



North Devon Council

Report Date: 5th October 2021

Topic: Formation of Planning Policy Joint Committee

Report by: Head of Place Property and Regeneration and Solicitor

1. INTRODUCTION

1.1. Section 28 of the Planning and Compulsory Purchase Act 2004 enables two or more Local Planning Authorities to agree to prepare a joint Local Plan. North Devon Council (NDC) & Torrington District Council (TDC) resolved to review and update the North Devon & Torrington Local Plan 2011-2031 at Full Council Meetings of the 25th November 2020 (NDC) & 14th December 2020 (TDC) respectively.

1.2. The above resolution recommended that the governance arrangements for the preparation of the Local Plan be reviewed to ensure inclusive, effective, and efficient oversight and engagement. This report proposes the establishment of a Joint Planning Policy Committee to have oversight of the preparation, review and approval of Development Plan Documents and other functions relating to planning policy to facilitate efficient joint working on planning policy matters that affect the partner Councils.

2. RECOMMENDATIONS

2.1. That Members agree to the formation of a Joint Planning Policy Committee in accordance with the 'Agreement for a Joint Planning Policy Committee' appended to this Report (subject to a successful Torrington District Council resolution for the same).

2.2. That alternative arrangements for political balance under s17(1) Local Government and Housing Act 1989 are approved and that membership of the Joint Committee be as set out in the Agreement and as determined by Full Council.

3. REASONS FOR RECOMMENDATIONS

3.1. To put in place appropriate governance arrangements

4. REPORT

4.1 It is important that a Local Plan review is subject to robust governance arrangements to ensure appropriate oversight, critical review and engagement whilst balancing that requirement with a need for an efficient and effective process.

4.2 The Planning Advisory Service (PAS) were engaged to provide a 'Local Plan Gateway Review' in February 2021 with advice and recommendations being received in May 2021. This Review considered the challenges and opportunities that the Councils are facing in progressing the Local Plan Review and provides a summary of findings and recommended next steps.

4.3 In terms of governance arrangements, the Review stated '*The review of the current governance arrangements should be progressed as soon as possible. Streamlining of governance arrangements, such as through the establishment of a Joint Local Plan Committee, would support an efficient and effective way of maintaining momentum on progressing the updating of the adopted Local Plan and provide greater certainty in terms of the commitment to joint planning in the area. It would also enable a more effective use of Officer resources by only having to support, for the main part, on decision-making body*'.

Existing Governance Arrangements

4.4 The preparation of the current adopted Local Plan was effectively overseen by the advisory joint Local Plan Working Group, which discussed the draft policy options, policy wording, and evidence documents informally prior to being agreed formally and separately by each Council.

4.5 The terms of reference of the Working Group stated that the North Devon & Torrington Local Plan Working Group is a group of elected members who meet periodically to facilitate and promote efficient joint working on planning documents that affect North Devon & Torrington District Councils.

4.6 The Working Group comprises 8 Members; 4 from NDC and 4 from TDC, with the Chairperson being appointed annually and alternating between the two District Councils unless agreed by the Working Group as a whole. As the Working Group is advisory and has no delegated decision-making powers, the meetings lack public participation given the informal status of the Group.

4.7 This approach was effective at streamlining the time-consuming plan preparation process by minimising the number of reports to be taken to formal committees, however at points it had the effect of restricting active engagement to a more limited number of members. As the Working Group isn't a public facing formal Committee, the opportunities for transparency in the planning system are also reduced. Whilst the working group has provided suitable governance during the preparation of the adopted North Devon and Torrington Local Plan, given the requirement to review these governance arrangements, Officers have considered an alternative option.

Proposed Governance Arrangements

4.8 Since the formation of the Working Group, the social, economic, environmental, and political context has changed significantly as well as some uncertainty as to when and in what form planning reforms will take following the Government's Planning White Paper. National and Local changes that have taken place include (but are not limited to):

- Social & economic shifts due to COVID-19;
- Emergence of the Government's green agenda – the Environment Bill & 25 Year Environment Plan;
- Continuing planning reforms;
- National emphasis on housing delivery;
- Declaration of Climate & Biodiversity emergencies,
- Increasing emphasis on environmental considerations and carbon saving;
- Delivery of affordable housing and wider housing affordability / delivery;
- Issues of Coastal erosion & flooding;
- Changes and reforms to the agricultural sector;
- Changing context to the Tourism sector.

