

Meeting: Cabinet

Date: 14th July 2020

Wards Affected: All

Report Title: Local Plan Review

Is the decision a key decision? No

When does the decision need to be implemented? ASAP

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1. Proposal and Introduction

1.1 It is necessary to carry out a review of the Torbay Local Plan 2012-2030, and in this respect the scope of the review needs to be determined. It is proposed to establish a Working Party to support the scoping of the review as well as the work thereafter in undertaking the review. The Working Party will ensure that all political groups on the Council are represented, and the Working Party will also guide Officers in ensuring that there is good engagement with all interested parties, including Neighbourhood Forums, to inform decisions. In this respect it is proposed that a Local Plan Stakeholder Engagement Group be established, to ensure that there is a structured approach to engagement.

2. Reason for Proposal and associated financial commitments

2.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 require that Local Plans are reviewed at least every five years. The Torbay Local Plan (2012-2030) was adopted in December 2015 and so a review is due before December 2020.

2.2 The same Regulations also require that the Statement of Community Involvement is reviewed.

2.3 There is a distinction to be made between a review and an update. The Local Authority is required to consider whether to revise the document following the review, or if it decides not to revise the document, to publish the reasons for considering that no revisions are necessary.

2.4 In order to support the initial scoping of the Review, and the Review itself, it is proposed to establish a Working Party to ensure that all political groups on the Council are involved in this work, and for the Working Party to assist in guiding

Officers to ensure that there is good engagement with all interested parties, including Neighbourhood Forums, to inform decisions. In this respect it is proposed that a Local Plan Stakeholder Engagement Group be established.

- 2.5 As part of this the Working Party will assist in guiding a consultation on housing need. Paragraph 33 of the National Planning Policy Framework makes it clear that “Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”
- 2.6 Since the Local Plan was adopted the Government has introduced a standard methodology for the assessment of local housing need. This figure differs from the existing Local Plan. However, the existing Local Plan proposed housing and jobs growth, with neither having been delivered at the speed expected. As such it is necessary for a review to consider housing need before a decision is taken about whether to revise the Local Plan.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Cabinet appoint a non-decision making Local Plan Working Party with the following terms of reference and membership:

Terms of Reference:

To support the Local Planning Authority’s review of the Torbay Local Plan 2012-2030 and any other associated documents as may be deemed appropriate by the Assistant Director of Planning, Housing and Climate Emergency.

Membership:

Politically balanced - 4 Conservatives, 3 Liberal Democrats, 2 Independents and of those members to include the Cabinet Member for Instructure, Environment and Culture, Cabinet Member for Economic Regeneration, Tourism and Housing

- 3.2 That, in consultation with Local Plan Working Party, the Assistant Director of Planning, Housing and Climate Emergency be given delegated authority to agree the content of documents for consultation during the review.
- 3.3 That a separate Local Plan Stakeholder Engagement Group be formed to support the Local Plan Working Party. The terms of reference of that Engagement Group shall be determined by the Assistant Director of Planning, Housing and Climate Emergency in consultation with Local Plan Working Party.
- 3.4 That, following the review but before December 2020, a recommendation is brought to Cabinet on whether or not to revise the Torbay Local Plan 2021-2030.
- 3.5 If a revision is recommended, that there shall be a scope and programme for the update of the Local Plan accompanying the recommendation.
- 3.6 That every effort shall be made by all involved in the process to ensure efficiency and to deliver the review (and update if required) as soon as practicable to ensure Torbay and its community has an up-to-date Local Plan in place wherever possible.

