

Our Plan: South Hams – Local Plan Arrangements

Report to: **COUNCIL**

Date: **10 December 2015**

Title: **Our Plan: South Hams Local Plan Arrangements**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny**

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

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

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RECOMMENDATION:

That Council be RECOMMENDED that:-

- 1. The principle of a Joint Local Plan within the Housing Market Area (HMA) be agreed subject to appropriate arrangements being put in place with neighbouring planning authorities;**
- 2. A detailed Collaboration Agreement establishing the operation of the Joint Local Plan be developed with neighbouring planning authorities (and any other relevant organisations);**
- 3. The Collaboration Agreement include, but not necessarily be limited to, the following matters**
 - Strategic Context**
 - Objectives and Priorities**
 - Joint Spatial Framework**
 - Governance and working arrangements**
 - Local Development Scheme and timescales**
 - Evidence**
 - Infrastructure**
 - Policies**
 - Allocations**

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- **Engagement and Consultation**
 - **Resources and Staffing**
 - **Examination**
 - **Assessments**
 - **Monitoring and Review;**
- 4. That a further report be submitted to Council setting out the detailed policy and allocation proposals that are to be subject to consultation, consideration and submission within the Joint Local Plan element of *Our Plan: South Hams*; and**
 - 5. Those details to be agreed under recommendations 1, 2 & 3 are delegated to the Lead Specialist – Place and Strategy in consultation with Chair of Strategic Planning Working Group and Leader.**

1. Executive summary

Members considered and supported a refreshed approach to the Local Plan element of *Our Plan: South Hams* at Executive on 15 October 2015 and Council on 5 November 2015.

The substantive element of the refreshed approach was a recognition of the importance of planning comprehensively across the Housing Market Area (HMA) and, in particular, working closely under the Duty to Co-operate with neighbouring planning authorities.

Detailed discussions have now taken place to advance this co-operative working approach. The outcome of this further work is that the most effective and efficient manner to address the duty to co-operate is considered to be the formalisation of the arrangement within a Joint Local Plan across the HMA. This approach allows the overall housing numbers within the HMA to be allocated, delivered, monitored and reviewed within a shared and clearly defined spatial framework. This spatial framework will seek to identify and manage housing delivery at appropriate levels across the HMA.

In order to advance this arrangement Members are asked to agree the principle of the establishment of a Joint Local Plan and that this be secured through a collaboration agreement. It is anticipated that this agreement will include West Devon Borough Council, Plymouth City Council and Dartmoor National Park Authority (with precise implementation of the joint approach and Joint Plan to be established in the agreement).

The precise details of any policies, allocations and other matters of detail to be set out in the Joint Local Plan will be brought back to Executive and Council for agreement before publication and consultation.

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The refreshed approach agreed in November also identified a wide range of operational matters. These are progressing (as reported in the Members Bulletin) and will continue unhindered.

2. Background

Our Plan: South Hams 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 through two blended and inter-related elements

- The corporate plan establishing the Council's vision, objectives, priorities, actions and delivery approaches and
- The Local Plan establishing land use planning policies and allocations

The overarching corporate plan role was recently reviewed at Overview and Scrutiny. This included a review of the 15/16 delivery plan for council wide activities with the recommendation to Council that this element be re-issued for the start of the 2016/17 financial year as a means of clarifying Council vision, objectives, priorities and delivery.

The Local Plan element of *Our Plan: South Hams* was subject to review in the reports to Executive and Council. This recognised the need to take account of a wide range of local and national issues impacting on local planning. This led to members agreeing to a refreshed plan timescale based around a duty to co-operate approach within the Housing Market Area incorporating West Devon, Plymouth and relevant parts of Dartmoor National Park. This report focusses on this Local Plan element.

The primary recommendation in the Council resolution was to investigate a collaboration agreement focussed on the LPAs within the HMA. With the imperative to move rapidly this matter has been pursued and been subject to consideration at senior officer and member level. The duty to co-operate and the constraints of needing to plan across the HMA leave the Council no option but to work closely with neighbouring LPAs – however this can merely be at a basic level. To really explore the opportunities Councils are encouraged to look beyond basic cooperation and to consider entering into a Joint Local Plan. In looking at this Joint Plan option a number of benefits have been identified including

- One Process, One Examination, One Inspector
- Aligned single strategic framework and timescales across the whole HMA.
- Enables a sensible distribution of growth across the whole area – focused on Plymouth as the growth hub
- Focusing growth on Plymouth enables the market towns and rural communities to focus on appropriate housing levels in the rural areas and establish clear context for Neighbourhood Planning
- Joint monitoring arrangements to ensure the strategy is delivered within context of spatial framework
- Duty to Cooperate & Soundness tests fully satisfied
- Resource efficiencies and cost savings realised due to a single process.
- A single evidence base, Sustainability appraisal and Habitats Regulations Assessment.

