

## PLYMOUTH CITY COUNCIL

**Subject:** South West Devon Joint Local Plan  
**Committee:** Cabinet  
**Date:** 16 February 2016  
**Cabinet Member:** Councillor Coker  
**CMT Member:** Anthony Payne (Strategic Director for Place)  
**Author:** Richard Grant (Local Planning Manager)  
**Contact details** Tel: 01752 304331  
email: richard.grant@plymouth.gov.uk  
**Ref:**  
**Key Decision:** No  
**Part:** 1

---

### **Purpose of the report:**

As part of the process of producing a Local Plan, the Localism Act requires local planning authorities to cooperate closely with neighbouring authorities to identify cross boundary issues and identify solutions to those issues in their plans. This requirement is known as the Duty to Cooperate.

Plymouth's emerging Local Plan is integrated into the Plymouth Plan, which was approved by Full Council on 21<sup>st</sup> September. As part of the report to Full Council, it was set out that in order to adopt the Plymouth Plan as the city's Local Plan, it would be necessary to follow the full statutory requirements for producing a Local Plan. Clearly, one of these requirements is the Duty to Cooperate.

Throughout the production of the Plymouth Plan, officers have been working closely with their counterparts in neighbouring authorities, and in particular have recognised the importance of planning comprehensively for housing growth and distribution across the Housing Market Area (HMA).

Detailed discussions have taken place with West Devon Borough Council and South Hams District Council to investigate how best to progress our co-operative working and to optimise our ability to create a sound strategic planning framework for Plymouth's Housing Market Area. The outcome of these discussions has been that the most effective and efficient manner to address the duty to co-operate is considered to be the production of a Joint Local Plan across the HMA. A Joint Local Plan, covering Plymouth, West Devon and South Hams, would set out an agreed strategic planning framework for the three authorities, within which the overall housing numbers within the HMA would 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.

Crucially, this would mean that the Local Plan for all three areas would be subject to just one process, involving one Examination heard by one Inspector – rather than three such processes. Such an approach would mean that the HMA issues could be considered holistically in the most efficient way, and the detailed distribution of development between the city and the rural hinterland and market towns considered within the wider context.

In order to advance this arrangement Cabinet is asked to agree the principle of the establishment of a Joint Local Plan. It is also recommended that Cabinet instruct officers to draw up a collaboration agreement with West Devon Borough Council and South Hams District Council as the plan making authorities signed up to producing a Joint Local Plan.

Key decisions on the precise details of any policies, allocations and other matters of detail set out in a draft Joint Local Plan will be brought back to Cabinet and Council for agreement before publication and consultation stages.

---

### **The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

The South West Devon Joint Local Plan will be built around the Plymouth Plan, ensuring that it is able to be found sound by an Inspector and amplifying the objectives and policies of the Plymouth Plan by placing them in a sub-regional context. The Plymouth Plan is significant in relation to all of the Corporate Plan Objectives. The Plymouth Plan themes relate well to all of the Corporate Plan objectives as shown below:

<b>Corporate Plan Objective</b>	<b>Plymouth Plan Theme</b>
Pioneering Plymouth	Arts and Culture; Greener Plymouth; Local Communities.
Growing Plymouth	Education and Learning; Prosperity and Affordability; Living and Housing; Getting Around; Local Communities.
Caring Plymouth	Health and Wellbeing; Local Communities.
Confident Plymouth	City Pride and Vision.

---

### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

The direct costs associated with the preparation of a Joint Local Plan would be very similar to those already agreed in relation to the Plymouth Plan and relate to the costs of community engagement and consultation, preparation of the evidence base, publication of documents and the costs associated with the Public Examination. With the exception of the Public Examination, these costs are mostly staffing costs and it is anticipated that these costs can be met from core revenue budgets in the Place Directorate and Strategic Planning and Infrastructure Department. The Public Examination costs are estimated to be in the order of £230,000 and are likely to fall within the 2017/18 financial year. The collaboration agreement to be drawn up will consider the pooling of resources across the three local authorities and arrangements for ensuring that cost efficiencies are realised.

