

# **Strategic Planning Portfolio Holder Annual Report**

## **Introduction**

The portfolio for Strategic Planning covers a range of work that enables the delivery of growth and development in the district whether that be through production of the Local Plan, processing planning and building regulations applications or administering property searches. The majority of the work of the service is statutory but chargeable such that it brings in substantial fee income that helps to cover the cost of delivery. The building control team operate in a competitive market in competition with approved inspectors but operate on a cost recovery basis.

The last year has been a very busy and challenging one for the Strategic Planning Portfolio as you will see from the main issues and projects identified and discussed in this report. Responsibility for the portfolio was held by Cllr Arnott from May 2022 to November 2022 but otherwise has been with Cllr Ledger for the rest of the year.

## **Committee Work**

### **Planning Committee**

It has been a busy year for Planning Committee which has met 15 times across the year and considered 99 applications and 2 reports relating to local development orders. The committee also consider monthly updates on appeal decisions and appeals received and lodged. This update includes a summary of appeal decisions made in the district and helps the committee to understand the planning inspectors views on matters in the district and learn from those decisions particularly those where the inspectors decision has differed from that of the Council.

The committee has also undertaken a number of site inspections to better understand proposals before them and enable them to make a fully informed decision. Ordinarily photographs and plans of proposals are presented at the meeting but sometimes the committee feels that an inspection to view the site for themselves can help to inform their judgement. The public speaking arrangements also ensure that the committee can hear the views of the community as well as reading comments received within the committee report.

### **Strategic Planning Committee**

Over the last year Strategic Planning Committee have met a total of 16 times and spent over 70 hours debating and scrutinising the new Local Plan and related reports and documents as well as other strategic planning reports. These sessions have included hearing presentations from developers and site promoters on sites they have put forward for consideration in the Local Plan as part of satisfying requirements to engage with the development industry during plan production. The committee has also listened to and considered the views of a wide range of public speakers including private individuals and town and parish councils whose views have helped to inform production of the Local Plan and will continue to do so as the work moves forward.

## **Key Projects**

### **Local Plan Production**

Production of the new Local Plan has made substantial progress over the last year moving from a working draft that Strategic Planning Committee were considering in January 2022 through to a consultation draft that was consulted on through November and into January this year. During that time Members have considered key evidence documents around local housing need, Housing and Employment Land Availability Assessment (HELAA), site assessment and selection work, settlement boundary and settlement hierarchy work and new community options. They have also reviewed draft policies for the plan and made recommendations for key changes to these to guide future development in the district.

A successful consultation period has now closed with thousands of comments on the plan having been received. These will now be collated and assessed so that Members can consider the views expressed on the draft plan and decide how to progress the plan through to a final draft and examination.

### **Cranbrook**

A big success story for the portfolio in the last year has been the adoption of the Cranbrook plan DPD following a very long and drawn out examination process overseen by the Planning Inspectorate over the last couple of years. The examination was mainly concerned with viability issues and the delivery of infrastructure. Officers did an excellent job of presenting robust evidence to defend the council's position and ensure that we secured a position in the plan that maximises the funding for infrastructure that could be achieved and structures the delivery to ensure the best possible timing of delivery.

This outstanding work from the Cranbrook team means that we now have a clear plan for the future delivery of the new town that addresses many of the lessons learned from the first phases of the new community and should ensure that Cranbrook is a great place to live.

We have planning applications under consideration for the Tresbeare, Cobdens and Blue Hayes expansion areas (see plan below) as well as an application for part of the Grange expansion area. All of these applications are in outline but should progress to a decision by the spring with the expectation that reserved matters applications will start to come in later in the year.

