

## **REPORT TO EXECUTIVE**

Date of Meeting: 28 February 2023

Report of: Director of City Development

Title: Council consultation response to the proposed submission version of the Teignbridge Local Plan

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

No

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

Council

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

1.1. The report sets out the issues associated with the final consultation draft of the Teignbridge Local Plan (the proposed submission version of the plan) in terms of the implications for Exeter. It proposes to submit a formal response to the consultation based on the issues raised.

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

2.1. That the Executive gives delegated authority to the Director of City Development, in consultation with the Council Leader and Portfolio Holder for City Development, to prepare and submit a response to the consultation on the proposed submission version of the Teignbridge Local Plan based on the issues raised in this report.

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

3.1. Teignbridge District Council are preparing a new Local Plan to provide the planning policy for the District. Although the proposed planning policy will not directly apply to Exeter, there will be cross-boundary implications, particularly regarding two proposed development allocations close to the city – Attwells Farm near Exwick and Markham Village between Ide and Shillingford Abbot close to Alphington. Key issues are in relation to landscape impact and transport/connectivity and associated infrastructure. In order to formally highlight these issues it is necessary for the Council to respond to the current consultation on the proposed submission version of the Teignbridge Local Plan. Council officers would discuss the associated issues at the future Examination Hearing sessions for the Plan.

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

4.1. There are no direct financial implications of the recommendations in the report. Staff from within City Development are preparing the response to the Teignbridge Local Plan and further staff time will be required to prepare for, and attend, the future Examination Hearings.

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

5.1. There are no financial implications for Council to consider arising from this report.

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

6.1 Teignbridge District Council are preparing a Local Plan and are consulting on the document in accordance with Regulation 19 of the Planning and Compulsory Purchase Act 2004. As a neighbouring local planning authority and statutory consultee under the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council proposes to respond to the consultation.

6.2 When working on a Local Plan, cross-boundary working on planning matters between two neighbouring authorities is required by the Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA) (inserted by Section 110 of the Localism Act 2011). This is otherwise known as the 'legal duty to cooperate' and imposes an ongoing obligation on the City Council to engage constructively and actively.

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

This report raises no issues for the Monitoring Officer.

## **8. Report details:**

### Background

8.1 Teignbridge District Council, in their role as Local Planning Authority for the District, are preparing a Local Plan covering the period between 2020 and 2040. Work started on the Teignbridge Local Plan in 2017 and it has since progressed through four stages of public consultation.

8.2 The Teignbridge Local Plan is currently being consulted on for a fifth and final time; the Proposed Submission consultation is running between 23 January and 13 March 2023. This document is the final draft which will be submitted to the Planning Inspectorate for Examination later this year via a series of public hearing sessions.

8.3 This stage of consultation provides the final opportunity for the Council to provide comments before the plan is submitted for Examination.

### Previous consultations

8.4 This Proposed Submission is the fifth consultation stage for the Teignbridge Local Plan. The Council has previously provided responses to the two most recent consultations.

8.5 The Teignbridge Local Plan Review (Part 2) Site Options Consultation was held in mid-2021. As part of this process a series of potential development allocations was identified for comment. The Council commented on six sites close to Exeter, including Attwells Farm on the edge of Exwick and Markham's Farm (now known as Markham Village) close to Alphington between Ide and Shillingford Abbot. The Council raised concerns over landscape, transport and infrastructure provision.

8.6 The Teignbridge Local Plan Review (Part 3) renewable energy, gypsy and traveller and small residential site options consultation was held later in 2021 and early 2022. In response to this consultation the Council made comments and suggestions to improve

the wording of policies covering wind and solar energy to acknowledge the potential landscape and amenity impact of renewable energy installations.

#### Content of the proposed submission version of the Teignbridge Local Plan

8.7 The proposed submission version of the Teignbridge Local Plan includes a vision, objectives, strategic and detailed development management policies and a series of site allocations. Large parts of the plan will not have a direct impact on Exeter and so these are not dealt with here.

8.8 A key focus of the plan is for Teignbridge to meet its development requirements in full. In Teignbridge this means providing for 741 homes per year, or a total of nearly 12,000 over 16 years, together with 65 hectares of land for employment uses.

8.9 A key part of the development strategy for the plan is to maximise the co-location of new homes with job opportunities, services and public transport links so that the majority of new development takes place close to the main towns and Exeter. This recognises the vital role which Exeter plays across the wider area and aims to help reduce the need to travel. The principles of this development strategy are recognised. There are, however, issues associated with some of the proposed allocations close to Exeter which will play a significant role in delivering the strategy.

