

North Devon Council & Torridge District Council

Report Date: 22nd March 2023

Topic: Proposals for thematic local plan working groups

Report by: Senior Planning Policy Officer (TDC)

1. INTRODUCTION

- 1.1. North Devon Council and Torridge District Council (the 'Councils') have committed to the preparation of a new local plan (the 'plan') for northern Devon. The Joint Planning Policy Committee (JPPC) is constituted to carry out the formal decision-making functions of both Councils with respect to the preparation of the plan.
- 1.2. As a constituted committee, JPPC provides an extremely effective and efficient mechanism for providing governance, transparency and taking key formal decisions on the plan, however it does not necessarily provide the best arena for engaging in creative discussion and meaningful active participation in the development of the plan itself.
- 1.3. Accordingly, it is proposed that a series of thematic elected member working groups are established that will provide that capacity and space to enable that constructive discussion to feed into the plan, with progress and outcomes reported back to JPPC and for any formal decision-making.
- 1.4. This report sets out proposals for the scope and operation of the thematic Local Plan Member Working Groups (the "Working Group(s)") and seeks Member approval to progress with their set-up and implementation.

2. RECOMMENDATIONS

- 2.1. Members of the Joint Planning Policy Committee are recommended to:
 - (1) Agree the set-up of the following thematic Local Plan Member Working Groups, or to propose alternative groups as they so determine:
 - i. Economy, innovation and skills;
 - ii. Health and wellbeing;
 - iii. Climate and Environmental Emergency; and
 - iv. Place and Community.
 - (2) Delegate authority to the Chair and Vice-chair of the JPPC, in consultation with the Leaders of the Councils, to establish the membership of the individual Local Plan Member Working Groups;
 - (3) endorse the proposed Terms of Reference and Operating Procedures for the Local Plan Member Working Groups (Appendix 1).

3. REASONS FOR RECOMMENDATIONS

- 3.1. To enable the effective participation of elected Members in the preparation of the local plan.

4. REPORT

- 4.1. To ensure that the development plan (i.e. the new local plan) reflects the priorities and ambitions of northern Devon's communities it is imperative that there are

- effective processes and mechanisms in place to ensure that a diverse range of views can be heard to help shape and steer the preparation of the plan.
- 4.2. Whilst it is important to engage and consult directly with communities and other stakeholders, Members of North Devon Council and Torrige District Council have an important role to play in this regard; acting as advocates for the communities that they are elected to represent and drawing on their valuable latent knowledge of the area and particular topics and issues.
 - 4.3. Historically, plan preparation was steered by a joint Local Plan Working Group (LPWG). This proved effective at providing an opportunity for Members to feed into the plan-making process however it did not necessarily provide effective Governance of the plan-making process, not having any formal decision-making powers. Rather, any formal decisions that were required to facilitate the progression of the development plan needed to be referred to respective committees at both Councils. This introduced inefficiencies and delays into the plan making process, introducing potential risk that conflicting decisions would be made by the respective Councils. Given the Government's planning reform agenda, including a demanding prescribed timeframe within which to prepare and adopt a plan, it was necessary to consider ways to streamline the plan-making process.
 - 4.4. The Joint Planning Policy Committee (JPPC) was established following the adoption of the North Devon and Torrige Local Plan 2011-2031, with the purpose of streamlining the formal decision-making processes required to support the preparation of the development plan. It is a formally constituted joint Committee for both North Devon Council and Torrige District Council and has delegated powers to deal with all matters relating to the preparation of the development plan, with the exception of its final adoption which still resides with the respective Full Councils.
 - 4.5. Whilst the JPPC tackles the earlier issues around efficient formal decision making and governance, it does somewhat remove the scope for less formal collaborative working and for Members to feed into the more creative aspects of plan-making. Accordingly, the formal agreement between the Councils that governs the operation of the JPPC affords the Committee the power to *appoint such task teams or working groups as they consider appropriate in order to consider and report to the Joint Committee on specific matters*. The JPPC therefore has the ability to establish any such teams or working groups as it sees appropriate and necessary to support, fulfil and discharge its duties.

Proposed Themes

- 4.6. Whilst it is the gift of the JPPC to determine the scope and nature of any such teams or groups that it wishes to establish, Officers advocate that a series of thematic, topic-based working groups are likely to provide a good basis to support the preparation of the plan at this time. It is suggested that the themes for the individual working groups are broadly aligned to the five action groups of Northern Devon Futures:
 - i. Economy, innovation and skills;
 - ii. Health and wellbeing;
 - iii. Climate Emergency;
 - iv. Place and Community; and

v. Children and Young People.

