

Report to: **Executive**
Date: **7 March 2024**
Title: **Plymouth and South West Devon Joint Local Plan Five-Year Review Report 2024**
Portfolio Area: **Strategic Planning – Cllr Thomas**

Wards Affected: **All**

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

Date next steps can be taken: **Must be approved and published before 26 March 2024**

Author: **Alistair Wagstaff** Role: **Assistant Director Planning**

Contact: **01803 861455/alistair.wagstaff@swdevon.gov.uk**

RECOMMENDATIONS:

It is RECOMMENDED that the Executive AGREE and APPROVE the Plymouth and South West Devon Joint Local Plan Five Year Review Report 2024 for:

- 1. Publication on the website;**
- 2. Justification of the continued use of the Plymouth and South West Devon Joint Local Plan with full weight in the determination of planning applications and to be referred to as appropriate in reports; and**
- 3. Use as a material consideration for planning decisions.**

1. Executive summary

- 1.1 The Joint Local Plan (JLP) was adopted on 26 March 2019 and is going to be five years old in March 2024. There is a legal requirement that a local planning authority must complete a review at least every five years, and this is also set out in the National Planning Policy Framework. The purpose of the five-year review is to ensure that the JLP and its policies, that set the strategic context for development to 2034, remain effective and establish whether evidence suggests that parts of the plan may need updating.

- 1.2 The constituent Councils of the JLP area (PCC / SH / WD) have carried out an assessment of the JLP, in accordance with national policy, guidance and legislation, to assess the performance of the JLP and how it is functioning as well as its delivery against the strategic development requirements. It explores whether there are any significant changes that have occurred since adoption that demonstrate the plan is not delivering in line with expectations or where national policy has changed to such an extent that our local policies may no longer be in line with the national policy. This was considered by the JLP Board and is now recommended for approval by the Edecuti.
- 1.3 This Five-Year Review Report 2024 demonstrates that the JLP continues to provide an effective strategy for the management of growth and development across the whole plan area. The Councils conclude that the spatial strategy, strategic objective, policies and JLP taken as a whole remains an up-to-date sound plan that is still fit for purpose and will continue to be used in decision making.
- 1.4 Once approved this report will provide a robust basis for the JLP and its policies to continue to have sufficient status for use in the determination of planning applications. As part of this process and to ensure that this report is a material consideration for decision making it will be published on the website, be the subject of an update to planning committee and reference will be included in the development management report templates.
- 1.5 This briefing note asks Executive to adopt and publish the Plymouth and South West Devon Joint Local Plan Five-Year Review Report 2024 as approved by the Joint Local Plan Partnership Board on 25th January 2024. It sets out why this is needed and what it will do; specifically to safeguard the current adopted Plymouth and South West Devon Joint Local Plan (JLP) and ensure it can continue to be used in decision making in the period before adoption of the next iteration of the plan.

2. Background

- 2.1 The Plymouth and South West Devon Joint Local Plan (JLP) was adopted in March 2019¹ and is going to be five years old in March 2024. There is a legal requirement that a local planning authority must complete a review ² at least every five years. This is also set out in paragraph 33 of the National Planning Policy Framework (NPPF 2023) which says:

¹ 21st March 2019 for South Hams and 26th March 2019 for Plymouth and West Devon

² Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

*Policies in local plans and spatial development strategies should **be reviewed to assess whether they need updating** at least once every five years, and should then be updated as necessary.*

- 2.2 The purpose of the five-year review is to ensure that the JLP and its policies remain effective and establish whether evidence suggests that parts of the plan may need updating. National policy and guidance recognise that policies age at different rates according to local circumstances and a local plan does not become out-of-date automatically after five years. A Five-Year Review Report is therefore required to fulfil this legal obligation and establish which policies are up to date.
- 2.3 It is particularly important that a five year review is undertaken because the NPPF and National Planning Policy Guidance (NPPG) make clear that the starting point for calculating the Five-Year Housing Land Supply (5YHLS) and the Housing Delivery Test is the housing requirement figures identified in strategic policies provided they are less than 5 years old or more than 5 years old, but have been reviewed and are found not to need updating. Otherwise, the government's standard method is deemed to set the plan's housing need and forms the basis for the 5YHLS.
- 2.4 Delays to planning reform and the current lack of appropriate transitional arrangements means that authorities, like us, who still have an up-to-date plan but have not yet formally commenced a new plan update are not protected while they move to the new planning system. It is therefore important to ensure the JLP strategy and policies are not undermined in the period between the five-year review point at March 2024 and the adoption of a new plan.