---

### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

The Plymouth Plan, as already approved by Council, will set out how the South West Devon Joint Local Plan will apply to Plymouth. The Plymouth Plan is a plan for both people and place. The creation of sustainable communities, and the theme of providing quality of life for everyone in the city, will run through the heart of the Plan. It will therefore provide an effective and integrated strategic framework for addressing and responding to issues such as community safety, community cohesion, child poverty and equalities and diversity.

---

### **Equality and Diversity**

Revised November 2014

Has an Equality Impact Assessment been undertaken? An Equality Impact Assessment will be undertaken at every stage of preparation of the South West Devon Joint Local Plan. An Equality Impact Assessment has already been undertaken for the Plymouth Plan Part One.

---

### **Recommendations and Reasons for recommended action:**

It is recommended:

1. The principle of a Joint Local Plan covering the local authority areas of Plymouth City Council, South Hams District Council and West Devon Borough Council is agreed.

REASON: To ensure that a sound planning framework can be put in place covering the Plymouth Housing Market Area

2. Officers are instructed to draw up a Collaboration Agreement with West Devon Borough Council and South Hams District Council setting out the arrangements for producing the South West Devon Joint Local Plan, and that responsibility for signing off the Collaboration Agreement is delegated to the Assistant Director of Strategic Planning and Infrastructure in consultation with the Portfolio Holder for Strategic Transport and Planning.

REASON: To ensure that detailed arrangements for the production of the South West Devon Joint Local Plan can be quickly put in place.

---

### **Published work / information:**

[National Planning Policy Framework](#)

[National Planning Practice Guidance](#)

[Plymouth Plan Cabinet Report 8<sup>th</sup> September 2015](#)

[Plymouth Plan Part One](#)

[West Devon Our Plan](#)

[South Hams Our Plan](#)

---

### **Alternative options considered and rejected:**

The following alternative options were considered and rejected in discussions with South Hams District Council and West Devon Borough Council:

1. Continuing with current arrangements to produce separate Local Plans for Plymouth, West Devon and South Hams. As set out in the report, Local Plans are being assessed by Inspectors using the NPPF and NPPG on the basis of how well they meet the requirements of the Duty to Cooperate, how well they jointly resolve issues highlighted through the Duty to Cooperate, and how they show they are meeting the needs of the Housing Market Area. These matters would need to be explained in three separate plans, in three separate examinations and potentially to three different Inspectors. Continuing with three separate processes clearly raises the risk that one of these processes is questioned at examination, with the potential for issues raised regarding one plan to then lead to the other plans in the HMA being found unsound. Pursuing a single plan with a single process minimises this risk.

2. Producing a Joint Local Plan covering Plymouth and the areas of Plymouth's urban fringe which are within South Hams' administrative area. Such an approach would clearly enable the Plymouth Plan to take a more proactive approach to planning for the urban fringe and would build upon policies which have already been written for the approved Plymouth Plan Part One. There would, however still be three separate Local Plans covering the whole of the Plymouth HMA, following three separate processes. The drawbacks and risks set out under Option I above would therefore still be present under this option.

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

**Sign off:** comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert references of Finance, Legal and Monitoring Officer reps, and of HR, Corporate Property, IT and Strat. Proc. as appropriate):

Fin	DF/PI aceFP C151 6006. 04.02. 16	Leg	DVS 2491 3	Mon Off	DV S24 91 3	HR	n/a	Assets	n/a	IT	n/a	Strat Proc	n/a
Originating SMT Member Paul Barnard (Assistant Director for Strategic Planning & Infrastructure)													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

## 1.0 Introduction

The Plymouth Plan is the Council's single strategic plan, replacing over 130 strategies and incorporating among others, the Health and Wellbeing Strategy, the Local Economic Strategy, strategic elements of the Local Transport Plan, and the Local Plan. The Plymouth Plan was approved by Full Council as the Council's single policy framework on 21<sup>st</sup> September 2015.

