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Proposed approach to planning for production of a new local plan

Report summary:

This report sets out a summary proposal for production of a new local plan for East Devon. The report sets out options in respect of possible timetables for producing a plan over the coming years with two timetable options presented. The report also highlights matters around evidence gathering, public and wider stakeholder engagement and consultation and member involvement depending on the preferred approach to plan making to be taken. The report notes that differing options for plan production could have differing staffing requirements and also highlights the fact that possible changes to the planning system may impact on the shape or form of any plan and also that Government expectations are for a huge increase in housing delivery in East Devon; any attempt to plan to meet potential new Government growth levels will create significant planning challenges.

The report also highlights options for addressing the duty to cooperate and partnership working with our neighbouring authorities in the Greater Exeter area and proposals to move this work forwards.

Recommendation:

1. That Members consider the two options for local plan production detailed in the report and their associated resource and other implications; identify their favoured approach and in the event that option 1 is favoured recommend to Cabinet that the staffing budget for the Planning Policy Team be increased to enable the recruitment of two additional Planning Officers.
2. Members endorse production of a local plan issues and options report to come back to committee in December 2020 with a view to consultation starting in January 2021.
3. Members recommend that Cabinet support in-principle the production of a joint non-statutory plan to include a joint strategy and infrastructure plan for the Greater Exeter area in partnership with Exeter, Mid-Devon, Teignbridge and Devon County Councils subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, governance arrangements etc.

Reason for recommendation:

To ensure members can establish an agreed basis for preparation of a new local plan and joint working with partners within the Greater Exeter area.

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

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

The planning policy team has a budget for total employment costs of circa £327k with the cost of the two additional staff members mentioned in the proposals below bringing this to £420k annually. Any additional costs, for example within supplies and services, of the new approach to plan production are likely to be immaterial in comparison.

Legal implications:

Following adoption of these recommendations there will need to be consequential changes to the Local Development Scheme and Statement of Community Involvement to reflect changes in the local plan production as well as a review of the Statement of Community Involvement to reflect the local plan production changes and COVID-19 impacts on public engagement in local plan-making. There are no other legal implications other than as set out within the report.

Equalities impact Low Impact

Climate change High 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

1 Status of the current local plan and work to date

- 1.1 The existing East Devon local plan, covering the 18 year period from 2013 to 2031, was adopted in January 2016. Government policy advises of the need for review of plans within five years of adoption to establish if they are up to date and if they are in need of partial or full review. A separate report to Strategic Planning Committee undertakes such a review noting that across a range of matters the existing local plan is becoming dated. Bearing the current age of the existing local plan, and the fact that many things have changed, it is appropriate for a new East Devon local plan to be produced.

- 1.2 This early consideration to the proposed approach to local plan production is particularly important given the fact that in August 2020 the Council formally withdrew from the partnership of authorities producing the Greater Exeter Strategic Plan (GESP). This withdrawal will leave the Council in something of a policy void that now needs to be filled. It is highlighted that it is important to ensure that committee endorse an agreed approach to producing a new local plan and in so doing provide confidence and clarity to officers and the wider East Devon community of the work ahead.
- 1.3 The work undertaken on GESP production has generated a large body of technical expertise and evidence that can be readily used and applied in forming a new local plan for East Devon. There will, however, need to be additional technical evidence and further supporting work, specifically including on potential development site assessment, that will be needed to support a new local plan.

