

REPORT TO: EXECUTIVE

Date of meeting: 10 December 2019

Report of: Service Lead - City Development

Title: Revised Local Development Scheme

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Executive

1. What is the report about?

This report updates Members on discussions that have taken place between the leaders of the partner authorities involved in the Greater Exeter Strategic Plan (GESP) regarding the future scope and timetable for production of the GESP. The report seeks Member agreement for the scope and timetable, which if agreed by all partner authorities will form the basis for progressing work on the GESP. The scope and timetable have been agreed by the Executives of East Devon District Council, Mid Devon District Council and Teignbridge District Council.

The report also sets out a revised timetable for the preparation of the Development Delivery Plan, plus timetables for the preparation of a Code for Sustainable Homes Supplementary Planning Document (SPD) and a Planning Obligations SPD by the City Council.

2. Recommendations:

That Executive agree the proposed scope and timetable for the GESP, Development Delivery Plan, Code for Sustainable Homes SPD and Planning Obligations SPD as detailed in this report and summarised in Appendix A.

3. Reasons for the recommendations:

The proposed scope and timetable are considered the best approach to deliver the GESP, Development Delivery Plan (which could be “upgraded” to a full Local Plan should, for any reason, the GESP fail to progress), Code for Sustainable Homes SPD and Planning Obligations SPD. Members’ endorsement is needed to ensure that work on the documents can move forward.

The timetable will be published on the Council’s website.

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

In respect of the GESP, the financial implications were considered by Executive and Council on 12 July and 26 July 2016 respectively. The agreed Greater Exeter Strategic Plan (GESP) evidence budget should not be affected by the new timescale. However, the GESP team, consisting of staff members from each of the relevant authorities, will need to continue in place for the additional period.

In respect of the Development Delivery Plan and SPDs, there is currently no available resource within City Development to prepare these documents, all existing policy staff having been seconded to GESP work. It is proposed therefore to establish a Local Plans Team to ensure that these documents are prepared in accordance with the timetable

outlined in Appendix A. The structure of this team is still being finalised but it is anticipated that it will be largely funded through unspent monies contained within the former Housing Enabling Team budget, an element of the ring fenced income resulting from last year's increase in planning fees and funding from the Liveable Exeter Garden Communities programme.

5. Section 151 Officer comments:

There are no additional financial commitments arising from the report. The additional resources required for the Local Plans Team must be met from existing budgets otherwise an additional report to Council requesting additional funding will be required.

6. What are the legal aspects?

None identified.

7. Monitoring Officer's comments:

This report raises no issues to concern the Monitoring Officer. However, it is important to flag for information that the creation of a new Local Plan team referred to briefly in this report will have to be created in accordance with the Council's Organisational Change Policy.

8. Report details

8.1 Background to the GESP

On various dates in 2016, the four councils of East Devon, Exeter, Mid Devon and Teignbridge agreed formally to prepare a statutory joint local plan to be known as the Greater Exeter Strategic Plan (GESP). A joint planning team has been set up and work has progressed on various aspects of the plan.

The reasons given for preparing a joint plan between the councils are still highly relevant today and are summarised below:

- The Greater Exeter area geography reflects economic, housing and transport patterns. Coordinated planning and infrastructure provision will be enhanced to the wider benefit of councils taking part.
- Related to this, the legal requirement on local plans to be prepared under the Duty to Co-operate will be significantly easier than through the separate preparation of individual plans by the four councils on differing timetables.
- Strategic decisions taken previously by the Regional Spatial Strategy and Structure Plans have now been effectively completed, so a new vision and strategy for the area is needed.
- Joint working and planning gives the Greater Exeter authorities greater profile and weight when applying for national and regional infrastructure funding and in relationships with other bodies.

