

JOINT LOCAL PLAN



West Devon
Borough
Council



South Hams
District Council

Plymouth and South West Devon Joint Local Plan Governance Topic Paper

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Purpose of the Topic Paper

1.1 This Topic Paper deals with the development of officer and member arrangements for the implementation of the Plymouth and South West Devon Joint Local Plan (JLP) following its adoption. It sets out:

- The approach the JLP takes to the distribution of development across the plan area, and the implications of this distribution for monitoring of development and managing the implementation of the JLP strategy.
- The governance that the JLP Authorities are proposing to put in place to ensure that the JLP is effectively monitored, that delivery is properly managed, and that strategic planning continues to take place collaboratively between the 3 LPAs.
- The steps that have been taken so far by the JLP authorities to put in place new governance arrangements, and the ongoing activities being undertaken to ensure that the new arrangements are in place by the time the JLP is adopted.

1.2 This Topic Paper should be read alongside the Strategy Topic Paper (TP5), the Distribution of Development Topic Paper (TP1) and the revised Housing Topic Paper (TP3(rev)) which set out in detail the JLP strategy for distributing development across the plan area, and for managing housing delivery to meet needs. This Topic Paper also has regard to the provisions from the NPPF (the Framework) dealing with the maintenance annually of a five year supply of specific deliverable housing sites.

Background

- 1.3 Plymouth City Council, West Devon Borough Council and South Hams District Council, working together have prepared and submitted a joint local plan for their area - The Plymouth and South West Devon Joint Local Plan (the JLP).
- 1.4 The JLP provides a strategic spatial framework for an acknowledged economic and housing market functional area (SHMA Part 1 (HO13) Section 2). It sets a strategic framework and goes on to set out land required for development (site allocations) and the development management policies to be used to guide development throughout the plan period.
- 1.5 The Plan is driven by the function and character of the place, and particularly by the nature and role of the settlements and the relationship between them. The plan area varies very significantly in its character and with parts of the area performing very different economic roles, yet there are strong relationships between the different parts. Managing these roles and relationships for the greater wellbeing of the area and its communities in the future is the purpose of the Plan.
- 1.6 The JLP Authorities believe that the JLP is a positively prepared plan that reflects the encouragement for strategic approaches from the Government. The Housing White Paper "Fixing Our Broken Housing Market" (Feb 2017) set out the Government's clear encouragement for local planning authorities to collaborate on the production of Joint Local Plans:
- "We will remove the policy expectation that each local planning authority should produce a single local plan. We will make clear instead that authorities should identify the most effective way of setting out their key strategic priorities (which may be jointly with other authorities), with the expectation that more detailed matters are addressed through neighbourhood plans or more focused development plan documents." (Fixing the Broken Housing Market, DCLG, Feb 2017, para A.16)*
- 1.7 More recently, the DCLG consultation document "Planning for the Right Homes in the Right Places: Consultation Proposals" contained a number of further statements regarding Joint Local Plans clearly showing the Government's desire for LPAs to produce joint plans, by providing proposals as to how joint plans should consider housing provision and delivery (eg paragraphs 30, 31, 50).

- 1.8 Most notably, on 13th December 2017 the Government laid before Parliament the new Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017. These regulations set out the requirement to review a Local Plan every 5 years, and the power for the Government to direct local authorities to produce a Joint Local Plan where this would lead to more effective planning. On 4th December 2017 the Government introduced the Planning Delivery Fund, which is “aimed at supporting joint working” (see Planning Update Newsletter 21st December 2017), and specifically a Joint Working Fund which aims to “create additional capacity in local authorities for joint working to help achieve their ambitions and growth” (see Planning Update Newsletter 21st December 2017).
- 1.9 It therefore seems very clear that the Plymouth and South West Devon Joint Local Plan is following a path that the Government is keen to see local authorities follow. The JLP Authorities have therefore made several bids to the Planning Delivery Fund to seek assistance for the further joint working set out in this paper.
- 1.10 It should be emphasised that the JLP represents the first time that the three JLP Authorities have collaborated so fully on plan making. There is a clear commitment to continuing and building upon the collaboration that has occurred so far, as shown by the instruction given to officers by Full Council meetings in February and March 2017 to revise the Collaboration Agreement so that it extends beyond adoption of the JLP, and this Topic Paper sets out how that further collaboration will work. Nevertheless, it is also clear that the present and emerging joint working arrangements are the start of a longer term journey for the JLP Authorities, and joint working arrangements will clearly evolve throughout the delivery of the JLP policies.

