

REPORT TO EXECUTIVE

Date of Meeting: 7 July 2020

Report of: Bindu Arjoon, Director

Title: Greater Exeter Strategic Plan: Joint Statement of Community Involvement

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 Statements of Community Involvement (SCI) are produced by local planning authorities to explain to the public how they will be involved in planning matters. This report concerns the proposed Joint Statement of Community Involvement (Joint SCI) that has been prepared for the Greater Exeter Strategic Plan (GESP). The Joint SCI sets out the proposed approach to public consultation on the GESP as it progresses through its statutory plan-making stages towards adoption.

1.2 Whilst there is no legal requirement to consult on a SCI, a draft of the proposed Joint SCI was itself subject to public consultation in 2017. This report explains how the proposed Joint SCI has been amended, both in light of responses to the 2017 consultation and to take account of Covid-19 restrictions on social interaction.

1.3 The proposed Joint SCI will cover the four Greater Exeter local planning authorities of Exeter City, East Devon District, Mid Devon District and Teignbridge District Councils. If approved by all four Councils, the Joint SCI will become a Local Development Document.

2. Recommendations:

2.1 That Executive approves the contents of the Joint SCI that has been prepared for the Greater Exeter Strategic Plan (GESP); and

2.2 That Executive gives delegated authority to the Leader, in consultation with the Portfolio Holder and Chief Executive, to agree changes to the Joint SCI arising from decisions by the other Greater Exeter local planning authorities and to approve it as a Local Development Document, noting that it will apply jointly to East Devon District, Exeter City, Mid Devon District and Teignbridge District Councils.

3. Reasons for the recommendation:

The recommendations are made:

3.1 A: To ensure that the public consultation on the GESP at each of its statutory stages is undertaken in a consistent manner by each of the Greater Exeter local planning authorities; and

3.2 B: To ensure that the Joint SCI be adopted by the four Greater Exeter local planning authorities in a timely manner, in advance of proposed consultation on the GESP Draft Policies and Site Options document in September 2020 (see separate Executive report).

4. What are the resource implications including non financial resources.

4.1 The adoption of the Joint SCI will commit the Greater Exeter local planning authorities to undertaking public consultation on the GESP in accordance with the methods set out in the Joint SCI. The costs associated with consultation will be funded by the joint GESP budget, to which each of the Greater Exeter local planning authorities have currently agreed to each contribute £170,000. Devon County Council has also made financial contributions to the preparation of the plan.

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider arising from this report. The GESP budget is a matter dealt with in another report on the agenda.

6. What are the legal aspects?

6.1 The preparation of an SCI, setting out how a local authority will involve its communities, businesses and other interested parties in the preparation of planning policies and in determining individual planning applications, is a legal requirement under section 18 of the Planning and Compulsory Purchase Act 2004. However, there are currently no formal or regulatory requirements setting out how an SCI should be prepared and there is no legal requirement to consult on its contents.

6.2 Each of the Greater Exeter local planning authorities already have their own SCIs and these contain different consultation requirements. In order to overcome any difficulties with aligning these individual existing SCIs, a single Joint SCI specifically for the GESP is considered necessary. The Joint SCI will only apply to consultations on the GESP. The Greater Exeter local planning authorities' existing SCIs will remain in force for all other planning consultations.

7. Monitoring Officer's comments:

This report raises no issues to concern the Monitoring Officer.

8. Report details:

Introduction

8.1 The 2004 Planning and Compulsory Purchase Act requires local planning authorities to prepare an SCI. Each of the Greater Exeter local planning authorities already have their own SCIs containing different consultation requirements. In order to overcome any difficulties with aligning these individual existing SCIs, a single Joint SCI specifically for the Greater Exeter Strategic Plan has been prepared, which will only apply to consultations on that plan. The authorities' existing SCIs will remain in force for any other planning consultations.

8.2 Although consultation on SCIs is not legally required, a draft Joint SCI was published for consultation in 2017. Representations were received from 13 respondents and these are published at <https://www.gesp.org.uk/consultation-phases/procedural-documents/statement-of-community-involvement/>

8.3 A summary of the representations, together with responses, is attached at Appendix 1 to this report.

8.4 The Proposed Joint SCI

The proposed Joint SCI is attached at Appendix 2 to this report. The proposed Joint SCI balances the representations received in 2017 against the need to progress with the preparation of the GESP during the ongoing uncertainties of the COVID-19 pandemic. The main changes that have been made since consultation took place on the draft Joint SCI are as follows:

