

Report to: **Council**
Date: **28 February 2017**
Title: **PLYMOUTH AND SOUTH WEST
DEVON JOINT LOCAL PLAN**
Portfolio Area: **Strategic Planning and
Housing/Strategy and
Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

Date next steps can be taken: **After full Council approval of all three local authorities**

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RECOMMENDATIONS

It is RECOMMENDED that the Council:

- 1. Formally approves the Plymouth and South West Devon Joint Local Plan (as set out in the Appendix) and that the Plan is subject to a six-week period for representations to be received, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.**

It is further RECOMMENDED:

- 2. That following the completion of the six-week period for representations the local plan be formally submitted for Public Examination.**

- 3. That delegated authority to agree minor amendments to the Plymouth and South West Devon Joint Local Plan prior to its submission be given to the Community of Practice Lead (Place Making) in consultation with the Joint Local Plan Member Steering Group.**
- 4. That the Plymouth and South West Devon Joint Local Plan Steering Group continue to oversee the Joint Local Plan to ensure its effective monitoring and review, and that officers be instructed to draw up a revised Collaboration Agreement to this effect between South Hams District Council, Plymouth City Council and West Devon Borough Council with responsibility delegated to the Executive Director (Strategy and Commissioning) for signing the Collaboration Agreement, in consultation with the Portfolio Holder for Strategic Planning.**

1. Executive summary

- 1.1 This Report sets out how the Council will meet the requirement of the Government to maintain an up to date Local Plan and, in accordance with the resolution of West Devon Borough Council, to prepare a Joint Local Plan with South Hams and Plymouth.
- 1.2 This entails the issuing of the JLP, on 15 March, for a six week public consultation followed by submission, in May, to the Secretary of State. The JLP would then be considered at a public examination in the autumn, with adoption in winter.
- 1.3 A comprehensive evidence base has been prepared to inform the JLP and comprises the documents identified in the Appendix to the JLP.
- 1.4 Extensive consultation with statutory consultees, partner organisations and the public has taken place, and this has influenced the preparation of the JLP.
- 1.5 The JLP identifies sites for housing and employment, with the key objective being to demonstrate how the Objectively Assessed Need for housing can be met in the Plymouth Housing Market Area between 2014 and 2034. Meeting need will include completed sites and commitments (sites with planning permission) since April 2014,

allocations carried forward from the previous local plan and some new allocations. The most significant new allocations are at Woolwell, West Park Hill, Ivybridge, Dartmouth and Dartington.

- 1.6 The JLP confirms a trajectory that demonstrates a 5 year Housing Land Supply across the whole plan area and in each of the two policy areas. For each Local Planning Authority it contains measures for monitoring and ensuring delivery such that a rolling supply will be available. Viability testing indicates a plan wide target of 30% Affordable Housing can be achieved on qualifying sites, with further policy requirements to exceed this in particular circumstances.
- 1.7 The JLP establishes how and where strategic infrastructure to support growth will be delivered and sets out development management criteria that will continue and consolidates protection of the natural environment.
- 1.8 Spatially, Plymouth remains the primary focus of growth for the plan area, building on Plymouth's well established growth area. For South Hams and West Devon the spatial strategy is to focus development in the six main towns (Dartmouth, Ivybridge, Kingsbridge, Tavistock, Totnes, Okehampton and the Plymouth Fringe [notably Wollwell]); and the following smaller towns and key villages: Bere Alston, Chillington, Dartington, Hatherleigh, Lifton, Modbury, North Tawton, Salcombe, Stokenham and Yealmpton.
- 1.9 The JLP provides a framework for development in smaller settlements.
- 1.10 Options exist for alternative development distribution strategies and site allocations were considered and appraised as part of the process of plan preparation. The preferred option, as described above is considered to be the most sustainable.
- 1.11 Plan preparation has closely followed government guidance, including the recent Housing White Paper. It is considered that all appropriate evidence and process has been prepared and followed to enable the Inspector to find the JLP to be sound and should be adopted in a timely manner.
- 1.12 Not to proceed with the JLP in the manner described above would present a serious risk to achieving the objectives of Our Plan, including not being able to resist planning applications for major development in less sustainable locations and not being able to secure adequate affordable housing.
- 1.13 The direct costs associated with the approval of this report, as detailed in section 5, relate primarily to the cost of an independent Public Examination into the JLP, including the associated evidence base, legal and management costs.

- 1.14 The cost of the Public Examination will be shared between South Hams District Council, West Devon Borough Council and Plymouth City Council.