2 Proposed changes to the plan making system and nationally 'imposed' housing numbers

- 2.1 On the 16 September 2020 members received and debated two reports that could result in fundamental changes to the local plan making system, as well as to planning more generally and to the levels of housing development the Government may ultimately say should be built in East Devon. There can always be uncertainties that arise when changes are proposed to any system and indeed if future legislation moves at a rapid rate following consultation on the planning white paper it might be that events will supersede the suggested local plan work programme. Therefore as work progresses on a new local plan it will be appropriate to review and amend the plan to align, if or where possible, with new legislation or requirements, should they arise.
- 2.2 Despite future legislative unknowns it is proposed, however, that work on a new local plan is started in earnest under the current plan making regime. It may well take years, rather than months, for new plan making legislation and other changes to come into effect and we do not at this stage know for sure how significant or radical any changes may end up being or perhaps if they will be made at all.
- 2.3 The other fundamental challenge that is highlighted, that could have major local plan impacts, is the possible level of housing growth that a new plan may need to accommodate. Alongside the white paper the Government have also been consulting on more immediate changes to the planning system and of particular importance for a new local plan are proposed changes to how housing requirement numbers are calculated.
- 2.4 Following the abolition of the then emerging South West Regional Spatial Strategy, following the 2010 general election, and up until 2018, local planning authorities determined appropriate levels of housing growth for their areas themselves, albeit they did this under specific Government guidance. This approach was, however, swept aside in 2018 by local authority need figures that were established by central Government according to a standardised formula applied across the whole of England. The Planning Practice Guidance is clear that although the national standard method for calculating housing need is not mandatory there is an expectation that it will be used as a minimum housing need figure

other than in exceptional circumstances. Although some authorities have tried to promote plans that plan for a lower figure than the standard method prescribes in each case the plan has not been found sound leading to the loss of years of work.

- 2.5 Under the current national approach the expectation, from February 2020 onward, would be for East Devon to accommodate an average of 918 new homes a year. This figure is closely aligned with previous work the Council has done on needs in the area and so although the national standard methodology may be questionable in terms of the science behind it; it is considered unlikely that any alternative assessment would be likely to lead to a significantly different figure.
- 2.6 Under new proposals, however, the national formula for calculating housing numbers is amended and this increases the East Devon requirement up to an average of 1,614 homes per year. The report to Strategic Planning Committee on the 16 September 2020 highlighted fundamental challenges associated with seeking to plan for this scale of development. It should be noted that in the Government consultation documentation this number is proposed to be a binding requirement, rather than being advisory. Though seemingly in contradiction the white paper suggests that there may in the future be mechanisms put in place to reduce requirement levels dependent on capacity constraints in any planning authority area. If ultimately the need arises to produce a new local plan that plans for and specifically includes allocations of land to reach this level of development it could be expected to be challenging to find enough good or appropriate sites for development and some sites may prove to be very contentious.
- 2.7 If a figure of 1,614 new homes per year does become a requirement, perhaps starting from next year, then there will be a clear onus on finding a significant number of sites that could, theoretically at least, deliver the very high housing levels very quickly. Though whether the house building industry could or would want to deliver consistently at this rate is another matter. In early local plan production work, specifically in an issues and options report (see reference further in this report), it would be relevant to refer to both the 918 and the 1,614 figures, noting that at early stages of plan engagement work, so long as appropriately caveated, it does not commit the Council to any specific final figure or indeed course of action.

3 Producing a new local plan under current legislation and rules

- 3.1 Given the unknowns that could lie ahead, but the desire and need for a new local plan, it is seen as appropriate to plan ahead under the current (as applicable in 2020) system of plan making. The actual procedural stages in plan making that need to be undertaken to meet legislative requirements are actually quite limited and, in theory at least, a plan could be produced in a relatively short time period. However, the more a plan seeks to challenge Government guidance or the more detail it includes or the more time taken in public or stakeholder engagement the longer plan making will take. To produce a local plan in under three years, from the first consultation to adoption, is likely to be extremely challenging, nonetheless a timetable for doing so is included in this report. Extra staff resources in the planning policy team could move some aspects of plan making along quicker but there are fixed or semi-fixed aspects of work that invariably take time to complete and extra staff

resources simply will not circumvent – these include working to committee timetable cycles and time periods needed for consultation.