Background Documents

The Torbay Local Plan 2012-2030 (www.torbay.gov.uk/localplan)

The Town and Country Planning (Local Planning) (England) Regulations 2012

(www.legislation.gov.uk/uksi/2012/767/introduction)

Planning and Compulsory Purchase Act 2004

(www.legislation.gov.uk/ukpga/2004/5/introduction)

National Planning Policy Framework (www.gov.uk/government/publications/national-planning-policy-framework--2)

Section 1: Background Information

1.	What is the proposal / issue? It is proposed that a Local Plan Working Party and Stakeholder Engagement Group are formed to support the review of the Torbay Local Plan 2012-2030 (the Local Plan).
2.	What is the current situation? The Local Plan was adopted at full Council on 10 th December 2015. In accordance with the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning Regulations 2012, the Local Planning Authority is required to review the Local Plan at least every five years, and therefore not later than 10 th December 2020. Since adoption of the Local Plan, the Government have introduced a standard methodology for assessing local housing need. However, the jobs and housing growth planned for in the Local Plan have not materialised at the rate expected and, as such, it is important to consider all options for future local housing need before determining the outcome. If the local housing need figure has changed significantly then it is necessary to update the relevant strategic policies. There has also been a revised National Planning Policy Framework (NPPF) published in 2019 and it will be necessary to ensure that the Local Plan remains in accordance with the NPPF. Reviews should take into account changing circumstances affecting the area, or any relevant changes in national policy.
3.	What options have been considered? Options are constrained by the legislation. Knowing that the Government has introduced a revised local housing need figure, it would be appropriate as an alternative option to consider that appropriate justification for a revision and to decide that now. However, the alternative option has been recommended as it will consider more fully, whether that figure, and other aspects of the plan, are appropriate for Torbay and whether it does or does not need to be updated.
4.	What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles? The review will check whether the Local Plan accords with the Partnership Memorandum and the Council's Principles.

5.	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>The review will check whether the Local Plan contribute towards the Council’s responsibilities as corporate parents.</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>The review will check whether the Local Plan addresses the latest evidence around poverty, deprivation and vulnerability.</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>Any consultation as part of the review will be carried out using methods that are fully accessible to all.</p> <p>The review will check that the Local Plan has a positive impact on, and addressing the needs of, those with learning disabilities wherever possible.</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>No consultation is required directly as part of this decision.</p> <p>The recommendation is for a Stakeholder Engagement Group to be formed to support the review, with the Working Party setting the terms of reference and agreeing the membership of the group.</p> <p>The recommendation is also for the Working Party to agree consultation documents that are necessary to carry out the review. This is expected to initially include a local housing need consultation.</p> <p>The Local Plan impacts on a wide variety of stakeholders.</p>

Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>The Local Plan has a budgeted reserve allocation. The review is likely to necessitate an evidence base update which will be kept to a minimum but further evidence will be necessary if a revision is recommended.</p> <p>Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).</p>
10.	<p>What are the risks?</p> <p>The key risk is that the Local Plan is found to be 'out of date'. To avoid this, the Council must ensure that the Plan complies with Government policy and is founded on robust evidence and follow all statutory and local requirements, including on public consultation.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>Though currently unknown, any procurement necessary to support evidence gathering, public engagement or other aspects of the review shall be considered for how it might improve the economic, social and environmental well-being to Torbay.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The legislative requirements in relation to Local Plans are known, alongside the updates to Government policy on local housing need. Additionally local monitoring data allows us to evidence that local housing and jobs growth has not been delivered as expected.</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>Public consultation to follow.</p>
14.	<p>Amendments to Proposal / Mitigating Actions</p> <p>Not Applicable.</p>

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact	
Older or younger people	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.			
People with caring Responsibilities	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.			
People with a disability	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.			
Women or men	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.			
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.			
Religion or belief (including lack of belief)	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.			
People who are lesbian, gay or bisexual	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.			

	People who are transgendered	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.		
	People who are in a marriage or civil partnership	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.		
	Women who are pregnant / on maternity leave	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	This decision should have a positive impact on this group as the review will ensure the Local Plan addresses key issues.		
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The review will need to be supported by colleagues across the Council, particularly but not exclusively across the Place directorate.		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	The review will need to be supported by colleagues from other public services to ensure the Local Plan meets their needs but also does not conflict with their service provision.		