



West Devon
Borough
Council



South Hams
District Council

Plymouth and South West Devon Joint Local Plan – Delivery and Governance

March 2019

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Introduction

- 1.1 This paper sets out the officer and member arrangements for the implementation of the adopted Plymouth and South West Devon Joint Local Plan (JLP). 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 have 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.

Background

- 1.2 Plymouth City Council, West Devon Borough Council and South Hams District Council, working together have prepared a joint local plan for their area - the Plymouth and South West Devon Joint Local Plan (the JLP).
- 1.3 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.
- 1.4 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.
- 1.5 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.

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

- 1.6 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 unconstrained by local authority boundaries for managing the relationship between the growing city of Plymouth and the surrounding rural areas. 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.
- 1.7 The JLP makes provision for housing to be developed to meet identified needs, and distributes that housing across the plan area to achieve a sustainable pattern of development. 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 – note that this excludes any housing to be provided in the Dartmoor National Park).

The above approach means that if a five year supply of land for new homes cannot be demonstrated against the whole plan requirement at any time, the supply will need to be addressed at the whole plan level – i.e. as the plan requirement is set at the whole plan level, the consequences of there being a lack of a 5 year land supply are also taken into consideration at the whole plan level. Nevertheless, the JLP also sets out how many new homes are expected to be delivered in the two Policy Areas and in the three local planning authorities. These additional figures are based on:

- A distribution of housing development that gives force to the sustainable development strategy that forms the basis of the Joint Local Plan
- the housing sites identified in the housing supply.

They are not housing requirements. They are intended to be used

to show that each LPA is bringing forward development in line with the strategy set out in the JLP, ensuring that through monitoring of delivery, each LPA is making decisions which will implement the JLP approach. These figures are therefore an important element of the governance that the JLP authorities are setting up to deliver the JLP, and enable the JLP authorities to ascertain where any shortfall in supply has arisen by both policy area and LPA, and to therefore take responsibility, acting to address the shortfall in those places where it has arisen. Appendix One sets out how this approach would be used if a five year land supply of lands for housing could not be demonstrated at any time.

Governance Arrangements

- 1.8 The innovative and positive approach taken in the JLP requires similarly innovative and positive approaches to its implementation. The JLP Authorities have therefore developed 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 clearly reported
 - 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 by each LPA.
- 1.9 The JLP Authorities have therefore put in place the following structures to drive delivery of the JLP, and particularly to ensure that the approach to housing delivery and five year land supplies at the whole plan level is maintained:

A Joint Local Plan Team

- 1.10 The Joint Local Plan Team is 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 team works across the three JLP

Authorities, advising Members and Officers on the implementation and eventual review of the JLP.

- 1.11 Clearly all decisions on planning applications will in future be made in accordance with the JLP as adopted, according to the relevant legislative and policy provisions. The Joint Local Plan Team will assist the Development Management Committees of the Councils by advising case officers of the implications of any proposals for the delivery of the JLP, by providing advice on the application and interpretation of the JLP strategy, and attending the committees where appropriate to provide similar advice to Members. The Joint Local Plan Team will also assist in Member and officer training, to ensure a consistent understanding of the JLP across the three LPAs.
- 1.12 The terms of reference for the new Joint Local Plan Team are appended to this paper as Appendix 2.

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

- 1.13 The Joint Local Plan Team plays 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 across the plan area and in managing any measures arising from any concern about the maintenance of a five year supply of land for housing. The Joint Local Plan Team would therefore be in control of monitoring housing delivery against the whole plan requirement, reporting on the 5 year land supply for the whole plan area, and setting out the implications of housing delivery for each local planning authority, including any evidence of past and/or future fall in supply in the context of the 5 year land supply position..
- 1.14 There will be one common Annual Monitoring Report for the JLP, supplemented by more frequent monitoring and review to assist in managing the implementation of the JLP.

The Joint Local Plan Partnership Board

- 1.15 The JLP was 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.

