

CABINET

8TH JUNE 2021

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

EAST DEVON, EXETER, MID DEVON AND TEIGNBRIDGE JOINT STRATEGY: SCOPE, RESOURCING, TIMETABLE AND GOVERNANCE

Cabinet Member(s): Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To seek formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

RECOMMENDATION:

That Cabinet recommends to Council to:

Support the scope, resourcing, timetable and governance arrangements set out in this report for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

Financial Implications: The resources required for preparing the Joint Strategy will be less than were previously committed for the discontinued Greater Exeter Strategic Plan (GESP). This is because a non-statutory plan:

- will not be subject to statutory consultation arrangements or a public examination;
- will not include development allocations, which require extensive site investigation work and master planning;
- can draw on the significant amount of evidence already collected for the GESP. Additional evidence may be required to support the Joint Strategy, but it will not be above what would have been required for the GESP; and
- will require less staff resource than the preparation of a statutory plan.

Sufficient funds are available in the GESP budget to cover the proposed approach to preparing the Joint Strategy set out in this report.

Legal Implications: The need for Mid Devon District Council to work collaboratively with neighbouring authorities on strategic planning matters is established by the 2011 Localism Act and the NPPF, which set out that local authorities have a legal Duty to Cooperate with other local authorities and organisations to seek to address strategic planning matters that are driven by larger-than-local issues and are likely to have an impact beyond the immediate District. Section 33A of the Planning and Compulsory Purchase Act 2004 sets out that to maximise effective working on

strategic matters throughout the preparation of plans, authorities have a duty to engage constructively, actively and on an ongoing basis.

Risk Assessment: The Joint Strategy will be jointly prepared by four authorities, with support from Devon County Council. This means that Committee decisions will be required from the four authorities at similar times to enable milestones to be reached. There is a risk that one or more of the authorities does not approve the Joint Strategy, in either its draft or final form. To help avoid this eventuality, the proposed governance arrangements set out in this report will help to ensure that Members from each authority are given significant opportunities to shape the plan as it is prepared.

Budget and Policy Framework: No direct budget implications as the funds already exist as part of the budget agreed for the GESP which is no longer being progressed. The non-statutory Joint Strategy will form part of the Council's policy framework for decision-making purposes on land use planning matters.

Equality Impact Assessment: Under the Equality Act 2010'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.

In order to comply with the general duty the Council must assess the impact on equality of decisions, policies and practices. These duties do not prevent the Council from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community. In making decisions the Council 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. As the detailed content of the Joint Strategy is still to be determined, the equalities impacts of the recommendation on people with protected characteristics as determined by the Act are assessed at this stage as neutral. An impact assessment of the Joint Strategy will be undertaken when it is brought to the Cabinet for approval at draft stage.

Relationship to Corporate Plan: Agreement of the proposed scope, timetable, resourcing and governance arrangements for the Joint Strategy will enable the document to be progressed in a timely manner. The Joint Strategy will provide a co-ordinated response to the sub-region's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment. The recommended decision will therefore help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

Impact on Climate Change: Climate change mitigation and adaptation should form a key part of joint planning work. By its nature, climate change cannot be addressed by one authority working in isolation. Measures to tackle climate change also need to

acknowledge cross-boundary transport movements and other strategic matters. The arrangements proposed in this report will enable the Joint Strategy to be prepared in a timely manner, providing an opportunity to adopt at the earliest opportunity a non-statutory plan that supports the emerging Devon Carbon Plan and considers the carbon emissions and climate change impacts of development and transport over a wider area than just Mid Devon. Because of this, the Joint Strategy is likely to be more beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district, albeit that the implications will depend to an extent upon the specific joint planning strategy that is chosen.

1.0 Introduction/Background

1.1 On 6th January 2021 the Council resolved (Minute 111) to support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with Exeter City Council, East Devon and Teignbridge District Councils and with the support of Devon County Council. This will be subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, and governance arrangements to be agreed at a later date. The Joint Strategy will be prepared in place of the statutory Greater Exeter Strategic Plan (GESP), on which all of the authorities were working in partnership until the end of 2020. The same resolution was made by the relevant committees of each authority during December 2020 / January 2021.