8.2 Current GESP timetable

The current Local Development Scheme (a statutory document that sets out the timetable for preparing the development plan) of each partner authority contains the following common section setting out the timetable and scope of the GESP:

“The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils’ administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:

- **set an overall vision and strategy for the development of the area in the context of national and other high level policy;**
- **include overarching, cross-boundary and strategic targets, policies and proposals for development and conservation;**
- **guide the overall level and distribution of development;**
- **make strategic development and infrastructure proposals;**
- **contain other strategic policies necessary to implement the vision and strategy;**
- and**
- **cover the period 2020 to 2040.**

Once adopted it will supersede specified strategic parts of the East Devon Local Plan, Exeter Core Strategy, Exeter Local Plan, Mid Devon Local Plan (once adopted), Teignbridge Local Plan and any other Development Plan Documents as necessary. The preparation timetable is as follows:

- **February 2017 – Issues consultation**
- **June 2019 – consultation on draft plan**
- **September 2020 – Publication (Proposed Submission)**
- **March 2021 – Submission**
- **May 2021 – Inspector’s Hearings**
- **December 2021 – Adoption”**

8.3 Revised GESP timetable

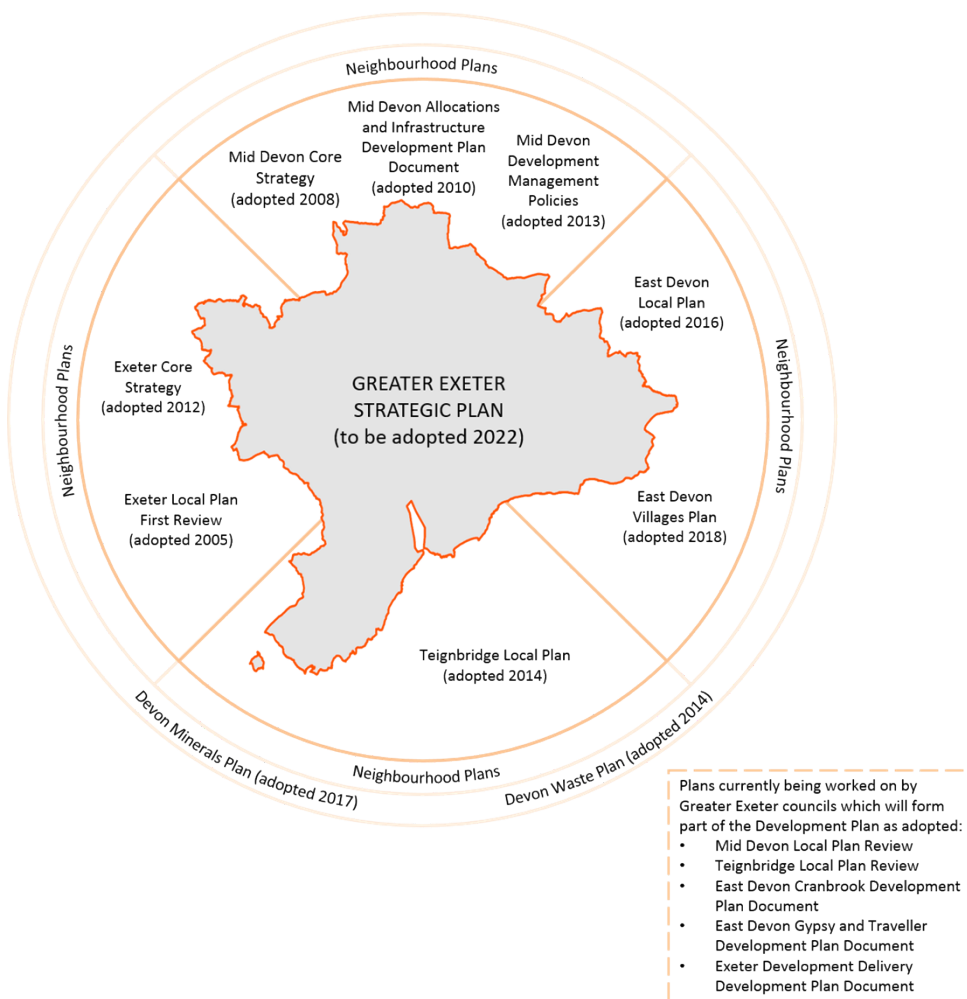
With changes in administration arising from the recent elections it has been necessary to ensure that the GESP proceeds in a way and to a timetable which continues to meet the objectives of the four councils. Discussions between lead officers and members have taken place and the planned June 2019 consultation was put “on hold”. At the recent first meeting of the GESP Leadership Group (see below), the councils’ leaderships confirmed their commitment to continuing GESP preparation but to a revised timetable. It is necessary that the new timetable is formally inserted into the councils’ Local Development Schemes. The following milestones are now proposed to replace those set out above, including an explanation of their role in the plan preparation process:

