

<b>NAME OF COMMITTEE</b>	<b>Resources</b>
<b>DATE</b>	<b>29 April 2014</b>
<b>REPORT TITLE</b>	<b>Our Plan</b>
<b>Report of</b>	<b>Head of Planning, Economy and Community</b>
<b>WARDS AFFECTED</b>	<b>All wards</b>

---

**Summary of report:**

This report seeks formal approval of the principle of 'Our Plan' as the Council's single, overarching strategic plan for West Devon. As the Local Plan will form a central part of the plan this report also seeks approval of the Local Development Scheme and the Regulation 18 Document for consultation purposes. Further, approval is sought to sign the Duty to Cooperate Memorandum of Understanding which is also now part of our formal planning process. Finally, approval is also sought for the corporate Community Engagement Strategy.

**Financial implications:**

There are no direct financial implications relating to this report. The financial strategy will be an integral part of "Our Plan" ensuring resources and direct financial costs are managed as part of the process. Our Plan will also link directly into the new commissioning cycle enabling more effective commissioning decisions.

Members should note that the cost of an Examination in Public (EIP) required for the Local Plan will be in the region of £60,000. The cost could be halved if it proves possible for a joint EIP to be undertaken with South Hams.

**RECOMMENDATIONS:**

It is recommended that the Committee:

- (i) approves the principle of 'Our Plan' being the single, over-arching strategic plan for the West Devon;
- (ii) approves the Local Plan 'Local Development Scheme';
- (iii) approves the Regulation 18 Document for consultation purposes;
- (iv) approves the signing of the Duty to Cooperate Memorandum of Understanding;
- (v) approves the corporate Community Engagement Strategy; and,
- (vi) notes the engagement timetable

Officer contact: Marion Playle or email [marion.playle@swdevon.gov.uk](mailto:marion.playle@swdevon.gov.uk) or telephone 01822 813647

---

## **1. BACKGROUND**

- 1.1 Historically the Council has had two strategic plans; the Development Plan and the Connect Strategy. Given the need to work more efficiently in the new operating model and the new duty for us to produce a Local Plan with a much wider remit that goes beyond traditional planning policy, it is logical for the Council to produce 'Our Plan' as our one over-arching, strategic planning document.
- 1.2 This report seeks formal approval of the approach and various other related documents which enable us to start engaging with communities, working with our partners and producing the plan.

## **2. OUR PLAN – THE PRINCIPLE**

- 2.1 Informal discussions with members regarding the principle of 'Our Plan' have been received positively and work has been progressing to start shaping the process in earnest.
- 2.2 The plan will set out our vision for West Devon and the longer term aims and objectives for the Borough. Central to the plan will be our future development strategy for homes and jobs and our formal planning policies.
- 2.3 This more comprehensive approach to organisational planning will ensure a more cohesive, corporate approach and will directly inform our annual delivery plan, our financial plans and our commissioning cycle. It will also ensure our corporate planning cycle is fit for purpose as we move into the new operating model.

## **3. LOCAL DEVELOPMENT SCHEME**

- 3.1 As part of our Local Plan process we are required to prepare and maintain a Local Development Scheme (LDS). The LDS has to contain particular information including the geographical area covered by the plan, the scope and the timetable for production of the plan. Consequently, Member approval is sought for the LDS as attached at Appendix "A".

## **4. REGULATION 18 – FORMAL CONSULTATION**

- 4.1 Over the coming year we will be working with our partners, stakeholders and the wider community to develop the plan. As we commence this work we are required to go through a formal consultation stage as part of the Local Plan statutory process; this is known as the Regulation 18 consultation.
- 4.2 To a certain extent the Regulation 18 consultation is a scene setting document. It sets out the context and scope of the proposed plan, the timetable for preparation and it explains how individuals, communities and stakeholders can engage in the process. It is proposed that the consultation will commence on the 9<sup>th</sup> of May for a six week period. Member approval is therefore sought for the draft Regulation 18 document attached at Appendix "B" for consultation purposes.

## **5. DUTY TO CO-OPERATE – MEMORANDUM OF UNDERSTANDING**

- 5.1 We now have a statutory Duty to Cooperate. This means that Local Planning Authorities, County Councils and public bodies are required to engage constructively, actively and on an ongoing basis to ensure that strategic, cross boundary matters are discussed effectively. The ‘Duty to Cooperate’ is not a duty to agree. We are, however, required to demonstrate how we have complied with the duty at an independent examination. If we are unable to do so then our Plan will not be sound.
- 5.2 Accordingly, we have worked alongside other Councils and agencies to establish a Devon wide Memorandum of Understanding. This document sets out a strategic framework to enable efficient, coordinated and consistent co-operation on agreed matters. It is a living document which will continue to develop and grow as working arrangements change and examples of best practice are shared. The document entitled ‘Planning Strategically across Local Boundaries’ is attached at Appendix “C” and Member approval is sought to sign the document on behalf of the Council.