- 1.16 The JLP Authorities have decided that the JLP Member Steering Group should evolve to become a Joint Local Plan Partnership Board, made up of 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 Plan Team should provide advice and guidance to the case officers, 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.
- 1.17 It will be the responsibility of the Partnership Board to ensure that all elements of the Joint Local Plan are being delivered as set out in the plan. This means that the Partnership Board will be responsible for examining the results of the monitoring of all elements of the plan – including housing delivery, employment land delivery, retail land delivery, and infrastructure – and taking action in the event that delivery does not match what is set out in the plan.
- 1.18 An example of how the JLP authorities envisage these arrangements working would be in the event of monitoring showing the lack of a five year land supply at the whole plan level. 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 11 of the 2018 NPPF is engaged and that housing proposals across the plan area should be considered in the light of the presumption in favour of sustainable development with the 'tilted balance' engaged. 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 assist the LPA to develop appropriate actions based on the Housing Implementation Strategy set out in para 3.32 of the JLP, and to implement agreed actions, to remedy the under delivery and achieve a 5 year land supply. The seniority of the Members on the Partnership

Board would enable actions to be taken directly to the decision making committees of each LPA.

- 1.19 The Terms of Reference for this Board are appended to this Topic Paper as Appendix 3.

APPENDIX 1 – FIVE YEAR LAND SUPPLY SCENARIOS

Key principles:

The key principle underpinning the approach that the JLP Councils will use when taking actions to maintain a 5 year land supply of sites is that of **Collective responsibility**. This principle means that the LPAs commit to work together to ensure that the five year supply target is achieved for the Plan Area as a whole.

The monitoring levels:

Monitoring data on housing delivery will be collected at three levels:

- Whole plan area – 26,700 dwellings. This is the level at which 5 year land supply and Housing Delivery Test performance will be monitored in the light of the 2018 NPPF and PPG.
- Policy Areas (for the purpose of monitoring the delivery of the spatial strategy as set out in the JLP)
 - Plymouth PA – 19,000 dwellings
 - TTV PA – 7,700 dwellings
- LPA Areas (for the purpose of monitoring the delivery of each LPA's contribution to the overall housing requirement for the JLP)
 - Plymouth – 13,200 dwellings
 - West Devon – 3,200 dwellings
 - South Hams – 10,300 dwellings (5,800 dwellings in Plymouth PA; 4,500 dwellings in TTV PA)

Primary plan-monitor-manage tools:

The following tools represent the main methods that the JLP Councils will use to monitor housing delivery and the maintenance of a 5 year land supply of sites:

- Single Joint Local Plan Team overseeing monitoring and management of 5 year land supply and Housing Delivery Test performance.
- Annual Monitoring Report, including a detailed Annual Housing Statement setting out detailed reporting on housing delivery issues and 5 year land supply position against the JLP whole plan requirement..

- Ongoing internal monitoring of delivery progress and sites intelligence during the year.
- Annual housing forum to discuss with industry:
 - General market conditions
 - Housing supply and delivery constraints.
 - Progress on planning applications/consents issued
 - Actions required to maintain supply
- Rolling Housing Implementation Strategy – to be incorporated in Annual Housing Statement – including actions the JLP Councils are taking to ensure maintenance of a 5 year land supply and housing delivery.

Governance tools to deliver individual and collective responsibility:

In the event that a 5 year land supply of sites cannot be demonstrated, the following processes would be triggered, overseen and guided by the Joint Local Plan Partnership Board.

- In the event that there is a shortfall in five year supply at Plan Area level, the Joint Councils collectively will enter into formal discussions to reach an agreement on the details of measures to remove the shortfall, identifying:
 - The scale of the shortfall.
 - The location of the shortfall (i.e. . in which LPA is the shortfall occurring, comparing delivery to the LPA monitoring targets set out above).
 - The LPA/s taking responsibility for removing the shortfall.
 - The actions to be taken to remove the shortfall.
- This overall process will be guided by the Joint Local Plan Partnership Board.