Managing the Distribution of Development, and the Implications for the Delivery of Housing

- 1.11 The Plan seeks to do something more than could ever be achieved by three separate plans for individual districts defined by administrative boundaries – it sets out a strategic framework for managing the relationship between the growing city of Plymouth and the surrounding rural areas which is not constrained by local authority boundaries. It does this by framing the strategy around two Policy Areas: the Plymouth Policy Area (PPA) which includes the city and parts of South Hams adjoining the city boundary, and the Thriving Towns and Villages Policy Area (TTVPA) which comprises the remaining parts of South Hams and West Devon. The Policy Areas are therefore different from the local authority areas due to the inclusion of parts of South Hams on the fringe of Plymouth into the Plymouth Policy Area, and the amalgamation of the remaining part of South Hams with all of West Devon into the Thriving Towns and Villages Policy Area. The definition of the Policy Areas in this way recognises the relationship between housing, economic activity, infrastructure and movement, and seeks to move towards more sustainable patterns of development, as plan making authorities are required to do (see the Distribution of Development Topic Paper (TP1) and Strategy Topic Paper (TP5)).
- 1.12 The JLP makes provision for housing to be developed to meet the identified need, and distributes that housing according to the approach to the distribution of development (see Distribution of Development Topic Paper TP1). It expresses the amount of housing to be developed during the Plan period by setting the plan housing requirement at the whole plan level (26,700 new homes), and at the Policy Area level (19,000 new homes in the PPA and 7,700 new homes in the TTVPA), and finally identifies how the supply is made up in each of the Policy Areas (primarily through the allocation of development sites). The reason for expressing the distribution of the Plan Area housing provision between the two Policy Areas as set out in Policy STP3 is to ring-fence the development needed to drive the Plymouth growth agenda and meet the city's needs to the PPA.
- 1.13 The above approach therefore means that if either of the Policy Areas cannot demonstrate a five year supply at any time the supply will need to be addressed, but can only be made up from within the Policy Area where the shortfall occurs. There can be no making up of the provision in one Policy Area from the

other Policy Area as the distribution of housing (and employment) provision is a fundamental part of the spatial strategy that relates critically to the reason for the joint preparation of the local plan. This means that a shortfall in the five year supply in the TTVPA can only be made up from sites in that part of South Hams which is in the TTVPA, or West Devon. Similarly a shortfall in the five year supply in the PPA can only be made up from sites in Plymouth or that part of South Hams in the Plymouth fringe that is in the Policy Area. Appendix One sets out relevant scenarios showing how the Policy Area approach would be used in the event that five year land supplies could not be demonstrated.

- 1.14 It should be noted that in Annex 2 of the JLP, monitoring indicators as set out which indicate how many homes should be delivered by each local planning authority. These indicators are based on the housing sites identified in the housing supply and are not housing requirements. They are intended to be used to hold each LPA to account, ensuring that through monitoring of delivery, each LPA is making decisions which will implement the JLP approach. These indicators are therefore an important element of the governance that the JLP authorities are setting up to deliver the JLP.