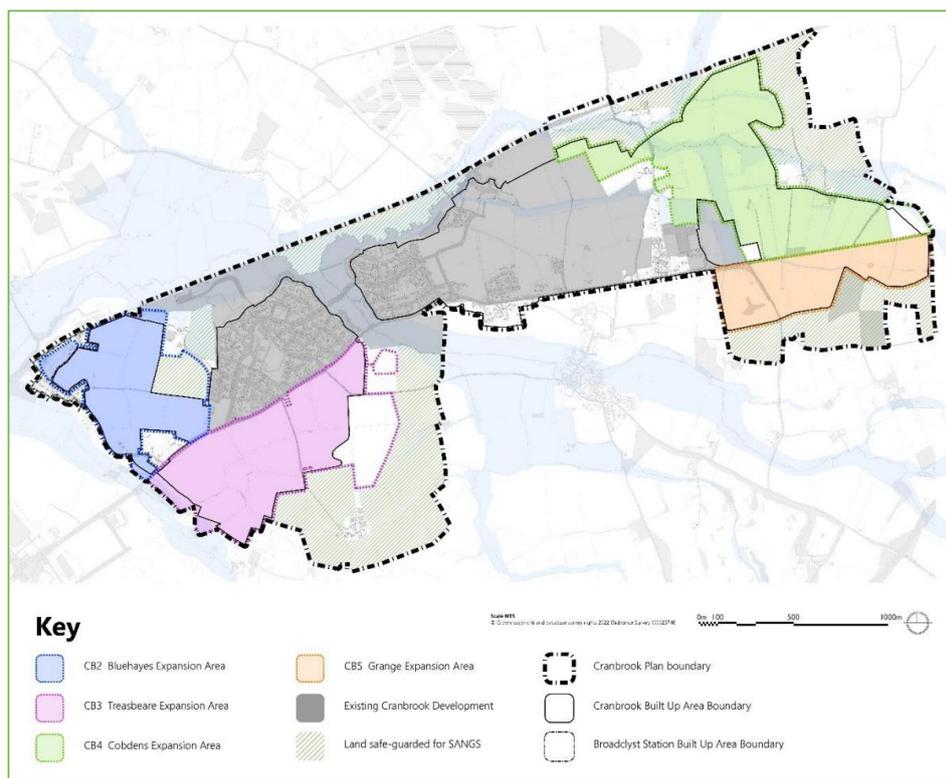


Figure 1 – Plan to show extent of the **four** expansion areas and the Plan’s boundary

The town centre of Cranbrook is clearly a key part of the town and massive progress has been made here in the last year through the work of the Strategic Planning service alongside that of the Growth, Development and Prosperity service. We have now secured a town centre that is fit for purpose and will deliver the spaces and uses needed to ensure that it is a thriving town centre. Planning permissions have been negotiated and granted for much of the main high street and the Morrison’s supermarket such that work has now started on these developments. Work continues on how we make best use of the land acquired by the council and passed to it under the Section 106 agreement to deliver spaces such as a health and wellbeing centre and further community and employment spaces.

Officers also continue to work with Devon County Council on the future role and form of the London Road which under the proposals moves from being a main road on the edge of the town to being brought within the town. As a result its role and therefor its form need to evolve to make the road more friendly to pedestrians and cyclists.

### Second New Community

The draft Local Plan consultation highlights options for a further new community in the district to the east of Exeter. A huge amount of work has been undertaken in the last year with the help of consultants to understand the options presented in the consultation and to assess these options in terms of their impact on the landscape, heritage assets, transport infrastructure, deliverability and a

range of other factors. This work led to the options appraisal document which formed part of the supporting evidence for the local plan consultation.

Officers will be continuing to work with consultants and colleagues in the growth and prosperity service in the coming year to further refine the assessment work, consider the feedback from the consultation on these options and seek Members views on which (if any) option should be taken forward to the next iteration of the plan. It is intended that work on a masterplan would follow alongside further work on mechanisms for the delivery of a further new community and its supporting infrastructure. This work is important if we are to learn from our experience with Cranbrook and ensure that any further new community in the district is as sustainable as it can be and a great place to live.

### Joint Non-Statutory Plan

Following the Council's withdrawal from the Greater Exeter Strategic Plan (GESP) it was agreed to pursue a joint non-statutory plan with the neighbouring authorities of Exeter, Teignbridge and Mid-Devon. This plan to be based on the adopted and emerging Local Plans and to pick up on key joint themes and issues and act as a joint vision for the area and a supporting document for funding bids.

Work on this plan has been slow as each of the partner authorities focus on their respective local plans. Due to these resourcing issues consultants have been brought in to help with the production of the plan and following a series of meetings during the year between officers and the consultants a draft of the plan will be ready for Members consideration shortly.

The plan will be a high level document that does not contain any new proposals but is led by the current and emerging local plans picking up on shared issues such as mitigation of recreational impacts on the Exe estuary and Pebblebed Heaths, Infrastructure needs, quality housing, health and wellbeing etc.