- 3.2 Local plan making regulations, see: <https://www.legislation.gov.uk/uksi/2012/767/contents/made> set out that the first stage of engagement in plan making, Regulation 18, requires an authority to contact interested bodies and individuals seeking their views on what a plan ought to contain. Responses received need to be taken into account. The next formal legally defined stage of plan making is Regulation 19 where a plan, the plan the Council believes should be the final definitive plan, is published and comments are invited. This plan, comments received on it and supporting evidence is submitted to the Secretary of State, in practice sent to the Planning Inspectorate, for examination.
- 3.3 In reality the Regulation 18 stage of plan making is typically more than just a simple letter or email asking people what should go into a plan, it would usually be expected to be undertaken through issuing a consultation document. Then, between the Regulation 18 and 19 stages of plan making, a Planning Authority could typically be expected to undertake stages of public and wider stakeholder engagement and consultation. A critical point here is that the more consultation and engagement that is done the longer a plan will take to produce. It is not just the time taken on the consultation itself but also the preparation of the consultation materials and the time taken to understand and assess the comments received. Therefore each 6 week consultation can take several months if not a year's work.
- 3.4 After Regulation 19 the plan goes into Examination with this whole process, including an almost inevitability of modification to the plan by the Inspector and associated consultation, adding up to a year or more of plan making time. We could therefore expect to see a minimum of two years work to get to examination and up to or more than a year at examination.
- 3.5 There is no legal requirement to produce and consult on a draft plan but it is good practice and through feedback received matters of concern that are raised can be responded to before a final plan is produced. A draft plan and its consultation would fall between Regulation 18 and Regulation 19 stages (it would be the council choice to do this work). The 'final' plan, which is consulted on, meets the Regulation 19 stage of plan making. The word 'final' is used here in the context of it being the plan that the council is satisfied is final in their minds, in reality however, through examination further changes can be assumed to be made.
- 3.6 It should be noted that the above is a very much simplified overview of work that needs to be done, more is said below, but it gives an overview of some key steps required under legislation.

4 Proposed stages of work for a new East Devon Local Plan

- 4.1 There are a number of key technical stages of work that we are required to undertake in production of a local plan. The list below is not definitive but it gives an indication of some of the key tasks. It should be noted that many of the tasks can be lengthy jobs to complete

and that they need to be carried out in a logical sequence and so they could delay overall plan production. Key tasks identified, at this stage, include:

- a. **Housing and Employment Land Availability Assessment (HELAA)** – This is an exercise that allows any interested party to notify the Council of any site or land area that they consider could be suitable for development and that they would wish to promote for such use. The HELAA process is an important and necessary part of plan making that is required under government guidance. Amongst other outputs it provides a database of possible development site options that the Council can draw on when choosing which sites it wishes to allocate for development. Some parties have perceived this process as a “developer’s charter”, however it is vital if we are to consider all options and understand where there is a willing landowner/developer to understand how deliverable sites are. It does not however preclude the consideration of sites that have not been put forward by landowners and developers.

It is proposed that at the issues and options stage of plan making a call for sites under the HELAA is also made. It is stressed that processing site submissions will be a lengthy exercise and there is an established panel of experts that will need to receive details of sites and review the technical suitability of them for development. However, a lot of site assessment work has already been undertaken through GESP work and the intent would be to build on this past evaluation. It is stressed that the role of the HELAA panel is not to determine if a site should be developed or allocated for development that is the task of the council through local plan making. Rather the job of the panel is to look at technical matters that should inform such choices, for example is a site in a location where a suitable highway access could reasonably be achieved.

- b. **Sustainability appraisal** – there is a legal requirement for this appraisal process which runs alongside plan making and seeks to evaluate emerging strategic approaches and then more detailed policy matters in the context of the potential social, environmental and economic impacts they may generate. Good practice points to producing sustainability appraisal reports alongside each draft of the plan made, specifically this would include against a draft plan and a publication plan and thereafter any modifications at Examination. In the context of the proposed approach to producing a new East Devon local plan the sustainability appraisal stage of work would start with a scoping report, to be made available for public consultation, alongside consultation on an issues and options report. A scoping report sets out a picture of key matters that exist now and the intent is that through plan appraisal, as plan production proceeds, it provides a benchmark against which alternative options and approaches can be evaluated or considered. The expectation is that sustainability appraisal work will be undertaken by officers of the Council, though there may be a need to ‘buy-in’ some specialist help from consultants to work on this task.
- c. **Assessment under the Habitat Regulations** – these regulations apply to the highest tier of designated wildlife sites, specifically Special Areas of Conservation and Special Protection Area (and also Ramsar sites – though often designation boundaries coincide with one-another). These sites are sometime referred to as

