

TEIGNBRIDGE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY 1

22 DECEMBER 2020

Report Title	Supporting information for the 03.11.20 Executive report relating to Recommendation 2 for future strategic planning working with Exeter City Council, East Devon District Council, Mid Devon District Council and Devon County Council
Purpose of Report	To provide further detail to the options set out in the 3 November 2020 report to Executive on future joint strategic planning arrangements with East Devon, Exeter and Mid Devon Councils and agree a preferred approach.
Recommendation(s)	The O&S 1 Committee recommends to full Council : 1. that the Executive's recommendation to support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, with East Devon, Exeter and Mid-Devon Councils, and in partnership with Devon County Council is approved. 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.

Financial Implications	These are as set out at paragraph 2.1.1 Martin Flitcroft Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk
Legal Implications	These are as set out at paragraph 2.2.1 Paul Woodhead, Legal Services Team Leader and Deputy Monitoring Officer Tel: 01626 215139 Email: paul.woodhead@teignbridge.gov.uk
Risk Assessment	These are as set out at paragraph 2.3.1 Michelle Luscombe Principal Planning Policy Officer Tel: 01626 215754 Email: michelle.luscombe@teignbridge.gov.uk
Environmental/ Climate Change Implications	The preparation of joint plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy. Commitment to joint planning will give an opportunity to consider climate and strategic environmental matters at a more effective larger-than-local scale. William Elliott Tel: 01626 215754 Email: william.elliott@teignbridge.gov.uk
Report Author	Michelle Luscombe Principal Planning Policy Officer Tel: 01626 215706 Email: michelle.luscombe@teignbridge.gov.uk
Executive Member	Executive Member for Planning (Gary Taylor)
Appendices	1. Joint Strategic Planning Options Appraisal
Part I or II	Part 1
Background Papers	None

1. PURPOSE

- 1.1 The purpose of this report is to provide further information to the O&S 2 Committee on the 03.11.20 Executive report which presented options for alternative joint strategic planning approaches in light of the recommendation to withdraw from the Greater Exeter Strategic Plan (GESP) project. The Executive report recommended that joint strategic planning should continue in the form of a non-statutory joint plan prepared by the four authorities of East Devon, Exeter, Mid Devon and Teignbridge Councils, in partnership with Devon County Council.

2. REPORT DETAIL

2.1. Financial

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2.1.1. As set out in more detail in Section 2.6, there are financial savings to be made as a result of not proceeding with GESP and preparing a non-statutory plan in its place. These savings come as a result of only having to fund one statutory plan examination and not having to fund additional staff resource for the GESP team. In addition, there are unspent funds in the GESP budget, of which some will be able to be retained for joint plan-making purposes, therefore placing no additional financial burdens on the Council.

2.2. Legal

2.2.1. Section 19 (1B) of the Planning and Compulsory Purchase Act 2004 places a statutory duty on each Council to prepare a plan which identifies their strategic priorities and policies for managing the development of land in their area. The Council is in the process of preparing a review of its Local Plan. It had previously been agreed that the Greater Exeter Strategic Plan would be prepared alongside the Council's Local Plan to cover all strategic policies and site allocations. However, there is no statutory requirement to prepare a joint strategic plan and, in the absence of this, the Local Plan will absorb all strategic matters alongside local issues.

2.3. Risks

2.3.1. The main risk associated with the recommendation relates to the potential loss of ability to agree a positive framework for matters like climate change, biodiversity net gain, connectivity and transport if the recommendation is not supported. A joint non-statutory plan would enable us to coordinate a response to wider area aspirations and constraints, particularly in relation to transport, infrastructure and the environment. It would demonstrate a joined-up approach for addressing cross boundary and strategic issues and therefore provide a platform on which to bid for Government financial support.

