

REPORT TO EXECUTIVE

Date of Meeting: 3 December 2024

Report of: Strategic Director for Place

Title: The Exeter Plan: Publication

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Executive and Council

1. What is the report about?

1.1 The report explains the progress made on the Exeter Plan (Local Plan) and seeks approval to publish the Regulation 19 Publication version of the Plan in advance of submission to the Planning Inspectorate.

2. Recommendations:

That Executive:

2.1 Approves the Publication of the Regulation 19 version of the Exeter Plan (included at Appendix A) for an eight-week period from 12 December 2024;

2.2 Gives delegated authority to the Strategic Director for Place, in consultation with the Portfolio Holder for City Development, to agree minor changes to the Regulation 19 Publication version of the Exeter Plan before it is published;

2.3 Gives delegated authority to the Strategic Director for Place, in consultation with Portfolio Holder for City Development, to agree a change to the publication date if required;

That Executive recommends that Council:

2.4 Approves the submission of the Exeter Plan, policies map, associated documents, evidence base and Regulation 19 representations, to the Planning Inspectorate for Examination; and

2.5 Gives delegated authority to the Strategic Director for Place, in consultation with the Portfolio Holder for City Development, to make minor changes to the Regulation 19 Publication version of the Exeter Plan and to submit these to the Planning Inspectorate for Examination.

3. Reasons for the recommendation:

3.1 As the Local Planning Authority for Exeter, the City Council has a statutory duty to prepare planning policy for the city. The Exeter Plan (the new Local Plan) will replace the

two principal development plan documents for the city - the Core Strategy (adopted in 2012) and the Local Plan First Review (adopted in 2005).

3.2 Following three public consultations, most recently between October 2023 and January 2024 on a full draft of the Plan, the City Council has continued preparation of the Exeter Plan. This work has taken the form of consultation response analysis, development site assessment, exploring delivery strategies, compiling further evidence and discussion with key stakeholders and Members.

3.3 The Regulation 19 Publication version of the Exeter Plan (Appendix A) takes the plan process a step further and effectively represents the final draft of the Plan prior to submission. This version of the plan is considered adoptable subject to independent examination by the Planning Inspectorate.

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

4.1 Staff and budgets required to prepare the Exeter Plan were 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.

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 Publish the Exeter Plan to comply with the provisions of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

7. Monitoring Officer's comments:

7.1 This report sets out the steps to be taken concerning publication of the Exeter Plan in order to comply with the provisions of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

8. Report details:

Evolving national planning context

8.1 In July 2024 the Deputy Prime Minister announced ambitious plans to address the national housing crisis through a series of policy reforms. These reforms include a revised National Planning Policy Framework (NPPF), changes to the standard method for calculating housing requirements and restoring the 5-Year Housing Land Supply requirement. Consultation on these proposed reforms ran until 24 September 2024. As confirmed by the recent Government Budget Statement, implementation of the reforms will take place by the end of 2024 (specific date not stated).

8.2 Although the outcomes of the national planning policy reforms consultation have not been published and therefore the final version of the NPPF is not confirmed, it is expected that the housing requirements which the Exeter Plan would need to

accommodate would increase significantly. Under the current regime, the housing requirement for Exeter is 642 homes per annum while under the new proposals this would increase to 815 per annum. Over the course of a twenty-year plan, this equates to an additional 3,460 homes.

8.3 The need for additional housing is recognised, however changing course at this late stage in the plan preparation process would present significant risks because accommodating considerable additional housing would be extremely challenging. It would require additional work on supporting evidence and the identification of a series of additional sites, a significant proportion of which would be likely to be greenfield. There is also a wider issue of development capacity within the City Council administrative area which may necessitate the need for wider sub-regional discussion. Taken together, these issues would delay the preparation of the Exeter Plan significantly which could also result in the need to prepare a different style of local plan as currently proposed by the national planning reforms.

8.4 Given these risks, it is important for the City Council to continue preparing the Exeter Plan under transitional national arrangements to avoid undue delays in progressing towards plan adoption. This would mean preparing the Exeter Plan under the current December 2023 version of the NPPF together with the current housing requirement (642 homes per annum).

8.5 To make use of the transitional arrangements (as consulted upon by Government), Councils are required to publish their Regulation 19 Publication Plans within one month of the implementation of the new NPPF; as confirmed in the recent Budget Statement, the Government intends on publishing the new NPPF by the end of the 2024. For the City Council, this means publishing the Exeter Plan by the end of January 2025 at the latest. Publishing in mid-December minimises risks of missing national deadlines and provides the best opportunity of meeting the transitional arrangements.

