

Report to: **Council**

Date: **26 March 2019**

Title: **Adoption of the Plymouth and South West Devon Joint Local Plan**

Portfolio Area: **Strategic Planning and Housing – Cllr Mott**

Wards Affected: **All**

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

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

Date next steps can be taken: **Immediately**

Author: **Richard Grant** Role: **Strategic Planning Manager (Joint Local Plan)**

Contact: **Telephone/email: 01752 304331 / Richard.grant@plymouth.gov.uk**

RECOMMENDATIONS

That Council be RECOMMENDED that:

- 1. the Plymouth and South West Devon Joint Local Plan and Policies Map is adopted**
- 2. approval be given to the establishment of the Joint Local Plan Partnership Board in accordance with the Joint Local Plan governance arrangements set out in the Plymouth and South West Devon Joint Local Plan – Delivery and Governance Paper.**

1. Executive summary

- 1.1 The report seeks the formal adoption by Full Council of the Plymouth and South West Devon Joint Local Plan and Policies Map.
- 1.2 The Plymouth and South West Devon Joint Local Plan has been produced in collaboration with Plymouth City Council and South Hams Council. The decision to produce a joint plan was taken by Full Council on 16 February 2016 (Minute CM 51 (v) refers),

enabling all three local authorities to work together on a single development plan that could set out a consistent and clear strategy for Plymouth and South West Devon.

1.3 Once adopted, the Joint Local Plan (JLP) will be the single development plan for Plymouth and South West Devon, setting out a single strategy, a single set of planning policies, and a complete set of site allocations, putting in place a spatial strategy to guide development and growth up to 2034. The JLP delivers on a number of critically important objectives for all three Councils:

- It meets the need for new homes in full across the whole plan area, providing for 26,700 homes to be built between 2014 and 2034, 6,600 of which will be affordable, and ensuring that all three Councils will be able to demonstrate a 5 Year Land Supply of land for new homes.
- It provides for 375,200 sq m of new employment space across the whole plan area, sufficient to accommodate 13,200 new jobs.
- It sets a sustainable pattern of development across the plan area, focusing over 70% of the growth in new homes at Plymouth, and concentrating growth in the Thriving Towns and Villages of South Hams and West Devon in the most sustainable settlements of Tavistock, Okehampton, Totnes, Ivybridge, Dartmouth and Kingsbridge.
- It sets clear and comprehensive strategic policies for sustainable development, transport, the natural environment, and infrastructure.

1.4 In the Thriving Towns and Villages Policy Area, the JLP:

- Provides land for at least 7,700 new homes, including 2,050 affordable homes.
- Plans for at least 83,700 sq m of new employment space, and in addition allocates Langage as a strategic employment site serving Plymouth and South West Devon.
- Clearly sets out infrastructure requirements for the Main Towns, providing a clear basis for the provision of facilities needed by the communities.
- Protects the sensitive natural environments of the Policy Area, whilst providing opportunities to reinforce the sustainability of the towns and villages.

1.5 The JLP has been subject to formal Examination in Public by the Planning Inspectorate. The Councils have now received the Final Report from the Inspectors, which confirms that the JLP is sound

with main modifications and can proceed to adoption.

- 1.6 In addition, this report seeks the approval of the governance arrangements for the delivery of the Plymouth and South West Devon Joint Local Plan, as set out in the accompanying Paper "Plymouth and South West Devon Joint Local Plan – Delivery and Governance", and in particular the establishment of a member-led Joint Local Plan Partnership Board.

2 Background

- 2.1 On 16 February 2016 West Devon Borough Council agreed to collaborate with South Hams District Council and Plymouth City Council on the production of the Plymouth and South West Devon Joint Local Plan. Each of the Councils agreed to roll the work they had already done on their own plans into a single Local Plan covering the whole of their areas.
- 2.2 Dartmoor National Park Authority were invited to collaborate with the JLP Councils, enabling the Joint Local Plan to look at the whole of the Plymouth Housing Market Area. The National Park, however, decided that they would rather produce their own Local Plan, which would nevertheless be very closely aligned with the JLP, its strategy and its evidence base.
- 2.3 Over the course of 2016 the Councils undertook work on the JLP, including updating the key elements of the evidence base, including on housing and employment needs and sites for allocation, viability, infrastructure requirements, natural environment and green spaces, and transport. Two consultations were undertaken on the emerging strategy of the plan, and on potential site allocations. 3,317 comments were received in total over the course of the consultations, all of which were used to inform the plan making process.
- 2.4 In early 2017 the Councils had produced a draft JLP which was ready for its final round of consultation. This was approved for Publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations, and subsequent Submission under Regulation 20 of the Regulations, at Full Council on 28 February 2017 (Minute CM 62 refers). Consultation was undertaken during March and April 2017 attracting a total of 2,482 comments. The JLP was submitted to the Planning Inspectorate for Examination in Public on 31st July 2017.

3 The Examination in Public

- 3.1 Two Inspectors were appointed by the Planning Inspectorate to examine the JLP. In September 2017 they gave the Councils their initial set of questions and arrangements for the Examination, leading to the publication of their list of matters to be examined

during Public Hearings, and arrangements for the Hearings to take place from January to March 2018.