New Governance Proposals

1.15 The innovative and positive approach taken in the JLP requires similarly innovative and positive approaches to its implementation. The JLP Authorities are therefore developing new arrangements to be put in place upon adoption of the JLP. These arrangements have the following aims:

- To ensure that implementation of the JLP is monitored on a consistent basis across the plan area, and is reported clearly
- To ensure that there is a clear and consistent understanding of the JLP across the three LPAs and that consistent advice on policy is given to Members and officers
- To ensure that in the event that monitoring should show that the JLP is not being implemented as envisaged, or that key delivery targets are not being met, that there is Member oversight and scrutiny which enables remedial action to be taken.

1.16 The joint preparation of the JLP provides a good starting point. There is in place between the three authorities a 'Collaboration Agreement' (May 2016) (see Duty to Cooperate Statement (Sub12) Appendix 1)) which provides for the joint working arrangements up to the adoption of the JLP by the three authorities. There is also agreement that collaboration will continue in the context of a reviewed and renewed agreement after adoption and into implementation, and an instruction to officers from the three Full Councils to review and revise the Collaboration Agreement. (See Reports to Full Councils SUB13, SUB14, SUB15)

1.17 The JLP Authorities are therefore proposing the following new structures to drive delivery of the JLP, and particularly to ensure that the approach to housing delivery and five year land supplies at the Policy Area level is maintained:

A new Joint Local Planning Team.

1.18 This would be a joint officer team of the three authorities, working together under common leadership, with a clear role and responsibilities, and reporting to a combined senior management team. This is a natural evolution of the group that has undertaken the collation of evidence and the preparation of the JLP, but with a stronger and simpler structure. The new team

will work across the three JLP Authorities, advising Members and Officers on the implementation and eventual review of the JLP.

- 1.19 Clearly all decisions on planning applications will in future be made in accordance of the JLP as adopted, according to the relevant legislative and policy provisions. The Joint Local Planning Team will assist the decision-making committees of the Councils by understanding the implications of decisions on applications for the implementation of the JLP from its monitoring work and advise the case officers preparing committee reports accordingly. The Joint Local Planning Team will also assist in Member training, to ensure a consistent understanding of the JLP across the three LPAs.
- 1.20 The emerging terms of reference for the new Joint Local Plan Team are appended to the Topic Paper as Appendix 2.

A Single Team undertaking monitoring of the JLP, and a single AMR

- 1.21 The Joint Local Plan Team would have a key role in undertaking the dynamic monitoring of the implementation of the JLP on a consistent basis across the Plan area. Monitoring will have a vital role going forward, in particular in keeping on top of the provision of housing in the Policy Areas and in managing any measures arising from any concern about the maintenance of a five year supply of housing. The Joint Local Plan Team would therefore be in control of monitoring housing delivery against the plan requirements for each Policy Area, reporting on the 5 year land supply for each Policy Area, and setting out the implications of a fall in housing delivery for each local planning authority in the context of the 5 year land supplies for each Policy Area.
- 1.22 There will be one common Annual Monitoring Report for the whole Plan area, supplemented by more frequent monitoring and review to assist in managing the implementation of the JLP.

A New Joint Local Plan Partnership Board

- 1.23 The JLP has been prepared under the guidance of a member Steering Group made up of two members from each of the three participating local authorities. This Steering Group continues to meet and whilst not a decision-making body has provided strong and consistent guidance on the formulation of the JLP on behalf of the JLP Authorities. The Steering Group has already discussed

appropriate officer and member arrangements for the implementation of the JLP.

