

PLYMOUTH CITY COUNCIL

Subject: Plymouth and South West Devon Joint Local Plan – Delegation of Consideration of Main Modifications.

Committee: City Council

Date: 25 June 2018

Cabinet Member: Councillor Coker

CMT Member: Anthony Payne (Director for Place)

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Ref:

Key Decision: n/a

Part: I

Purpose of the report:

The Plymouth and South West Devon Joint Local Plan has been prepared jointly between Plymouth City Council, South Hams District Council and West Devon Borough Council.

The Joint Local Plan (JLP) has reached an advanced stage of preparation. In July 2017 it was formally submitted to the Secretary of State for examination. The formal hearing sessions into the Joint Local Plan commenced on 30th January 2018. A total of 11 days of hearings took place over February and March 2018. At the close of the hearings, the Inspectors indicated that they may set out Interim Findings in a note to the Councils. At the time of writing these Interim Findings have not yet been received.

During the course of the hearings a number of Main Modifications to the JLP were discussed with the Inspectors and other participants. These Main Modifications represent changes to the JLP which the Inspectors consider are necessary to make the plan sound. The final set of Main Modifications will be set out in the Inspectors Final Report, and the JLP can only be adopted if these modifications are made. Prior to being set out in the Final Report, the Main Modifications must be subject to a 6 week consultation period, with any responses being sent directly to the Inspectors for their consideration.

It is likely that the Main Modifications will be set out in the Interim Findings from the Inspectors that the Councils are currently awaiting. It is also likely that the Inspectors will wish to gain an indication from the Councils as to whether the Main Modifications are acceptable, and for the Councils to request that the Inspectors make such changes to the plan to make it sound. In order to progress the Examination process as efficiently and quickly as possible, this report is seeking to delegate consideration of the Main Modifications, and the request to the Inspectors for changes to be made to the plan, to the Service Director for Strategic Planning and Infrastructure, in discussion with the Leader, the Portfolio Holder for Strategic Planning and Infrastructure and the Plymouth and South West Devon Joint Local Plan Member Steering Group.

In the event that it is considered that the Main Modifications are unacceptable, a report will be brought to Cabinet and Full Council setting out the reasons for, and implications of such a decision.

The Corporate Plan

The JLP and Plymouth Plan supports the delivery of Corporate Plan priorities as follows;

- Both are ground breaking initiatives, creating both a single strategic integrated plan for the city and a pioneering joint planning approach across the entire Plymouth Housing Market Area with the adjoining councils.
- The JLP and Plymouth Plan set out a strategic framework for reinforcing Plymouth's role in the region and firmly establishing Plymouth as an international city.
- The JLP and Plymouth Plan have a strong focus on reinforcing and delivering Plymouth's radical growth agenda.
- The JLP and Plymouth Plan between them provide integrated policies and a framework for delivery of a healthy and caring city.

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

The direct costs associated with the actions in this report relate primarily to the continuing cost of the Examination in Public into the Joint Local Plan.

The cost of the Public Examination will be shared between Plymouth City Council, South Hams District Council and West Devon Borough Council. The final cost will depend on the length of the examination and the nature of any issues raised by the Inspector.

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

The JLP and the Plymouth Plan 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.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes, as an integral element of the plan's sustainability appraisal.

Recommendations and Reasons for recommended action:

Council is recommended to authorise the Service Director for Strategic Planning and Infrastructure in consultation with the Leader, Portfolio Holder for Strategic Planning and Infrastructure and the Plymouth and South West Devon Joint Local Plan Steering Group, to consider any potential Main Modifications to the Plymouth and South West Devon Joint Local Plan, if suggested by the Inspectors in Interim Findings and if agreed to make a request to the Inspector to make changes to the Joint Local Plan and proceed to public consultation on the Main Modifications in accordance with section 20(7) of the Planning and Compulsory Purchase Act 2004

REASON: To enable the Examination into the soundness of the Plymouth and South West Devon Joint Local Plan to proceed as efficiently and quickly as possible to adoption of the Joint Local Plan.

Alternative options considered and rejected:

One alternative is to present the revised JLP to a later meeting of the City Council, depending upon when the Interim Findings are received; a second alternative is to convene a Special Full Council. Either option would delay adoption of the JLP.

Published work / information:

A very large amount of information has been published relating to the Examination into the Joint Local Plan. All of this material is available on the Joint Local Plan Examination webpages <https://www.plymouth.gov.uk/plymouthandsouthwestdevonjointlocalplanexamination>

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	pl181 9.24	Leg	lt/30 635/ 1106	Mo n Off	lt/306 35/11 06	HR	n/a	Assets	n/a	IT	n/a	Strat Proc	n/a
Originating SMT Member Paul Barnard (Service Director for Strategic Planning & Infrastructure)													
Has the Cabinet Member(s) agreed the contents of the report? YES													

1.0 Introduction

- 1.1 Since February 2016, the City Council has been working in collaboration with West Devon Borough Council and South Hams District Council on the Plymouth and South West Devon Joint Local Plan (JLP). In February 2017, the JLP reached an important milestone when the three Councils agreed to publish the draft plan for 'pre-submission consultation' and to then submit the JLP to the Secretary of State in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The JLP was therefore subject to formal consultation and was then submitted to the Secretary of State on 31st July 2017.
- 1.2 The formal Examination in Public of the Joint Local Plan commenced as soon as the JLP was submitted, with the appointment of two Planning Inspectors to conduct the examination into the soundness of the plan. The Inspectors are Mrs Wendy Burden and Mrs Yvonne Wright. The Inspectors set out a timescale for the Examination which led to the Hearings into the soundness of the JLP commencing on 30th January 2018. 11 days of hearings followed throughout February and March, with the final day of hearings taking place on 22nd March 2018. At the close of the hearings, the Inspectors indicated that they may produce Interim Findings of their consideration of the JLP, as soon as possible after the close of hearings. At the time of writing, officers have not yet received these Interim Findings.