- 3.2 Hearings commenced on 31st January 2018, and took place over a total of four weeks during February and March, with the final session finishing on 22nd April 2018. The Inspectors finished the Hearings by stating that the JLP was a plan that could be made sound through some modifications – which was a particularly positive end to the Hearings as it indicated that the Inspectors were not going to find the JLP unsound.
- 3.3 In August 2018 the Inspectors published their Post Hearings Advice Note. This note set out the changes to the JLP that the Inspectors considered were necessary to make the JLP sound. The most significant changes for the Thriving Towns and Villages were that villages in the AONB could not be included in the settlement hierarchy as Sustainable Villages, the removal of an allocation at Stokenham and Chillington (Land at Carehouse Cross), and the decision that Settlement Boundaries should be set out in a separate Development Plan Document (which is now in production). More positively, the Inspectors did not propose any changes to some of the most important elements of the JLP – for example the overall requirement for new homes and affordable homes, the 5 Year Land Supply as set out in the plan, the fundamental strategy for a sustainable distribution of development across the plan area, the employment, transport and infrastructure policies, and the site allocations set out in the plan (with the exception of the Land at Carehouse Cross).
- 3.4 The Councils consulted on the Main Modifications to the Joint Local Plan (alongside Additional Modifications to the JLP and Policies Map that did not need to be considered by the Inspectors) between October and December 2018 – receiving a total of 1,337 comments. However, a large number of these comments were received on a limited number of modifications. For example, around 1,000 comments related to policies and allocations for housing in Dartington, many of which were not subject to Main Modifications. A further 100 comments were received in connection to changes made to the policy allocating Woolwell as a new urban extension to Plymouth.
- 3.5 All the comments received on the Main Modifications were sent to the Inspectors in December 2018. The Inspectors did not consider that any further hearings or changes to the JLP were required.

4 The Inspectors' Final Report

- 4.1 The JLP Councils received the Inspectors' Final Report on 18th March 2019 and subsequently published the report on the Councils'

websites. The Report confirms that the Inspectors find that the Plymouth and South West Devon Joint Local Plan is sound, subject to the modifications set out in Appendix One of the Report. These modifications comprise the Main Modifications that were consulted upon between October and December 2018, to which the Inspectors have added the following three further changes:

- They do not believe that we need a specific policy dealing with the process of designating Local Green Space designations, because this is set out in detail in the NPPF and the NPPG. This policy is therefore deleted.
- They have noted that Policy PLY61 includes a point referring to “Western Park and Ride (in Cornwall)”. Their conclusion is that a local plan is unable to include policy relating to another local authority, and therefore will be deleting this reference in the policy. Instead they will insert a reference to the park and ride in the supporting text to the policy with a reference to the emerging Cornwall Site Allocation DPD, which includes the park and ride.
- They have made changes to MM52 which relates to DEV29 – Green and Play Space.

4.2 These changes set out in Appendix One of the Inspectors Report have been made to the JLP, and the final adoption version of the Plymouth and South West Devon Joint Local Plan is appended to this report.

4.3 Therefore, and in accordance with the Inspectors’ findings, this report recommends that the Plymouth and South West Devon Joint Local Plan is adopted as the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council. Section 28(3) of the Planning and Compulsory Purchase Act makes clear that all of the JLP Councils must adopt the plan in order for it to come into force – hence the legal adoption of the Plymouth and South West Devon Joint Local Plan is subject to the decision to adopt being taken by all three Councils.

5. Ongoing Joint Local Plan Governance Arrangements

5.1 During the Examination in Public into the Plymouth and South West Devon Joint Local Plan, the Planning Inspectors asked questions relating to the ongoing collaboration between the JLP Councils, and the reassurance that could be given that the Councils were committed to working together to deliver the JLP strategy and commitments. In response the Councils produced the Governance Topic Paper ([TP6](#)), which set out in detail the proposed ongoing governance arrangements. This Topic Paper was revised following the Hearings into the JLP which took place between January and March 2018, to reflect discussions with the Inspectors. The Revised Governance Topic Paper ([TP6\(Rev\)](#)) was submitted to the

Inspectors in March 2018. Both of these versions of the Governance Topic Paper were approved by the Joint Local Plan Member Steering Group following consultation with the Leaders of the Councils.

