

REPORT TO EXECUTIVE

Date of Meeting: 8 July 2021

REPORT TO COUNCIL

Date of Meeting: 21 July 2021

Report of: Deputy Chief Executive

Title: East Devon, Exeter, Mid Devon and Teignbridge Joint Strategy: scope, resourcing timetable and governance

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 of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

2. Recommendations:

2.1 That Executive recommends that Full Council support the scope, resourcing, timetable and governance arrangements set out in section 8 of this report to Executive for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

3. Reasons for the recommendation:

3.1 Following the end of work on the Greater Exeter Strategic Plan (GESP), a non-statutory Joint Strategy 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 across the sub-region. The scope, resourcing, timetable and governance arrangements proposed in this report are considered to offer the most appropriate way to deliver a Joint Strategy in a timely manner.

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

4.1 As set out in the report to Executive of 1 December 2020 and to Full Council of 15 December 2020, the resources required for preparing the Joint Strategy will be less than were previously committed for the GESP. This is because a non-statutory plan:

- will not be subject to statutory consultation arrangements or a public examination;
- will not include development allocations, which require extensive site investigation work and master planning;

- can draw on the significant amount of evidence already collected for the GESP. Additional evidence may be required to support the Joint Strategy, but it will not be above what would have been required for the GESP; and
- will require less staff resource than the preparation of a statutory plan.

4.2 Sufficient funds are available in the GESP budget to cover the proposed approach to preparing the Joint Strategy set out in this report.

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider contained in this report.

6. What are the legal aspects?

6.1 The need for 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:

8.1 On 15 December 2020, Full Council resolved in principle to prepare a joint non-statutory plan for the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and with the support of Devon County Council. The joint plan (hereafter referred to as the Joint Strategy) will include joint strategy and infrastructure planning matters and will be prepared in place of the statutory Greater Exeter Strategic Plan (GESP), on which all of the authorities were working in partnership until then end of 2020. The same resolution was made by the relevant committees of each authority during December 2020 / January 2021.

8.2 The reasons for recommending the preparation of the Joint Strategy in place of the GESP are set out in full in the 15 December report and are not reiterated in detail here. In summary, in place of the statutory GESP, a non-statutory Joint Strategy covering strategy and infrastructure matters:

- is considered to be the most effective way of addressing the shared and inter-linked planning concerns that affecting the four authorities;
- will help to fulfil legal Duty to Cooperate requirements, thereby assisting with the preparation of each authority's Local Plan;

- will demonstrate continued joint-working by the authorities on planning matters, which is vital to help lever in funding to the area to support delivery, particularly for critical strategic infrastructure;
- will help to establish a recognisable 'brand' for the area, which may assist when making bids for Government (or other) infrastructure and delivery funding; and
- will enable the local authorities to continue to share expertise and jointly commission relevant evidence to support their Local Plans, with potential cost saving and consistency benefits.

8.3 The 15 December report advised that proposals for the Joint Strategy's scope, resourcing, timetable and governance would be brought to Full Council at the earliest opportunity. This report seeks Full Council's agreement of those details, which have been directed by discussions with Leaders and relevant Portfolio Holders / Executive members, together with the Chief Executives and/or relevant Directors of the four local authorities and representatives from Home England and the Local Enterprise Partnership (LEP). 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 approach to joint planning in the sub-region.

Scope of the Joint Strategy

8.4 In order to achieve the benefits of preparing the Joint Strategy set out in paragraph 8.2 above, and as further directed by the discussions referred to in paragraph 8.3 above, the proposed scope of the Joint Strategy is to:

- provide an opportunity for the authorities to jointly identify a clear, ambitious future for the area;
- demonstrate a commitment to joint working on strategic matters;
- distil the key strategic issues facing the area, to enable each of the authorities' Local Plans to respond in a way that reflects local conditions and support joint evidence preparation where appropriate;
- act as a prospectus to lever-in external funding to overcome strategic issues and unlock development;
- Be a non-statutory-living document which can be easily kept up to date to reflect evolving priorities and local conditions.

8.5 As regards the bullet points two and three, the Joint Strategy will not be a statutory plan and therefore will not set the planning policies of the four authorities. This will be the role of Local Plans and Members will recall that a Local Development Scheme setting out the timetable for preparing the new Exeter Local Plan was agreed at Executive on 1 June 2021. Instead, the Joint Strategy will provide an overarching framework that allows strategic planning and delivery matters to be considered collaboratively.

8.6 As regards the final bullet point above, it is proposed that the Joint Strategy should not be a one-off document. Instead it can be updated over time and as necessary to

reflect the content of Local Plans as they are adopted, or new strategic infrastructure priorities and projects as they emerge.

Resourcing

8.7 The Leaders have considered the following range of options for resourcing progress on the Joint Strategy:

- Divide the work equally between officers from the four authorities;
- Re-establish a dedicated team of officers from available resources within the authorities;
- Externally recruit a Project Manager to lead the project and work alongside a group of officers from the authorities (who would provide support in a limited time capacity);
- Complete an initial draft of the Joint Strategy in-house, then engage a consultant to progress the work on behalf of the authorities, supported in a limited capacity by a group of officers;
- Engage a consultant to prepare the Joint Strategy on behalf of the authorities, supported in a limited capacity by a group of officers.

8.8 Appendix A provides some high-level commentary on the pros and cons of the five resourcing options.

8.9 In considering the options, Leaders have been clear that the Joint Strategy should be prepared promptly, so that its aforementioned benefits can be realised as soon as possible. At the same time, following the demise of the GESP, the four local planning authorities are prioritising work on their individual statutory Local Plans. Collectively, the authorities do not have the in-house resources available to prepare the Joint Strategy alongside Local Plans.

