

Report to: **Council**

Date: **9 June 2020**

Title: **Adoption of the Plymouth and South West Devon Supplementary Planning Document (SPD)**

Portfolio Area: **Cllr Caroline Mott**
Strategic Planning / Joint Local Plan

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
Implementation of recommendation will see the SPD used in decision making, with full weight, with immediate effect.

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RECOMMENDATIONS:

That, subject to South Hams District Council and Plymouth City Council agreeing likewise, the Council adopts:

- 1. The Plymouth and South West Devon Supplementary Planning Document (as attached at Appendix A); and**
- 2. Its two companion documents, the 'Developer Contributions Evidence Base' and the 'Traditional Farm Buildings: Their adaptation and re-use (Barn Guide)' (included in Appendix A) in accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).**

1. Executive summary

- 1) Supplementary Planning Documents (SPDs) add further detail and guidance to the policies in a local plan and are material considerations when making decisions on planning applications pursuant to Part 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 2) The Plymouth and South West Devon Joint Local Plan (JLP) was adopted in March 2019, providing the Councils with an up-to-date Local Plan with which to inform decision making on planning applications. The JLP is a high level strategic document, covering a wide geographical area, and broad range of policies.
- 3) The draft JLP SPD was consulted upon between November 2019 and January 2020, and is now in a format ready for adoption, following minor amendments to reflect consultation responses. Once adopted the SPD will provide valuable guidance and interpretation to high-level policies, resulting in more effective decision making and ensuring that planning permission is only given to sustainable development for the benefit of West Devon.
- 4) The adoption of the SPD will replace pre-existing SPDs in the plan area that were adopted on the back of previously adopted Local Plans - with the single exception of the 2017 Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (SPD), which remains adopted and in force in the relevant areas of West Devon.

2. Background

- 1) In March 2019, Plymouth City Council (PCC), South Hams District Council (SHDC) and West Devon Borough Council (WDBC) adopted a new local plan, the Plymouth and South West Devon Joint Local Plan (JLP). This prompted a review of the current SPDs adopted across the three JLP authorities to ensure current guidance helps support the implementation of the JLP.
- 2) The Plymouth and South West Devon Joint Local Plan SPD has been prepared across the three JLP authorities with input from Devon County Council (DCC), who, for South Hams and West Devon only, has the role of: the Minerals and Waste Planning Authority; the Highways Authority; the Education Authority and the lead Local Flood Authority. DCC also has a wide variety of responsibilities in relation to social care and infrastructure provision through which it engages with the planning system and it maintains the Historic Environment Record for South Hams and West Devon.
- 3) Due to size and scale of the JLP, which covers a significant geographical area and contains a broad range of policies, it has taken some months of working with officers and Members across the combined authorities to ensure that the SPD provides genuine clarification to the JLP policies for all stakeholders. A formal consultation was held that sought comments on a draft SPD between November 2019 and January 2020 – a full consultation summary report is appended to this report.
- 4) Representations were received from residents, statutory consultees, special interest groups, developers, landowners and from businesses. In total, 519 comments were made by 115 consultees. A report on the consultation responses is outlined at Appendix B.

- 5) Adoption and use of the SPD in decision making will provide a comprehensive and up-to-date policy framework that will deliver sustainable development, and provide ongoing compliance with the National Planning Policy Framework. The SPD will not only compliment the JLP policies in enabling sound decision making, but will enable the Council to defend more decisions and at appeal.
- 6) The adoption of the SPD will benefit planning applicants as it provides greater clarity about how policies will be applied, and why. It will provide a greater degree of transparency in decision making and provide more certainty for applicants and developers. The SPD will also assist officers and Members in their application of the JLP policies, resulting in consistent decision making that delivers consistently sustainable development.

3. Outcomes/outputs

- 1) Success will be the timely adoption of the SPD and the use of the SPD in decision making.
- 2) Success will be seen immediately in planning decisions that are based upon a more comprehensive policy framework.
- 3) Success will be measured in the number of planning decisions that are challenged through appeal, and the number of appeals that are found in the Council's favour. Less measurable is the amount of sustainable development that is permitted on the basis that it complies with the up-to-date policy framework.

4. Options available and consideration of risk

- 1) In terms of providing greater clarity to adopted planning policy, the options available are limited by legislation and regulation. The SPD cannot introduce new policies, but can elaborate upon and support the policies of adopted Development Plan Documents. No other option is available within the regulatory framework to do the job that the SPD does.
- 2) A public consultation on the draft SPD ran from 13 November 2019 to 5pm on Monday 6 January 2020.
- 3) Representations were received from residents, statutory consultees, special interest groups, developers, landowners and from businesses. In total, 519 comments were made by 115 consultees. Of the comments:
 - 508 comments were made by 112 consultees on the SPD;
 - 8 comments were made by 4 consultees on the Developer Contribution Evidence Base;
 - 3 comments were made by 3 consultees on the Barn Guide; and
 - 45 comments were late;

5. Proposed Way Forward

- 1) Following approval by this Council and the equivalent decisions in South Hams and Plymouth the document will be used in decision making as part of the planning process.
- 2) The SPD will deliver more sustainable development that not only meets the requirements of national planning policy, but also accords strongly with the corporate priorities of the Council.
- 3) Any potential negative impact will become apparent through the monitoring and planning appeals process. Any impacts can be mitigated through a partial review of the JLP policy or as part of the statutory review process.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The production, consultation and adoption of the SPD is in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. Full Council is required to adopt SPDs that underpin the Joint Local Plan
Financial	Y	The adoption of the SPD is likely to benefit the Council financially, as it reduces the risk of acting unreasonably through the planning appeal process, and avoiding having to pay the costs of the appellant.
Risk	Y	<p>There is a risk of not adopting the SPD, which could see a certain degree of inconsistency of interpretation of the JLP policies. This could result in a greater number of planning appeals and the exposure to associated financial penalty if found to have acted unreasonably.</p> <p>Additionally, the risk of not formally superseding the pre-existing adopted SPDs will be to necessitate the Councils to formally revoke them.</p> <p>The risk of adoption is limited, as Officers have adequately responded to all representations made in regard to the content of the SPD. There is a risk that where the SPD is used in decision making in the future that a Planning Inspector finds that part of the SPD either goes beyond the scope of an SPD or is not fully compliant with the NPPF.</p>

Comprehensive Impact Assessment Implications		
Climate Change & Biodiversity	Y	Section 2 of the SPD is dedicated to: 'Sustainable Development and the Climate Emergency'
Equality and Diversity	Y	The SPD will deliver planning outcomes that are in accordance with the JLP aims and objectives. These include ensuring new development is equitable, and that the decisions are made on an objective basis using the adopted policy framework.
Safeguarding	N/A	
Community Safety, Crime and Disorder	Y	Relevant input has been obtained from the Police Liaison Officer to ensure that the SPD delivers development that does not have a detrimental community safety impact.
Health, Safety and Wellbeing	Y	The SPD will deliver planning outcomes that are in accordance with the JLP aims and objectives. These include ensuring new development makes a positive contribution to the health and wellbeing of existing and future residents.
Other implications	N	

Supporting Information

Appendices:

Appendix A: Plymouth and South West Devon Supplementary Planning Document; and
Appendix B: Plymouth and South West Devon Supplementary Planning Document Consultation Response Report.

Background Papers:

None