

**REPORT TO: PLANNING MEMBER WORKING GROUP**

**Date of Meeting: 20 December 2016**

**REPORT TO: EXECUTIVE**

**Date of Meeting: 10 January 2017**

**Report of: Assistant Director City Development**

**Title: Greater Exeter Strategic Plan – Local Development Scheme and other matters**

**Is this a Key Decision?**

No.

**Is this an Executive or Council Function?**

Executive.

**1. What is the report about?**

To approve a new Local Development Scheme and to make recommendations on various aspects of the Greater Exeter Strategic Plan (GESP) to be prepared jointly with East Devon District Council, Teignbridge District Council, and Mid Devon District Council, in partnership with Devon County Council.

**2. Recommendations:**

That Planning Member Working Group support and Executive agree:

1. The subject matter of the Greater Exeter Strategic Plan, subject to review as the plan is prepared.
2. The timetable for the Greater Exeter Strategic Plan.
3. The timetable for the Exeter Development Delivery Plan, subject to further review as work on the Greater Exeter Strategic Plan progresses.
4. The Local Development Scheme attached as Appendix A, to have effect from 18 January 2017.
5. The Greater Exeter Strategic Plan is prepared under Section 28 of the Planning and Compulsory Purchase Act 2004, without the need for a statutory joint planning committee.
6. A Member Steering Group is set up with a representative from each of the five Councils, to which the Portfolio Holder for City Development, Rachel Sutton is appointed, with Rosie Denham as her deputy.
7. A joint Member Reference Forum is established to which relevant Members from each of the five authorities are invited to attend as required. The forum would meet to consider and make comments on draft plan proposals before they are formally considered by each council.
8. The "Issues" document attached as Appendix B to this report for consultation.
9. The draft Greater Exeter Statement of Community Involvement attached as Appendix C for informal consultation.
10. That resolving any inconsistencies arising from the decisions of individual councils on GESP documents is delegated to the Exeter Chief Executive in consultation with the

Portfolio Holder for City Development and the Chief Executives of East Devon, Teignbridge and Mid Devon.

11. Following agreement with the other District Councils, delegated authority to agree minor modifications (which do not go to the heart of the documents' meaning) is granted to the Assistant Director, City Development or City Development Manager in consultation with the Portfolio Holder for City Development.

12. That the staffing proposal is noted.

### **3. Reasons for the recommendations:**

The four Local Planning Authorities of Exeter City Council, East Devon District Council, Mid Devon District Council and Teignbridge District Council have confirmed that they will prepare a joint plan to cover strategic matters for their area and have agreed to the general funding arrangements. Work will be in partnership with Devon County Council. It is proposed that further consideration is now given to:

- GESP subject matter and scope
- GESP timetable
- Exeter Development Delivery Plan timetable
- Local Development Scheme
- Governance
- Issues Report consultation
- Statement of Community Involvement consultation
- Housing and Employment Land Call for Sites
- Dealing with inconsistencies between councils
- Staffing arrangements

This report has been agreed jointly with officers of the five participating authorities and is being presented (with appropriate variations to reflect local matters) to each.

### **4. What are the resource implications including non financial resources:**

The financial implications were considered by Executive and Council on 12 July and 26 July respectively. There are no additional financial implications.

### **5. Section 151 Officer comments:**

There are no further financial implications for the Council contained within the report.

### **6. What are the legal aspects?**

These are identified in paragraph 10.6 of this report.

### **7. Monitoring Officer's comments:**

The implications for the staff have to be carefully monitored and any changes to be implemented must comply with the Council's Organisational Change Policy.

### **8. Equalities Impact:**

The impact of this decision on persons with protected characteristics is considered to be low because any joint plan would be prepared with due regard to equalities issues in the same way as current plan making processes are undertaken.

## 9. Risk:

Risks include the potential failure of all partner authorities to agree recommendations and timetable slippage.

## 10. Report details:

### 10.1. Background

10.1.1. Members may recall the report that went to Executive on 12 July 2016 and Council on 26 July 2016 where it was recommended to prepare a joint strategic plan for Greater Exeter and a budget for this work was agreed. East Devon District Council, Mid Devon District Council and Teignbridge District Council confirmed their agreement to this approach on 27 July, 31 August, and 26 September respectively.

### 10.2. Subject matter and scope

10.2.1. The geographical scope and broad subject matter of the plan has already been agreed, covering the areas of East Devon, Exeter, Mid Devon and Teignbridge (excluding Dartmoor National Park) and covering the following strategic planning matters.