Development management scenarios.

The JLP sets out a position in which the tilted balance is triggered if the whole plan area cannot demonstrate a 5 Year Land Supply. This means that the tilted balance is not triggered if an individual LPA cannot demonstrate a 5 YLS against the monitoring targets in Annex 2 of the JLP, as long as the whole plan area can demonstrate a 5YLS.

NB – ‘Tilted Balance’ is a term which has been used to describe how judgements on planning applications should be made when a 5 Year Land Supply cannot be demonstrated. It simply means that in such a situation, the contribution that a housing proposal could

make to improving the housing supply in an area and therefore contributing to a 5 Year Land Supply of sites for housing should be weighed against any potential reasons to refuse the application. The amount of weight given to this consideration by Inspectors is often considerable, leading to a greater number of permissions for housing on such sites in places where housing land supply and delivery has not kept pace with the requirement set out in an up to date local plan.

Under the governance arrangements set out in this Paper, the Joint Local Plan Team will monitor housing delivery across the whole plan area, the Policy Areas, and at LPA level. The JLP Team will also monitor the maintenance of a 5 Year Land Supply so that any deficiencies are picked up and reported to the JLP Partnership Board at the earliest opportunity and are used to inform decision making by Planning Committees.

In terms of DM decision making, it is also important to ensure that when refusal reasons are drawn up for inappropriate development proposals, that reference is made to the JLP distribution strategy as expressed by the Policy Areas – as this will provide an additional policy position for considering applications. The scale of development will clearly be a factor in such a consideration, and it would be for the JLP Team to provide clear guidance to planning committees as to how policy should be applied.

SUMMARY OF SCENARIO

| Scenario where 5 year supply targets not met in part/full | 1. Application of LPA monitoring target | 2. Application of Policy Area policy target | 3. Application of HMA policy target | 4. Consequences |
|---|--|--|--|--|
| Where the whole Plan Area cannot show a five year supply | <ul style="list-style-type: none"> Aim to rectify the issue – initially within the LPA area(s) where the deficiency is occurring. | <ul style="list-style-type: none"> In event that no remedy within the LPA area(s) where the deficiencies are occurring, aim to remedy in the other LPA area of each respective policy area. | <ul style="list-style-type: none"> In event that the situation has not been able to be remedied in either or both policy areas sufficient to satisfy the HMA target, the JLP Councils undertake full review of the cause and potential solutions to the deficiency within the policy area(s) concerned. | <ul style="list-style-type: none"> If no remedy found within policy areas, the Framework’s presumption in favour of sustainable development becomes primary consideration. The JLP Councils will need to formally consider whether the need for a partial or full review of the JLP is required. |

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 – 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 to keep the individual local planning authorities (LPAs) on the agreed course to implement 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 effectiveness of governance around the preparation, monitoring, implementation and review of the JLP.
- 2.7 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.

5. Frequency and meeting locations

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

6. Voting

- 6.1 In principle, all decisions and recommendations will be reached on a consensus basis.
- 6.2 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.
- 6.3 Where there are equal votes the matter will be escalated to the Leaders of the LPAs for decision.

7. Chair

- 7.1 The Chair shall serve a one-year term beginning in May of each year.
- 7.2 The Chair will rotate between constituent authorities.
- 7.3 Where the Chair is not present, the members present shall select a Chair for the meeting.
- 7.4 Two Vice-Chairman will be selected, to represent each of the two authorities not represented by the Chairman.

8. Declaration of Interests

- 8.1 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.

9. Quorum

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

10. Substitutes

10.1 Substitutes to the Board will not be allowed.

11. Vacancy

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

12. Access to Information/ Freedom of Information

12.1 Partnership Board meetings will not be public meetings, however, there will be one meeting per year held as the Partnership Board Public Forum at which the Annual Monitoring Report will be presented.