2.0 Main Modifications

- 2.1 Throughout hearings into local plans, it is normal practice for a number of Main Modifications (MMs) to be discussed with the Inspectors. The Planning Inspectorate's publication "Procedural Practice in the Examination of Local Plans" describes the process in the following way:

"Where the Inspector identifies that there may be a need for MMs to the plan in order to resolve problems that would otherwise make the plan unsound or not legally compliant, the nature and likely extent of the MMs should be fully discussed at the hearings. These may consist of redrafted text, the omission of a policy or section of text (or the inclusion of a new one)."

Para 24 – "Procedural Practice in the Examination of Local Plans" (PINS 2016)

- 2.2 A number of Main Modifications were discussed as part of the JLP hearings. It is important to note that without these changes the JLP could not be considered to be sound, and the only course open to the Inspectors would be to find the JLP unsound. Prior to the start of the hearings, it had been agreed with the Joint Local Plan Member Steering Group that any particularly significant Main Modifications would be sent to the Steering Group for comments as they were discussed. In the event, all Main Modifications which were discussed were discussed with the Steering Group during the hearing sessions and at a Steering Group meeting on 3rd April 2018.
- 2.3 It is quite likely, however, that the Inspectors may set out further Main Modifications as part of their Interim findings.
- 2.4 The "Procedural Practice in the Examination of Local Plans" goes on to set out that:
- Where Main Modifications are to be recommended by an Inspector, the Inspector must be satisfied that requirements for public consultation and sustainability appraisal have been or will be met with regard to the modifications. Therefore, the Inspector will set out arrangements and seek agreement on a timetable for any necessary sustainability appraisal work and public consultation. It is clear that it will be necessary to undertake public

consultation on the Main Modifications once they have been set out by the Inspectors, and that the Inspectors will set out to the Councils the arrangements for doing so. It may be that these arrangements will be set out in the Interim Findings.

- Where Main Modifications are required, the Councils will be invited by the Inspector to make a formal request under section 20(7C) of the Planning and Compulsory Purchase Act 2004 to make changes to the JLP. Section 20(7C) sets out:

“If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—

- (a) satisfies the requirements mentioned in subsection (5)(a), and
- (b) is sound”

Therefore, it is likely that the Inspectors Interim Report will invite the JLP Councils to make such a request in respect of the Main Modifications.

- 2.5 Finally, given that once above processes have been completed the Inspectors will be recommending in their Final Report that Main Modifications are made to the JLP to make it sound, it is likely that they will find it helpful to know that the JLP Councils find the Main Modifications acceptable. Indeed, if the Councils are happy to make a request under section 20(7C) it should be on the basis that the Main Modifications are acceptable.

3.0 Delegation of Consideration of the Main Modifications

- 3.1 As noted above, at the time of writing the Councils have not yet received the Inspectors’ Interim Findings. Officers are continuing to work to progress the JLP to adoption as quickly as possible, with the aim of achieving an adopted plan by the end of 2018 (subject to the Interim Findings not requiring the Councils to undertake significant amounts of new work to make the plan sound).
- 3.2 In order to achieve this timescale, it will be necessary to undertake public consultation on the Schedule of Main Modifications as quickly as possible after they have been received. The most efficient and expedient way to move quickly to a public consultation is if the consideration of the Main Modifications and the request under section 20(7C) is delegated to the Service Director for Strategic Planning and Infrastructure, in consultation with the Leader and Portfolio Holder for Strategic Planning and Infrastructure. Given that the JLP is the local plan for South Hams and West Devon as well as Plymouth, the consideration of Main Modifications should also involve the Joint Local Plan Member Steering Group.
- 3.3 South Hams District Council and West Devon District Council have already delegated these decisions to the relevant officers and Members at meetings in May 2018.
- 3.4 Although unlikely, it is conceivable that the Main Modifications as suggested by the Inspectors are not considered to be acceptable, and therefore that the Councils would not wish to make a request under section 20(7C). In this event, it would be necessary for officers to bring a report to Cabinet setting out the reasons for such a decision, and the implications of not accepting the Inspectors’ Main Modifications.

4.0 Next Steps

- 4.1 This report recommends to the City Council that the consideration of the Inspectors' Main Modifications to the JLP, and the request under section 20(7C) to the Inspectors to make changes to the JLP is delegated to the Service Director for Strategic Planning and Infrastructure in consultation with the Leader, the Portfolio Holder for Strategic Planning and Infrastructure and the Joint Local Plan Member Steering Group.
- 4.2 Once the Interim Report is received and if the Main Modifications are considered to be acceptable, the next steps will be for officers to undertake any further work required to set out a Schedule of Main Modifications ready for a six week public consultation. It should be noted that the consultation will only concern the Schedule of Main Modifications, and will not allow further comments to be made on those parts of the JLP not subject to changes.
- 4.3 Once the consultation period is over, all comments will be sent to the Inspectors. They will consider the comments, and exceptionally may decide to hold additional hearings sessions. If they decide that further hearings are not required they will move to writing up the Final Report.
- 4.4 Upon receipt of the Inspectors' Final Report, which will set out the final set of Main Modifications, the JLP including all changes will be brought to Full Council for formal adoption.