- Clarification has been provided that Devon County Council does not need to adopt the GESP, which is a matter for the four local planning authorities;
- It is recognised that consultation methods for the GESP must be chosen by balancing cost and time constraints;
- Whilst the statutory consultation period for plan making remains as 6 weeks, the standard consultation period for the GESP has been increased to 8 weeks;
- A clear explanation has been added that respondents' personal contact details will be retained in order to inform them about progress with the GESP, in line with the Data Protection Act 2018 and the EU General Data Protection Regulations;
- An additional requirement has been added to prepare a communication and engagement strategy with more specific proposals for each stage of consultation;
- It is now stated that paper copies of consultation documents will be made available at council offices and libraries where possible (see final bullet point below)
- It is also stated that electronic copies of consultation documents (or paper copies, on request) will be made available to community groups, councils and statutory organisations;
- It is stated that other requests for paper copies will be met, but at a price that reflects publication costs. This is necessary to help ensure that the local authorities can cover the costs of consultation costs;
- It now clarifies that, where resources allow, consultation documents will be made available in alternative formats upon request;
- More detail has been provided on the stages of plan preparation; and
- It is specified that some consultation methods (such as public exhibitions involving face-to-face contact and making paper copies of consultation documents available in public places) will be undertaken 'where possible' to reflect the ongoing uncertainties and implications of the COVID-19 pandemic.

8.5 Implications

Of the amendments listed above, two key changes have been made to the Joint SCI since draft stage. The increase in the consultation period from 6 to 8 weeks will help to ensure that individuals and organisations are more able to prepare thoughtful and well evidenced comments. This includes organisations who need to take comments through a committee structure. The reference to some consultation methods taking place 'where

possible' enables greater flexibility to progress the plan during the uncertain period of COVID-19. If some events such as face-to-face public exhibitions cannot take place, meaningful engagement will still be ensured using alternative means such as social media and online exhibitions. This flexible approach is supported by Government guidelines that urge local authorities to progress plan-making during the coronavirus pandemic (see <https://www.gov.uk/guidance/plan-making#COVID19>).

8.6 Other changes made to the Joint SCI are generally fairly minor and improve the readability of the document.

8.7 Conclusion

The GESP Joint SCI will provide the framework for consultation on the GESP as it progresses. It is recommended that Executive approves the content of the document.

During July and August 2020, support for the GESP Joint SCI will also be sought from the relevant decision making body/ies in each of the other Greater Exeter local planning authorities. Should any one of the Greater Exeter local planning authorities suggest a change to the Joint SCI, there will need to be a meeting of the council Leaders, in consultation with the relevant Portfolio Holders and Chief Executives or their delegates, to agree a final version of the document. Recommendation 2.2, sets this out formally.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 Adoption of the Joint SCI will support the continued progress of the GESP through its statutory planning stages. The GESP itself will support the delivery of three corporate objectives: Building Great Neighbourhoods; Tackling Congestion and Accessibility; and Promoting Active and Healthy Lifestyles.

10. What risks are there and how can they be reduced?

10.1 Each of the four local planning authorities are making appropriate arrangements for approving the Joint SCI. There is a risk that one or more of the local planning authorities does not approve the Joint SCI. This would mean that such an authority would instead consult on the GESP in accordance with their existing SCI. This would increase the likelihood of inconsistent consultation and public confusion across the Greater Exeter area which could lead to challenges as the plan progresses.

10.2 There is also a risk that revisions to the Joint SCI are made at Committee. This would then require each of the other local planning authorities to approve the revised versions. To overcome this potential issue, approval is sought to give the Leaders of the Greater Exeter local planning authorities, in consultation with the Chief Executives and Portfolio Holders, delegated authority to agree changes to the Joint SCI as part of the approval process.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;

- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal, potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct carbon footprint implications arising from the recommendations. However, the Joint SCI includes the potential use of significant electronic, online and social media platforms which will help minimise the carbon impact of GESP consultations.

13. Are there any other options?

12.2 The alternative option is for the Executive not to support the content of the Joint SCI and for the authority to instead consult on the GESP in accordance with the adopted Exeter City Council SCI. Each of the other Greater Exeter local planning authorities would then also consult on the GESP in accordance with their individual adopted SCIs. The risk of potential inconsistencies and public confusion that this option could cause is set out in section 8 above and it is therefore not appropriate.

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

Background papers used in compiling this report:-

- Appendix 1: Greater Exeter Strategic Plan Joint Statement of Community Involvement: Summary of representations
- Appendix 2: Greater Exeter Strategic Plan Joint Statement of Community Involvement. 2020
- Representation made to the Draft Joint SCI, February-April 2017:
<https://www.gesp.org.uk/consultation-phases/procedural-documents/statement-of-community-involvement/>

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