- 4.7. It is suggested that for plan-making purposes, it is not necessary or appropriate to have a thematic working group focussed solely on Children and Young People as this is somewhat cross-cutting in terms of place-making, with the relevant aspects rather picked up within the remaining thematic groups.
- 4.8. Early discussions have suggested that the membership of Northern Devon Futures are keen to engage proactively in the plan-making process. Aligning to the scope of the existing action groups should enable the individual thematic working groups to better harness and access the expertise that is brought together through Northern Devon Futures, ensuring alignment rather than duplication of efforts.
- 4.9. An initial four Working Groups is considered to strike a reasonable balance between the practical sub-division of potential topics and the application of resources required to administer and service the groups.
- 4.10. It is proposed that cross-cutting matters, such as rural matters are subsumed and considered as part of the wider thematic working groups, although Members may wish to consider whether this, or any other matters, should be afforded its own topic specific working group.
- 4.11. Accordingly, it is proposed that initially there are four thematic Working Groups as per Recommendation (1) in Section 2 of this report, each with the following broad scope (not exhaustive):
- (1) Economy, innovation and skills
- To consider how the planning system can best support the delivery of sustainable economic growth for northern Devon, having regard to the emerging Economic Strategy, along with the scale and nature of requirements, challenges and opportunities for northern Devon's economy overall along with individual sectors and places, including the consideration and integration of the skills agenda.
- (2) Health and wellbeing
- To consider how the planning system can best maintain and improve the health and wellbeing of northern Devon's diverse communities, having regard to matters such as the natural environment, sport and recreation, active travel, health facilities and pollution.
- (3) Climate and Environmental Emergency
- To consider how the planning system can positively respond to the climate emergency, providing for mitigation and adaptation to climate change, whilst ensuring that the planning system provides for protection and enhancement of habitats, landscapes and the wider natural environment.
- (4) Place and Community
- To consider how the planning system can best plan to meet the needs of northern Devon's diverse communities – both rural and urban, whilst seeking to protect and enhance places to ensure that they are attractive and functional.
- 4.12. It is recognised that both Councils have pre-existing working groups considering the climate emergency. Consideration should be given to the interplay between these groups and any local plan specific climate change Working Group. One option could

be that a small sub-set of the Councillors upon these groups form the local plan Working Group and that this acts as more of a steering group on this topic, with any substantive work delegated out to the pre-existing Council based groups.

- 4.13. It is recognised that the operation of the Working Groups should be kept under review with the number, make-up and scope of groups amended as necessary to reflect any changes to the work programme, priorities and feedback on the operation of groups.

Operation and Conduct

- 4.14. To ensure that the thematic Working Groups function effectively, it is considered appropriate to establish and agree a series of principles that will manage their operation. Given that the thematic Working Groups will not have formal decision-making powers, it is advocated that these are kept as simple and flexible as possible so as to ensure that the groups are agile and able to be responsive to circumstances. That being said, for transparency, it is proposed that these are set out in Terms of Reference (ToR) and Operating Procedures (Appendix 1) that are agreed by the JPPC.

- 4.15. The JPPC may wish to consider whether they would like to establish priority topics, issues or tasks for particular Working Groups to be directed to explore.

5. RESOURCE IMPLICATIONS

- 5.1. The servicing of Working Groups will require officer attendance and support. This will be accommodated within the existing resources of the planning policy teams at the Councils; with the preparation of the local plan forming the principal component of the teams' work programme.

6. EQUALITIES ASSESSMENT

- 6.1. The Working Groups are intended to provide a forum to consider, debate and develop planning-based strategies and approaches, including the opportunity to consider how these may impact on different sectors of northern Devon's communities.

7. ENVIRONMENTAL ASSESSMENT

- 7.1. The Working Groups will have the scope to consider the environmental impacts of planning approaches in support of the preparation of the development plan. In addition, the preparation of the development plan is subject to a range of legislative and policy requirements that require the consideration and assessment of plans, policies and proposals on the environment.

8. CONSTITUTIONAL CONTEXT

- 8.1. Schedule 2 of the Agreement for a Joint Planning Policy Committee (North Devon Council and Torrige District Council, dated 22nd October 2021); Section 10 of Annexe 1 – Powers and Duties of Committees, Constitution (North Devon Council, May 2023); and Terms of Reference and Functions of the Joint Planning Policy Committee, Constitution (Torrige District Council, October 2023).

