

## **REPORT TO EXECUTIVE**

Date of Meeting: 8 July 2021

Report of: Deputy Chief Executive

Title: Exeter Local Plan: Issues consultation document

### **Is this a Key Decision?**

Yes

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

Executive

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

- 1.1. The report explains the commencement of work on the new Exeter Local Plan and seeks approval for public consultation on an initial 'Issues' document which explores the scope of the new Local Plan, topics it could cover and some initial concepts regarding future development in the city.

#### **2. Recommendations:**

- 2.1 That the Executive approve the new Local Plan 'Issues' document (Appendix A) as the basis for public consultation for eight weeks commencing in September 2021; and
- 2.2 That the Executive gives delegated authority to the Deputy Chief Executive, in consultation with the Council Leader and Portfolio Holder for City Development, to agree minor changes to the Local Plan 'Issues' document before it is published for consultation.

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

- 3.1. As the Local Planning Authority for Exeter, the City Council has a statutory duty to prepare planning policy for the city. The two principal development plan documents for the city are the Core Strategy adopted in the 2012 and the Local Plan Review adopted in 2005. Both these documents are more than five years old and were prepared before the publication of the National Planning Policy Framework. Although they still form the key part of the development plan for Exeter and they retain 'weight' when making planning decisions, new statutory planning policy is required. This will be provided by the new Exeter Local Plan.
- 3.2. Public consultation is an important part of the process for preparing planning policy because it provides an insight into the issues facing the local area. It also provides the public and interested organisations with an opportunity to inform the content of policy. Legislation requires that the first formal consultation in the preparation of a local plan considers the subjects which the plan will cover. The 'Issues' consultation document explores the issues facing Exeter and therefore holding a public consultation would fulfil the legislative requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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

- 4.1. Staff and budgets required to prepare the Local Plan have already been agreed at Council on 21 July 2020. The recommendations made in this report result in no direct additional resource implications.

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

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

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

- 6.1. The preparation of planning policy, usually through a Local Plan, is a legal requirement under section 19 of the Planning and Compulsory Purchase Act 2004. This report seeks approval to hold an initial consultation on an 'Issues' document for the new Local Plan in order to comply with the provisions of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 18 requires the local planning authority to undertake a statutory consultation process. This requires the Local Planning Authority to identify and engage with all those who might be interested in the development or content of the local plan at an early stage in the local plan making process. Regulation 18 sets out the procedure to be followed by the Local Planning Authority.

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

- 7.1. Members will note the statutory duty to prepare a local plan for the City. The public consultation process is an essential part of the statutory scheme which must be followed in order to prepare a new local plan.

#### **8. Report details**

##### Background

- 8.1. The two key development plan documents for Exeter are currently the adopted Local Plan Review and the adopted Core Strategy. Both these documents are more than five years old and were prepared before the publication of the National Planning Policy Framework. The new Local Plan is needed to replace the existing Local Plan Review and the Core Strategy and will be the statutory planning policy document for the city. The Issues consultation will be the first consultation during the preparation of the new Local Plan and will provide an early opportunity for the public, interested organisations and the wider community to influence the direction of the plan in advance of further work on policy preparation.
- 8.2. As set out above, the new Local Plan will be the key, formal, statutory planning document for the city. Executive is also to consider a report at this meeting covering the scope and arrangements for jointly preparing a non-statutory Joint Strategy for the wider area, working alongside East Devon, Mid Devon and Teignbridge District Councils. This Joint Strategy document will cover cross-boundary issues and strategy and infrastructure matters. It will not however be a statutory planning document and will not be part of the formal development plan for Exeter.

##### Requirements for the Local Plan 'Issues' consultation

- 8.3. The current processes and stages required in the preparation of the new Local Plan are set out by legislation. Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out that consultation with specific bodies

should be undertaken on the scope of a plan. Consultation on this 'Issues' consultation document fulfils this legal requirement and goes beyond the minimum requirements because a full, public consultation is proposed.

#### Content of the Local Plan 'Issues' consultation document

8.4. The 'Issues' consultation document is included at Appendix A. It explores the role of the new Local Plan and its scope. In doing so, it includes a series of sections which include:

- The role of the new Local Plan and what it will include;
- A range of planning-related issues which the new Local Plan could cover;
- A vision to guide the future of Exeter up to 2040 drawing on the current wider Council vision for the city;
- A discussion on the pattern of future development in Exeter informed by the approach taken to focus on brown-field development as included in the Liveable Exeter programme; and
- A consideration of the potential elements of high quality development in Exeter.