8.10 Following revisions to previous versions of the Local Plan there are now three proposed site allocations of particular interest for the Council:

- Markham Village: A residential-led mixed-use site for 900 homes west of the A30 close to Alphington.
- Attwells Farm: A site for 300 homes on the edge of Exwick.
- Peamore and West Exe: A mixed-use site for 750 homes and 20 hectares of employment space on the edge of Exeter bisected by the A379.

8.11 The Council supports the inclusion of the proposed Peamore and West Exe Allocation. It will form an extension to the current South West Exeter allocation which is being built out and which has benefited from £50m of recyclable government funding to deliver much-needed infrastructure. This investment will also support this wider proposed allocation. Peamore and West Exe will also deliver strategic employment provision close to the city boundary which will help to support the city's growth agenda, and potentially also complement the transformation of the Marsh Barton area as a liveable regeneration area as proposed in the emerging Exeter Plan.

8.12 The Council does however maintain concerns regarding Markham Village and Attwells Farm and proposes to raise these concerns in a response to the Local Plan.

#### Key elements of the Council's response

8.13 It is proposed to use the issues highlighted in this report to form the basis of the Council's response to the Teignbridge Local Plan. Because this is the final consultation before submission for Examination it is arranged formally and responses have to be provided in a structured way, following a defined format. Responses have to set out whether the part of the Local Plan in question is legally compliant, sound and complies

with the duty to cooperate. Responses need to be specifically framed within this format; it is insufficient to simply disagree or suggest revisions to the content.

8.14 It is proposed that the Council responds in relation to two parts of the Teignbridge Local Plan:

- Policy EE1: Markham Village.
- Policy EE4: Attwells Farm.

8.15 Plans showing the proposed allocations are included in Appendix A.

8.16 It is proposed that the Council objects to the Attwells Farm allocation based on landscape, transport/connectivity and, potentially, infrastructure concerns and in the context of evidence gaps linked to the relatively early delivery of development on the site. It is proposed to raise significant concerns regarding the Markham Village allocation as a result of landscape and transport/connectivity issues and the need for further evidence to justify the allocation.

#### Explanation of the issues

8.17 In general terms, Exeter supports a spatial strategy which is committed to locating homes in well-connected, sustainable locations where they can support our net zero transition, deliver key infrastructure, help to protect and enhance our most valuable environments and support healthy, thriving local communities. If new homes are needed near Exeter they must be supported by the right type of infrastructure and targeted investment and funding to ensure development is sustainable.

8.18 Looking at Exeter specifically, the current development strategy for the city is included in the spatial approach and the objectives of the adopted Core Strategy. This identifies the aim of growing the city without damaging environmental assets. Development proposals in the city are therefore identified based on priority being given to the city centre, regeneration sites and previously developed (brownfield) land. This focus is supported by the priority of steering development away from the hills because these areas are sensitive to development and provide the attractive landscape setting of the city. This overall approach has multiple benefits in terms of achieving net zero, enhancing the local environment, supporting health and wellbeing, supporting high quality development, maintaining an attractive and vibrant city centre, reducing car dependency and promoting active travel and public transport

8.19 Focusing on landscape issues, the concept of preserving the landscape setting of the city is taken forward in further detailed policies. Existing policy in the adopted Local Plan First Review provides support for protecting areas of sensitive landscapes via policy LS1 which identifies the landscape setting area for the city. This has been taken forward in policy CP16 of the Core Strategy covering green infrastructure and the key diagram.

8.20 This adopted approach to prioritising development on brownfield sites and protecting sensitive landscapes is being taken forward into the emerging Exeter Plan. The outline draft of the Exeter Plan was consulted on at the end of 2022 and specifically sets out the vital need to focus development on brownfield sites and to protect the hills on the edge of the city.

8.21 Draft policy NE1 makes reference to the need to protect the city's sensitive landscapes and the landscape setting areas. Draft policy S2 presents a series of Liveable Exeter delivery principles including providing memorable places and outstanding quality, both making reference to the importance of environmental quality and topography.

8.22 Focusing on transport issues, the concept of minimising the need to travel by car and promoting public transport, walking and cycling is included in existing policy in the adopted Local Plan First Review. Policy T1 sets the hierarchy of modes, policy T2 identifies the approach to ensuring development is accessible for a variety of services and facilities and policy T3 covers the layout of proposed development to facilitate sustainable travel. Policy CP9 of the Core Strategy covers the mitigation measures and transport infrastructure requirements needed to accommodate development in Exeter.

8.23 In terms of future allocations, the emerging development sites in the outline draft Exeter Plan were specifically proposed in order to focus approximately 85% of the homes on brownfield land, identifying significant regeneration sites and enabling the strategy to avoid any allocations on the hills surrounding the city. The keen focus on significant development sites close to the city centre also specifically minimises the need travel, while the emerging Liveable Exeter principles include active travel as a central element.