Plan-period

8.6 Previous versions of the Exeter Plan have covered the years 2020 to 2040 (2020/21 – 2039/40). However, the NPPF sets out that plans should have a further 15 years to run on their adoption.

8.7 On this basis, the plan period for the Exeter Plan will move forward by one year to 2021 to 2041 (2021/22 – 2040/41). This change will ensure that the plan period accords with national policy but also that it will have a post-adoption lifespan of one extra year.

Progress since the Full Draft consultation

8.8 The Full Draft Plan consultation ended in January 2024. Analysis of the responses was reported to Strategic Scrutiny Committee in March 2024 and Executive in April 2024.

8.9 Since the analysis of the Full Draft Plan consultation responses, the local plans team has been focusing on progressing the plan towards the Regulation 19 Publication version of the Plan.

8.10 Work has continued to include evidence gathering. Additional evidence to inform the Regulation 19 Publication version of the Plan is listed below. This will be added to the evidence base for the plan.

- Local housing needs assessment update;
- Gypsy and traveller accommodation assessment;
- Student housing needs assessment;
- Viewpoints, density, and heights study;
- Strategic flood risk assessment level 1 and 2;
- Emergency access and egress study;
- Embodied carbon evidence;
- Evidence relating to delivering adaptive and resilient development;
- Heat network study;
- Evidence for built sports facility strategy;
- Updated transport modelling;
- Updated infrastructure delivery plan;
- Sustainability Appraisal;
- Habitats Regulation Assessment; and
- Viability appraisal.

8.11 Further work has also been undertaken on appraisals to consider additional development sites. Ongoing discussions with stakeholders have also been held.

Member engagement

8.12 In order to ensure ongoing involvement of Members in the preparation of the plan and to provide regular opportunities to feed into the process, the local plans team has provided near monthly presentations to the Planning Member Working Group throughout 2024. These discussions have covered all topics in the plan.

- January 2024: Spatial strategy (overarching policy direction);
- March 2024: Homes;
- April 2024: Economy and jobs;
- May 2024: Natural environment;
- July 2024 (1): Sustainable transport and communications;
- July 2024 (2): Heritage and culture;
- August 2024: Climate change;
- September 2024: High quality places, health, and infrastructure; and
- October 2024: Planning reforms, housing requirements and site allocations.

8.13 These meetings were open to all Members and, for the discussions on the Exeter Plan, all Members were able to ask questions and participate in the discussions.

8.14 In addition to these meetings, reports were taken to the Strategic Scrutiny Committee in March and November 2024.

Summary of the Regulation 19 Publication version of the Exeter Plan

8.15 The key material for Publication is the Regulation 19 version the Exeter Plan (Appendix A). This is supported by a series of core documents and an updated evidence-base.

8.16 The Regulation 19 Publication version of the Plan is the result of revisions to the previous Full Draft Plan. The plan continues to include:

- Exeter's Vision 2040;
- The spatial strategy setting out the pattern and high-level characteristics of development. Revisions and additions have been made since the previous draft plan;
- A full set of thematic planning policies. Revisions, additions, and a small number of omissions have been made since the previous draft plan; and
- A revised list of development sites (residential and employment) and five allocation policies for strategic mixed use brownfield sites.

8.17 The Exeter Plan continues to be anchored by Liveable Exeter, the principles of which are included in policy.

8.18 A series of 38 mixed use and residential site allocations have been included for consultation. The vast majority of these are brownfield. These are grouped into site types as follows:

- Strategic mixed-use brownfield sites;
- Predominantly residential sites - large scale;
- Predominantly residential sites - major; and
- Residential sites – minor.

8.19 There is still a focus on the strategic mixed-use brownfield sites which were included in the Liveable Exeter initiative although only five are now identified in the plan:

- Water Lane;
- East Gate (including City Point);
- Red Cow/St Davids;
- Exe Bridges Retail Park (part of the West Gate area); and
- South Gate.

8.20 The most significant evolution of this list of strategic sites is the omission of allocations at Marsh Barton and North Gate. Although these sites offer long-term redevelopment potential, they are not being comprehensively promoted for development currently and are in multiple ownerships. On this basis there is insufficient evidence to rely on their delivery for the sites to be allocated at this stage. They are however retained in the plan as less formal 'regeneration opportunity areas. A smaller allocation at Mary Arches Street car park, which is within the North Gate area, is now included in the plan.