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

13. Papers

13.1 The agenda and supporting papers shall be in a standard format and circulated at least five working 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.

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

14. Secretariat

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

15. Communications

16.1 The Joint Local Plan team will prepare communications on behalf of the Board for the approval by the Chair.

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

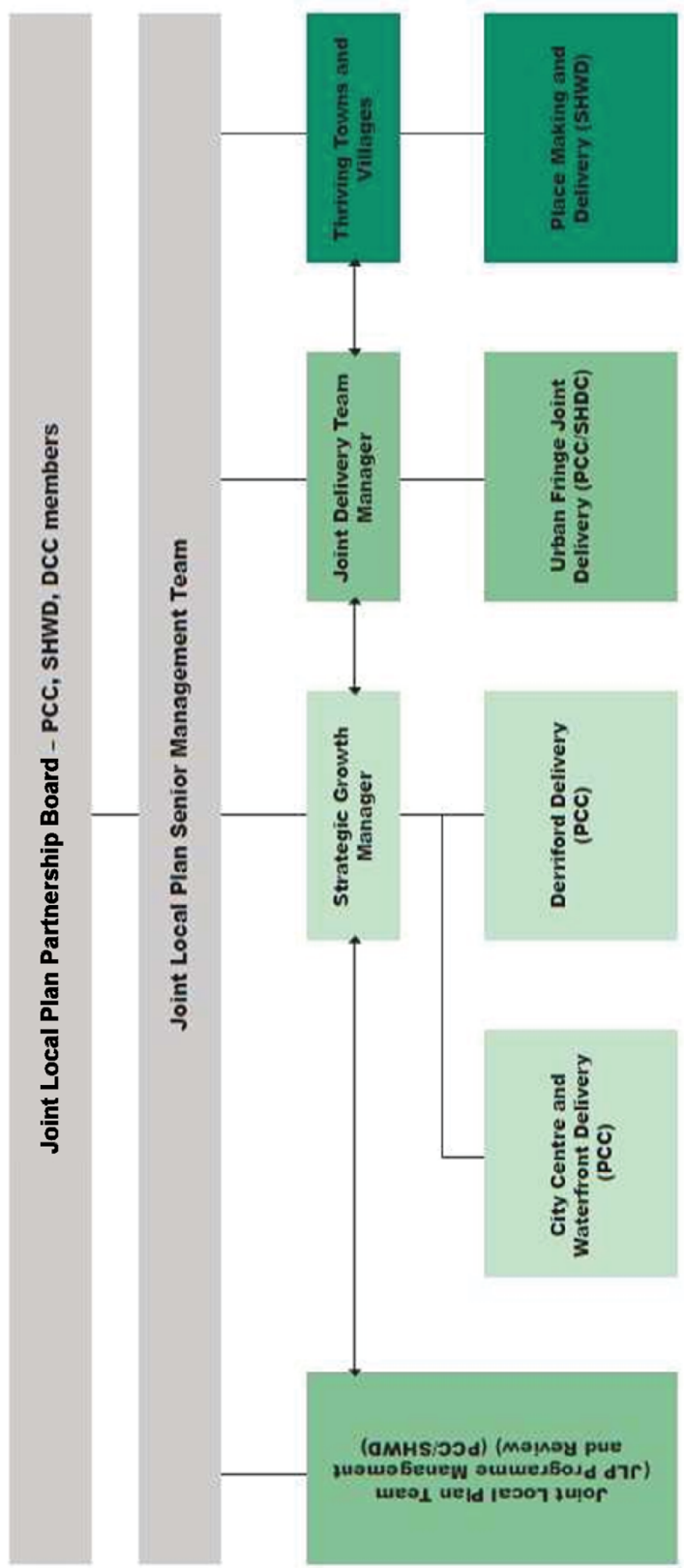
16.3 Communications will be issued by the Communications Team of the Chair's authority with the agreement of the Chairman and the two Vice Chairmen.

16. Gaps in procedure

17.1 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.