Given that the Plymouth Plan therefore contains the Council's emerging Local Plan (replacing the Local Development Framework), it must follow the statutory process for producing a Local Plan, including further consultation processes and eventually being considered by an independent Planning Inspector at an Examination. It is at this stage that the policies of the Plymouth Plan will be considered against national regulations and guidance contained in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). After considering the Plymouth Plan, and hearing objections to the plan, the Inspector will issue a report setting out whether the Plymouth Plan is considered to be 'sound' or 'unsound'.

The Localism Act sets out a Duty to Cooperate. When drawing up Local Plans, this duty requires local planning authorities to work with neighbouring authorities to identify strategic cross boundary issues. At Examinations, Inspectors will also test whether or not Local Plans then present policy solutions to the issues which have been identified.

In order to perform these duties, the NPPF and NPPG set out that local planning authorities should look closely at working ever more closely with their neighbouring LPAs in producing Local Plans:

- The NPPF requires us to look at the potential for producing Joint Local Plans
- Evidence should be produced covering functional areas – most obviously the requirement to produce housing needs evidence should be undertaken at the Housing Market Area level.
- We must demonstrate that we have met the Duty to Cooperate, but Local Plans must also show how they have responded to issues identified by the Duty in order to be found sound.

These strategic issues have been a key reason for Local Plans failing at Examination since the NPPF came into force in 2013.

Plymouth City Council officers have therefore been in discussions with officers at South Hams and West Devon to explore the potential options for working closely on our Local Plans. From these discussions, we have reached a position where it seems that the simplest, quickest, most cost effective way to produce plans which can meet the requirements of the Framework is to produce a Joint Local Plan for the three local authority areas.

## 2. The Case for a Joint Local Plan

Officers believe that there are a number of clear benefits to all three local authorities of producing a Joint Local Plan:

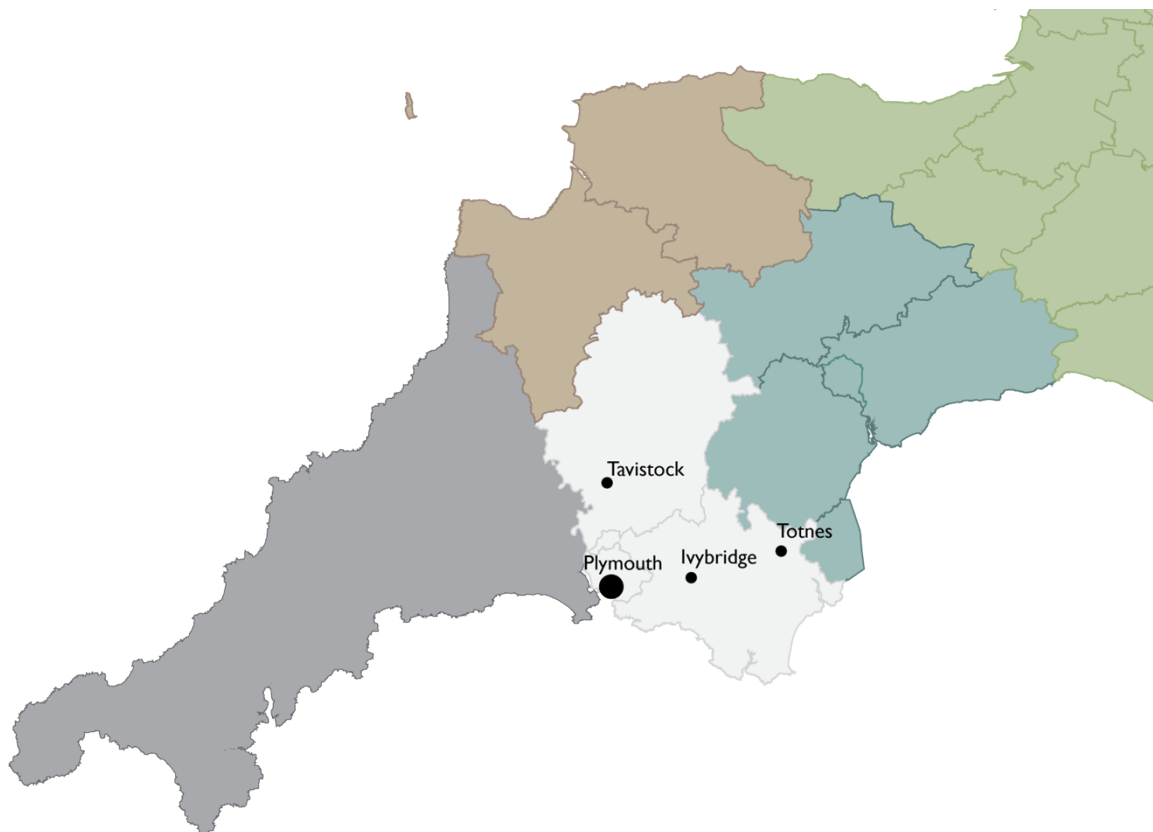
- A Joint Local Plan will mean following **one plan making process, with one examination to be held in front of a single Inspector**. This simple process will mean that issues such as housing need and distribution across the housing market area will be considered once rather than three times, lessening the risk of challenges from developers.
- A Joint Local Plan timetable can **match the existing timetables** we have set out for the Plymouth Plan, and the West Devon and South Hams Our Plans.
- The Joint Local Plan can **'tell the story' very clearly** of Plymouth's growth and the city's rural hinterland, setting out a consistent vision regarding the role of Plymouth as the focus for growth and enabling the surrounding market towns to grow according to their aspirations.