2.4. Environmental/Climate Change Impact

2.4.1. Climate change mitigation and adaptation forms a key part of joint planning work. By its nature, climate change is something which cannot be considered in one isolated area, but can only be tackled through work which reflects cross-boundary transport movements and other strategic matters. Involvement in joint strategic planning provides an opportunity to consider carbon emission and climate change impacts of development and transport over a wider area. Because of this, involvement in joint planning is likely to be beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district. The key impacts will arise from the specific strategy chosen, however. These implications will be addressed as joint plan-making is progressed.

2.5. Background

2.5.1. On 03 November 2020, the Executive approved Officer recommendations to: 1) formally withdraw from the GESP project; and 2) prepare a non-statutory joint plan with the authorities of Exeter City, East Devon and Mid Devon District Councils, in partnership with Devon County Council. Following the Executive meeting, Cllr Patch requested that the decision be called in to Overview and Scrutiny Committee for further consideration. The Executive decision is a recommendation to Council and therefore call in does not apply. However, it was agreed by the Leader of the Council to provide an opportunity for Members of O&S to discuss the report prior to it going to Full Council.

2.5.2. It should be noted that no issues were raised with Recommendation 1 in the 03.11.20 Executive report which agreed to recommend to Full Council that Teignbridge formally withdraws from the GESP project. As such, this is not discussed in this report.

2.5.3. In requesting that Recommendation 2 be discussed by O&S, Cllr Patch raised 4 main issues which he sought further information on:

- A. Budgetary implications (e.g. estimates of potential refunds of GESP monies and possible future commitments under each option)

especially in the context of the extreme budgetary pressures that are arising as a result of the response to *COVID-19*;

- B. Risks associated with each option, including, but not limited to, potential delays to Plan-Making - especially in light of the political position of former GESP administrations with respect to the issues thrown up by Joint Plan-Making;
- C. Potential impact on Teignbridge house-building targets, especially through the issue of cross-boundary 'target-sharing' (raised in the Paper presented to Executive: for option 1, the comment is made that under that option there would be "no opportunity to 'spread' any potential housing need asks made by neighbouring authorities (e.g. Torbay)" - suggesting that other options, including that recommended, might lead to Teignbridge accepting a greater housing target than would otherwise be the case under option 1), but also, might any delay in Plan-Making (see previous bullet point) impact TDC targets?;
- D. Potential ceding of TDC control of aspects of Teignbridge Development through a joint-plan (the Paper presented to Executive talks of 'joint governance' and 'aspirations in the plan' being 'enforced').

2.5.4. The following sections provide information relating to each of these issues and should be read alongside the original Executive report dated 03.11.20. However, for ease of reference, a list of the options are set out below:

1. Each Local Planning Authority (LPA) progresses its own Local Plan and works with the other LPAs to meet Duty to Co-operate (or replacement)
2. Each LPA progresses its own Local Plan and works to meet the Duty to Cooperate. Local Plans include model strategic policies and are informed by shared evidence where appropriate.
3. Non-statutory Joint Infrastructure Plan

4. Non-statutory joint strategy and infrastructure plan
5. Statutory joint strategy and infrastructure plan (i.e. GESP)
6. Full statutory joint plan

2.5.5. The Executive report sets out these 6 options for future joint plan making. These are summarised in Section 3.15 with a more detailed analysis provided in Appendix 1.

2.6. Budgetary Implications

2.6.1. As GESP was only ever intended to address strategic site allocations and strategic/cross-boundary policy issues, the preparation of a Local Plan alongside GESP was always going to be necessary. This was going to involve two separate examinations at an estimated cost of c. £110k to Teignbridge (this includes examination costs for the GESP split equally between the partner authorities). Both plans would also have required substantial evidence to justify policies as well as site investigation work to ensure that sites proposed for allocation were deliverable. Site investigation work for Teignbridge alone could easily be in the region of £100k+.

2.6.2. A huge amount of evidence has already been gathered for the purposes of the GESP and which can now be easily adapted to inform both the Local Plan, and any other joint plan that we collectively prepare. Further evidence, including Economic Development Needs Assessments and Local Housing Needs Assessments updates are still required, but this would be the case whether we were preparing the GESP and the Local Plan, or just the Local Plan. Continuing to work jointly, even in a non-statutory capacity, will enable us to collectively make savings through the commissioning of joint evidence wherever possible and appropriate.