8.10 For these reasons, it is proposed to engage a consultant to prepare the Joint Strategy on behalf of the authorities (option 5). In doing so, the consultant will be expected to make use of the considerable body of joint planning evidence that was prepared for the GESP. Details of how the consultant's work will be managed are provided in paragraph 8.17 and 8.18 below. The consultant will be required to demonstrate the skills and knowledge needed to ensure the effectiveness of the Joint Strategy as a significant proposition to the Government and be able to present and undertake consultation on the Joint Strategy in creative ways.

8.11 Sufficient funds are available in the GESP budget to cover the proposed approach to resourcing.

Timetable

8.12 The proposed timetable for preparing the first version of the Joint Strategy is as follows:

- Jun-Jul 2021: Formal agreement by relevant authority committees of scope, timetable, resourcing and governance of the Joint Strategy
- Jul-Aug 2021: Engage a consultant to prepare the Joint Strategy
- Sept-Dec 2021: Review previous joint planning work and prepare the draft Joint Strategy
- Jan-Feb 2022: Undertake Member and stakeholder engagement
- Mar-Apr 2022: Finalise draft Joint Strategy
- May-June 2022: Seek formal agreement from relevant authority committees of the draft Joint Strategy
- Jul-Aug 2022: Publicly consult on the draft Joint Strategy
- Aug-Sept 2022: Finalise the Joint Strategy
- Sept-Oct 2022: Seek formal agreement from relevant authority committees to adopt the Joint Strategy

8.13 The proposed timetable to achieve adoption of the first version of the Joint Strategy is reasonably swift, in order that the benefits set out in paragraph 8.2 of this report can be realised as soon as possible. The Strategy will not be a statutory planning document and therefore will not be subject to the same statutory requirements for stages of public consultation and Examination as a Local Plan. This means that it can be prepared more speedily than a Local Plan. However, given the proposed scope of the Joint Strategy, it is important that members, stakeholders and local communities are given an opportunity to have their say on the content of the document. Time for such consultation is therefore included in the proposed timetable.

8.14 There are sufficient funds available in the GESP budget to take the Joint Strategy through the stages set out in the timetable, including public consultation.

8.15 Since the Joint Strategy will not be a statutory document, Members should note that the proposed timetable is not a Local Development Scheme and may therefore be subject to change. However, there is a clear intention to adopt the Joint Strategy no later than October 2022.

8.16 The stages of preparation needed for any future iterations of the Joint Strategy will depend upon the nature of revisions to the document. It should not be necessary to publicly consult on revisions that arise from the adoption of Local Plans, as these will already have been subject to statutory public consultation through the Local Plan adoption process.

Governance

8.17 The diagram at appendix B summarises the proposed governance structure for the Joint Strategy.

8.18 In summary, the proposed governance arrangements will see the Joint Strategy prepared by a Project Lead (the appointed consultant), supported in a limited capacity by a small working group of experienced planning and/or delivery officers from each of the authorities. The work of the Project Lead will be managed by a

Project Assurance Group (PAG) comprising the planning or delivery leads from each authority. PAG will in turn report to a Principals group comprising the Chief Executives or Directors from each authority and representatives from Homes England and the LEP acting in an advisory capacity. The involvement of Homes England and the LEP in the Principals group is vitally important in respect of a key role of the Joint Strategy – i.e. its use as a prospectus to help lever-in funding to support development delivery.

8.19As set out in paragraph 8.11, the timetable includes member consultation on the draft Joint Strategy in January and February 2022. The nature of this consultation is yet to be determined. Final decision-making powers to agree the draft and final versions of the Joint Strategy will rest with the relevant committees of the four local planning authorities.

Conclusions

8.20This report sets out the proposed scope, resourcing, timetable and governance arrangements for preparing a Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge. The proposed arrangements are considered to offer the most appropriate means to deliver a non-statutory Joint Strategy in a timely manner, thereby helping to demonstrate and ensure continued successful joint planning across the sub-region.

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

9.1 Agreement of the proposed scope, timetable, resourcing and governance arrangements for the Joint Strategy will enable the document to be progressed in a timely manner. The Joint Strategy 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 decision 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?

10.1The Joint Strategy will be jointly prepared by four authorities, with support from Devon County Council. This means that Committee decision 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 authorities does not approve the Joint Strategy, in either its draft or final form. To help avoid this eventuality, the proposed governance arrangements set out in this report will help to ensure that members from each authority are given significant opportunities to shape the Joint Strategy as it is prepared.

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 detailed content of the Joint Strategy is still to be determined, the Council's Policy Officer for Community Safety, Safeguarding, Equality and Diversity advises that an equalities impact assessment is not necessary at this stage. An equalities impact assessment of the Joint Strategy will be undertaken when it is brought to Executive and Full Council for approval at draft stage.

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. Measures to tackle climate change also need to acknowledge cross-boundary transport movements and other strategic matters. The arrangements proposed in this report will enable the Joint Strategy to be prepared in a timely manner, providing an opportunity to adopt at the earliest opportunity a non-statutory Joint Strategy that supports the emerging Devon Carbon Plan and considers the carbon emissions and climate change impacts of development and transport over a wider area than just Exeter. Because of this, the Joint Strategy is likely to be more 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 The Joint Strategy could be prepared with an alternative scope and different timetable, resourcing and governance arrangements from those set out in this report. However, in each case, the proposals are considered to offer the best option for demonstrating and delivering a shared approach to strategic planning matters such as economic and housing development, carbon reduction, digital connectivity, infrastructure delivery and habitats mitigation across the sub-region, whilst enabling each local planning authority to retain control over the scope and timetable of statutory Local Plans.

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

Background papers used in compiling this report:-

None

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