1.2 The reasons for recommending the preparation of the Joint Strategy in place of the GESP are set out in full in the 6th January report and are not reiterated in detail here. In summary, in place of the statutory GESP, a non-statutory Joint Strategy covering strategy and infrastructure matters:

- is considered to be the most effective way of addressing the shared and inter-linked planning concerns that affect the four authorities;
- will help to fulfil legal Duty to Cooperate requirements, thereby assisting with the preparation of each authority's Local Plan;
- will demonstrate continued joint-working by the authorities on planning matters, which is vital to help lever in funding to the area to support delivery, particularly for critical strategic infrastructure;
- will help to establish a recognisable 'brand' for the area, which may assist when making bids for Government (or other) infrastructure and delivery funding; and
- will enable the local authorities to continue to share expertise and jointly commission relevant evidence to support their Local Plans, with potential cost saving and consistency benefits.

1.3 The 6th January report advised that proposals for the Joint Strategy's scope, resourcing, timetable and governance would be brought to the Council at the earliest opportunity. This report seeks the Council's agreement of those details. The relevant committees of Exeter City, East Devon and Teignbridge District Councils have, or will shortly be, considering the same recommendations, with the aim of achieving an agreed approach to joint planning in the sub-region.

2.0 Scope of the Joint Strategy

2.1 In order to achieve the benefits of preparing the Joint Strategy set out in paragraph 1.2 above, the proposed scope of the Joint Strategy is to:

- provide an opportunity for the authorities to jointly identify a clear, ambitious future for the area;
- demonstrate a commitment to joint working on strategic matters;
- distil the key strategic issues facing the area, to enable each of the authorities' Local Plans to respond in a way that reflects local conditions and support joint evidence preparation where appropriate;
- act as a prospectus to lever in external funding to overcome strategic issues and unlock development;
- Be a non-statutory living document which can be easily kept up to date to reflect evolving priorities and local conditions.

2.2 As regards the bullet points two and three, the Joint Strategy will not be a statutory plan and therefore will not set the planning policies of the four authorities. This will be the role of Local Plans. Instead, the Joint Strategy will provide an overarching framework that allows strategic planning and delivery matters to be considered collaboratively.

2.3 As regards the final bullet point above, it is proposed that the Joint Strategy should not be a one-off document. Instead it can be updated over time and as necessary to reflect the content of Local Plans as they are adopted, or new strategic infrastructure priorities and projects as they emerge.

3.0 Resourcing

3.1 A range of options for resourcing progress on the Joint Strategy have been considered:

- Divide the work equally between officers from the four authorities;
- Re-establish a dedicated team of officers from available resources within the authorities;
- Externally recruit a Project Manager to lead the project and work alongside a group of officers from the authorities (who would provide support in a limited time capacity);
- Complete an initial draft of the Joint Strategy in-house, then engage a consultant to progress the work on behalf of the authorities, supported in a limited capacity by a group of officers;
- Engage a consultant to prepare the Joint Strategy on behalf of the authorities, supported in a limited capacity by a group of officers.

3.2 **Appendix A** provides some high-level commentary on the pros and cons of the five resourcing options.

3.3 In considering the options, it has been clear that the Joint Strategy should be prepared promptly, so that its aforementioned benefits can be realised as soon as possible. At the same time, following the change in direction from preparing the GESP, the four local planning authorities are prioritising work on

their individual statutory Local Plans. Collectively, the authorities do not have the in-house resources available to prepare the Joint Strategy alongside Local Plans.

- 3.4 For these reasons, it is proposed to engage a consultant to prepare the Joint Strategy on behalf of the authorities (option 5). In doing so, the consultant will be expected to make use of the considerable body of joint planning evidence that was prepared for the GESP. Details of how the consultant's work will be managed are provided in paragraphs 5.1 and 5.2 below. The consultant will be required to demonstrate the skills and knowledge needed to ensure the effectiveness of the Joint Strategy as a significant proposition to the Government and be able to present and undertake consultation on the Joint Strategy in creative ways.
- 3.5 Sufficient funds are available in the GESP budget to cover the proposed approach to resourcing.