- 5.2 Given that the JLP may soon be adopted by the Councils, it is timely to also formally approve the Governance arrangements that the three Councils will use to deliver the JLP. South Hams District Council and West Devon Borough Council are being asked to approve the arrangements at the Full Councils which adopt the JLP. In Plymouth, these matters have been delegated to the Audit and Governance Committee. The Governance Topic Paper has been slightly amended so that it reflects the latest position regarding the Joint Local Plan. It is appended to this Report so that Members can see the detail of the Governance Arrangements.
- 5.3 The Governance Topic Paper proposed the following Governance Arrangements for the delivery of the JLP:
- The Joint Local Plan Member Steering Group will be disbanded and replaced with a Joint Local Plan Partnership Board. This Partnership Board will be a more formal body than the existing Steering Group, with powers to review progress on the implementation of the JLP and engage with the individual Councils in addressing any delivery issues revealed by monitoring. The existing Member representation of the Steering Group would remain for the Partnership Board – ie 2 senior Members from each Council.
 - A Joint Local Plan Senior Management Team, comprising of senior managers from all three Councils to provide oversight and a strategic steer to officers working on the monitoring, delivery and review of the JLP. This joint management team is now operational.
 - A new Joint Local Plan Team be created, responsible to all three Councils, and charged with the monitoring and review of the Joint Local Plan, maintaining the evidence base, and providing advice to the three Councils on strategic planning policy matters. This team was operational from August 2018 and is overseeing the final stages of the JLP Examination and adoption.
- 5.4 These arrangements are set out in more detail in the attached paper "Plymouth and South West Devon Joint Local Plan – Delivery and Governance", which also sets out the scope of the Joint Local Plan Team, and the Terms of Reference of the Joint Local Plan Partnership Board.
- 5.5 The Paper also sets out how the Councils will address any delivery issues which are highlighted by monitoring of the Joint Local Plan up to the first review of the plan. In particular, the Paper sets out that as a result of changes made to the National Planning Policy

Framework by the Government in July 2018, monitoring of housing delivery will take place at the whole plan level, and explains how any issues that are identified by the Councils will be handled.

6 Concluding Comments

- 6.1 Adoption of the JLP marks the end of a ground-breaking and exemplary piece of work for West Devon Borough Council. Officers were set a very challenging timetable to produce the JLP – the plan was submitted just 18 months after the decision to collaborate on the production of the JLP was taken. Evidence had to be updated, consultations held and fundamental elements of the strategy agreed between three Councils on very short timescales in order to achieve this timescale – none of which would have been possible without the help and support of the Joint Local Plan Member Steering Group which was set up to oversee the process. The JLP is the first full joint plan that has been produced for West Devon, and it has been achieved through collaboration between officers and Members of each Council at all levels, showing how local authorities can work together to achieve their aims in the most efficient and cost effective ways.
- 6.2 The JLP also represents national best practice. It is one of only three joint plans in England to include a full set of strategic policies, site allocations to ensure that needs are met in full, and development control policies to guide development. It sets out a consistent and sustainable strategy for the Plymouth Housing Market Area, setting a principle of plans being produced for meaningful functional areas. It has been produced on a particularly fast timetable – many local plans spend over three years in the Examination part of the process – the JLP has taken three years to prepare from start to finish. And finally, the JLP sets out a robust framework for delivery, ensuring that needs for homes, jobs and infrastructure will be met in full, when measured using Government standards, for the life of the plan.
- 6.3 The production of a local plan inevitably uses a significant amount of resources. Nevertheless, by collaborating on a single joint plan rather than three separate plans, West Devon and its partners have produced a ground-breaking plan – one that has achieved the aims of the three Councils; one that has produced a more coherent and sustainable strategy across the sub-region; and one that has already been recognised by RTPI South West as representing excellence in spatial planning. The adoption of the Plymouth and South West Devon therefore represents a very significant milestone for West Devon Borough Council.

Implications	Relevant to proposals Y/N	Details and proposed measures to address

Legal/Governance		The Report recommends adoption of the Plymouth and South West Devon Joint Local Plan under Section 23 of the Planning and Compulsory Purchase Act 2004. Upon adoption by the JLP Councils, the Joint Local Plan will come into force as the development plan for South Hams District Council, West Devon Borough Council and Plymouth City Council. Under Section 28(3) of the Planning and Compulsory Purchase Act 2004, the Joint Local Plan will come into force once all three JLP Councils have resolved to adopt the plan.
Financial		No new resource implications arise from this report.
Risk		The primary area of risk sits with the statutory legal challenge period, which will run for a six week period from the adoption of the Joint Local Plan.
Comprehensive Impact Assessment Implications		
Equality and Diversity		An Equality Impact Assessment of the Joint Local Plan has been carried out.
Safeguarding		No safeguarding implications
Community Safety, Crime and Disorder		The JLP provides a strategic policy framework for both people and place. The creation of sustainable communities, and the theme of providing quality of life for everyone in the city, runs through the heart of the plans, providing an effective and integrated strategic framework for addressing and responding to issues such as community safety, community cohesion, child poverty and equalities and diversity.
Health, Safety and Wellbeing		The JLP provides a strategic policy framework for both people and place. The creation of sustainable communities, and the theme of providing quality of life for everyone in the city, runs through the heart of the plans, providing an effective and integrated strategic framework for addressing and responding to issues such as community safety, community cohesion, child poverty and equalities and diversity.
Other implications		No other implications

Supporting Information

Appendices:

- A: Plymouth and South West Devon Joint Local Plan – Final Version for Adoption.
- B: JLP Final Sustainability Appraisal
- C: Plymouth and South West Devon Joint Local Plan – Delivery and Governance Paper.

Background Papers:

Report to Hub Committee 26 January 2016 – Our Plan: Local Plan Arrangements
Minutes of Council meeting 16 February 2016
Report to Council 28 February 2017 – Joint Local Plan
Inspectors Final Report (March 2019)