

REPORT TO EXECUTIVE

Date of Meeting: 1 December 2020

REPORT TO COUNCIL

Date of Meeting: 15 December 2020

Report of: Director for City Development, Housing and Supporting People

Title: Future strategic planning with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report seeks formal agreement on Exeter City Council's withdrawal from the Greater Exeter Strategic Plan project and presents options for alternative joint strategic planning approaches for the Greater Exeter area. The report recommends that joint strategic planning should continue in the form of a non-statutory plan, to be prepared by East Devon, Exeter, Mid Devon and Teignbridge Councils in partnership with Devon County Council.

2. Recommendations:

2.1 That Executive recommends to Full Council that Exeter City Council formally withdraws from preparing the Greater Exeter Strategic Plan (GESP);

2.2 That Executive recommends that Full Council support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council. This will be subject to agreement at a later date of details of the scope of the plan, a timetable for its production, the resources required and governance arrangements.

2.3 That Members note that the work to develop Exeter's Local Plan has commenced, as agreed in the report to Council on 21 July 2020. A report outlining the scope and timescale for the development of the Local Plan will be presented to members early next year.

3. Reasons for the recommendation:

3.1 Local authorities are required to work together on strategic planning issues under the Duty to Cooperate that forms part of the National Planning Policy Framework (NPPF). Following the withdrawal from the GESP process of East Devon District Council in August 2020, the GESP is no longer considered to be the appropriate vehicle for undertaking

joint strategic planning in the “Greater Exeter” area. In place of the GESP, a joint non-statutory plan covering strategy and infrastructure matters is considered to be the most appropriate way of ensuring a collaborative and co-ordinated approach to meeting development needs. This is because the functional geography of Greater Exeter reflects the travel to work area and housing market area. There are also potential cost saving benefits to preparing a joint plan.

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

4.1 At this stage, only ‘in principle’ agreement is sought to proceed with a non-statutory joint strategy and infrastructure plan. Details relating to budget, detailed scope and governance will be reserved for discussion at a later date. However, any resource required for a non-statutory plan is likely to be less than was previously committed for the GESP. This is because a non-statutory plan:

- will not be subject to statutory consultation arrangements or a public examination. Costs for the GESP examination would have been in the region of £150,000, to be split across the four authorities and required in addition to contributions already made to the GESP budget by the authorities;
- will not include development allocations, which require extensive site investigation work and master planning (although it should be noted that this work will need to be picked up instead in individual District Local Plans);
- can draw on the significant amount of evidence already collected for the GESP. Additional evidence may be required to support the non-statutory plan, but it will not be above what would have been required for the GESP; and
- is likely to require less staff resource than the preparation of a statutory plan.

5. Section 151 Officer comments:

5.1 The contents of the report are noted. A significant amount of funding has been set aside within the medium term financial plan for GESP and if the recommendations are adopted, Finance will work with the team to understand what is required in the future and whether any of the funding can be used to offset other pressures within the City Development.

6. What are the legal aspects?

6.1 The need to the Exeter City Council to work collaboratively with neighbouring authorities on strategic planning matters is established by the 2011 Localism Act and the NPPF, which set out that local authorities have a legal Duty to Cooperate with other local authorities and organisations to seek to address strategic planning matters that are driven by larger-than-local issues and are likely to have an impact beyond the immediate District. Section 33A of the Planning and Compulsory Purchase Act 2004 sets out that to maximise effective working on strategic matters throughout the preparation of plans, authorities have a duty to engage constructively, actively and on an ongoing basis.

7. Monitoring Officer’s comments:

7.1 This joint non statutory plan will be an important document that sets the vision and infrastructure plan for the Greater Exeter Area. However, whilst it will be a material planning consideration, it will have less weight than a statutory plan.

8. Report details:

Withdrawal from the Greater Exeter Strategic Plan (GESP)

8.1 On 26 July 2016, Full Council resolved to prepare a strategic plan (the GESP) covering the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and with the support of Devon County Council. Following that decision, the local authorities worked collectively to produce evidence for the plan and prepare a Draft Plan. This was brought to the relevant committees of each authority in the summer of 2020, to seek approval for consultation.

8.2 At the Executive meeting of Exeter City Council on 7 July 2020, it was resolved to publish the GESP Draft Plan for consultation. However, on the 23 July, East Devon District Council's Strategic Planning Committee recommended to its Council that East Devon withdraw from working on the GESP, whilst committing to continue to work with the partner authorities. This recommendation was subsequently agreed by East Devon's Council on 29 August 2020.