9. STATEMENT OF CONFIDENTIALITY

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

10. BACKGROUND PAPERS

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

- (1) No background papers utilised.

11. STATEMENT OF INTERNAL ADVICE

11.1. The author confirms that advice has been taken from all appropriate Councillors and Officers:

- (1) Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Vice-chair of Joint Planning Policy Committee (NDC)
- (2) Cllr R Hicks, Lead Member for the Economy; Chair of Joint Planning Policy Committee (TDC)
- (3) Helen Smith, Planning Manager (TDC)
- (4) Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

12. APPENDICES

12.1. This report is supported by the following appendices:

Appendix 1 – Proposed Terms of Reference and Operating Procedures

Appendix 1: Draft Terms of Reference and Operating Procedures

Thematic Local Plan Working Group - [Topic] Terms of Reference and Operating Procedures

Role

1. To provide a forum for elected Members to consider topic specific matters with the purpose of informing and contributing to the effective and timely preparation of the development plan (i.e. the local plan).

Scope

2. [To reflect the topic specific scope]

Purpose

3. The working group will have a broad and flexible remit, including (not exhaustive) to:
 - a. prepare, develop and review topic specific evidence;
 - b. collaborate with stakeholders and partners with a particular interest in the topic to ensure their perspectives and priorities are considered in plan preparation;
 - c. Develop evidence-based recommendations on visions, strategies, policies and approaches relating to the topic, recognising the need to do so in a holistic manner having regard to other pre-existing and/ or emerging plans and strategies
 - d. consider the scale, nature, location and requirements for site allocations and proposals with a relationship to the topic;
 - e. provide community perspectives and reflections on the particular topic, acting as advocates for the communities of northern Devon;
 - f. collaborate with, and provide robust challenge to, Officers to champion topic-specific matters; and
 - g. recognise and reflect on cross-cutting matters and linkages and synergies with other topics.

Membership

4. The working group shall comprise of between four and eight elected Members of North Devon Council and Torrige District Council in total, with a nominal expectation of six Members.
5. The working group shall include at least one Member from each Council who are also a Member of the host committee (JPPC).
6. The actual number and composition of Members on the individual working group shall be a matter for determination by the host committee (JPPC), with an expectation of a balance of membership across the two Councils.
7. Should a particular Member be unable to attend a meeting of the working group, the individual host Council of the particular Member may nominate a substitute.

Governance

8. Members of the working group shall appoint a Chair who will be responsible for the management and conduct of the meetings.
9. Members of the working group shall also appoint a Vice-Chair who shall deputise for the Chair in their absence.
10. In lieu of the Chair and Vice-Chair attending an individual meeting, Members of the Working Group may nominate and elect an interim Chair for the duration of the meeting in question.
11. The working group shall not make formal decisions in relation to plan process or plan content; rather providing recommendations for the host committee (JPPC) to consider.
12. Informal decisions to steer the operation or outputs of the working group shall be decided by a simple majority, with the Chair holding a casting vote. Decisions of the Working Group shall have no binding effect and will require ratification by the host committee (JPPC).
13. Meetings shall have a quorum of four Members, with at least two Members from each Council and at least one Member of the host committee (JPPC).

Operation

14. The timings and frequency of meetings for the individual working group will be a matter for the members of that working group; with a notional expectation of meeting on a quarterly basis to align with the programme of the host committee (JPPC).
15. Meetings of the working group will be held in private, with attendance restricted to members of the working group, supporting officers and other invited participants. For the avoidance of doubt, meetings will not be open to attendance by members of the public.
16. The working group may determine the practical means of operation of the group, making use of alternative methods of communication and engagement as deemed appropriate (such as email, virtual meetings, etc.).
17. The working group may seek attendance and engagement with other elected Members, Officers of the Councils or other relevant parties by invitation.
18. Meeting notes identifying actions, rather than formal minutes, will be taken to record the activity at individual meetings of the working group. Notes of the meeting will be retained and may be published to support the preparation of the development plan.
19. The working group will routinely provide update reports to the host committee (JPPC) to appraise it of progress and activity, including any proposals and recommendations for its consideration as considered appropriate and necessary.
20. The working group shall be assigned a named Officer who will act as a topic specialist and liaison, providing professional advice and challenge as necessary and appropriate.
21. The working group shall operate collaboratively as a group of Members and Officers to positively progress the purpose(s) of the group.

Secretariat

22. Officers from the Councils' planning policy teams will provide secretariat support to the working group, including the preparation and distribution agendas, arrangement of room bookings, managing meeting invitations and taking meeting notes.

Last updated: March 2024