

Report to: Strategic Planning Committee



Date of Meeting 27th April 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Engagement With Site Promoters Through The Local Plan Process

Report summary:

The report seeks Members views on how site promoters are engaged through the plan production process with many having already approached officers and/or Members wishing to present their proposals following the call for sites. It is considered important that a process for their engagement is established at an early stage of plan production to provide clarity to all parties.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That the Committee consider the proposed options for engaging with developers and site promoters on production of the Local Plan and agree to pursue option 5 as detailed in the report.
2. Should Option 5 be the Committee's preferred approach to engagement the Committee are asked to agree that a special meeting of the committee be held in November to hear presentations from those developers and promoters who wish to present their site to Members. The detailed arrangements for the meeting to be delegated to the Service Lead – Planning Strategy and Development Management in consultation with the Portfolio Holder Strategic Planning.

Reason for recommendation:

To ensure that there is appropriate engagement with developers and site promoters through the production of the new Local Plan and that this is carried out in an open and transparent way that informs plan production while minimising the impact on officer time.

Officer: Ed Freeman – Service Lead - Planning Strategy and Development Management

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance

- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Introduction

Members will be aware that alongside the Issues and Options Local Plan consultation undertaken earlier this year there was a call for sites as part of the Housing and Employment Land Availability Assessment (HELAA). This generated a lot of interest from land owners, developers and site promoters who have put forward sites either through this call for sites or the previous call for sites under GESP. A number of these parties wish to make representations to Members and officers about their site and their proposals. It is considered necessary to establish a process for handling such requests and potentially accommodating them.

Current Position

At present developers approaching officers seeking an audience to discuss their proposals for sites being promoted for development are directed to submit a pre-application enquiry through the established process so that their proposals can be commented on formally by officers or where a Members Advisory Panel is requested a panel can be convened in accordance with Members previously agreed protocol. A number of developers are however arguing that this is a process appropriate for developments that they wish to promote now through the development management process. In many cases developers are promoting sites which they know are currently contrary to the current Local Plan and are not seeking officer or Member views to confirm this but seeking an audience to present their proposals for how the site could be brought forward in a new Local Plan and a different policy regime. There is currently no established process for doing this.

During the production of the now adopted Local Plan similar requests were made and officers met with developers to receive a presentation from them to help them to understand what was envisaged and the work that the developers had done to investigate the constraints of the site and how it could be developed. This was useful information to inform consideration of sites but officers were always clear that it would not be appropriate for them to express an opinion and so this led to conversations simply about points of fact. Despite this many of those same site promoters are keen to engage in a similar way with the production of the new Local Plan. There are a number of options for how the Council may wish to respond to such requests in future and on these Members views are sought.

Options

1. **No engagement**

There is no requirement to engage with developers and site promoters outside of the formal consultations on the Local Plan during its production and then through the examination process. It would therefore be possible to simply decline all such requests for meetings and only engage through the established formal consultation processes. This approach would prevent the additional work that engagement entails, however there may be useful information about the constraints of a particular site that would benefit plan production. Equally an understanding of the developer's intentions, the site capacity, envisaged timing and phasing of delivery etc can all be useful information as well, albeit some of this information may already have been provided in written submissions for consideration by the HELAA panel.

It is however important to understand the role that developers and land promoters play in ensuring that the housing and employment needs of the district are met and development is brought forward and so there are considered to be benefits in showing that East Devon is "open for business" and happy to discuss proposals. A no engagement approach would potentially send out a bad message suggesting that East Devon is not open to development and developers may choose to invest elsewhere. The consequences of this could be few site options and developments not being brought forward making it all the more challenging to deliver the developments that are needed to meet the needs of the district and the communities living within it.

2. **Written engagement only**

We could restrict engagement to written submissions thereby ensuring that any additional information that developers/ site promoters want us to be made aware of can be made available and can be considered but that we have clear records of what has been submitted and when. This approach could potentially limit the impact on officers and members' time of arranging, attending and recording meetings, however it could potentially lead to the Council being bombarded with correspondence, plans and details all of which would need to be stored and managed. It would also lead to an entirely one way conversation that would not represent good engagement and would not be a very friendly way of addressing the issue.

3. **Engagement through site specific meetings**

An alternative option would be for officers and potentially Members to meet with developers to hear presentations regarding the sites that they are promoting to help inform consideration of the sites that have been put forward. There is however a danger that this could take up a significant proportion of officers' (and Members) time as to be fair to all parties this would have to be made available to any developer/site promoter who wishes to meet with officers. Making arrangements for these meetings, attending the meetings and keeping appropriate records could be very time consuming and resource intensive. Given the demanding timetable that has been set for local plan production there is a significant danger that this approach would delay plan production.

4. **Engagement via a working party or other group**

It would be possible to establish a working party of Members supported by officers to hear presentations about specific sites and engage with site developers and promoters. This approach has some benefits from the developers perspective of enabling them to engage with potentially a number of Members but could generate significant work in setting up meetings and problems over how such meetings could be recorded and whether they should be held in public.

5. **Engagement through Strategic Planning Committee only**

A further option would be to provide an opportunity for developers and site promoters to present through Strategic Planning Committee. The agreed timetable for plan production

proposes a debate of potential site options by the Committee in November. It is considered that part of this meeting could include providing a time slot for developers and site promoters to present to the Committee to aid Members understanding of the options prior to making decisions regarding which options they wish to put forward for consultation in the draft plan.

It is considered that this option presents the most open and transparent option given that the presentations would then be given in a public meeting that is minuted by Democratic Services. It would also ensure that all of the committee could hear each presentation whereas this would be difficult to accommodate if separate meetings were to be held for each site. It could however lead to the need for an additional committee meeting in November to accommodate this given the other areas of work set to be considered in November. It may also cause some frustration among developers and site promoters if they have to wait until much later in the year to engage more fully in the process. They may also not wish to make their plans open to wider public scrutiny but clearly this would be their choice. If this approach is favoured it is suggested that a special committee meeting be arranged and that each presentation be time limited to ensure parity across all of the sites being presented and to fit the time available.

Conclusion

Overall it is considered that there are sufficient benefits to having engagement with developers/site promoters through the local plan production process that arrangements should be made to accommodate this. In order to minimise the impact on officer time and ensure that this is done in an open and transparent way for the moment it is recommended that a special Strategic Planning Committee meeting be arranged for November and any interested parties that come forward be offered the opportunity to register for a time slot to present at the meeting nearer the time. It is considered that this would be sufficient while all site options are being considered, however once favoured sites have been identified for inclusion in the draft Local Plan it would be necessary for there to be wider engagement on the sites to be included in the draft plan. It is considered that at draft plan stage through to the examination meetings such as those envisaged in option 3 would be a more appropriate means to enable the wider engagement that would be required.

Financial implications:

Any increases in officer's time can potentially have financial implications and are addressed within the body of the report.

Legal implications:

As the report identifies, there is no requirement to engage beyond the formal consultations required as part of Local Plan production. Members may wish to increase engagement during the process but will need to ensure that the information obtained is used in a fair and even handed way as part of the process of site allocation.