8.5. The issues suggested for inclusion in the new Local Plan are:

- Climate emergency;
- Health and wellbeing;
- Homes;
- Economy and jobs;
- The future of high streets;
- High quality places and design;
- Historic environment and culture;
- Sustainable transport and communication; and
- Infrastructure and community facilities.

#### Consultation process

8.6. The consultation will be in accordance with both the current and draft Statement of Community Involvement which is proposed for a parallel consultation with the Issues Local Plan document. A separate report covering the draft Statement of Community Involvement is to be considered by Executive at this meeting. Consultation will also be undertaken in-line with the emerging Council Consultation charter. It will include opportunities for discussion with Members, the wider public, stakeholders and any other interested organisations.

8.7. Detailed consultation arrangements will be made in due course. Such arrangements will be set out in a Consultation Plan. However the consultation will:

- Start in September and run for a period of eight weeks;
- Include accessible consultation material;
- Include a survey of questions on each section of the document together with an 'open' question on the new Local Plan as a whole;
- Include digital communication via the planning website and social media;
- Include hard copies of consultation materials in specified public places
- Include some public exhibitions to enable face-to-face discussion (subject to the prevailing Covid-19 regulations);
- Be advertised in the local media, online and via social media; and
- Be advertised to the Council's existing planning policy consultation contact list.

#### After the 'Issues' consultation

8.8. A report will be brought back to Executive exploring the comments made to the consultation and explaining how they will be taken into account in shaping the next stage of the new Local Plan - the draft plan document. This will be consulted on in September 2022.

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

9.1. The Issues consultation document is the first tangible stage in the preparation of the Local Plan which will be critical to ensure the delivery of three corporate objectives set out in the Council's Corporate Plan:

- Delivering Net Zero Exeter 2030;
- Promoting active and healthy lifestyles; and
- Building great neighbourhoods.

The Local Plan will also play a central role in tackling congestion and accessibility, the focus of one of the three strategic programmes that addresses the current major challenges facing the city.

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

10.1. There is a statutory requirement for Local Planning Authorities to prepare a Local Plan and the 'Issues' consultation would meet the requirements of current planning legislation for the early involvement of appropriate groups in the plan-making process.

10.2. Government is, however, proposing significant changes to the planning system. The Planning White Paper: 'Planning for the future' proposed fundamental reforms to the planning system including regarding the scope and content of Local Plans and the potential timetables for their preparation. The May 2021 Queen's Speech set out the potential provisions of the new Planning Bill which will look to legislate for these changes. If all these proposals were to be enacted, there would be implications for the scope of the new Local Plan and the process for its preparation. Irrespective of the future format of the new Local Plan, an early phase of public engagement as provided for by the 'Issues' consultation is still required and will be an important step in providing the significant engagement as envisaged by the planning reforms.

## **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 the Issues document for consultation, no potential negative impact has been identified on people with protected characteristics as determined by the Act because the 'Issues' consultation document does not include policy nor development sites. The associated public consultation will include a variety of engagement methods making consultation material widely available. The consultation will be undertaken in accordance with the emerging Consultation Charter and the draft Statement of Community Involvement which is itself subject to a separate Equality Impact Assessment.

## **12. Carbon Footprint (Environmental) Implications:**

- 12.1. There are no direct carbon/environmental impacts arising from the recommendations to hold a public consultation on the 'Issues' document of the new Local Plan. However, the inclusion of digital consultation methods will minimise the carbon footprint associated with holding the consultation. In addition, in identifying the potential themes which the plan could cover, the 'Issues' document includes the climate emergency as a central consideration.

## **13. Are there any other options?**

- 13.1. Consultation is a key part of the Local Plan process as required by legislation. A less formal and a narrower initial consultation for this stage of the New Local Plan could be held whilst still meeting legislative requirements. This is not, however, considered to be appropriate as it would limit the opportunity for the wider public to inform the early stages of preparing the plan.

**Deputy Chief Executive, Bindu Arjoon**

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

Background papers used in compiling this report:-  
Adopted Exeter Core Strategy.  
Adopted Exeter Local Plan Review.

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