'European sites' on account of an across European Union coverage. Assessment under the Habitat Regulations requires the council, as planning authority, to consider the potential impacts that development under plan policy may generate on such sites and to set out mitigation where unacceptable adverse impacts would otherwise occur from development (or indeed from any other council plan, policy or programme). There are seven designated European sites in East Devon, though we also need to take into account the impacts that development in our District could have on sites beyond the district boundary. Over recent years a close partnership has developed between this Council, Exeter City Council and Teignbridge District Council in respect of securing mitigation (specifically monies from development) where new development, specifically housing, would in a non-mitigated world lead to adverse impacts on the designated sites of the East Devon Pebblebed Heaths, the Exe Estuary and Dawlish Warren. The expectation is that this partnership will run for the long term and future policy making will need to take into account how we jointly and collectively ensure adverse impacts do not arise and appropriate mitigation is delivered. Habitat Regulation assessment work is technically complex and the expectation is that specialist consultancy advice will need to be bought in to assist. However, through GESP work, with consultants in place, there has already been preliminary work undertaken that can be drawn on to inform more detailed assessment.

- d. **Duty to co-operate** – planning legislation requires that under this duty we work with neighbouring planning authorities and other public bodies on plan production. Under this legal duty we are required to consider the potential impacts that development will have across local authority and other boundaries and to seek to address issues and especially possible conflicts that may arise. Although the Duty to Cooperate does not amount to a duty to agree with others there is a very clear expectation that issues will be fully discussed and options and approaches for agreement examined. One of the more contentious matters that can arise under the duty is when a planning authority advise that they consider that they cannot accommodate their full housing needs (need meaning Government specified requirement) within their own local planning authority boundary and they seek help from others to accommodate some of their need. A number of authorities have found their plans fail at examination where they have not met their housing needs and not found willing recipient neighbouring authorities to take up any or their shortfall. It is envisaged that all work related to meet the duty to cooperate is undertaken by Council staff liaising with other bodies and authorities.
- e. **Viability appraisal** – the importance of financial viability appraisal, in connection with plan production, has risen sharply in recent years. Under Government policy the onus has shifted from a relatively light touch generic overarching assessment of local plan viability to one of far more detailed assessment being required. In a very real sense the expectation is of shifting the burden of proof of viability from the planning application stage to the actual policy making work. Financial viability assessment is a technically complex activity for which the clear expectation is that technical expertise will need to be bought in through consultancy support.

- f. **General evidence gathering and assimilating** – local plan policies need to be justified by coherent evidence. This evidence will need to be proportionate to the content on the plan and to the policies themselves and the jobs the policies are seeking to do. A past criticism of local plans across the country has been that evidence documents have often been too long and complex and not relevant to the policies they seek to support or justify. Whilst options for rationalising plan evidence will need to be investigated it does not overcome the fact that policies and policy boundaries do need to be justified. At an early stage of plan making, and as plan making progresses lists of evidence requirements will need to be established. Some of the work will be undertaken in-house by Council staff but it is likely that some work will need to be externally commissioned from specialists. We will, however, be able to draw on some evidence that already exists to support GESP production, however some of this will need updating and/or disentangling from the wider GESP evidence base.

5. Scope and Phasing of Plan Production

- 5.1 Before considering the timetable for plan production it is important to acknowledge that there are options over the scope and phasing of plan production. It is not necessary to review the entire local plan in its entirety in one go. For example an alternative approach would be to produce a “core strategy” document comprising of the main strategy for accommodating growth, site allocations and strategic policies leaving the review of the development management policies to a later development plan document. This approach has the benefit of potentially reducing wasted work in the event that the government did choose to expand the NPPF to encompass all development management policies as is proposed in the recent white paper. It could also avoid potential delays if Members sought a wholesale rewrite of such policies which could be time consuming. Equally reviewing the villages plan as a separate exercise could also avoid potential delays if such matters were to prove controversial.
- 5.2 Although there are a number of options that could be explored in detail regarding the scope and phasing of a Local Plan Review it is considered that reviewing the development management policies need not be a time consuming process and in the past consultation on these has led to a limited response. Similarly the villages plan was relatively uncontroversial and only a light touch review is considered to be necessary. As a result the likely time savings would be negligible if such an approach were to be taken and so the options detailed below encompass reviewing the Local Plan in its entirety.

