

Cross-boundary strategy and plan making – Greater Exeter, Plymouth and South West Devon and Northern Devon

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: It is recommended that:

- (a) the evolution of the local planning process and the involvement of County Council Officers in the development of cross-boundary planning policy in Devon be endorsed and noted; and
- (b) the Cabinet also endorse Member representation for the emerging Member governance structures for joint cross-boundary planning policy in each of the following three key urban, economic areas, as follows:
 - a. Greater Exeter;
 - b. Plymouth, South Hams and West Devon; and
 - c. Northern Devon.

1. Summary

The way in which planning strategy and planning policy are developed is evolving. New ways of working now require more collaboration over planning matters which cross Local Authority administrative boundaries. The County Council is involved in a series of cross-boundary planning policy projects and there is a need to ensure that the implications of this work are considered.

The purpose of the report is to draw attention to the role of the County Council in cross-boundary planning policy development and seek approval for appropriate Member representation in emerging governance structures for this cross-boundary planning activity.

2. Background

The way in which planning strategy and planning policy are developed is evolving. The current, formal system of local policy planning was established in 2004. At this point, the County level Structure Plans were replaced by Regional Spatial Strategies. These were themselves revoked in 2013. Since 2013 there has been a significant gap between Local Plans and national policy which has not been subsequently filled. However, Government acknowledges this issue and has considered how Local Plans could more consistently cover larger, functional geographies.

In March 2016, the Government-appointed 'Local Plans Expert Group' published its report. This group made recommendations on how Local Plans should be prepared more robustly and efficiently as set out in Appendix A. As a result, the relationships between the Local Authorities in Devon are developing to facilitate the preparation of policy to follow functional geographies as opposed to administrative boundaries. These emerging relationships will also help the planning system to work efficiently to boost significantly the supply of housing and growth required. The County Council is well-placed to engage with this emerging way of working and improve the way in which our statutory functions are integrated into local

planning policy. This provides a significant opportunity for the County Council and will require involvement from Members and Officers.

3. Proposal

A series of new cross-boundary planning strategy and policy arrangements are emerging in Devon on the basis of geographies which reflect housing markets, travel to work areas and economic geographies. These *functional* areas cut across Local Planning Authority administrative boundaries and therefore require the Authorities to work in partnership when developing strategy and policy.

The three urban, economic functional geographies, shown in Appendix B are:

- Greater Exeter: East Devon, Exeter, Mid Devon and Teignbridge;
- Plymouth area: Plymouth, South Hams and West Devon; and
- Northern Devon: North Devon and Torridge.

In order to reflect these functional geographies, joint Plans are currently being prepared for each of these areas. These Plans will be statutory planning documents setting out long term planning policy.

Devon County Council has an important strategic role to play in the development of these Plans and has been invited to engage with the various plan-making processes. The nature of this involvement varies, however it can be summarised as:

- Greater Exeter:
County Council as a partner involved in wide-ranging evidence gathering and Plan writing. The County Council to be the budget holder for commissioning Plan evidence;
- Plymouth and South West Devon:
County Council as a key stakeholder involved in collaborative discussions and the development of evidence for statutory responsibilities;
- Northern Devon:
County Council as a key stakeholder involved in collaborative discussions and the development of evidence for statutory responsibilities. Potential partner in a possible, emerging governance structure for long term strategy and policy development.

The roles set out here are an evolution of the current relationship which the County Council has with the plan-making process; the Authority acts as a statutory consultee, principally as Highway Authority and Education Authority while it also covers a range of other areas such as libraries, public health, social services, minerals, waste, transport coordination and liaison on wider health care matters.

The emerging more collaborative role offers the County Council greater influence over the planning process, helping to ensure that policy specifically reflects corporate priorities. Furthermore, for the Greater Exeter work, the Local Planning Authorities and the County Council are coordinating a combined budget. This will help to make cost savings on the commissioning of Plan evidence for each of the Authorities including the County Council.

In order to realise the opportunities provided by these new working arrangements, Officers will need to engage more directly in the emerging plan-making process than has been the case previously. Officers will be involved across the full suite of work-streams required to support the development of a Plan, potentially as part of a virtual Officer team. This means Officers may be involved in topics beyond those for which the County Council has a statutory duty.

In addition to Officer involvement, new governance structures will be established to steer the development of strategy, policy-making and infrastructure delivery. Given this is a strategic,

Cabinet function, there should be Cabinet Member representation on groups established - to safeguard the interests of the County Council. There will be variations in the governance structures for the three cross-boundary planning areas and the structures are at different stages of their establishment.