- The vision for growth and development
- Housing and economic development needs and general distribution
- Strategic development allocations
- Strategic planning policies and infrastructure proposals
- Other policies where consistency is considered to be beneficial

10.2.2. Decisions on the plan's detailed contents will undoubtedly evolve as the plan progresses, and as evidence presents itself. In particular, the impact of financial and other devolution agreements and government policy changes will be kept under review. However, bearing in mind these uncertainties a potential structure and scope is emerging from officer discussions as below, with implications for city, town and countryside across the GESP:

- Contents
  - A list of chapters and policies.
- Executive summary
  - A short outline of what the plan is seeking to achieve and how.
- Role of the joint plan and relationship with other plans
  - Setting out the overall scope of the plan and how it can support other related strategies such as the Local Enterprise Partnership's policies and the results of the devolution discussions. How it relates to the existing and proposed new local plans prepared by each council and with Neighbourhood Plans. Duty to cooperate discussions.
- Background changes and issues
  - A consideration and analysis of what is happening and the problems and opportunities arising.
- Overarching vision and objectives
  - High level principles underpinning the plan
- Plan Strategy
  - Description of the overall strategy which best meets vision and the challenges facing the area. Covering the big ticket themes of where and how many homes and jobs are needed, how key environmental assets will be protected and enhanced and the need for new and improved infrastructure.

- Strategic Settlements and area strategy and functions
  - The implications of the vision and strategy for each of the main settlements and the plan area as a whole. Setting out the key planning functions and role of these.
- Strategic Development Proposals
  - The strategic development sites allocated in this plan to meet the strategy and other area's needs. Implications for the remaining district/city level local plans' allocations.
- Strategic Policies
  - Homes – setting the strategic targets for the objectively assessed need for housing, and considering the need for specific types of housing (including affordable, student, custom build and accessible homes).
  - Economy – considering forecast economic performance and how the plan can guide/improve. This is likely to include consideration of particular economic sectors (and in particular the evolving role of the knowledge economy and innovation), the protection of key economic assets across the whole plan area.
  - City and Town Centres – giving the overall approach to the need and best locations for retail, leisure and other “main town centre uses” taking account of the existing “hierarchy” of town and city centres in the area.
  - Environment – policies concerning issues including climate change, air quality, flooding, protection of European wildlife sites, other strategic landscape and biodiversity matters and heritage protection.
  - Community infrastructure – policies and proposals for the provision of community facilities and infrastructure, including information, smart systems and broadband.
  - Quality of development – improving the design of new development, including consideration of density and space standards.
- Implementation, delivery and monitoring – proposals to ensure that policies and proposals happen on the ground and how their success will be measured.

### **10.3 GESp Timetable**

10.3.1. An indicative timetable was included in the previous report, subject to further investigation. Officers have considered this matter further, with a more detailed assessment of the evidence and other stages needed to prepare a strategic plan for this wide area. A revised timetable for the GESp is now proposed, as follows.

- February 2017
  - Consultation on an Issues Report
  - Consultation on a Greater Exeter Draft Statement of Community Involvement
  - Housing and Employment Land Availability Assessment “call for sites”
- January 2018 - Consultation on Draft Plan
- February 2019 - Publication (Proposed Submission) Plan
- August 2019 – Submission of Plan
- November 2019 - Hearings before Planning Inspector
- June 2020 – Adoption after Inspector's report received

10.3.2 This timetable is reflected in a proposed Local Development Scheme set out in Appendix A, and will be similarly reflected in the other councils' schemes.

### **10.4 The Development Delivery Plan Timetable**

10.4.1 The GESp is a strategic plan and will not contain a full suite of planning policies and allocations for Exeter. The GESp timetable above will provide the area's strategic

policies and proposal by 2020. However, it is necessary to consider the remaining elements of the Local Plan.

- 10.4.2 Exeter had already made significant progress with the Development Delivery Plan; however, this document was not taken forward to submission as there was little prospect of it being found sound without a five year supply. The work on this document has not been wasted and once the GESP has made sufficient progress the Development Delivery Plan can be revised and updated and then moved towards adoption.
- 10.4.3 It is proposed to run the Development Delivery Plan timetable about a year and a half behind the GESP timetable, overlapping with it, but avoiding periods of purdah associated with council elections. This would provide an adoption date of 2020 and help to ensure that a five year housing land supply is achieved at the earliest opportunity. The following timetable is implied:
- July 2018 – Consultation on Draft Plan
  - July 2019 – Publication (Proposed Submission) Plan
  - November 2019 – Submission of Plan
  - February 2020 – Hearings before Planning Inspector
  - October 2020 – Adoption after Inspector's report received
- 10.4.4 However, a comparison with the GESP timetable indicates that there will be a number of periods where high intensity work on both plans would coincide. The Council's staff resources would be stretched considerably during these times in particular. Therefore it is proposed that that the timetable is kept under review in light of progress with the GESP and resource availability and if necessary a revised timetable be prepared.