2.6.3. As such, in relation to evidence gathering and site investigation work, there are few financial differences between any of the options. However, without GESP, and under Options 1-4 as outlined in the report, there will be only one examination, creating a potential saving of c. £40k.

2.6.4. Since the start of the Greater Exeter Strategic Plan project, each Local Planning Authority has contributed £170,000 towards shared evidence and plan making costs. There are no commitments to make any further contributions to the GESP budget as part of the work to prepare a non-statutory plan. There are unspent funds in the budget in the region of £500,000, some of which will need to be retained for future joint plan making purposes whilst the remainder can be returned to the partner authorities. The amount to be retained for joint plan making purposes and returned to individual partner authorities will be looked at further following a decision on this 'in principle' proposal to proceed with a non-statutory plan and further discussions around the scope of the joint non-statutory plan.

2.6.5. Option 5 is the 'Business as Usual' scenario (i.e. continuing with GESP alongside Local Plans). On the 14 July 2020, the O&S Committee approved a recommendation to Executive to publish and consult on the GESP draft plan and at this point agreed to an additional budget of up to £62k per annum (or up to an additional c£30,000 per annum on top of existing staff contributions) for the duration of the GESP project towards staff costs. Now that the GESP is not going ahead, there is a saving of £30k per year on what was budgeted for the GESP project (i.e. Option 5).

2.6.6. Option 6 is to prepare a single statutory development plan for the 4 authorities (i.e. GESP and no Local Plans). This may have generated some savings through shared teams and a single examination cost but as it was not considered to be a politically acceptable option, no further work has been done to assess the financial implications of this.

2.7. Risks

2.7.1. Options 1-4 effectively provide maximum opportunities for unencumbered Local Plan preparation. That is because under these options, the Local Plan will not be delayed because of external political decisions or other factors which may delay progress on a statutory plan. Any joint plan prepared under options 3 or 4 will be non-statutory, so whilst it will provide strategic aims, shared solutions to cross-boundary issues and opportunities for joint infrastructure planning, it will not be required to go through statutory decision-making or consultation stages which may delay preparation of the Local Plan.

2.8. Potential impact on Teignbridge house building targets

2.8.1. The housing requirement for all local Authorities is determined by the nationally set standard method for calculating housing need. We are required to meet this requirement as a minimum through allocating sufficient land in our development plans. There was scope within GESP to look at meeting the overall requirement of the four authorities on a 'boundary blind' basis (i.e. directing development to the most sustainable and suitable locations rather than ensuring each authority met its own need) but this was increasingly becoming an issue for at least one authority and it unlikely that this approach would have been tenable in the long term. As such, continuing with GESP would most likely have resulted in each authority having to individually address at least the majority of their own housing needs.

2.8.2. Should Torbay, or any other authority, make a request for some of their housing need to be met by nearby authorities then this would be addressed under the Duty to Cooperate. It should be noted that there have been no formal requests from any authority to Teignbridge to accommodate any of their housing requirement.

2.9. Potential ceding of TDC control of aspects of Teignbridge development

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2.9.1. As a non-statutory plan, aspects of the Joint Plan we are referring to would only be enforceable if those elements were incorporated into the Local Plan and found sound at examination. For example, the Joint Plan may recommend a collaborative approach to managing development and financial contributions within the recreational zone for the Exe Estuary, but this would only be enforceable if it was then taken forward within our Local Plan. This means that Teignbridge Councillors would have the final say on whether parts of the Joint Plan become part of our own statutory Local Plan.

3. CONCLUSION

3.1. Proposed future joint strategic planning approach

3.1.1. Having considered the various merits and risks associated with each of the options, it is recommended that a non-statutory strategy and infrastructure plan (Option 4) is prepared alongside a Local Plan for Teignbridge, in order to address the vital issues that affect the whole of the wider sub-region.