4.9 In order to ensure that the Development Plan and wider planning policy provides appropriate visions, strategies and policies to successfully shape how northern Devon develops, Governance arrangements should provide sufficient breadth of skills and experience to reflect a wide range of national and local issues in an efficient and effective manner. To this end, Officers have explored and propose the formation of a joint Planning Policy Committee.

4.10 A draft agreement for a joint Planning Policy Committee is appended to this report which seeks to ensure continuing equitable partnership working on planning policy between NDC & TDC. Given the range of matters considered within planning policy and to ensure that active Member engagement is widened, it is proposed that each Council will appoint seven Members as its nominated Members of the Joint Committee. The Membership will include the Leader of each Council, and Lead Members for Economy, Environment, Climate, Planning, Housing and Community from TDC with the equivalent from NDC, or such other members as TDC or NDC shall consider appropriate.

4.11 It is felt that making the Committee non-politically balanced will ensure flexibility in membership to further the objectives of the Joint Committee. A recommendation has been included to deal with this.

4.12 It is proposed that the Chairperson will be appointed annually, and alternate between the two District Councils, with the Council which has not appointed the Chairperson appointing a vice chairperson for that term. The

joint Committee would meet once every quarter, unless otherwise determined by the joint Committee. Continuing the theme of joint working, Officers have agreed Support Services for the Committee would be shared, with TDC providing Legal support & advice, and NDC providing Governance and secretarial support.

4.13 To be effective and efficient, it is proposed that the Joint Committee shall be responsible for and shall have delegated to it the following functions of the Partner Councils:

- The preparation, review and/or approval of
 - Development Plan Documents;
 - Supplementary Planning Documents;
 - Joint documents that supplement/complement the Development Plan Documents (Namely, Local Development Schemes, Statements of Community Involvement, Authority Monitoring Reports and Infrastructure Funding Statements);
 - The outcomes from policy performance monitoring and the need to undertake any resultant actions, on such matters as the maintenance of housing delivery rates and a joint five year land supply to required levels;
 - Proposals for delivery of key infrastructure (e.g. flood defences, link road improvements, health infrastructure) where there are clear cross boundary implications; and
 - Responses to consultations from the government, other authorities, external agencies and other bodies, including transportation related consultations, where they would have a significant impact on the delivery of the Local Plan or on the Districts' environment.
- The consideration and noting of associated evidence documents (for example, Sustainability Appraisals and Habitat Regulations Assessments)

4.14 The delegated powers referred to above will prevent the need for reports to be taken to each individual Full Council at key decision-making stages of the Local Plan as has historically been the case. However, the delegated powers are not proposed to extend to the final adoption of the Local Plan which will be referred back as a recommendation by the Joint Committee for a decision as to adoption by each individual Council. Such final adoption by the individual Full Councils is in accordance with regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

4.15 In order to ensure flexibility, it is proposed that the joint Committee may appoint task teams or working groups to consider specific related matters. Such groups would not be individual decision making bodies but will report back to the Joint Committee.

4.16 North Devon & Torridge District Councils already successfully operate a joint Committee in the form of the North Devon Crematorium Joint Committee and it is considered the Joint Committee the subject of this report would likewise provide a successful joint governance mechanism.

- 4.17 The benefits of a Joint Committee are considered to include –
- Efficiency of process, with a single Committee being a decision-making body for key decision making stages up to, but not including final adoption;
 - Additional transparency and stakeholder engagement given the status as a formal Committee;
 - Wider breadth of Membership with experience and skills to contribute to successful consideration of local matters and Plan making;
 - Flexibility provided by potential task teams or working groups;
 - Provide further commitment to joint planning within northern Devon;
 - Efficient use of resources due to support services and costs being shared across the two Councils.
 - Flexibility for further joint working within the Committee structure such as possible future consideration of budget management.

5. RESOURCE IMPLICATIONS

5.1. There are none as costs will be shared by both authorities and will come from existing budgets and reserves

6. EQUALITIES ASSESSMENT

6.1. (Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk).

6.2. There are no equality issues

7. CONSTITUTIONAL CONTEXT

7.1. Full Council has the power to agree new Committees

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

Agreement attached



10. STATEMENT OF INTERNAL ADVICE

- 10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Leader and Deputy Leader, Solicitor, Director of Resources and Chief Executive