## **10.5 Local Development Scheme**

- 10.5.1 It is a legal requirement that the Council approve and publish a Local Development Scheme (LDS) which contains the plans to be prepared, their geographical scope, subject matter and timetable. A new LDS, reflecting the recommendations made above, is attached at **Appendix A** and you are recommended to approve it for publication, to come into force on 18 January 2017. The GESP section is common between the four local planning authorities, while the Exeter Development Delivery Plan section is specific to this Council.

## **10.6 Governance of Greater Exeter Strategic Plan**

- 10.6.1 Plans require Member decisions at certain stages. A joint plan can be prepared under either of Sections 28 or 29 of the Planning and Compulsory Purchase Act 2004.
- 10.6.2 Under Section 28 a joint plan is subject to separate decisions by each of the Local Planning Authorities. In other words, all four councils will need to approve the plan at each relevant stage in accordance with their own constitutions/schemes of delegation.
- 10.6.3 Under Section 29, by comparison, a Statutory Joint Committee is set up with the delegated authority to prepare the joint plan as a planning authority. Setting up a joint committee requires that an order is laid before Parliament defining its scope, remit and membership. Once the plan is adopted by the joint committee it is as if it has been adopted by each of the participating planning authorities.
- 10.6.4 The councils are being recommended to prepare the plan under the first of these approaches in view of the need to progress the plan quickly, without waiting for

Secretary of State/Parliamentary approval. This would require no alterations to the individual constitutions of each council.

- 10.6.5 As part of the plan preparation process, it is further recommended that a member steering group is set up between the five councils, consisting of the appropriate portfolio holder from each. This would have no formal decision making powers, which would remain with each council as set out above, but would provide high level leadership guidance into the work of the existing officer board.
- 10.6.6 It is recognised that it might be difficult for the wider council membership to input into a joint plan through the normal committee/council channels. It is therefore proposed that Member input is provided for in two additional ways. Firstly, it is proposed that a joint Member Reference Forum is set up, consisting of 5 councillors from each of the five authorities (total 25 members). There would be an expectation that the councillors from each authority would be politically balanced. This joint forum would consider plan drafts and comment upon them before they are finalised and presented to the meetings of the individual councils. Secondly, officers will run member briefings (such as Planning Member Working Group) before each formal committee cycle to allow all councillors to review and comment upon draft plan contents and proposals. This would help to ensure that councillors' views can be considered before proposals are finalised.
- 10.6.7 Members should note that there is a separate proposal to set up a Greater Exeter Growth and Development Board as a formal joint committee to consider economic and other related matters across the area. The joint committee will be agreeing an economic development and other key related strategies for the area which will inform the strategic context for the GESP. This has been agreed in principle by Exeter and Teignbridge and will be considered by East Devon and Mid Devon (note that Devon County have confirmed their wish not to be involved in such a joint committee at this stage, although this does not undermine their commitment to the GESP). It is envisaged that the member steering group referred to above would have a role reporting on plan progress and strategy to the joint committee. This does not affect the recommendation referred to above to prepare the GESP under Section 28.

## **10.7 Issues Consultation**

- 10.7.1 To give an opportunity to explain the scope of the Greater Exeter Strategic Plan and to encourage initial expression of views, it is recommended that the councils publish a short "launch" document for the plan, attached as Appendix B to this report. This will:
- Introduce and explain the reasons for preparing an agreed strategy across the Greater Exeter area;
  - Summarise the proposed general scope and subject matter of the Greater Exeter Strategic Plan;
  - Introduce a number of relevant planning issues;
  - Invite anyone with an interest to send us their initial views on what a plan of this type should contain and any other matters.
- 10.7.2 There are no specific proposals within this short document, it therefore provides an open opportunity for initial comment. It is proposed that this is published in February 2017, as set out in the timetable above. This allows for the already-timetabled Mid Devon consultation on their own local plan changes to finish before new GESP consultations start, avoiding potential for confusion.
- 10.7.3 You are recommended to endorse the issues report for publication and consultation.