- 1.24 The JLP Authorities are proposing that the JLP Member Steering Group evolves to become a Joint Local Plan Partnership Board, made up of very senior members from each authority. This Partnership Board would 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 Joint Local Planning Team would provide officer support to the Partnership Board, advising on the results of monitoring and recommending actions to be taken. Clearly, the responsibility for making decisions on planning applications remains with the Planning Committees of the three local authorities, but it is the intention of these arrangements that the new Joint Local Planning Team should provide advice and guidance to the case officers and Planning Committees, and that the JLP Partnership Board should have a role scrutinising the results of decisions made at the local level on the delivery of the JLP.
- 1.25 An example of how the JLP authorities envisage these arrangements would be in the event of monitoring showing the lack of a five year land supply in the PPA. In such a scenario, the Joint Local Planning Team would alert the Partnership Board to the issue and to the implications – ie that given the lack of a 5 year land supply para 14 of the NPPF is engaged and that any housing proposals in the PPA (ie in the Plymouth City Council LPA area and the PPA part of South Hams District Council LPA area as defined on the Policies Map) should be considered in the light of the presumption in favour of sustainable development. Monitoring against the LPA indicators set out in annex 2 of the JLP should reveal which LPA is experiencing the under delivery, enabling the Board to ascertain why delivery is not occurring as expected. The Board would then be able to require that the LPA take actions to remedy the under delivery, and recommend the actions to be taken based on the Housing Implementation Strategy set out in para 3.32 of the JLP. The seniority of the Members on the Partnership Board would enable actions to be taken directly to the Executive committees of each LPA.
- 1.26 The Terms of Reference for this Board are appended to this Topic Paper as Appendix 3.

Next Steps

1.27 Steps have already been taken to put in place these new governance arrangements:

- As noted above, the Full Councils of the JLP Authorities have already agreed the continuation of collaboration on the delivery of the JLP once it has been adopted (Full Council Reports SUB13, SUB14, SUB15). Officers therefore have authority to review the Collaboration Agreement (Duty to cooperate Statement (SUB12) Appendix 1)
- The Joint Local Plan Steering Group has agreed a new JLP Governance structure including focused delivery teams based around the Policy Areas, and the new Joint Local Planning Team. The first of the new teams – the Urban Fringe Delivery Team – has already been created and a Team Manager appointed. The Urban Fringe Delivery Team (along with the existing PCC Strategic Growth Team and the Place Making and Delivery Team in SHWD) will be focused on driving delivery in the urban fringe – that part of the South Hams District Council administrative area which is in the Plymouth Policy Area. This role will include processing planning applications and managing the delivery of key sites such as Sherford and the associated infrastructure. The new governance structure is appended to the Topic Paper as Appendix 4.
- The Joint Local Plan Member Steering Group has met at a detailed workshop setting out the challenges of setting out an ongoing governance arrangement, and has worked with officers to agree the Terms of Reference for the Joint Local Planning Team and the Joint Local Plan Partnership Board, appended to this Topic Paper.

1.28 There is therefore agreement from the Joint Local Plan Steering Group that the new governance arrangements set out in this paper should be put in place to ensure the implementation of the JLP.

1.29 The next steps are therefore to secure formal agreement to the new structures from the Executive committees of the JLP Authorities. This agreement will be secured by the point of adoption of the JLP, if not earlier.

1.30 It is therefore expected that following submission of this Topic Paper and the close of the Examination hearings sessions as programmed on 20th March 2018, that the JLP Authorities will be

in a position to report further progress on the new governance arrangements to the Inspectors.