8.3 Since then, discussions have continued between Leaders and relevant Portfolio Holders/Executive members on alternative options for continued partnership working outside of GESP. Discussions have focussed on the issues that bring the partner authorities of East Devon, Exeter, Mid Devon and Teignbridge together. These are primarily that the combined area of the four authorities operates as a single housing market, a functional economic area and one large travel to work area. The combined area also faces common issues: housing affordability and a need to deliver greater numbers of homes; constraints on infrastructure and limits to the availability funding; the need for a flexible and efficient transport system which supports prosperity and access to services; the need to respond to the climate emergency, achieve net zero carbon development and increase habitat creation; and the need for improve digital connectivity.

The benefits of continued joint strategic planning

8.4 In addition to the reasons for collaboration set out above, the Duty to Cooperate currently provides a legal requirement for local authorities to work together on strategic planning matters. Although the recent Planning White Paper considers abolishing the Duty, it will be some time before this happens. Furthermore, the White Paper is clear about the ongoing need for local authorities to cooperate on significant matters such as infrastructure provision. Central government is giving further thought to how best to ensure future cooperation between local authorities on planning matters.

8.5 Turning to delivery, joint working can help to establish a recognisable brand reflecting a tangible and clear location, which is more likely to be received favourably by the Government. Discussions with Homes England have highlighted the importance of demonstrating common aspirations, priorities and approaches to current issues when seeking funding to help deliver development. Joint working is vital to help lever in funding to the local area to support delivery, particularly for critical strategic infrastructure that has widespread benefits and a large funding gap.

8.6 In practical plan-making terms, there are also significant benefits to be gained from joint working. Collaboration between local authorities enables evidence to be commissioned jointly, expertise to be shared and effort focussed flexibly. It also provides an opportunity to seek funding or work jointly with agencies such as Homes England on plan-preparation, which could have financial and consistency benefits.

Consideration of options for future joint planning

8.7 The Project Assurance Group (comprising the Heads of Planning from the partner authorities) have identified six options for future joint working. A summary of these is provided in Table 1. The options range from continuing to prepare a joint statutory plan in the form of the GESP to the minimum requirement of meeting Duty to Cooperate obligations whilst preparing individual Local Plans. A detailed appraisal of these options is provided in Appendix 1.

Option	Scope	Comments
1. Baseline: Each Local planning Authority (LPA) progresses its own Local Plan and works with the other LPAs to meet Duty to Co-operate (DtC) (or replacement)	Determined by each LPA (*). Could include some joint evidence on defined topics as has happened in the past (e.g. housing, gypsy and travellers. habitat mitigation, transport)	Minimum opportunity to agree a positive planning framework for critical issues and to lever in central government funding. Maximum opportunity to prepare an unencumbered Local Plan review.
2. Each LPA progresses its own Local Plan and works to meet the DtC. Local Plans include model strategic policies (*) and are informed by shared evidence where appropriate.	Similar to option 1, but with model policies that can be adapted to suit local circumstances and limited in scope to cross-boundary matters (e.g. climate change) (*).	Some opportunity to have a shared approach towards common issues but unlikely to sufficiently demonstrate a collective approach to attract central government support for infrastructure delivery.
3. Non-statutory Joint Infrastructure Plan	Government-facing document aimed at securing funding to deliver infrastructure needed to support growth. This could just be growth identified in adopted Local Plans and/or growth proposed in emerging plans. As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be a faster and more flexible plan.	Would provide a co-ordinated planned response to the area's infrastructure priorities and help to secure central government investment. However, without an overarching strategy to hang the plan on, it could lack ambition and a shared understanding of strategic issues. As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be faster to prepare and more able to respond to changing circumstances.
4. Non-statutory joint strategy and infrastructure plan	Place-making, aspirational non-statutory plan covering strategic place making and infrastructure delivery.	Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure

Table 1: Options for future joint strategic planning		
	<p>Used to promote the Garden Communities and sub-regional brand, in addition to identifying infrastructure requirements.</p> <p>Part Government-facing document and part strategy document.</p>	<p>issues and help to secure central government investment.</p> <p>As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be faster to prepare and more able to respond to changing circumstances.</p>
5. Statutory joint strategy and infrastructure plan	<p>High-level statutory plan containing strategic policies and infrastructure requirements. This would essentially be GESP without East Devon.</p> <p>Matters/sites not covered in the strategic plan will be covered in Local Plans.</p>	<p>Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment, with added weight because it would be in a statutory plan.</p> <p>Given recent decisions made by East Devon District Council it is unlikely that this option will be politically acceptable.</p>
6. Full statutory joint plan	<p>A statutory plan containing strategic and local policies, infrastructure requirements and all site allocations.</p> <p>There would be no Local Plans prepared by individual LPAs.</p>	<p>Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment, with added weight because it would be in a statutory plan.</p> <p>Given recent decisions made by East Devon District Council it is unlikely that this option will be politically acceptable.</p> <p>Perceived loss of local control over more locally relevant policies.</p>

(*) Comments are caveated by the Government's proposals in the Planning White Paper.