6. Resource Considerations

- 6.1 Local plan production will be primarily undertaken by the planning policy team, reporting to the Service Lead – Planning Strategy and Development Management. There will, however, be the need and opportunity to draw on staff expertise and interests across a number of council services and departments.
- 6.2 The planning policy team currently comprises of 9 staff members with one of these specifically dedicated to neighbourhood plan work. These staff members, however, work a

mixture of full and part time contracts and in total work an equivalent of 37 full-time-equivalent days per week. To produce a plan at a speedy rate, for example under Option 1, it would be desirable to bring 2 extra staff into the team to enable this approach. There are certain tasks in plan production that are invariably time consuming to undertake but require completion before follow on work streams can move forward. Tasks such as assessing HELAA sites and summarising and assessing consultation responses are very time consuming and so additional staff resources would inevitably speed up these tasks.

- 6.3 A further staffing challenge, though one without an easy immediate answer, is created by the need for remote working because of Covid-19 constraints. Local Plan making benefits from collaborative team efforts and whilst communication across the planning policy team is very good it is hampered by officers not being able to meet in person to discuss ongoing workloads. The fact that meeting in person is not possible cannot be readily overcome but it is a consideration that could impact on the speed at which a plan can be produced.
- 6.4 It is not envisaged that it will be necessary to commission consultants to undertake additional work in this financial year above and beyond that already budgeted for as the evidence already obtained through GESP work is more than sufficient for the early stages of plan work. There will however be a need for an increase to the consultant's budget in the 21/22 financial year. If additional staff resources are made available then this could minimise any increase to the consultant's budget by enabling the capacity for more work to be undertaken in-house. This is considered to be preferable other than where particular specialist expertise is required such as on habitat regulations assessments and viability work where the expertise is less readily available in-house.
- 6.5 It is recommended therefore that if Members are minded to proceed with option 1 below that a further full time Senior Planning Officer and Planning Officer be appointed to the team at an annual cost of in the region of £93,750 per annum including on-costs.
- 6.6 In terms of Member resource it is noted that production of the current local plan was overseen by a Member panel, however this raised issues of transparency at the time and concerns about delays to the process. At that time there was no Strategic Planning Committee and the committee now provides the ideal forum for issues to be discussed in an open and transparent way. By bringing regular updates and discussion papers to Strategic Planning Committee it is hoped that we can address the concerns raised about Member engagement in the GESP process as well.

7. Timetable Options for Plan Production

- 7.1 Bearing in mind legal requirements of plan production and a desire to undertake meaningful engagement there are two timetabled options for plan production shown in the schedules that are detailed at the end of this section of the report, these are labelled as Option 1 and Option 2. It is stressed that only certain key tasks are shown in the timetables, these are ones primarily concerned with production of and consultation on various iterations of the plan - namely, for both options:
- an issues and options report (Regulation 18);
 - a draft plan; and

- a publication plan (Regulation 19).

