

REPORT TO: Executive
Date: 4th March 2019
TOPIC: Joint Local Plan Working Group draft Terms of Reference
REPORT BY: Lead Officer Planning Policy

1 INTRODUCTION

- 1.1 The Working Group has been meeting since 2008, its principal purpose being to support the delivery of the North Devon and Torridge Local Plan through joint working arrangements on an informal partnership basis. The rationale for using a working group results from a need:
- a) for early stage discussions within a closed environment to enable meaningful and confidential discussions between the Councils on policy options and implications prior to progress in respect of policy development;
 - b) to fit within the framework of both Councils' established constituted structures; and
 - c) for flexible meeting arrangements to support effective progression of work streams associated with the preparation of the Local Plan and associated documents.
- 1.2 In July 2008 Executive agreed to form a LDF joint working group with Torridge DC and to appoint three members to it. The North Devon and Torridge Local Plan Working Group (Working Group) has requested a review of its Terms of Reference, however there are currently no formal Terms of Reference agreed by the Councils.
- 1.3 It is considered appropriate that Terms of Reference are formally defined for the Working Group. Draft Terms of Reference will need to be formalised through endorsement by each Council.

2 RECOMMENDATIONS

- 2.1 That Executive:
- a) endorses the draft Terms of Reference (Appendix 1) for the Joint Local Plan Working Group;
 - b) considers how best to keep the wider Membership informed of progress by the Working Group.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To formalise the Terms of Reference for future operation of the Joint Local Plan Working Group.

- 3.2 To keep all Members informed in progress with joint planning policy documents and to facilitate transparency for all Members.

4 REPORT

- 4.1 The Working Group operates currently without any delegated powers so no formal decisions are taken. There are no reporting arrangements to other Committees. The reports and minutes of the Working Group are not made public.
- 4.2 Its principal task has remained the facilitation and promotion of efficient joint working on planning policy documents that affect North Devon and Torridge District Councils. Moving forward the primary roles of the Working Group are considered to be unaltered, although in practice the range and scope of its work will expand as the Councils secure the implementation of the Local Plan, monitor its delivery and then move to undertake its review.
- 4.3 Within the scope of the above, it is considered that the Working Group should continue to focus on the following range of activities:
- a) to have oversight of the delivery of Development Plan Documents (DPDs) set out in the North Devon and Torridge Local Development Scheme, which would embrace any future review of the Local Plan;
 - b) to support the drafting of DPD and Supplementary Planning Documents (SPDs) and consider subsequent consultation responses to inform the decision making of the respective Councils;
 - c) to consider 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; and
 - d) as considered appropriate, to respond on a joint basis to external consultations, such as from neighbouring local planning authorities or the Ministry of Housing Communities and Local Government.
- 4.4 In order to achieve the above, materials/documentation will be presented to the Working Group, which will include (but not exclusively): draft policy wording; policy options (including site allocations); monitoring and delivery performance; and preparation and consideration of evidence to support particular courses of action.
- 4.5 It is necessary for the Terms of Reference to define the number and representation of the participants of the Working Group.
- a) The original arrangements for the Working Group (in 2008) authorised 3 members from each Council. However, in practice this was increased to 4 members representing each Council a number of years ago. The number of participants from each authority needs to be agreed and formalised.
 - b) Currently the North Devon Council membership of the Working Group includes Executive lead member appointments for Planning, Regeneration, Housing and the Environment. There are potential benefits and opportunities arising from the lead members informing policy development relating to other strategies within their portfolios. However, some Members have enquired recently whether the Working Group could have cross-party representation. Delivering both could have potential

implications for the appropriate number of participants from each authority. It is recommended that the Working Group includes at least the North Devon lead members for Planning, Regeneration and the Environment. Torridge is expected to identify its equivalent lead members.

- c) At the last meeting of the Working Group, it was agreed that Devon County Council should be invited to attend on an informal basis; it is appropriate that the nature the County's participation in the Working Group is set out in the Terms of Reference.