2. Background

- 2.1 National Planning Policy requires the Council to maintain an up to date Local Plan.
- 2.1.1 To meet this requirement the Joint Local Plan (JLP) has been prepared in collaboration between South Hams, West Devon and Plymouth Councils.
- 2.1.2 Approval of the JLP by the three Councils is required before proceeding to the next phase, the submission stage.
- 2.2 This stage of the plan adoption process is required and directed by Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It must commence with a six week public consultation, followed by submission to the Secretary of State, then an Examination in public and culminates with adoption of the JLP.
- 2.3 The JLP has been prepared in accordance with the resolution of West Devon Council of Tuesday 16 February 2016.
- 2.3.1 In addition and as detailed in 2.1, above, the Council must maintain an up to date Local Plan.
- 2.3.2 The JLP provides a spatial strategy that supports the implementation of Our Plan.
- 2.4 The plan seeks to meet the full objectively assessed need for housing and employment needs for Plymouth and South West Devon. This means delivering:
- 26,700 new homes (excluding Dartmoor National Park)
 - 6,940 affordable homes
 - 312,700 sq.m new employment floorspace creating 13,200 new jobs in B 'Use Class' categories.
- 2.4.1 Spatially, Plymouth remains the primary focus of growth for the plan area, building on Plymouth's well established growth area. For South Hams and West Devon the spatial strategy is to focus development in the six main towns (Dartmouth, Ivybridge, Kingsbridge, Tavistock, Totnes and Okehampton); and the following smaller towns and key villages: Bere Alston, Chillington, Dartington, Hatherleigh, Lifton, Modbury, North Tawton, Salcombe, Stokenham and Yealmpton.

2.4.2 The spatial policies of the plan are structured around two key policy areas, which will have a consistent policy approach applied across them:

- Plymouth Policy Area - which includes the city and its urban fringe, including Woolwell, Langage and Sherford in the South Hams
- Thriving Towns and Villages Policy Area – which includes the main towns, towns and key villages, sustainable villages and countryside of West Devon and the South Hams.

2.4.3 The aim is to achieve a mutually supportive relationship between urban and rural areas, building on the character and strengths of the local area.

2.4.4 The fundamental principle of strong protection for the natural environment in South Hams and West Devon is maintained. The strategic approach of seeking to maximise the prosperity of Plymouth and the rural communities are closely linked, a successful Plymouth will be beneficial to rural Devon.

2.4.5 To address the development needs identified in the spatial strategy the JLP includes development policies that will be applied to planning applications to ensure existing services are retained or improved where necessary and that new facilities, services and infrastructure are provided where needed to support development proposals. Site allocation policies, which promote specific sites for development, include housing, employment, and retail proposals as well as proposals for new sports, greenspace and other infrastructure.

2.4.6 The JLP demonstrates how meeting housing need over the JLP period will be through sites completed since 2014, commitments (sites with planning permission), some allocations carried forward from the previous local plan and some new allocations. The most significant new allocations are at Woolwell, West Park Hill, Ivybridge, Dartmouth and Dartington.

2.4.7 Once the JLP is formally adopted it will become the primary document for Development Management decisions. It will also be a critically important document for communities, developers, landowners, utility providers, and statutory consultees (including, but not exclusively, Historic England, Highways England, Natural England, Environment Agency, the World Heritage Site Team, Highway Authority and the Education Authority).

2.4.8 For the South Hams and West Devon area of the JLP, the 'Thriving Towns and Villages' a Supplementary Planning Document will be prepared and adopted following the same timetable as the JLP. This will elaborate on policy requirements, in particular Affordable Housing.

3. Options available and consideration of risk

- 3.1 The preparation and adoption of a local plan is a requirement of national policy. The decision to prepare a joint local plan was taken by West Devon Borough Council, as identified in paragraph 2.3, above.
 - 3.1.1 The option of continuing with three separate plans was considered, but found to be an uneconomic way of preparing a local plan for what is a single HMA. In addition the issue of the Plymouth Fringe compels Joint working between South Hams and Plymouth.
 - 3.1.2 As established through the Committee resolution (see paragraph 2.3), a key reason for preparing a plan jointly with South Hams and Plymouth is that it provides the basis for improved spatial outcomes in the form of more balanced communities and a more robust Development Management Framework. In addition, government guidance encourages Local Planning Authorities to plan for a single Housing Market Area, in this case Plymouth, and requires, through the 'duty to co-operate', LPAs to demonstrate collaborative working.
 - 3.1.3 Options exist for alternative development distribution strategies and site allocations. These were considered and appraised as part of the process of plan preparation.
- 3.2 The weight that can be attached to the JLP, its strategy and policies will become clearer at the end of the consultation period (26 April). Where an objection is received during the consultation period to any particular policy (including allocations), the weight that can be applied is likely to be limited. Members will receive a separate briefing in this respect.
 - 3.2.1 The JLP will be scrutinised by an independent inspector at an examination later in the year. The timetable for the JLP includes adoption in the winter of 2017, when the policies will be attributed full weight. If, following submission (May 2017) or following the Examination, the Inspector is not able to support the draft JLP / recommend adoption, then the timetable may be extended.
 - 3.2.2 Officers have scrutinised the relevant planning legislation and guidance as well as monitoring the progress of other Local Plan Examinations. The scope, methodology and content for preparing the JLP and its background evidence documents has, therefore closely followed guidance and recent experience at Examination. Officers consider that the JLP is accompanied by an appropriate set of reports, including a sustainability appraisal, consultation statement and evidence and background reports that together underpin and justify its content.