3. Proposed Way Forward

- 3.1 The JLP councils have assessed the adopted JLP against a set of robust criteria informed by national policy, guidance, and the planning advisory service advice. This assessment demonstrates that the JLP overall is still fit for purpose and up to date, as summarised below:
 - The JLP is consistent with key legislative and policy changes that have occurred since the plan was adopted and continues to comply with national policy
 - The JLP is monitored annually to show that the JLP is performing strongly and on track to deliver the strategy over the plan period
 - The JLP is performing well against DLUHC appeal performance statistics with decisions being upheld and policies supported by Planning Inspectors
 - The JLP provides flexible to respond positively to the changes in economic, social and environmental changes that have occurred

since adoption, including the declaration of a Climate Emergency.

- The JLP's housing requirement remains up to date, as it can be considered to be sufficiently close to the number generated using the standard method. Therefore, the JLP housing requirement can continue to be used as the basis for calculating the 5YHLS
- The demographic data of the 2021 Census reveals that the population across the JLP area is lower than had been projected at the time the JLP was prepared. Therefore, there is nothing in the latest demographic data to suggest that the current JLP needs to be updated at this time to deliver a higher level of housing provision.
- Safeguarding the airport site for general aviation use remains the most appropriate approach.
- There are no cross boundary or other issues that need to be addressed.

3.2 The Review Report sets all this out and is supported by a detailed appendix applying the Planning Advisory Service route mapper and toolkit to test whether the policies still meet the requirements of the latest National Planning Policy Framework.

3.3 The Review Report concludes that the spatial strategy, strategic objectives, policies and JLP taken as a whole remains an up-to-date sound plan that is still fit for purpose and therefore does not propose to update it at this time. The JLP councils therefore can remain focused on implementation to support delivery of the JLP's strategic objectives across the whole plan area and continue to use its policies in decision making and in the determination of the five year housing land supply and housing delivery test.

3.4 The next steps are following approval by Executive, West Devon Hub on the 5 March (and also Plymouth City Council Cabinet on 11 March 2024) the Plymouth and South West Devon Joint Local Plan Review Report 2024 will be published before 26 March 2024.

3.5 Once published it will allow the adopted Plymouth and South West Devon Joint Local Plan to continue to be used with full weight in the determination of planning applications.

3.6 Reference to it will be included via a standard paragraph included within the template for Development Management reports.

4. Outcomes/outputs

4.1 The Report needs to be published before the adopted JLP is five years old. This will safeguard the policies from becoming automatically out of date and allow us to continue to use them with full weight in decision making.

5. Options available and consideration of risk

- 5.1 The only other alternative is not to produce a review report. This option is rejected because it does not meet the legal requirement to undertake a five year review and would fail to provide an up to date assessment of whether the plan remains up to date and can continue to be used with full weight to determine planning applications.
- 5.2 The proposal is the safest way of ensuring decisions can still be made in line with the JLP. Although the Five-Year Review Report itself is not subject to an independent process of approval, its findings could still be challenged at planning application appeals. Were an inspector not to support the approach taken and decide that some of our policies are out of date, this could trigger what is known as 'the tilted balance', meaning that planning applications may be approved contrary to the policies of the current JLP. However, this risk of speculative sites being submitted and planning applications being approved by appeal exists at March 2024 even if we don't do this.
- 5.3 There is no other option available which can mitigate these risks and as such this approach is the recommended course of action.
- 5.4 The Report has been presented to the JLP Partnership Board on 25 January 2024 and the Board unanimously recommended that it is taken to each Council for Adoption

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		There could be an increase in planning applications for housing and potentially more appeals. However, the Report includes a detailed assessment of the issues relating to the housing requirement and standard method and its implications for the five year housing land supply. This appendix can be appended to or referred to in all appeal statements which should save officer time and resources.
Financial implications to include reference to value for money		There are no new financial implications.
Risk		The risks are set out above and relate to the risk of challenge to our approach to the housing requirement and five-year land supply could be challenged on individual sites at appeal. However,

		this risk exists at March 2024 even if we don't do this.
Supporting Corporate Strategy		All corporate strategy objectives will be supported through the safeguarding the adopted JLP prior to the adoption of a new plan. This approach will allow for the continued use of policies with full weight in the determination of planning applications.
Consultation & Engagement Strategy		The report was discussed at the Joint Local Plan Partnership Board Meeting held on 25 January 2024.
Climate Change - Carbon / Biodiversity Impact		The maintenance of the status and use of the JLP and its policies, particularly DEV32 will assist in the delivery of low carbon development to deliver a reduction in carbon emissions important in delivering the Council's carbon reduction target and the objectives of the Devon Carbon Plan.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The existing JLP sustainability and equalities assessment is still relevant as the policies are not changing.
Safeguarding		N/A
Community Safety, Crime and Disorder		The continued application of the JLP policies will ensure this is properly considered in new applications.
Health, Safety and Wellbeing		The continued application of the JLP policies will ensure this is properly considered, through Health Impact Assessment as appropriate in new applications.
Other implications		

Supporting Information

Appendices:

Appendix A: Plymouth and South West Devon Joint Local Plan Five Year Review Report 2024

Background Papers:

Housing Position Statement Update 2024