## **6. COMMUNITY ENGAGEMENT STRATEGY AND TIMETABLE OF EVENTS**

- 6.1 As a more corporate approach is taken to strategic planning then a more corporate approach can be taken to community engagement. We often hear how individuals and communities suffer ‘consultation fatigue’ as we have historically shared information and consulted on a piecemeal basis across the organisation.
- 6.2 Consequently, our Community Engagement Strategy has been revised to achieve a more joined up approach. In particular, it seeks to make much better use of social media and empower elected members at all levels to represent their communities. It also offers a far greater choice of engagement methods thereby ensuring more effective access to all age groups. Member approval is therefore sought for the Community Engagement Strategy attached at Appendix “D”
- 6.3 Further to the over-arching strategy we will agree a timetable of events on an annual basis which, over time, individuals and communities will become familiar with. This year’s timetable of events is attached for information at Appendix “E” and Members are requested, in particular, to note the dates of the Member single topic discussions.

## **7. LEGAL IMPLICATIONS**

- 7.1 Resources Committee approval is required to combine the Local Plan and the Council’s corporate plan.
- 7.2 Section 15 of the Planning and Compulsory Purchase Act (as amended by Section 111 Localism Act 2011) requires Local Planning Authorities to prepare and maintain a Local Development Scheme.
- 7.3 The Regulation 18 consultation must be carried out in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

7.4 Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA)(as amended by Section 110 of the Localism Act) places a legal duty on local planning authorities to cooperate.

**8. FINANCIAL IMPLICATIONS**

8.1 There are no financial implications directly relating to this report. The financial strategy will be an integral part of “Our Plan” ensuring resources and direct financial costs are managed as part of the process. Our Plan will also link directly into the new commissioning cycle enabling more effective commissioning decisions.

8.2 In February 2013 Members Were advised that the cost of an Examination in Public (EIP) required for the Local Plan would be in the region of £60,000. If it were possible for a joint EiP to be undertaken with South Hams this would mean a cost of £30,000 per authority; however Members need to be aware that should this not prove possible the Council will have to fund the full cost. A number of factors such as similarity of plan content and the view of the planning inspectorate as to the feasibility and practicality of one EiP will play a part.

**9. RISK MANAGEMENT**

9.1 Risk Management implications are shown at the end of this report in the Strategic Risks Template.

<b>Corporate priorities engaged:</b>	Homes, Economy, Environment and Community Life
<b>Statutory powers:</b>	
<b>Considerations of equality and human rights:</b>	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
<b>Biodiversity considerations:</b>	Biodiversity issues will form part of the overall plan
<b>Sustainability considerations:</b>	Sustainability considerations will be central in shaping ‘Our Plan’ but there are no direct considerations as a consequence of this report
<b>Crime and disorder implications:</b>	None
<b>Background papers:</b>	
<b>Appendices attached:</b>	<i>Appendix “A” – Local Development Scheme Appendix “B” – Regulation 18 Document Appendix “C” – Duty to Cooperate Memorandum of Understanding Appendix “D” – Community Engagement Strategy Appendix “E” - Engagement Timetable</i>

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel		
1	Strategic Direction	Provide strategic direction for the future of the borough and organisation	High - Plans and priorities that don't meet local needs	Low	8 ↓ Our Plan will reduce current risk	<p>One overarching plan bringing together corporate plan, local plan and financial plan giving clearer strategic direction</p> <p>Effective engagement and consultation with Members, partners, community and stakeholders</p> <p>Regular review and updating with annual delivery plan</p>	SMT
2	Planning Policy	Planning policies that comply with the NPPF and meet the needs of the borough	<p>High - Speculative development that doesn't meet local needs</p> <p>Poor planning decisions and loss at appeal</p>	Medium	12 ↓ Our Plan will reduce current risk	<p>Local Plan integral part of "Our Plan"</p> <p>Policies developed in line with principles of NPPF and local need</p> <p>Saved Core Strategy/previous Local Plan Policies to be carried forward and used as appropriate</p> <p>Effective engagement and consultation with Members, partners, community and stakeholders</p>	Head of Planning, Economy and Community
2	Community Engagement	Effectively engage communities in developing plans for their locality to meet local needs	Medium - Local People unable to influence and shape plans	Medium	9 ↔	<p>Development of new corporate engagement strategy</p> <p>One corporate annual engagement timetable</p> <p>Role of Members and towns/parishes as community representatives</p>	Head of Planning, Economy and Community

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
							Use of a variety of engagement tools including social media and website	
3	Economic Conditions and Funding	Difficult economic conditions and reducing funding could impact on delivery	High - Unable to deliver outcomes to meet local needs	Medium	12	↓ Our Plan will reduce current risk	Financial strategy integral part of “Our Plan” 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	SMT
4	New Government Policy	Actions need to be in conformity with Government legislation	Medium - Actions don't deliver outcomes in line with Government policy	Low	6	↔	Maintaining understanding of Government legislation  Working closely with stakeholders, partners and community to develop action plans that reflect Government policy and meet local need	SMT

Direction of travel symbols ↓ ↑ ↔