- 7.2 There are of course a great many variations on both options 1 and 2 that the Council could undertake, so long as the basic regulatory stages, specifically Regulation 18 and Regulation 19, are followed. It should be absolutely stressed that the two options presented are done so, at this stage, as being illustrative and indicative of potential timescales for plan production. Following instructions from Members, that gives clarity to the favoured way forward, a more definitive time line and programme for work can be drawn up.
- 7.3 The remainder of this section of this report considers in more detail the two suggested option approaches to plan making.
- 7.4 **Option 1** (as shown at the end of this section of this report) has been drafted as being the quickest timetable under which a new local plan could be produced. It cuts steps and stages down to what are really bare minimum time scales for work and it would allow for only minimal feedback to Members on emerging plan proposals and also for only a basic level of consultation and engagement on the plan with the public. It also assumes an increase in staffing levels as discussed above. Under Option 1 it would be envisaged that officers would present to members, through Strategic Planning Committee, final draft documents at each key stage of work and to ask committee for endorsement to go out for consultation. Engagement with the public is likely to amount to issuing documents for consultation and inviting written comment back.
- 7.5 Because option 1 has been drawn up to an extremely tight timetable it errs in the direction of producing quite a basic plan that does not really choose to challenge Government policy or established ways of doing things. The speed at which some tasks will need to be undertaken is such a way that fully detailed review of all matters, for example of comments received at consultation, may not be possible.
- 7.6 **Option 2** represents a lengthier timescale and process for plan production. It provides the potential scope for far greater feedback to and inputs from Members on emerging policy options and choices. It also provides scope for far more meaningful public input and engagement, for example (Covid-19 restrictions dependent) it could allow workshops and events to be organised at village halls and in communities. It would allow public consultation to move from a position of - here's our proposals please send a written response to us expressing your views – to one of actively working with people through a range of means to seek to understand concerns and consider how a plan may address these and realise benefits and positive outputs. It would also allow for greater time for supporting tasks and technical assessments that will sit alongside any plan to be produced. It assumes that only existing staffing levels are available.
- 7.7 As was noted earlier Options 1 and 2 are not definitive of the only approaches to plan making that can be adopted and any number of variations on these could be taken, so long as legal procedural requirements are met. In illustrating these two options it was felt beneficial, however, to highlight some of differing implications and considerations that arise dependent on the approach taken. Option 1 clearly allows for production of a quicker plan, though there are limits to what a plan under this option maybe able to achieve and how much engagement to inform content would be possible. Option 2 would take longer to

complete but provide more scope to do more things, more space to challenge convention and more opportunities for public and member engagement and involvement. Of course under both options there is scope to change tack as plan production proceeds; experience suggests that to some degree at least this is actually almost inevitable. Irrespective of possible changing Government policy or legislation (which in its own right could impact significantly on plan production) there are always unknowns and new emerging considerations that impact on plan making.

Month	Option 1 – Working to a shortest reasonable time frame
Oct-20	
Nov-20	
Dec-20	Committee endorse an issues and options report for consultation.
Jan-21	Consultation undertaken on an issues and options report.
Feb-21	
Mar-21	Issues and options report consultation responses assessed and wider plan making tasks undertaken.
Apr-21	
May-21	Feedback to committee on issues and option report consultation.
Jun-21	
Jul-21	Officer's work on evidence gathering, assessment and producing a draft plan. Time constraints under this option are such that there will be very limited scope for member involvement or wider public engagement.
Aug-21	
Sep-21	
Oct-21	Committee endorse a draft local plan.
Nov-21	Consultation undertaken on a draft local plan.
Dec-21	
Jan-22	Draft report consultation responses assessed and wider plan making tasks undertaken.
Feb-22	
Mar-22	
Apr-22	Feedback to committee on draft plan consultation.
May-22	Officer's work on evidence gathering, assessment and producing a final publication plan. Time constraints under this option are such that there will be very limited scope for member involvement or wider public engagement.
Jun-22	
Jul-22	
Aug-22	
Sep-22	Committee approval for final publication plan is sought.
Oct-22	Publication plan is consulted on.
Nov-22	
Dec-22	Comments received on the publication plan are collated and along with other paperwork prepared for plan submission.
Jan-23	
Feb-23	Plan is submitted for examination.
Mar-23	
Apr-23	
May-23	Examination hearing sessions are held.

Option 2 – Time frame based on greater engagement
Committee endorse an issues and options report for consultation.
Consultation undertaken on an Issues and options report noting a longer period for consultation with potential, for example, for community workshops or other engagement.
Issues and options report consultation responses assessed and wider plan making tasks undertaken.
Officer's work on evidence gathering, assessment and producing a draft plan. Under this more lengthy approach there would be greater scope to undertake further public and stakeholder engagement with greater scope for member input and feedback reports being sent through to committee on emerging findings and evidence.
Engagement work from 2021 stretches into 2022.
Committee endorse a draft local plan.
Consultation undertaken on a draft local plan.
Draft local plan consultation responses assessed and wider plan making tasks undertaken. These could include further public engagement along with feedback to members.
Feedback to committee on draft plan consultation.
Officer's work on evidence gathering, assessment and producing a final publication plan.

