4. Implications

Legal/Governance		The Council Constitution currently requires all Members to serve on either the Executive, Development Management Committee and Overview and Scrutiny Panel. The Localism Act requires Council's to appointed 'Independent Persons' to fulfil an advisory role in the standards process.
Financial		There are no additional financial implications directly related to this report
Risk		There is a constitutional and legislative risk to the Council if the recommendations are not agreed by the Council.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.

Safeguarding		There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

None

Background Papers:

Council Constitution

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	No
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Executive/Scrutiny)	N/A