- By **pooling resources and plan making budgets** we can even the costs of producing the plans across all three authorities, **making best use of our skills and other resources** from South Hams, achieving overall cost savings.

The most sensible area for a Joint Local Plan to cover is the Plymouth Housing Market Area. Officers have considered how best to define the Plymouth HMA and concluded that the area should be pragmatically understood for the purposes of plan making as the three local authorities of South Hams District Council, West Devon Borough Council and Plymouth City Council. This is because our neighbouring authorities have already defined their HMAs along local authority boundaries, leaving the Plymouth HMA defined by default as the three local authorities (see diagram 1):

- Cornwall – Inspector has accepted as a single HMA in their Local Plan.
- Torbay – Inspector has accepted their evidence based on a Torbay HMA in their Local Plan
- Exeter – SHMA defines HMA as Exeter, Teignbridge, Mid Devon, East Devon and there are moves to look at Joint Local Plans in this area
- North Devon HMA – made up of North Devon and Torrridge who are also pursuing a Joint Local Plan.

Diagram 1: Extent of the Joint Local Plan and neighbouring HMAs.



### 3. The Relationship with the Plymouth Plan

Officers of all three local authorities are clear that the work done so far on their respective plans (the Plymouth Plan and the South Hams and West Devon Our Plans) should not be lost and that the plans should not lose their distinctive identities. Officers are therefore developing a structure for the plan which would mean that the process of producing a Joint Local Plan is kept distinct from the presentation of the plan.

In terms of the PROCESS of producing a Joint Local Plan:

- The Joint Local Plan would be the development plan covering the areas of the three local planning authorities. It does not mean a joint planning service, joint committees or any kind of change in local authority boundaries.
- It will set out the overarching strategic framework for development in the Joint Plan area – enabling the relationship between growth in jobs and homes in Plymouth and the wider aspirations of the Housing Market Area to be set out in the clearest and simplest way.
- There will be distinct elements of the Joint Plan dealing with Plymouth (including growth in the city's Urban Fringe), Thriving Towns and Villages (South Hams and West Devon), and Nationally Important Landscapes (Areas of Outstanding Natural Beauty).
- The Plymouth element would be The Plymouth Plan, with refinements so that it is consistent with the rest of the Joint Local Plan and would also include policies covering the Plymouth Urban Fringe.