Month	Option 1 – Working to a shortest reasonable time frame
Jun-23	
Jul-23	
Aug-23	
Sep-23	Modifications to the plan are consulted on.
Oct-23	
Nov-23	Inspectors report is received
Dec-23	New Local Plan is adopted.
Jan-24	
Feb-24	
Mar-24	
Apr-24	
May-24	
Jun-24	
Jul-24	
Aug-24	
Sep-24	
Oct-24	
Nov-24	

Option 2 – Time frame based on greater engagement
Ongoing evidence and assessment continues work with scope for further public engagement and feedback to members on emerging matters.
Committee approval for final publication plan is sought.
Publication plan is consulted on.
Comments received on the publication plan are collated and along with other paperwork prepared for plan submission.
Plan is submitted for examination.
Examination hearing sessions are held.
Modifications to the plan are consulted on.
Inspectors report is received
New Local Plan is adopted.

8 Proposed form and content of an issues and options report

- 8.1 It is recommended to committee that the council produce an issues and options report with a target for bringing this before committee in December 2020 with a view to consultation starting in early 2021. As can be seen from this committee report it is proposed that an issues and options report would be produced under both Options 1 and 2 though with potential for a longer consultation period, for example three months rather than two (or six weeks), under Option 2. It should be noted that it is common practice for planning authorities to produce and consult on an issues and options report at the start of plan making, though there is no obligation to use this specific title and plans can be branded or badged in any way that is seen fit.
- 8.2 An issues and options report is yet to be produced but as its title suggests it is envisaged that it will set out key planning and development issues that are relevant to East Devon and options for addressing these. A possible suggested basic structure for such a document is set out below;
- **Introduction** – setting out basic background information on the role and function of the plan.
 - **Topic based sections** - covering such matters as housing, transport, employment, environmental enhancement, carbon emissions.
 - **Overarching strategy for development in East Devon** – covering options for broad areas for development in the District, for example whether we continue with seeking to accommodate much of the new strategic development in the west of the district.
 - **Development location options section** – this part of the document could look at some of the generic locations at which development could be accommodated – for example one or more new towns, big urban extensions on the edge of towns and urban areas, small scale urban extensions, infilling in existing urban areas, building in and on the edges of villages or dispersing development across the countryside.
- 8.3 It is suggested that an issues and options document should be comparatively short and written in an easy to understand manner with lots of graphics and images. Though it will need to contain enough information to give a meaningful overview of key subject matters and to highlight realistic options for development and means to ensure we protect and enhance our built and natural heritage and resources. A document of around 50 sides long, including a series of questions for respondents to answer, could be appropriate.
- 8.4 One of the contentious areas that a new local plan will need to address is how much development, especially housing development, should be planned for. It would be inappropriate to shy away from highlighting government requirements, the existing 918 homes per year and the potential future 1,614 per year. By raising these numbers and

other planning matters it does not commit the council to a specific course of future action, but it does openly and transparently highlight the challenges, however contentious they may prove to be, to the work and actions we may need to take.

9 Consultation and Engagement

- 9.1 It is more important than ever that we ensure that consultation undertaking on the local plan fully engages with our communities and meaningful and interesting way. Current restrictions due to Covid-19 make face to face meetings difficult and so it is important that we make greater use than ever of digital technology and ensure that documents are easily accessible to all groups in society. With this in mind work on the GESP had already looked at using interactive software to ensure that options and proposals can be more easily viewed and that users can drill down through different levels of detail and zoom in the issues that concern them without having to go through documents in full. It is envisaged that this approach be carried over into local plan work and we are currently investigating the software that would be needed and the cost implications of this. It is also envisaged that we should make much greater use of social media in future consultations as this has now become a main means of communication since the last local plan. It is intended to bring more detailed proposals for using digital technology for consultation when we bring the issues and options consultation materials to Members in December.