Stage	Notes	Date
Draft Policies and Site Options	Consultation on proposed strategic policies and a number of potential strategic site options. There will be more options than are eventually contained in the GESP, giving communities and others the opportunity to respond in the light of a wide range of alternative sites.	June 2020
Full Draft Plan	Consultation on revised policies, taking account of the earlier consultation and any further work undertaken. More controversially, this consultation will contain a final list of strategic allocations and will seek further comments on those. The “rejected” options will no longer be within the plan.	November 2020
Proposed Submission	The form of the plan which the council wishes to submit, based on the full draft, but taking account of any comments received to the draft. This is the last formal consultation on	February 2022

	the plan before it is submitted. Also known as the “publication” stage.	
Submit Plan	The plan and all its evidence is sent to the Planning Inspectorate and the examination process starts.	July 2022
Examine Plan	An Inspector leads an examination into the plan through a series of hearings. The focus is on whether the plan is “sound”. There may be further changes to the plan in the form of “Main Modifications” recommended by the Inspector.	September 2022
Adopt Plan	The Plan can only be adopted with a positive recommendation from the Inspector, with any Main Modifications proposed by them.	April 2022

8.4 GESP scope revisited

The GESP, as its name indicates, is intended to provide an overarching strategy for the area, but not to include a full suite of policies and proposals. Each council will continue to update their own individual local plan/plans covering issues not included in GESP. In addition, Neighbourhood Plans will continue to be prepared by local communities. The various plans, once adopted, will be read together to provide the “Development Plan” against which planning applications are to be assessed. The diagram below helps to explain the relationship between the various plans:



Issues of interpretation can arise where planning policies overlap with different wording affecting the same application. In order to avoid this, it is important that the distinction

between what goes in the GESP and what is expected to go into local plans (i.e. the scope of each plan) is sufficiently clear.

The current LDS, quoted in section 10.2, describes the scope of the GESP in quite general terms. The Leadership Group has considered the matter afresh with 3 options being presented. These are summarised below, with a list of pros and cons:

Scope 1 Strategic Allocations

- GESP would allocate strategic sites of 500+ homes, plus strategic employment sites, with comprehensive policies setting out infrastructure and planning requirements for the sites.
- Local Plans would not need to contain further policies on the Garden Communities and strategic sites, although there would be the option to do so if needed in a particular case.

Pros

- Minimises re-working of currently produced documents as based on current scope.
- Quickest way to deliver the full suite of policies for the delivery of strategic allocations and enable their delivery.
- Gives greatest clarity to communities as early as possible.

Cons

- Includes the most detail of the options and therefore has the greatest scope for disagreements and delays.
- Could lead to a perception that detailed local level issues are being determined jointly at strategic level.
- Leads to a need for early decision making about how sites are to be delivered.

Scope 2 Strategic Locations

- GESP would show the location of strategic development proposals and strategic employment sites. Comprehensive infrastructure and other policy requirements for these sites would not be included.
- Therefore, the later Local Plans would include the full planning requirements for the garden communities and strategic sites.

Pros

- Requires some stripping out of detail from the currently produced work and some reworking to align with new scope.
- The lesser detail would lead to fewer areas for potential disagreement and delay.
- Provides more scope for delivery options to be considered and mechanisms put in place before setting detailed requirements.

Cons

- Splits the policy framework for strategic sites between the GESP and Local Plans, making both documents relevant to them and a potentially confusing policy position.
- Would take longer than scope 1 to provide the full suite of policies required to deliver strategic sites.
- Less clarity for communities as would be consulting on proposed strategic allocations without details of how and what would be delivered.

Scope 3 New Communities only

- GESP would show the location of the largest new settlements (such as Culm Garden Village). However, comprehensive infrastructure and other policy requirements for the Garden Communities would not be included.
- Local Plans following on from GESP would therefore include the full planning requirements for the garden communities.

Pros

- Includes the least detail and therefore the least potential for disagreement and delays.
- Potentially quickest as less to consult on and potentially quicker turn around between consultations.
- Provides more scope for delivery options to be considered and mechanisms put in place before setting detailed requirements.

Cons

- Would require significant stripping out of details and reworking.
- Would leave greatest uncertainty for communities.
- Risks criticism for deferring the difficult decisions.
- Increase to local plan remainder figures.
- Splits the policy framework for strategic sites between the GESP and Local Plans, making both documents relevant to them and a potentially confusing policy position.
- Would take longer than scope 1 to provide the full suite of policies required to deliver strategic sites.