### Land charges transfer to Land Registry

The Land Registry is taking over all LLC1 searches (main part of the property search) on 23 June 2023 as part of a 5 year programme and we are now in the transition period. We will still have to register all charges and complete the Con29 part of the search which consists of additional questions asked by property conveyancers and is the more complicated part of the search. The Local Land Charges team have worked extremely hard over the past 5 years knowing that this was coming and have cleaned much of our planning data, especially polygons on our GIS system that were mis-matched or incorrectly drawn. They have removed 40,000+ old parish plot points where no data was held and re aligned over 60,000 planning applications to the correct boundary. There are still some historical applications dating from 1974 – 1988 that are currently being mapped with the assistance of a dedicated Land Registry team but these are actually only a very small part of the 161,039 registered planning applications currently on the system. We understand that the data was much cleaner than many other authorities that have already been transferred and this should help to enable a smooth transition in June.

## **Key Issues and Challenges**

### **Workload pressures**

Workloads in the teams processing planning and building regulations applications have been very high. There has been a significant increase in application numbers since the pandemic whilst other factors such as changes to building regulations requirements from June of this year led to developers trying to get consent beforehand to benefit from transitional arrangements which reduce the requirements and likely costs to them of the changes. This put particular pressure on the building control team in the run up to June.

The planning teams have been under a lot of pressure for some time not just from high numbers of applications but because processing applications has become increasingly complex and time consuming. This is because consultees increasingly are unwilling to commit their own resources to responding to planning applications so our officers are often having to consider technical information against standing advice rather than simply being able to rely on comments from consultees. The complexities of the modern planning system and requirements such as appropriate assessments for development affecting protected habitats have all added to the administrative burden on the team.

It is also notable that more and more applications are the subject of representations from the public with nearly 2500 applications received in the year with 6800 representations received in that time. As a result we are averaging 2.7 representations per application. Very few applications receive no comments at all, however some major proposals will receive hundreds of comments which skews the average.

Although on one hand it is great that people are showing such an interest in applications in their area this is reflective of customer activity in the development management service at the moment. Many customers use our on-line services to view and comment on applications with the planning website pages receiving 943,726 hits in the year to the end of October. However the online service can only meet so many customer needs and numbers of phone calls and e-mails are high.

Production of the Local Plan is also a massive piece of work and a demanding timetable to get a draft local plan out to consultation in the autumn put a lot of pressure on the team to produce evidence, assess sites and draft policies in time to present a draft plan to Strategic Planning Committee in October. The subsequent setting up and running of the consultation on our new consultation software (Commonplace) and setting up face to face public information events was also a demanding and stressful time for the team.

### **Recruitment and Retention**

The workload pressures set out above have been exacerbated by problems with recruiting staff to fill vacant posts with demand for experienced planners and surveyors being high and the number of candidates applying for roles very low. There are a number of long term vacancies in the teams notably a vacant surveyor post in building control for nearly 3 years and a vacant Planning Officer

post that has been vacant for over 2 years. In both cases multiple recruitment exercises have tried and failed to find suitable candidates. It is hoped that that reward review will help but the issue is about more than just money and relates to a wider skills shortage and issues of competing with the private sector in these professions where not just more money but better benefits, working environment and similar flexible working arrangements attract candidates. It is also important to note that such private sector roles do not involve the pressures of dealing with the public and Councillors which can make them more attractive to some people.

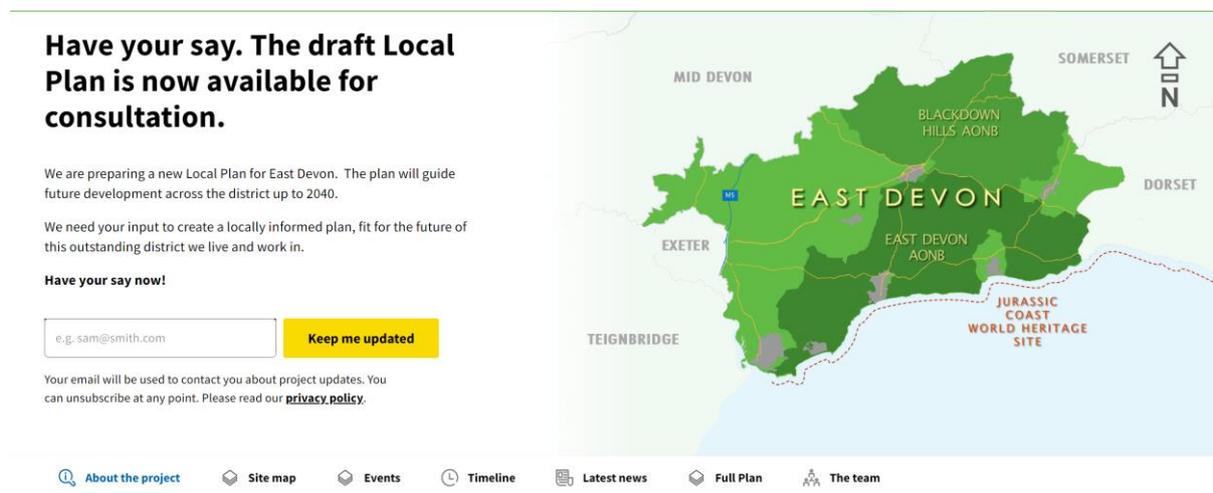
Within the development management team we currently have 5 agency planners working alongside our core staff to help to deal with the high workloads and Terraquest (part of the Planning Portal) undertaking the validation of applications and ensure that we have the information we need to process the application. These are temporary arrangements and we will be looking to recruit permanently to the vacant posts now that the reward review is resolved in the hope of filling these posts and being able to reduce our reliance on agency and outside resource support.