10. Duty to Co-operate and Partnership Working Issues

- 10.1 At the Strategic Planning Committee meeting on the 23rd July 2020 Members of the committee resolved to recommend to Council that EDDC withdraw from working on the Greater Exeter Strategic Plan while making a commitment to continue to work with the partner authorities. This recommendation was then agreed at Council on the 29th August.
- 10.2 Since that time discussions have continued between leaders and relevant portfolio holders on alternative options for continuing partnership working outside of GESP. Discussions have focused on the issues that bring the partner authorities of East Devon, Exeter, Mid Devon and Teignbridge together. These are primarily that the area is a single housing and functional economic area which also operates as large travel to work area. The wider area also faces common issues; housing affordability and the need to deliver greater numbers of homes; constraints on our infrastructure and limits to the availability of funding; the need for a flexible and efficient transport system which supports prosperity and access to services; the need to respond to the climate emergency, achieve net zero carbon development and increase habitat creation; and the need to improve accessibility for urban and rural areas by widening digital connectivity. These vital issues affect the whole area and therefore can be effectively considered in a strategic, cross-boundary manner.
- 10.3 While there are real-life, practical reasons for collaboration, the need to work together effectively is currently supported by the Duty to Cooperate, a legal duty in plan-preparation. Although the planning white paper is considering the abolition of the Duty, this is some time from being removed in practice. The white paper is also clear in identifying the on-going need to cooperate on significant matters such as infrastructure provision and central government will be giving this further thought going forward.

- 10.4 Turning to delivery, discussions with the government and Homes England have shown the importance of demonstrating common aspirations, priorities and approaches to current issues when seeking funding. Joint working will be vital to help lever in this funding to support delivery, particularly regarding critical, strategic infrastructure with wide-spread benefits and where there is a large funding gap. Such an approach would help to establish a recognisable brand reflecting a tangible and clear location which would be received favourably by the government.
- 10.5 In practical, plan-making terms, there are also significant benefits in working together because collaboration enables evidence to be commissioned jointly, expertise to be shared and effort focused flexibly. It also provides the opportunity to seek funding or work jointly with agencies such as Homes England on plan-preparation (e.g. by sharing evidence) which could have financial and consistency benefits.
- 10.6 It is considered that there is a clear need for joint working if we are to successfully address the shared issues the partner authorities face and lever in the infrastructure funding needed. Therefore undertaking a more co-ordinated approach than simply complying with the duty to co-operate is considered essential.
- 10.7 The leaders and portfolio holders of the partner authorities have met in recent weeks and discussed the various options for moving forward in a co-ordinated way. A joint statutory plan is considered to have already been ruled out by Members resolution on GESP. As a result the main options are considered to involve some form of joint non-statutory plan. By being non-statutory such a plan would not be binding and would not need to comply with the legal tests and examination process for a statutory plan but would provide a means to document a shared vision and aspirations across the GESP area. Such a plan could simply be a joint infrastructure plan focusing on the infrastructure needed to support the growth envisaged in the respective Local Plans such as transport infrastructure, schools, open spaces etc. Such a document could form a glossy document of funding asks from government with the strategy for growth and associated policies entirely contained within Local Plans.
- 10.8 A slightly more integrated approach would be to produce a non-statutory joint plan that covers the infrastructure requirements mentioned above but also seeks to incorporate a shared approach and policies on a range of common issues such as climate change, habitat protection etc. This approach would enable a co-ordinated approach on areas where there is full agreement and a co-ordinated approach is considered appropriate. Equally it would provide the flexibility to not include issues that may be considered best left to Local Plans such as site allocations. The Local Plan and a joint non-statutory plan could be prepared in parallel ensuring that the Local Plan informs the joint non-statutory plan and vice versa rather than the Local Plan following and being led by a joint plan as was the case under GESP.
- 10.9 Both of these approaches would lead to a more succinct and lighter touch approach than GESP with much greater flexibility in terms of the scope of the document by virtue of it being a non-statutory plan albeit this means that it will be advisory only. The inclusion of a shared strategy for growth and common policies is considered the better approach as this enables a co-ordinated approach to growth that is considered to be necessary for the proper planning of the area and shows a level of co-ordination which it is considered will be necessary to attract government funding. By making the plan a more high level and succinct non-statutory document and preparing it in parallel with the local plan as well as revisiting

processes for consultation and engagement it is considered that such an approach can address the concerns raised by Members with GESP and still provide the a co-ordinated approach to strategic planning across the Greater Exeter area.

- 10.10 Members are therefore asked to recommend that Council support in-principle the production of a joint non-statutory plan for the Greater Exeter area with further reports to follow regarding the detailed scope of the document, resourcing, timetables etc before any final commitment is made.