8.21 The removal of Marsh Barton and North Gate as allocations means that additional sites have been identified in the plan. These have been derived from sites considered previously and additional sites which were proposed during the 2023 call for sites.

8.22 A list of three new employment allocations have also been included in the plan. One previously proposed allocation at Toby Carvery, Middlemoor, has been omitted as there is a lack of evidence regarding its availability.

8.23 Finally, a suite of 69 thematic policies have been prepared. This is a slight increase compared to the Full Draft Plan and reflects the additional evidence produced and previous consultation responses. The additional policies cover various matters including housing, climate change, the natural environment, retail, heritage, and design.

Publication process

8.24 It is important to note that the publication process is extremely tightly defined by statutory requirements; it is not a consultation in the traditional sense. This will affect the way in which the publication process is organised and the amount of public facing activity which is organised. The publication will however be undertaken in accordance with the Council's Statement of Community Involvement.

8.25 A key part of the process is the way in which interested parties can input into the process. Informal responses are not permitted. Instead, formal representations can only be provided in relation to whether it is considered that the plan is:

- Legally compliant (compliant with the necessary plan-making legislation);
- In compliance with the duty to cooperate (a requirement to cooperate with a series of prescribed organisations including other councils and Government agencies); and
- Sound.

8.26 Soundness is clearly defined in terms of specific tests which are set out in the NPPF. These are whether a plan is:

- Positively prepared:

Providing a strategy which, as a minimum, seeks to meet the area's objectively assessed housing needs and is informed by agreements with other authorities.

- Justified:

An appropriate strategy, taking into account reasonable alternatives, and based on proportionate evidence.

- Effective:

Deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred.

- Consistent with national policy.

Enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

8.27 This means there is no scope to ask open questions seeking general comments or to ask simple, more accessible survey-type questions which have been used to widen

response rates for the earlier rounds of consultation. This will mean there will be significantly less engagement activity than has been organised previously.

8.28 It is also important to note that there is no requirement for the City Council to amend the plan itself following the Publication stage. Instead, the regulations require the City Council to submit the Regulation 19 Publication version of the plan and all the formal representations received, to the Planning Inspectorate for formal examination. The potential to make amendments to the plan in response to the representations are usually considered through the examination process. Making significant changes after the publication would mean re-running the publication process which would affect the likelihood of being able to make use of the transitional plan-making arrangements.

Next steps

8.29 Subject to approval, the next stages of the Exeter Plan process are set out below for context. The timing of these milestones has been included in the Local Development Scheme which was approved in September 2024.

- Submission to Planning Inspectorate: June 2025

Indicative timetable (determined by Planning Inspectorate)

- Examination including hearings: November/December 2025
- Adoption: November 2026

8.30 It should be noted that the City Council's constitution requires that the Publication of the Plan is approved by the Executive. However, the submission requires approval by Council. This is reflected in the final recommendations of this report.

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

9.1 The Regulation 19 Publication version of the Exeter Plan explains, in each chapter, how the plan will deliver on the priorities of the Corporate Plan and there is close alignment between the two documents.

9.2 The Exeter Plan will be important in ensuring the delivery of all of the City Council's Corporate Plan priorities:

- Prosperous local economy;
- Healthy and active city;
- Housing and building great neighbourhoods and communities;
- Net zero carbon city; and
- Thriving culture and heritage.

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 (the Exeter Plan) and the Regulation 19 Publication version of the Plan meets the requirements of current planning legislation.

10.2 The key risk is that the timetable for publishing the Regulation 19 Publication version of the Exeter Plan does not meet the, as yet unconfirmed, deadlines of the transitional

arrangements for plan-making under the proposed national planning policy reforms. However, publishing the Plan in mid-December 2024 responds to this risk, striking a balance between the significant work required on the Plan and the need to progress in a timely manner.

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 An Equalities Impact Assessment has been undertaken. In recommending the publication of the Exeter Plan, a variety of impacts have been identified on people with protected characteristics as determined by the Act. This is because of the breadth of topics covered by the Exeter Plan. The majority of the impacts are considered to be positive or neutral.

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct carbon/environmental impacts arising from the recommendations to publish the Exeter Plan. However, the digital publication methods used will minimise associated carbon footprint implications. In addition, Exeter Plan has a key focus on climate change.

13. Are there any other options?

13.1 Publication is a key part of the process for preparing a plan as required by legislation. There are no other options.

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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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