8.24 Because the function of Exeter extends beyond the city boundary, and because development close to Exeter will have an impact on the city, it is reasonable to extend the key transport/connectivity and landscapes elements of the Exeter development strategy into the surrounding areas of Teignbridge, including the proposed allocations. This reflects the content of the NPPF which stresses the importance of plans considering strategic matters including landscape and transport issues on a cross-boundary geography. On this basis, the Council has significant concerns regarding the landscape impact and transport connectivity of the Markham Village and Attwells Farm allocations, whilst also identifies the importance of infrastructure delivery in supporting development if it is to be sustainable.

#### Plan-preparation evidence

8.25 As well as the detailed consideration of the development sites, the proposed response to the Teignbridge Local Plan will take into account important supporting evidence which is made available for consultation. This includes the Teignbridge Landscape Character Assessment and site specific Landscape Sensitivity Analysis for both Attwells Farm and Markham Village. Although it does not apply to the proposed development sites in Teignbridge, the Council's own landscape sensitivity assessment which covers areas adjacent to the boundary with Teignbridge, including the proposed development sites, will also inform the response.

8.26 In terms of transport, the evidence includes a District-wide report produced by Devon County Council as Local Transport Authority while the Exeter Transport Strategy also provides vital context in terms of the approach to be taken to planning for travel in the city. There is currently little published transport evidence relating to specific allocations.

## Statement of Common Ground

8.27 It should be noted that the Council has agreed a Statement of Common Ground with Teignbridge District Council in accordance with planning regulations. This identifies that the Council has concerns over landscape matters where there are potential impacts on the city.

8.28 The Council has also agreed a joint Statement of Common Ground with Teignbridge District Council, the other Local Planning Authorities in the area, Devon County Council and National Highways to cover strategic transport considerations associated with the Teignbridge Local Plan.

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

9.1 A response to the proposed submission Teignbridge Local Plan consultation will enable the Council to articulate its concerns over the impact of edge-of-city development on Exeter itself. The concerns are centred on landscape and transport impacts, issues which need to be raised given their significant influence in achieving the Exeter Vision 2040 and the five strategic priorities in the Council's Corporate Plan.

9.2 If development comes forward on the edge of Exeter in locations with significant landscape sensitivity and where public and active travel cannot be adequately provided, it will undermine the city's high quality natural environment and the function of the city's transport network. The landscape setting of the city, and an efficient transport network need to be safeguarded for multiple reasons, but in terms of the Corporate Plan priorities, these matters are central to supporting a prosperous local economy, enabling a healthy and active city and building great neighbourhoods and communities.

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

10.1 The proposed submission version of the Teignbridge Local Plan identifies two potential development allocations on the edge of Exeter which are of concern. The most appropriate way of raising these concerns formally is by responding to the current consultation and taking part in discussions at the Examination Hearings for the plan. This approach will help to reduce the risk of inappropriate development impact on the city.

10.2 It should be noted that providing a response does necessarily mean that the proposed developments will be omitted from the final adopted version of the Teignbridge Local Plan, nor that development will not take place on these sites. Irrespective of a considered, robust and evidenced Council response, there is still the potential for a Local Plan Inspector to conclude that it is reasonable for the proposed development allocations to be retained in the adoption version of the Teignbridge Local Plan.

10.3 If the proposed development allocations are retained in the adoption version of the Teignbridge Plan, Council officers will feed into any future evidence, master-planning and infrastructure work for the area. The Council would also have the opportunity to provide comments to future planning applications on these sites.

## **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 these proposals no potential impact has been identified on people with protected characteristics as determined by the Act because the consultation response to the Teignbridge Local Plan will consider strategic, cross-boundary planning matters. It therefore does not directly address any equalities issues.

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

12.1 There are no direct carbon/environmental impacts arising from the recommendations although the consultation response would help to support the case for avoiding environmental impacts on the edge of Exeter and help underpin the Council's net zero agenda.

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

13.1 The other option would be not to respond to the consultation – there is no specific requirement to do so. However, this consultation on the proposed submission version of the Teignbridge Local Plan is the last such process before the plan is submitted for Examination. Not providing a response would mean that there would be limited further scope to influence the plan in future while it would also mean that officers could not represent the Council's views at the Examination Hearings for the plan.

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

Background papers used in compiling this report:-

- Proposed Submission Teignbridge Local Plan
- Teignbridge Landscape Character Assessment
- Teignbridge Landscape Sensitivity Analysis
- Exeter Landscape Sensitivity Assessment
- Council response to previous Teignbridge Local Plan consultation: Site Options
- Council response to previous Teignbridge Local Plan consultation: Renewable Energy, Gypsy and Traveller and Small Residential Site Options

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