In terms of the PRESENTATION of the Joint Local Plan, each Local Authority will **publish their own version of the Plan**, which would include the common Strategic Spatial Framework, strategic planning policies, and the area specific elements, but which could be presented as that Local Authority's plan. For example, Plymouth would publish the plan as the Plymouth Plan, ensuring that the consistent branding and messaging of the Plymouth Plan is in place, and that communities, partners, stakeholders and investors can easily use the plan to understand the opportunities and objectives in place which are relevant to them. We would also envisage that the concept of the plan being interactive, able to be accessed and read via a website according to key areas of interest, would be continued and strengthened through the Joint Plan approach.

In this way, the Joint Local Plan solves the process challenges inherent in the current plan making system, but enables each local authority to present its own Plan in a distinct and user friendly manner.

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 to start the plan making process from scratch. The three local authorities have been working on their plans for a number of years and have reached a broadly similar stage in the plan making process. The Joint Local Plan proposal will roll the work undertaken so far into one single plan, simplifying the process of taking the planning strategies of the three authorities through the final stages of the process.
- 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 South Hams to accommodate ever greater amounts of housing to meet Plymouth's growth – the Plymouth Plan already anticipates Plymouth being the growing hub of a wider hinterland, and the city's ambitions are such that Plymouth would expect to see above trend levels of growth in jobs and homes.
- A delay to plan timetables – the plan making processes of all three Councils are already broadly aligned.
- 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 under existing legal frameworks.

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.

## 5. Next Steps

Discussions around the Joint Plan approach have taken place between Plymouth City Council, West Devon Borough Council, South Hams District Council and Dartmoor National Park Authority. The decisions for DNPA are complicated as it straddles two HMAs and further consideration will be needed. It is unlikely that Dartmoor NPA will decide to include that part of the National Park which is covered by the Plymouth HMA in the Joint Local Plan. The collaboration agreement will therefore set out how Plymouth, West Devon and South Hams will collaborate with Dartmoor NPA on joint evidence and aligning their plan making programmes. Discussions will also be needed with Devon County Council and Cornwall Council to establish their role in supporting the Joint Plan approach.

Discussions have also been held with lead Members from each local authority, and these discussions were very positive. A key outcome from the Member level discussions was a clear desire for each local authority to clearly agree the principle of pursuing a Joint Local Plan by the end of January 2016. Agreement was reached by South Hams Council on 10<sup>th</sup> December 2015, and West Devon Council will consider a report on 16<sup>th</sup> February 2016.

The Plymouth Plan Member Working Group has also been briefed on the Joint Plan proposals and fully supported the concept.

This report therefore asks Cabinet to agree in principle the concept of pursuing a Joint Local Plan. It is proposed that the details of how the work on the Joint Local Plan should be set out in a collaboration agreement to be agreed by those local authorities signing up to the production of a Joint Local Plan. It is further suggested that the agreement of this collaboration agreement is delegated to the Assistant Director of Strategic Planning and Infrastructure in discussion with the Portfolio Holder.

The Collaboration Agreement should set out:

- Scope and extent of the Joint Plan as outlined in this report.
- Governance arrangements, including the setting up of a Joint Member Steering Group, and the principle that key decisions needing to be made are taken back to the individual local authorities.
- An understanding of the resourcing of the production of the South West Devon Joint Local Plan, and how this will be apportioned between the three authorities, including the potential for setting up a Joint Strategic Planning Unit responsible for producing the plan.
- How the involvement of Dartmoor National Park and Devon County Council will be managed.

It is also proposed to update the Local Development Schemes of the three authorities so that the scope, timetable and process of creating a Joint Local Plan is formally set out.