A lot of work has gone into trying to address the recruitment issues and develop our own planners and surveyors. The Planning team includes 2 apprentices who are being supported through day release studies and their work to develop the skills and knowledge necessary for professional accreditation such that they can take on professional roles within the service in the future. Building Control have also recently recruited an apprentice surveyor who we hope through his studies on a new course dedicated to training of building control surveyors will enable us to develop a route to grow our own staff. We are also starting to work with local education institutions to promote these roles to young people and support Exeter College and others in developing courses in construction skills.

### Consultation and Engagement

A key theme of the last year was working up to consultation on the draft new Local Plan with the consultation launching in November. A lot of preparatory work went into the consultation including developing an engagement strategy in partnership with the Council's Communications Team which was later agreed with the Strategic Planning Committee with the addition of some face to face consultation events. These then had to be organised and publicised at late notice but were ultimately attended by hundreds of people interested in finding out more about the local plan. For the most part these events were very successful, however there were a few issues at some events with attendees becoming quite aggressive and confrontational with officers and one or two individuals verbally abusing staff. Staff also felt that at times attendees were invading their personal space and touching staff on the arm or shoulder making staff feel very uncomfortable and at times threatened. It is important that we learn from this experience and take steps to ensure that staff are not put in this position again at future consultation events. A task for the coming year will be reviewing the council's statement of community involvement which details how consultation will be undertaken and that this work be informed by a report on lessons learned from the recent consultation event.

A further key area of work associated with the Local Plan consultation was the procurement of the Commonplace consultation platform which while a corporate tool was instigated partly to facilitate a more engaging and interactive local plan consultation. Officers had a very challenging time setting up the consultation with the help of the software providers after final decisions on the plan for consultation were delayed following the passing of Her Majesty the Queen. The consultation however went live on schedule and following a few minor issues on the first day it operated successfully for the term of the consultation enabling thousands of comments on the plan to be made. The consultation front banner can be seen below:



Feedback on the consultation platform was mixed with many positive comments made but some elements of how the platform operates and how materials are shown caused concern and confusion to some parties. Comments could also be made by e-mail or letter and so some parties opted to comment through these routes instead, however it will be important to now fully understand the feedback we have received on the commonplace software and use this to improve how we set up consultations in future and feedback to commonplace how their platform can also be improved. This will again be picked up in a lessons learned report to Strategic Planning Committee to help inform an updated statement of community involvement.

### Government Policy Uncertainty – local plan and building regs

The planning system and its associated legislation and guidance is ever changing and evolving, however there is particular uncertainty at the present time. At the time of writing the government are consulting on revisions to the National Planning Policy Framework (NPPF) which if implemented could affect the housing need in the district and key tests around the soundness of the local plan and the future of the duty to co-operate.

The Levelling Up and Regeneration Bill also includes major changes to the planning system including changes to the nature of local plans and the process for their production. A new infrastructure levy is also proposed which would replace the Community Infrastructure Levy (CIL) and other proposals include the introduction of national development management policies which could negate the need for their inclusion in local plans.

These changes could have a significant effect on the work of the planning policy team and Strategic Planning Committee. Although this level of uncertainty is never helpful it should be noted that some of these changes were mooted as long ago as August 2020 when the government published the Planning for the Future White Paper. Members resolved to continue with preparation of a new Local Plan despite these potential changes acknowledging that these changes could take years to come to fruition and that government guidance was clear that plan production should continue. By following this advice it has been possible to progress the plan to the stage that the Reg18 Draft Plan consultation has been completed. By completing this key stage in plan production it is likely that we would now benefit from any transitional arrangements following the introduction of new legislation such that the draft plan could progress through to adoption under the old legislation. This could avoid us having to start work on the plan again and therefore avoids waste and will save time overall. This is vital given that we currently do not have a 5 year housing land supply and need to bolster our housing land supply position albeit changes currently being consulted on by the government may help us in this regard.