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Under these overall principles the Joint Local Plan could establish the overall housing and employment requirements across the HMA – and then allocate these to deliver specific spatial elements where there are distinctly different contexts for housing and employment. The following approaches are being investigated for inclusion

- Britain’s Ocean City –Plymouth and the Urban Fringe
- Thriving Towns and Villages – South Hams and West Devon
- Nationally Important Landscapes – AONBs and DNPA.

Any Joint Local Plan would only deal with land use planning, development policies, allocations and related matters. The distinct identities and roles of the participating Council’s would be fully retained – as would the separate corporate plans into which the Joint Local Plan would sit. This can be illustrated as follows.



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Discussions around this approach have taken place with Plymouth City Council, West Devon Borough Council and Dartmoor National Park Authority and these authorities are also considering this Joint Local Plan approach. The decisions for DNPA are complicated as it straddles two HMAs and further consideration will be needed. Discussions will also be needed with Devon County Council and Cornwall Council to establish their role in supporting the Joint Plan approach.

Any agreement by members only establishes the principle of the Joint Local Plan approach. It is proposed that the final decision be delegated and be subject to full and detailed further investigations, the establishment of appropriate arrangements and a suitable and legally robust Collaboration Agreement.

Detailed matters relating to policy, allocations and related development matters will continue to be progressed (primarily in conjunction with the Strategic Planning Working Group) and will still require agreement of Council prior to publication and consultation.

In proposing the option of a Joint Local Plan it is helpful to confirm what the Joint Local Plan isn't. It isn't

- A Proposal for joint Services, or broader joint working between the Local Authorities – it is simply the land use planning related Local Plan work.
- A Proposal for SHDC to accommodate ever greater amounts of housing to meet Plymouth's growth – the emerging Spatial Framework anticipates Plymouth taking more than its share of the HMA needs
- A delay to plan timetables – all three Councils are already broadly aligned; a Joint Plan won't change that.
- Creating new, complex governance structures – the suggestion is a Member group, supported by an officer group, with all decisions taken back to individual Executives and Councils

Although the arrangement doesn't anticipate wider integration of services there may well be operational and resource benefits in the establishment of joint staff and resource arrangements to bring forward the Joint Local Plan. These could be time limited and details will be investigated further during establishment of the Collaboration Agreement.

3. Outcomes/outputs

The main requirement is to progress *Our Plan: South Hams* 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.

These issues, and implications, were considered in depth in the previous Council report and aren't re-iterated here. What this report does is advance the specific matter of how to address the Duty to co-operate and makes the proposal that addressing this within a Joint Local Plan offers benefits that are worthy of agreeing in principle and subsequently looking to establish in detail.

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4. Options available and consideration of risk

The previous Council resolution established a timeline and process for progressing the Local Plan element of *Our Plan: South Hams* set out as Option 1 below. The proposal in this report is to take a step further and formalise the duty to co-operate work into a Joint Local Plan. This is shown at Option 2.

<p>Option 1 Work with the other authorities within the HMA to demonstrate conclusively that all have complied with the Duty to Co-operate.</p> <p><i>Potential timescale</i></p> <p>Feb 2016 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>	<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> <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 • Uncertainty over emerging planning policies at national level may lead to unforeseen delays
<p>Option 2 Work with the other authorities within the HMA on production of a Joint Local Plan</p> <p><i>Potential timescale</i></p> <p>Feb 2016 Joint Local Plan Collaboration principles agreed</p> <p>April 2016 Joint Local Plan Collaboration agreed and signed up by all authorities</p> <p>Summer 2016</p>	<p>Pro's</p> <ul style="list-style-type: none"> • As above but with additional clarity over joint working embedded in Joint Local Plan Collaboration Agreement • Comprehensive and seamless approach to spatial framework, policy and allocations • Single examination • Potential costs savings <p>Cons</p> <ul style="list-style-type: none"> • As above but requires all authorities to work under binding arrangement on Joint Local Plan thus reliance needed between authorities

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Further consultation Autumn/Winter 2016 Submission	<ul style="list-style-type: none"> Potential for loss of individual identity unless appropriately managed
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The agreement to investigate further the Joint Local Plan is an in principle decision. Final agreement (under delegation) will only progress if suitable arrangements are fully in place supported by an appropriate Collaboration Agreement across the authorities. Areas of potential risk will be identified and managed during this further work and prior to any final arrangement being put in place.

5. Proposed Way Forward

Members have already agreed the principle of collaborative working on the Local Plan. This report seeks the agreement of members to take a further step and endorse the principle of a Joint Local Plan within the Housing Market Area.

The establishment of an updated Local Plan – allied to a clear policy basis to support housing delivery is a key focus. The use of a Joint Local Plan is considered to be the most appropriate mechanism.

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		No further costs identified at this stage
Risk		See section 4.
Comprehensive Impact Assessment Implications		
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

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Supporting Information

None

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)