The Leadership Group has concluded that scopes 2 and 3 provide less certainty for communities and later delivery of the strategic sites. This latter issue would lead to the need to allocate additional development sites either within GESP or within the later local plans.

The Leadership Group has supported an updated and more clearly defined version of scope 1, as follows:

The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:

- **set an overall vision and strategy for the area in the context of national and other high level policy and in particular climate emergency declarations and the NPPF;**
- **contain policies and proposals for strategic and cross boundary issues where these are best dealt with at a larger-than-local scale;**
- **set the overall amount of growth for the period 2020 – 2040;**
- **promote the Liveable Exeter vision by allocating urban regeneration sites in the city;**
- **implement the overall vision and strategy by allocating strategic sites of 500 or more homes which may include urban extensions and new settlements ;**
- **provide districts' local plans with targets for non-strategic development**

This updated scope provides the following key benefits:

- It is legally “sound” because GESP will contain enough detail to be justified by evidence and, in comparison to other potential strategy approaches, the proposals will be worked

up in enough detail for their effectiveness to be tested and confirmed. It will also deal with the strategic matters facing the area rather than deferring them.

- The policies can be applied as soon as GESP is adopted, rather than waiting for a later plan to add further detail. This is highly beneficial in matters of urgent policy renewal like climate change. At the same time the GESP will not be filled with policies which are better dealt with in district local plans.
- It means that communities will be aware of the detail of proposals early in the process, ensuring that they have the opportunity to comment on them with a good understanding of the plan and the potential alternatives. Once the GESP is adopted, communities will have clarity and certainty about the policies and proposals.
- The allocated strategic development sites, including the “Liveable Exeter” brownfield sites and any strategic greenfield sites, could start to be developed earlier. This reduces the number of other sites needed within GESP or the districts’ own local plans.

8.5 Governance - how will GESP decisions be made?

Suggestions have been made that the GESP removes decision-making authority from the individual councils. This is not the case, since despite being a joint plan, the GESP must be approved by all four of the participating councils at each stage. However, it is clearly important that there is a co-ordinated approach to member involvement in plan decisions so that decision-making is effective. The governance of the plan is set out below, for information:

- **GESP Officer Team**
Working on evidence development and plan preparation and making recommendations as necessary to the other bodies and to individual councils on GESP matters. The team consists of informally seconded officers from the partner authorities, with a Team Manager. The team works out of Exeter Civic Centre and manages the joint GESP budget which has been agreed by the partner authorities.
- **Project Assurance Group:**
Provides a regular steer and decision making on detailed matters to the GESP team, including considering reports, evidence and plan drafts. Gives advice to the Principals Group. It generally meets monthly and consists of the Head of Planning or equivalent from each of the partner authorities.
- **Principals Group:**
Acts as the main officer board for the project, providing high level corporate input and direction. Considers reports, evidence and plan drafts including recommendations from the Project Assurance Group. It generally meets monthly and consists of the Chief Executives or equivalent from each of the partner authorities.
- **GESP Leadership Group:**
Primary Member Group which provides political advice and a steer to the work of the GESP, oversees progress on the plan and secures political agreement and support for GESP proposals. Considers advice and recommendations from the GESP Team, Project Assurance Group and Principals Group including reports and draft plans. It will meet approximately six times per year, but this will vary to reflect GESP workload. Consists of the Leader and Planning Portfolio Holder (or equivalent) of each of the Partner Councils. The first meeting has been held, and supported the timetable and scope as recommended by this report.
- **Member Reference Forum:**
Provides wider, informal councillor input to plan preparation through workshops, discussion and other appropriate methods. Will support the preparation of plan policies

and proposals including discussion of draft plan proposals before they are formally considered by each council. It will meet as and when it is needed. Consists of 10 councillors, politically balanced, from each of the four local planning authorities (total 40 councillors). Meetings are usually also attended by members of the Principals Group, Project Assurance Group and Leadership Group. Meetings have been arranged starting in November through to March with invitations going out shortly.