3.2.3 The Housing White Paper was published by the Government on 7th February. Officers have reviewed its content and are content that the plan preparation process remains in accordance with Government proposals and guidance.

3.3 A Joint Local Plan Member Steering Group has overseen the preparation of the plan, including consideration of the evidence base, consideration of the outcomes of consultation exercises, drafting of the text and drafting of the policies.

3.3.1 Frequent meetings and formal consultation have taken place and have involved statutory consultees and other stakeholders.

3.3.2 Neighbouring Local Planning Authorities have been consulted, as follows:

- Dartmoor National Park Authority – the delivery of the needs of the HMA whilst protecting the special landscapes of the National Park.
- Devon County – arrangements for the joint delivery of strategic transport, education and other infrastructure.
- Cornwall Council – ensure that the strong links between South East Cornwall and Plymouth are recognized.
- Greater Exeter – drawing out the complementary economic strengths of Plymouth and Exeter.
- Torbay - recognising the close relationship between Totnes and Torbay
- North Devon / Torrington - ensuring that any future cross boundary issues are resolved.

3.4 Preparation of the JLP has been influenced by a comprehensive evidence base and through extensive consultation with statutory consultees and interested parties.

4. Proposed Way Forward

4.1 It is proposed that the three Councils formally approve the Plymouth and South West Devon Joint Local Plan for consultation followed by submission for public examination.

4.1.1 The current collaboration agreement between the three councils provides for joint working until the plan is formally adopted. There is a need to ensure that governance is in place beyond adoption, to enable the plan to be effectively monitored and reviewed and to coordinate its implementation.

4.1.2 The Joint Local Plan Steering Group has proved a very effective vehicle for preparing the plan, and so it is also proposed that its remit be expanded to provide ongoing governance for the plan.

- 4.2 The JLP provides a spatial strategy that supports the implementation of Our Plan and meets the requirement of the Government to maintain an up to date local plan.
- 4.3 Consideration of the risks and impacts is detailed in section 3 of this report.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The report sets out legal implications of the decision including:</p> <ul style="list-style-type: none"> • The legal background to and legal authority for the decision • Whether the proposal is a mandatory or discretionary service • Whether it meets existing/new statutory obligations (paragraphs 2.1 and 2.2) • Whether there are legal or governance issues that need to be addressed (Section 5 of the report). <p>The report has been prepared in liaison with the Legal CoP.</p>
Financial		<p>The direct costs associated with the approval of this report relate primarily to the cost of an independent Public Examination into the Joint Local Plan, including associated evidence base, legal and management costs.</p> <p>The cost of the Public Examination will be shared between South Hams District Council, West Devon Borough Council and Plymouth City Council.</p> <p>South Hams Members have approved to use £50,000 of the New Homes Bonus funding in 2017/18 to fund the Joint Local Plan. This is to cover numerous elements including a contribution to a programme manager role, the examination and legal representation. These costs would be shared with Plymouth City Council and West Devon Borough Council.</p> <p>West Devon Members have approved to use £50,000 from the 2016/17 Budget Surplus Contingency Earmarked Reserve to fund the Joint Local Plan. This is to cover numerous elements</p>

		<p>including a contribution to a programme manager role, the examination and legal representation. These costs would be shared with Plymouth City Council and South Hams District Council.</p> <p>Budget provision is made to cover Plymouth's share of the costs, although the final cost will depend on the length of the examination and the nature of any issues raised by the Inspector.</p> <p>Costs may also be incurred in the preparation of the SPD. Ongoing there will be a requirement to monitor delivery of the objectives of the JLP. This will involve joint working with Development Management. Detailed scrutiny of the appropriate structure and budgetary requirements is necessary.</p> <p>The report has been prepared in liaison with the Legal CoP.</p>
Risk		Risks are considered in section 4 of this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		Yes, equality and diversity forms an integral element of the sustainability appraisal of the plan, which is available as a separate document.
Safeguarding		You need to set out what the Safeguarding implications are.
Community Safety, Crime and Disorder		Yes, the consideration of community safety, crime and disorder is a fundamental principle with the development policies of the plan.
Health, Safety and Wellbeing		Yes, the consideration of health, safety and well-being is a fundamental principle with the development policies of the plan.

Supporting Information

Appendices:

Joint Local Plan – Paper version to be circulated with agenda
for Council 28 Feb 2017

Annex 4 of the JLP identifies evidence base reports.

Key process related documents include:

- Consultation statement
- Consultation response reports
- Sustainability appraisal

- Local development scheme
- 'Deciding upon the distribution of development Topic Paper' (November 2016).

These documents can be seen at:

<http://tinyurl.com/zrxq2lp>