## **10.8 Greater Exeter Statement of Community Involvement (SCI)**

- 10.8.1 Each of the councils have their own Statement of Community Involvement (SCI) which contain policies on how the councils will consult on planning decisions. However, these differ between the councils. Therefore if the existing SCI policies were used to guide GESP preparation, the consultation processes would vary within the GESP area. It would be time consuming to review each of the councils' existing SCIs individually to incorporate four identical GESP-specific sections, causing delay and diverting staff resources from actual plan production. Instead, it is proposed that a joint SCI is prepared, covering GESP-specific consultation only, to sit alongside each council's existing SCI.
- 10.8.2 While there is no specific legal requirement to consult on an SCI it is nevertheless proposed to do so and a draft is attached as Appendix B, to be approved for consultation alongside the Issues report. The final SCI will be brought back to each council for adoption during 2017.

## **10.9 Housing and Employment Land Availability Assessment (HELAA)**

- 10.9.1 It is a requirement of government policy that plans are deliverable; for development allocations a HELAA (formerly SHLAA) is prepared. An early stage of this is a "call for sites" where landowners, developers and site promoters are invited to advise the councils of land which is available for economic, housing and other development. This "call for sites" is not a consultation event as such, however it is of course a fairly public process. It needs to be undertaken early in the plan making process to allow time to research and assess the submitted sites before the contents of the Draft Local Plan are recommended to each council. It is therefore proposed that the call for sites starts alongside the publication of the Issues Report and Draft SCI.

## **10.10 Ensuring Consistency**

- 10.10.1 Because decisions are taken by the four separate councils individually, it is possible that inconsistencies could arise. For example, a change of wording to the Issues Report could be agreed by one of the councils, but not considered by any of the others. It is hoped that this will not occur since the documentation has been prepared with the collaboration of the officers from each of the councils and the report is relatively uncontroversial. However, if that did happen there needs to be a process for achieving agreement before the document is formally published. It would be extremely time consuming for a revised version to go through each council's committee cycle again, delaying plan production against the timetable above. It is therefore recommended that such inconsistencies are resolved through agreement between the four Chief Executives in consultation with the relevant Portfolio Holders. This is reflected in the recommendations above.

## **10.11 Staffing Resources**

- 10.11.1 The councils agreed to provide a central budget, held by Devon County Council, to fund necessary evidence for the GESP work. This has now been set up and is working well. The earlier reports stated that staffing would be considered and reported back in more detail. Thus far the plan has been prepared using staff from each of the partner councils, in varying proportions reflecting their available team members. Following discussions between officers based on the experience so far it is now proposed to instead set up a joint team to carry out the core work on the plan, calling in additional staff, for example specialist advice, where necessary. It is

considered that this will increase the efficiency of the work and in particular help to achieve the timetable set out above.

10.11.2 While for Exeter the anticipated level of resources is already engaged in the plan preparation process, existing workloads within East Devon and Mid Devon do not currently permit this approach in the short/medium term. Accordingly, each of these latter authorities will be considering the appointment of additional staff to enable them to provide resources to the joint team as from 1 April 2017. When workloads allow, it is anticipated that additional East and Mid Devon staff will become available to work on the GESP.

## **11. Planning Member Working Group**

11.1 This report was considered by Planning Member Working Group on 20 December, it supported the proposals.

11.2 PMWG expressed a view that leadership of the Councils should be actively involved in the plan. Council Leaders will be involved through the Greater Exeter Vision Board and any successor Greater Exeter Growth and Development Board. Portfolio Holders for Planning will be on the Members Steering Group and are also likely to be involved through any GEG&DB sub boards. Chief Executives would be on a Project Board.

11.3 PMWG identified the importance of Member engagement requesting the plan be a standing item on its agenda with a proposed reporting programme, cross party invitation to other Members and a session on consultation arrangements. A general Member Briefing will be organised on 'the development plan'.

11.4 It was noted that the Planning Advisory Service was providing peer review of aspects of the plan.

## **Assistant Director City Development**

### **Local Government (Access to Information) Act 1972 (as amended)**

#### **Background papers used in compiling this report:-**

- NPPF - <http://planningguidance.communities.gov.uk/blog/policy/>
- Local Plans Expert Group Report - <https://www.gov.uk/government/publications/local-plans-expert-group-report-to-the-secretary-of-state>
- Devolution bid statement of intent - <http://www.heartofswlep.co.uk/sites/default/files/user-1889/Heart%20of%20the%20South%20West%20Devolution%20Prospectus.pdf>

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