APPENDIX 1 – FIVE YEAR LAND SUPPLY SCENARIOS

1. PPA and whole plan can demonstrate 5 YS but TTV can't – Paragraph 14 is engaged for housing proposals in West Devon and those parts of South Hams which are in the TTVPA (see Policies Map (SUB2)). Remedial actions needed in West Devon and those parts of South Hams which are in the TTVPA (see Policies Map (SUB2))
2. TTV and whole plan can demonstrate 5 YS but PPA can't – Paragraph 14 is engaged for housing proposals in Plymouth and those parts of South Hams which are in the PPA (see Policies Map (SUB2)). Remedial actions needed in Plymouth and those parts of South Hams which are in the PPA (see Policies Map (SUB2))
3. PPA can demonstrate 5 YS, Plymouth City could demonstrate 5YS, but those parts of South Hams in the PPA (See Policies Map (SUB2)) couldn't demonstrate 5YS - Paragraph 14 not engaged.
4. PPA can't demonstrate 5YS, Plymouth City could demonstrate 5 YS but those parts of South Hams in the PPA (See Policies Map (SUB2)) couldn't – Paragraph 14 is engaged for housing proposals in Plymouth and those parts of South Hams which are in the PPA (see Policies Map (SUB2)). Remedial actions needed in Plymouth City and those parts of South Hams which are in the PPA (see Policies Map (SUB2))
5. TTV can demonstrate 5 YS, those parts of South Hams in the TTVPA could demonstrate 5 YS but West Devon couldn't – Paragraph 14 not engaged
6. TTV can't demonstrate 5 YS, West Devon could demonstrate 5 year supply but those parts of South Hams in the TTVPA can't – Paragraph 14 is engaged for housing proposals in West Devon and those parts of South Hams which are in the TTVPA (see Policies Map (SUB2)). Remedial actions needed in West Devon and those parts of South Hams which are in the TTVPA (see Policies Map (SUB2))

APPENDIX 2 - SCOPE OF THE JOINT LOCAL PLAN TEAM

- The JLP Councils are committed to putting in place joint officer arrangements in relation to the monitoring, implementation and future review of the joint local plan.
- This will be delivered through a dedicated Joint Local Plan Team that will report to the Joint Local Plan Senior Management Team and be responsible to the Joint Local Plan Partnership Board.
- The primary responsibility of the Joint Local Plan Team will be to ensure the delivery of effective programme management of the preparation, monitoring, implementation and review of the Joint Local Plan.
- To undertake this primary responsibility the team will:
 - Establish a consistent JLP monitoring framework across the Plan Area and for each Policy Area and LPA – covering housing, employment, retail and all of the indicators identified in the plan - and commission work as required to ensure that this framework is delivered and maintained.
 - Maintain up to date information on the 5 year housing land supply situation for each LPA and each Policy Area.
 - Maintain a local plan delivery risk register and putting in place appropriate mitigation strategies and intervention programmes as required.
 - Maintain a sound and robust evidence base, meeting statutory requirements and ensuring that the LPAs have the core information available to meet their wider planning responsibilities.
 - Provide training and consistent quality support to officers and members in relation to interpretation of the JLP and its monitoring information through the development management process.
 - Provide strategic policy guidance and support to teams leading on the preparation of supplementary planning documents and to neighbourhood planning groups.

- Produce reports (at least annually) on the delivery of the JLP and identifying any interventions / remedial measures needed where the plan is off track.
- Programme manage partial and full reviews of the JLP as required.
- Represent the LPAs in regional and national planning as appropriate, including horizon scanning of national policy changes.
- Maintain an up to date local development scheme and authorities monitoring reports, and commission work as appropriate to meet other statutory requirements, including brownfield land registers and statement of community involvement.
- Provide support and advice to the JLP Partnership Board, and to officers and Members of the JLP Authorities, in relation to plan preparation, monitoring, implementation and review.

APPENDIX 3 - PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN PARTNERSHIP BOARD – DRAFT TERMS OF REFERENCE

1 Overall objective

- 1.1 To oversee the preparation, monitoring and review of the Plymouth and South West Devon Joint Local Plan and hold the individual local planning authorities (LPAs) to account for the implementation of the plan.

2 Key functions

- 2.1 To ensure that the constituent councils maintain a clear programme for preparation, monitoring and review of the Joint Local Plan and associated Supplementary Planning Guidance through annual updates of the Local Development Scheme (LDS) and oversight of the project plans identified in the LDS.
- 2.2 To provide strategic guidance to the LPAs in their plan making and delivery functions.
- 2.3 To provide active and dynamic overview of the performance of each LPA in meeting targets for maintaining a five year housing land supply for each Policy Area, and for delivering all other elements of the JLP, including the delivery of key infrastructure and development projects.
- 2.4 To identify where key plan targets are not being realised and to ensure that appropriate action is recommended.
- 2.5 To keep under review changes to the international, national, regional and local context which affect the plan and its delivery.
- 2.6 To keep under review the need for full or partial reviews of the JLP.
- 2.7 To keep under review the effectiveness of governance around the preparation, monitoring, implementation and review of the JLP.
- 2.8 To direct such work through the JLPC Senior Management Team as necessary in the fulfilment of the Board's overall objectives.