4.0 Timetable

- 4.1 The proposed timetable for preparing the first version of the Joint Strategy is as follows:

Jun-Jul 2021:	Formal agreement by relevant authority committees of scope, timetable, resourcing and governance of the Joint Strategy
Jul-Aug 2021:	Engage a consultant to prepare the Joint Strategy
Sept-Dec 2021:	Review previous joint planning work and prepare the draft Joint Strategy
Jan-Feb 2022:	Undertake Member and stakeholder engagement – including all Mid Devon Members including through the Council's Planning Policy Advisory Group meetings
Mar-Apr 2022:	Finalise draft Joint Strategy
May-June 2022:	Seek formal agreement from relevant authority committees of the draft Joint Strategy
Jul-Aug 2022:	Publicly consult on the draft Joint Strategy
Aug-Sept 2022:	Finalise the Joint Strategy
Sept-Oct 2022:	Seek formal agreement from relevant authority committees to adopt the Joint Strategy

- 4.2 The proposed timetable to achieve adoption of the first version of the Joint Strategy is reasonably swift, in order that the benefits set out in paragraph 1.2 of this report can be realised as soon as possible. The Strategy will not be a

statutory planning document and therefore will not be subject to the same statutory requirements for stages of public consultation and Examination as a Local Plan. This means that it can be prepared more speedily than a Local Plan. However, given the proposed scope of the Joint Strategy, it is important that Members, stakeholders and local communities are given an opportunity to have their say on the content of the document. Time for such consultation is therefore included in the proposed timetable.

- 4.3 There are sufficient funds available in the GESP budget to take the Joint Strategy through the stages set out in the timetable, including public consultation.
- 4.4 Since the Joint Strategy will not be a statutory document, Members should note that the proposed timetable is not a Local Development Scheme and may therefore be subject to change. However, there is a clear intention to adopt the Joint Strategy no later than October 2022.
- 4.5 The stages of preparation needed for any future iterations of the Joint Strategy will depend upon the nature of revisions to the document. It should not be necessary to publically consult on revisions that arise from the adoption of Local Plans, as these will already have been subject to statutory public consultation through the Local Plan adoption process.

5.0 Governance

Governance arrangements

- 5.1 The diagram at **Appendix B** summarises the proposed governance structure for the Joint Strategy.
- 5.2 In summary, the proposed governance arrangements will see the Joint Strategy prepared by a Project Lead (the appointed consultant), supported in a limited capacity by a small working group of experienced planning and/or delivery officers from each of the authorities. The work of the Project Lead will be managed by a Project Assurance Group (PAG) comprising the planning or delivery leads from each authority. The PAG will in turn report to a Principals group comprising the Chief Executives or Directors from each authority and representatives from Homes England and the LEP acting in an advisory capacity. The involvement of Homes England and the LEP in the Principals group is vitally important in respect of a key role of the Joint Strategy – i.e. its use as a prospectus to help lever in funding to support development delivery.

Member engagement

- 5.3 As set out in paragraph 4.1, the timetable includes Member consultation on the draft Joint Strategy in January and February 2022. The nature of this consultation is yet to be determined in detail. Final decision-making powers to agree the draft and final versions of the Joint Strategy will rest with the relevant committees of the four local planning authorities.

- 5.4 There will be an opportunity for all Mid Devon Members to engage with the Joint Strategy, including through the Council's Planning Policy Advisory Group. It is envisaged that at least one all Member meeting and at least one of the Planning Policy Advisory Group will be arranged to allow Members to review, discuss and comment on the content of the draft Joint Strategy, so that these comments can be taken into consideration and the draft Joint Strategy can be amended, before it is approved by the Cabinet (and by the relevant committees of the other Council's) for publication and public consultation. There will be further opportunity for all Mid Devon Members to attend at least one meeting of the Planning Policy Advisory Group following the public consultation, to consider a finalised Joint Strategy and to inform a recommendation to the Cabinet regarding a decision for the Council that the Joint Strategy is approved as part of the Council's policy framework.

6.0 Conclusions

- 6.1 This report sets out the proposed scope, resourcing, timetable and governance arrangements for preparing a Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge. The proposed arrangements are considered to offer the most appropriate means to deliver a non-statutory Joint Strategy in a timely manner, thereby helping to demonstrate and ensure continued successful joint planning across the sub-region.
- 6.2 The Joint Strategy could be prepared with an alternative scope and different timetable, resourcing and governance arrangements from those set out in this report. However, in each case, the proposals are considered to offer the best option for demonstrating and delivering a shared approach to strategic planning matters such as economic and housing development, carbon reduction, digital connectivity, infrastructure delivery and habitats mitigation across the sub-region, whilst enabling each local planning authority to retain control over the scope and timetable of statutory Local Plans.

7.0 Planning Policy Advisory Group

- 7.1 The Planning Policy Advisory Group met on 20th May. The group noted the contents of the report and has endorsed the recommendation.

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Circulation of the Report: Cabinet Member

List of Background Papers and relevant links:

Appendix A – Assessment of options to resource the Joint Strategy

Appendix B – Governance proposals