8.8 Although in purely technical planning terms the options that include statutory joint plans and strategies would be preferred, it is considered that these are unlikely to be politically acceptable to all of the local authorities in the current post-GESP period. Without the involvement of all of the partners, the status of a statutory plan would be undermined and its soundness would be endangered. This means that options 5 and 6 in table 1 are unlikely to be deliverable.

8.9 In order for the partner authorities to successfully address common issues and provide the infrastructure required to support development, there is a clear need for joint working. Therefore it is considered essential that the authorities do more than simply comply with the Duty to Cooperate, which is option 1.

8.10 In order to effectively address the strategic cross boundary issues set out in paragraph 8.3 of this report, demonstrate proactive joint work on strategic infrastructure delivery and have a solution which is politically acceptable to all partners, it is necessary to explore a middle ground scenario. In this case, the middle ground is the preparation of a non-statutory plan which would ensure that there is a shared approach to strategic matters such as economic development, carbon reduction, digital connectivity, infrastructure delivery and habitats mitigation, whilst enabling the individual local planning authorities to retain control over the scope and timetable of statutory Local Plans. Option 4 provides the best scenario for achieving this.

Conclusion – a proposed future joint strategic planning approach

8.11 Having considered the various merits and risks associated with each of the options, it is recommended that a decision is made to formally withdraw from preparing the GESP because there is not commitment from all of the necessary partner authorities to proceed with a joint statutory plan. Proceeding with a statutory plan in the absence of East Devon will significantly risk the soundness of the plan and thereby our collective ability to identify and deliver shared solutions to common issues. It will also diminish the sub-region's pitch as a nationally significant investment proposition, affecting our chances of securing funding from the Government and Homes England for critical infrastructure to support our new and existing communities.

8.12 In light of not being able to proceed with the GESP, it is recommended that a non-statutory joint strategy and infrastructure plan is prepared in order to address the vital issues that affect the whole of the Greater Exeter sub-region.

8.13 The relevant Committees of East Devon, Mid Devon and Teignbridge District councils have, or will shortly be, considering the same recommendations, with the aim of achieving an agreed revised approach to joint planning in the sub-region.

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

9.1 Preparation of a new non-statutory joint strategy and infrastructure plan will provide a co-ordinated response to the sub-region's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment. The recommended decisions will therefore 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 The joint plan will be jointly prepared by four local authorities. This means that Committee decisions will be required from the four authorities at similar times to enable milestones to be reached. There is a risk that one or more of the local authorities does not approve the plan, in either its draft or final form. To help avoid this eventuality, governance arrangements will be put in place to ensure that Members from each local authority are involved in scoping the plan from the outset, and given significant opportunities to shape the plan as it is prepared. Recommended governance arrangements will be the subject of a future paper to Executive.

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 As the scope of the joint non-statutory plan has yet to be considered and agreed by the partner local authorities, the equalities impacts of the recommendations on people with protected characteristics are assessed at this stage as neutral..

12. Carbon Footprint (Environmental) Implications:

12.1 Climate change mitigation and adaptation should form a key part of joint planning work. By its nature, climate change cannot be addressed by one authority working in isolation. Measure to tackle climate change also need to acknowledge cross-boundary transport movements and other strategic matters. Joint strategic planning provides an opportunity to consider the carbon emissions and climate change impacts of development and transport over a wider area than just Exeter. Because of this, involvement in joint planning is likely to be beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district, albeit that the implications will depend to an extent upon the specific joint planning strategy that is chosen. .

13. Are there any other options?

13.1 Alternative options are set out in table 1 of this report. However, the baseline option (option 1) of relying on the Duty to Cooperate is not recommended, for the reasons set out in paragraph 8.9. Including model or shared policies in the individual Local Plans of each local authority (option 2) would provide some opportunity to have a shared approach towards common issues, but it is considered that this is unlikely to sufficiently demonstrate a collective approach to attract central government support for infrastructure delivery. Whilst the preparation of a joint non-statutory infrastructure plan (option 3) would provide a co-ordinated planned response to the sub-region's infrastructure priorities and help to secure central government investment, without an overarching strategy to hang the plan on, it could lack ambition and a shared understanding of strategic issues. Continuing to prepare the GESP or an alternative statutory joint plan (i.e. options 5 or 6 in table 1) in order to address common planning issues in the sub-region is not considered to be a realistic option, for the reasons set out in paragraphs 8.8 and 8.11 of this report. For these reasons, the preparation of a joint non-statutory strategy and infrastructure plan

(option 4 in table 1) is recommended as the most appropriate way forward for joint planning in the sub-region.

Director for City Development, Housing and Supporting People, Bindu Arjoon

Author: Katharine Smith, Principal Project Manager Housing Delivery

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

Background papers used in compiling this report:-

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275