3 Accountability

- 3.1 The Partnership Board is not a constituted committee of the constituent councils and has no executive or local authority decision making powers delegated to it.
- 3.2 Decisions in relation to the review of, implementation of, or amendments to the Joint Local Plan will require ratification through the standard governance processes of each constituent council.
- 3.3 The Partnership Board will make recommendations for action to constituent councils or the representatives as appropriate.

4 Membership

- 4.1 Membership will comprise 2 Members following authorities. Each Local Authority will agree their own Members.
 - Plymouth City Council
 - West Devon Borough Council
 - South Hams District Council
- 4.2 The Partnership Board will co-opt additional partners whom it is considered are most likely to be able to assist in the delivery of the JLP, such appointments will not be voting members. A Member from Devon County Council will be co-opted onto the Partnership Board as a key delivery partner.

6 Frequency and meeting location.

- 6.1 The Partnership Board will meet twice per year which will be reviewed after 12 months, including an Annual General Meeting to receive and agree the Annual Monitoring Report.
- 6.2 The date, time and venue of meetings will be fixed in advance by the Board and an annual schedule of meetings published.
- 6.3 Additional meetings may be convened at the request of the Chair in consultation with the JLP Senior Management Team
- 6.4 All meetings will take place in locations as determined by the authority chairing the Partnership Board.

7 Voting

- 7.1 In principle, all decisions and recommendations will be reached on a consensus basis.
- 7.2 In exceptional circumstances, and where decisions cannot be reached by a consensus of opinion and/or there is a need to provide absolute clarity to executive bodies, voting will take place and decisions agreed by a simple majority of all members present.
- 7.3 Where there are equal votes the Chair of the meeting will have the casting vote.

8 Chair

- 8.1 The Chair shall serve a minimum one-year term beginning in May of each year.
- 8.2 The Chair will rotate between constituent authorities.
- 8.3 Where the Chair is not present, the members present shall select a Chair to fill the absence for the meeting.

9 Declaration of Interests

- 9.1 Members of the Board must, before the end of 28 days beginning with the day on which they become a member of the Board, notify the host authority's monitoring officer of any disclosable pecuniary interests.

10 Quorum

- 10.1 At a meeting of the Board the quorum shall be at least one representative from Plymouth City Council, South Hams District Council and West Devon Borough Council.

11 Substitutes

- 11.1 Substitutes to the Board will not be allowed.

12 Vacancy

- 12.1 Should a vacancy occur by virtue of the death, resignation, or ineligibility replacements will be appointed by the constituent authority which holds the vacancy.

13 Access to Information/ Freedom of Information

13.1 Partnership Board meetings shall be regarded as a Council committee for Access to Information Act purposes and meetings will be open to the press/public.

13.2 Freedom of Information Act provisions shall apply to all business.

14 Papers

14.1 The agenda and supporting papers shall be in a standard format and circulated at least five clear days in advance of meetings. The minutes of decisions taken at meetings will be kept and circulated to constituent authorities as soon as possible and will be published on the host authority's website.

14.2 Meetings summons and related papers will be provided electronically to members.

15 General Rules

15.1 The Board will adhere to the Rules of Debate and General Rules Applying to Committees as set out by the hosting authority.

