

and evidence documents informally prior to being agreed formally and separately by each Council.

- 2.5. The terms of reference of the Working Group stated that the North Devon & Torridge 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 & Torridge District Councils.
- 2.6. 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.
- 2.7. 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 Torridge Local Plan, given the requirement to review these governance arrangements, Officers have considered an alternative option.

Proposed Governance Arrangements

- 2.8. 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.
- 2.9. 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.
- 2.10. 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.

- 2.11. 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 matter.
- 2.12. 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.
- 2.13. 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)
- 2.14. The delegated powers referred to above will prevent the need for reports to be taken to each individual 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.
- 2.15. 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.
- 2.16. 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.
- 2.17. 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.

3. IMPLICATIONS

Legal Implications

- 3.1. The Councils would enter into a legal Agreement for a Joint Planning Policy Committee in reliance on the exclusive rights given to local authorities to undertake administrative arrangements of this nature in section 101, 102, 112 and 113 of the 1972 Act and the regulations made under the 1972 Act; together with the general power within section 1 of the Localism Act 2011.

Financial Implications

- 3.2. Annual costs relating to the operation of the Joint Committee shall be shared in equal proportions between the two Councils.

Human Resources Implications

- 3.3. The operation of a Joint Committee will be met by existing resources within TDC & NDC.

Sustainability/Biodiversity Implications

- 3.4. A more efficient governance process and wider active Member participation will aid effective review of the Local Plan and wider Planning Policy. Section 39 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to exercise their functions in relation to plan making with the objective of contributing to the achievement of sustainable development.

Equality/Diversity

- 3.5. The review of the North Devon and Torridge Local Plan is an action to meet TDCs strategic priorities to ensure that the Local Plan remains relevant for good development that unlocks investment and opportunity, protects our important natural assets and helps to create strong and resilient communities. Review of governance arrangements is intrinsic to the Local Plan Review.



Risk Management

3.6. None

Compliance with Policies and Strategies

3.7. This report is in accordance with the Council's Constitution

Data Protection (GDPR) Implications

3.8. No identified issues relating to data protection. Appropriate arrangements will be put in place to ensure that all personal information associated with the joint Committees activities is processed appropriately in accordance with data protection principles and requirements.

Climate Change

3.9. A more efficient governance process and wider active Member participation will aid review of the Local Plan providing the opportunity to consider how the Council should respond, through planning, to climate change; including the local declaration of the climate emergency, and to other influences such as the provisions of the Government's 25 Year Environment Plan.

Leader & Lead Member Views

Leader – Cllr James:

I fully support the proposal to form a joint planning policy committee with North Devon Council. Whilst the Local Plan Working Group has previously provided guidance on the formation of Planning Policy, the proposed joint committee now provides the opportunity to increase Member involvement and provide an efficient method for consideration of our future planning policies to the benefit of our District.

Lead Member for Planning – Cllr Watson:

I welcome this proposal to continue our partnership working with NDC and the formation of a joint committee. Local Plan review and Planning Policy consideration is key to the success of our district and realising the visions of our communities. The proposed governance arrangements will contribute to efficient working and wider Member involvement.

4. CONCLUSIONS

4.1. Full Council have previously resolved to review the governance arrangements for the preparation of the Local Plan to ensure inclusive, effective, and efficient oversight and engagement. It is considered that there are clear reasons for the formation of a Joint Committee which include providing robust governance arrangements to meet the desired appropriate oversight, and wider engagement.

5. RECOMMENDATIONS

5.1. 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 North Devon Council resolution for the same).



5.2. 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.

SUPPORTING INFORMATION

Consultations: Chief Executive
Head of Communities & Place
Head of Legal & Governance & Monitoring Officer
Legal Services Manager

Contact Officer: Planning Manager: Shaun Harrington

Background Papers: Local Government Act 1972
Localism Act 2011
Town and Country Planning Act (1990) as amended
Planning and Compulsory Purchase Act (2004) as amended
Planning Act (2008) as amended
National Planning Policy Framework (2018)
Planning Practice Guidance (updated online)
Town & Country Planning (Local Planning) (England) Regulations 2012
North Devon and Torridge Local Plan 2011 – 2031 (adopted October 2018)

Appendix 1: Agreement for a Joint Planning Policy Committee