- **Local Planning Authorities:**
The formal decisions on plan contents up to and including its adoption are made by the four local planning authorities through their own decision making structures. The governance bodies referred to above are intended to ensure GESP progress through these formal processes without undue delay. The councils will be considering the Draft Policies and Site Options consultation document in or around May 2020 in time for June consultation. In the case of EDDC it would be considered by Strategic Planning Committee and would need to be agreed by all partner authorities before consultation could commence. The same process would apply to further consultations and then any decision to submit the GESP for examination would need to be made by full council and then adoption would also have to be agreed by the council.

8.6 Exeter Development Delivery Plan

Exeter has already made significant progress with the Development Delivery Plan. Once the GESP has made sufficient progress, the Development Delivery Plan can be revised and updated by a new Local Plans Team and then moved forward towards adoption.

The proposed timetable and adoption date for the Development Delivery Plan is around 8 months later than the timetable and adoption date for the GESP, as shown in Appendix A. This is for the following reasons:

- There are elements of the Development Delivery Plan which need to follow on from the GESP. In particular, the number and broad distribution of new homes and some other forms of development will be a GESP strategic decision.
- In order to take forward the Development Delivery DPD, it will first be necessary to appoint a Local Plans Team.

Should the GESP fail to progress for any reason, the Development Delivery Plan could be upgraded to a full Local Plan for Exeter. This could necessitate a revision to the Local Development Scheme. Due to its wider scope, it is possible that the timetable and adoption date of a Local Plan would be later than the proposed timetable and adoption date of the Development Delivery Plan.

8.7 Code for Sustainable Homes SPD

The Exeter Core Strategy contains policies CP13 (relating to decentralised energy networks), CP14 (relating to using renewable and low carbon energy in new development) and CP15 (relating to sustainable construction). The proposed Code for Sustainable Homes SPD would give more detailed information about how the Council expects developers to meet the requirements of those policies.

In particular, the SPD would include further details about how developers can design buildings' internal heating systems to be compatible with, and ready to connect to, district energy networks. It would also give information about the Council's preferred approach to meeting the targets set out in the three policies and more detailed advice on how the identified technologies (photovoltaic cells, solar heating, small scale wind turbines, ground source heat pumps and biomass heating) could be incorporated in developments. The SPD

would set out suggested approaches to achieving the performance standards for development set out in policy CP5.

8.8 Planning Obligations SPD

The City Council's Executive has approved a review of the Council's Community Infrastructure Levy Charging Schedule. There will be an associated need to review the April 2014 Planning Obligations SPD.

Along with other documents such as the Council's Annual Infrastructure Funding Statement, the proposed new Planning Obligations SPD would provide the parameters for negotiating Section 106 Agreements. The SPD would amplify policy CP18 of the Exeter Core Strategy.

8.10 Conclusion

The preparation of the Greater Exeter Strategic Plan has been placed on hold while the implications of new administrations in three of the councils have been absorbed. The council leaders have now met and have discussed a preferred way forward for the plan, including an updated description of the plan and a new timetable. Members are now asked to agree the scope and timetable for GESP.

Members are also asked to agree the scope and timetable for the Development Delivery Plan, Code for Sustainable Homes SPD and Planning Obligations SPD, which are specific to Exeter City Council.

Planning Member Working Group has requested that Executive agree the proposed scope and timetable for the GESP, the Development Delivery Plan and the Code for Sustainable Homes SPD. The Planning Obligations SPD has been added to the Local Development Scheme since this report was discussed by Planning Member Working Group.

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

The plan making referred to in the report is critical to ensure delivery of three corporate objectives *viz* "Building Great Neighbourhoods", "Tackling Congestion and Accessibility" and "Promoting Active and Healthy Lifestyles".

10.0 What Risks are there and how can they be reduced?

The Council's statutory planning policy framework is critical in terms of delivering corporate objectives and resisting inappropriate development. The LDS process described in the report seeks to minimise risk of delay to (or at worse, abandonment) of the GESP process by referring to the substitution of the "Development Delivery Document" with a full Local Plan approach if deemed appropriate

In addition, a properly resourced Local Plans Team will have the capacity and flexibility to react to changed circumstances in plan preparation.

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 no potential impact has been identified on people with protected characteristics as determined by the Act because the preparation of a local development scheme is a legislative requirement and does not directly address any equalities issues.

12. Are there any other options?

No, the preparation of an LDS is a statutory requirement. The document can be updated to reflect changing circumstances

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

Background papers used in compiling this report:-

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