- 4.6 The Working Group considered the draft Terms of Reference on 5 February 2019, which were amended to incorporate their recommendations:
- a) Other Members from the District Councils be invited to attend the Working Group on an informal basis and to listen to discussions.
 - b) Relevant Ward Members will be invited to attend the Working Group when agenda items relate to a specific area within their ward.
- 4.7 The Working Group also discussed how best to summarise items of discussion and how to facilitate transparency for all Members. Keeping all Members informed, which included inviting them to attend on an informal basis, needs to be balanced with the benefits of early stage discussions on policy options and implications within a closed environment which has enabled frank, meaningful and confidential discussions between the Councils prior to progress of policy development.
- 4.8 Draft Terms of Reference have been prepared, which are set out in Appendix 1 to this report. In addition to determining the scope and membership of the Working Group, it is considered appropriate to establish that the Terms of Reference will be subject to periodic review to ensure that the nature the membership group best serves its role in respect of supporting the plan making process

5 RESOURCE IMPLICATIONS

- 5.1 Drafting and preparing evidence to inform planning policy documents, as set out in paragraph 4.3, forms a central part of the Planning Policy team's workload. There are no additional cost implications, apart from use of meeting rooms and recording minutes of meetings.

6 SUSTAINABILITY IMPLICATIONS

- 6.1 There are no direct sustainability implications arising from this report.

7 EQUALITY AND HUMAN RIGHTS

- 7.1 There are no Equality and Diversity Impact Assessment implications arising from this report..

8 CONSTITUTIONAL CONTEXT

Article and paragraph	Appendix and paragraph	Referred or delegated power?	A key decision?	In the Forward Plan?
Article 9, Paragraph 9.2.2		Referred	No	No

9 STATEMENT OF CONFIDENTIALITY

9.1 This report contains no confidential information.

10 BACKGROUND PAPERS

10.1 The following background papers have been used in the preparation of this report:

- National Planning Policy Framework (2018)
- Town & Country Planning (Local Planning) (England) Regulations 2012
- North Devon and Torridge District Council's Local Development Scheme (April 2015)
- North Devon and Torridge Local plan 2011 – 2031 (2018)

10.2 Background papers will be available for inspection and will be kept by the author of the report.

11 STATEMENT OF INTERNAL ADVICE

11.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

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Author: Andrew Austen

Date: 4th March 2019

Reference: Executive 4 March 2019 (Jt LP working group)

APPENDIX 1 – North Devon and Torrridge Local Plan Working Group – Terms of Reference

The North Devon and Torrridge 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 and Torrridge District Councils.

Scope and role of the Working Group

- 1) to have oversight of the joint delivery of development plan documents set out in the North Devon and Torrridge Local Development Scheme, which would embrace any future review of the Local Plan;
- 2) to support the drafting of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) and consider subsequent consultation outcomes to inform the decision making structures of the respective Councils;
- 3) to consider 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; and
- 4) as considered appropriate, to respond on a joint basis to external consultations, such as from neighbouring local planning authorities or the Ministry of Housing Communities and Local Government.

Membership

- 5) The Working Group will comprise 8 Members; 4 from North Devon Council and 4 from Torrridge District Council.
- 6) The Working Group membership will include at least from North Devon Council: Lead Members for Planning, Regeneration and the Environment; and from Torrridge, the Lead Members for Planning, Economy and the Environment.
- 7) The Chairman will be appointed annually and should alternate between the two district councils unless otherwise agreed by the Working Group as a whole.

Attendance

- 8) Officers and Members from Devon County Council are invited to attend the Working Group on an informal basis through the participation of the Locality Member for northern Devon.
- 9) Other Members from the District Councils are invited to attend the Working Group on an informal basis and to listen to discussions.
- 10) Relevant Ward Members will be invited to attend the Working Group when agenda items relate to a specific area within their ward.

Authority

- 11) The Working Group is advisory and has no delegated decision making powers.

The operation of the Working Group

- 12) Meetings will generally be held on an ad-hoc basis and arranged as and when required with the agreement of the Chairman of the Working Group.
- 13) Meetings will be held in private in view of the informal status of the Working Group.
- 14) Materials will be circulated to the Working Group on a confidential basis.
- 15) Members will receive agendas in an electronic format at least five working days prior a Working Group meeting.

- 16) Minutes and action notes will be recorded for all meetings.
- 17) The Working Group will be supported by Officers in the Planning Services of North Devon Council and Torrington District Council.

Terms of Reference review

- 18) The Working Group will review its terms of reference periodically, at least once every 4 years.