Having completed the Reg 18 consultation we also have the benefit of having sought views on a whole range of options for meeting the needs of the district up to 2040. Whatever happens to government guidance on housing needs we are in a good position to now understand the community's views on each of the options and make the necessary decisions to move the Local Plan forward.

It is also important to remember that there are various changes in legislation that are already known about and require action. These are largely arising from the Environment Act and requirements that bio-diversity net gain is a requirement from later this year. This is the process whereby developers will have to ensure that the impact of their development is not just mitigated but that overall there is an enhancement of at least 10% under government requirements with this council exploring making this 20%. Putting processes and systems in place to enable this to happen will be a key piece of work over the coming months and has been dealt a significant blow by the recent departure of our District Ecologist and prior to that our Development Manager. It is hoped that a replacement Ecologist can be found quickly to help with this work while the new Development Manager starts in early March.

An ecologist is also needed to help with addressing issues of phosphate pollution in the River Axe. Although this has been a long running issue; a letter received from Natural England in May last year advised that we should not grant consent for new residential development within the catchment of the Axe unless it could be demonstrated to be nutrient neutral i.e. it would not add additional phosphate to the special area of conservation (SAC). Much of the phosphate comes from run off from agriculture and other activities in the catchment but a small proportion comes from increased waste water discharge from new dwellings and so it is important that this is mitigated as phosphate levels lead to a build-up of algae in the watercourse which reduces oxygen levels and detrimentally impacts on biodiversity.

A lot of work has been done by the planning team with the District Ecologist to better understand these issues and working with other stakeholders to understand what mitigation projects exist and could be developed and funded by developer contributions to help to address these issues. It is

hoped to bring a report setting out options for taking this forward to Strategic Planning Committee shortly so that we can start to move forward with a mitigation strategy and understand how growth in this part of the district could be accommodated in the future.

There are some significant other changes in legislation coming with a phased implementation of changes to building regulations underway as we move towards the future homes standard which is designed to make new homes more energy efficient and sustainable. Fire safety standards are also being revised in light of the Grenfell Tower enquiry and officers received training on these standards last year. There are also changes coming in terms of ensuring suitable levels of professional competency through a competency examination and registration of Building Control officers which is to be regulated by the newly formed BSR (Building Safety Regulator) under the shield of the Health and Safety Executive (HSE). It is not entirely clear at this stage what the requirements will be but the intention is to ensure the same level of competency across the public and private sector operators delivering a building control service and this is clearly to be encouraged.

### Section 106 and CIL

Work on the invoicing, receipt and spend of Section 106 monies has been badly affected by staff resourcing issues over the last year. The retirement of the Major Projects Team Leader who managed this area of work followed by the departure of the Development Manager and then that of the S106 Monitoring Officer herself over the last year has led to a significant loss of not just resource but also knowledge. To compound these issues officers who support the delivery of S106 funded projects in the Communications Team, Engineers and Finance have been off on long term sick leave for a number of months during the year. As a result it has not been possible to support communities seeking to spend S106 monies and there is now a backlog of requests for support. We do however have good records of the monies available and have agency staff covering the planning side of the process ensuring that monitoring and invoicing work continues.

A review of the S106 Monitoring Officer post and resourcing of planning obligations work is a key task for the near future with a view to ensuring that we have the resources we need and can recruit to a suitably redesigned post shortly.

### Conclusion

Strategic planning remains a challenging and demanding area of Council business and has a key role in shaping the future of the district both in terms of the environment that we live in both built and natural but also because the decisions made have significant impact on infrastructure and services as well as the Council's financial position.

This report has sought to summarise the main areas of work and key challenges facing the service over the last year and that we will continue to address in the coming year. Hopefully you will be able to see that significant progress has been made particularly in high profile areas of work such as the local plan and at Cranbrook. While these areas rightly grab all of the headlines it is important to

appreciate the hard work that support officers, planners and surveyors across the serviced do to process consents for developments such as house extensions and adverts right through to new housing developments and employment sites. Without their hard work development in the district would grind to halt and badly needed house extensions and new homes to meet housing needs would not be built to appropriate standards and new jobs and community projects would not be realised and the local economy would suffer as a result.

Cllr Dan Ledger

Portfolio Holder Strategic Planning