16 Secretariat

16.1 The administration of the Board will be supported by the Chair's Authority

17 Communications

17.1 The Joint Strategic Planning unit will prepare communications on behalf of the Board for the approval by the Chair.

17.2 Communications will be shared with members of the Board electronically before being issued publically.

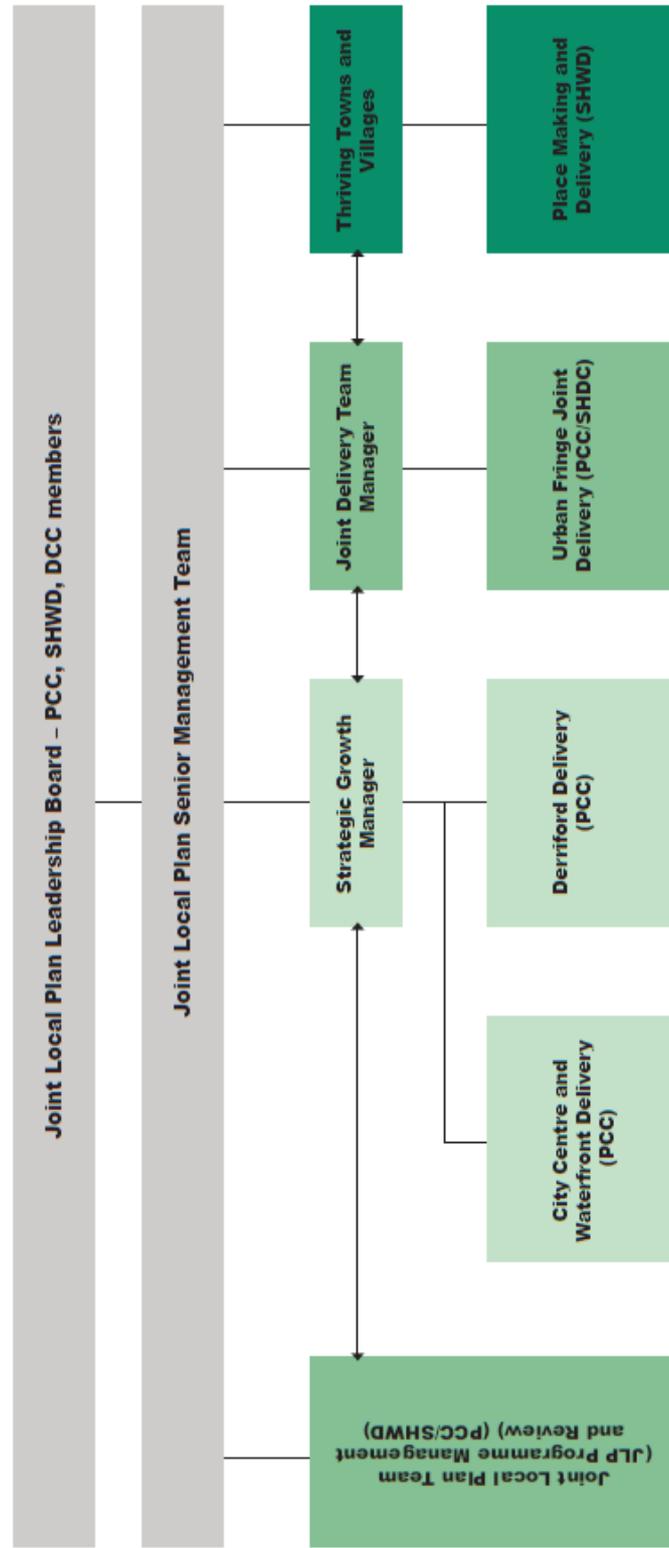
17.3 Communications will be issued by the Communications Team of the Chair's authority.

18 Gaps in procedure

18.1 Where there are gaps in procedure the Chair determines what to do.

APPENDIX 4 – JLP GOVERNANCE STRUCTURE DIAGRAM

PROPOSED JOINT LOCAL PLAN GOVERNANCE FRAMEWORK



Note: This diagram shows structures that are explicitly related to the management and delivery of the Joint Local Plan. It is not an attempt to show the complete structure for how each council manages its planning functions.

- PCC Team(s)
- Joint Team
- SHWD Team(s)