In order to ensure that the County Council can secure effective, ongoing involvement in planning matters relating to these areas, Cabinet is asked to endorse, now, the proposed Member representation for the emerging Member governance structures, as set out below, with any future changes being made under delegated powers in the usual way.

- Greater Exeter: Councillor Hart;
- Plymouth area: Councillor Leadbetter; and
- Northern Devon: Councillor Parsons.

4. Consultation, Communication and Engagement

The involvement of the County Council in cross boundary strategy development and plan-making has been discussed informally with relevant Cabinet Members and senior management. In terms of the Greater Exeter work which is progressing the most quickly, the County Council was invited to work on an emerging Greater Exeter Strategic Plan by the Local Planning Authorities. Internal discussions have also taken place with a number of officers who are likely to be involved in this work. Actual plan content will be subject to a series of public consultations as it develops.

5. Financial Considerations

There are no direct financial implications for the Council as a result of the recommendations in this paper beyond the costs associated with Member and Officer time being invested in the new joint working arrangements.

In terms of the work for the Greater Exeter area, there will be a need for all Authorities in the area to contribute to a joint fund to enable data collection, evidence gathering, and plan preparation. The County Council's contribution to this fund will be provided through a refocusing of existing budgets and therefore the joint working will be cost neutral.

More generally, the principle of joint planning will help the Local Authorities to make cost savings on Plan evidence as it avoids the need for each Authority to commission individual studies.

6. Environmental Considerations

An Impact Assessment has been completed to accompany this report. This has identified that the way in which the County Council engages directly in the joint plan making process is unlikely to have any significant, direct impacts on the environment. Actual plan content will be subject to significant environmental consideration and assessment through the requirements of Strategic Environmental Assessment/Sustainability Appraisal.

7. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to 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.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing the proposals identified in this report, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://new.devon.gov.uk/impact/development-of-a-cross-boundary-strategy-and-plan/>, which Members will need to consider for the purposes of this item.

This identifies that there are unlikely to be any direct equality impacts related to the way in which the County Council is involved in cross-boundary strategy and plan-making. Involvement of the County Council in this work does however provide an opportunity to influence strategy development in terms of the County Council priority relating to reducing health inequalities as articulated in the County Council Strategic Plan (Better Together: Devon 2014-2020).

8. Legal Considerations

The lawful implications of the recommendations have been considered and taken into account in the preparation of this report.

9. Risk Management Considerations

Working jointly on cross-boundary joint planning matters provides opportunities for the County Council in terms of working more efficiently, ensuring statutory responsibilities are embedded more directly into plan-making and developing staff.

The main risk relating to cross-boundary working would be if joint planning proved to be ineffective because agreement by the respective Authorities could not be reached over plan strategy and policy. This could in theory delay plan-making. This is a minimal risk to the County Council as it is not a Local Planning Authority. If agreement over plan strategy content and policy is not reached, this could potentially have some financial implications in terms of the joint budget, however County Council financial input to joint planning will be cost neutral so risks are minimal.

The work on cross-boundary planning policy will be monitored to identify any further risks which may emerge. These will then be managed effectively through discussions with Local Authority partners.

10. Public Health Impact

County Council involvement in cross-boundary strategy and plan-making will allow more direct integration of public health considerations in the development of planning policy. As such, the impact on public health is likely to be positive.

11. Options

Preparing planning strategy and policy is not a direct responsibility of the County Council. As such, the standard approach is for this to be undertaken by the Local Planning Authorities. In this context, the County Council would generally provide input to plan development as a key stakeholder and statutory consultee. This arrangement could continue; it has worked well because Members and Officers have developed effective working relationships with colleagues at the Local Planning Authorities. However, more specific partnership working in which County Council Members and Officers are directly

involved in the cross-boundary plan-making process develops these relationships further and provides opportunities for the County Council as well as the planning process itself. As such, further County Council direct, involvement, as considered in this report, is the appropriate way to move forward.

12. Reason for Recommendation/Conclusion

The way in which strategy development and plan making takes place is evolving to reflect functional geographies, the need for greater efficiency in the way Local Authorities work and government policy. This means that cross-boundary partnership working is becoming crucial. Increasing the direct involvement of County Council Members and Officers in this work across Devon will reflect the changing landscape of policy development whilst also ensure that County Council priorities are better embedded in strategy development and plan-making.

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Electoral Divisions: All

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Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref
1. Local plans Expert Group: Report to Government	March 2016	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-governement.pdf
2. Better Together: Devon 2014-2020		https://new.devon.gov.uk/bettertogether/
3. Impact Assessment	July 2016	https://new.devon.gov.uk/impact/development-of-a-cross-boundary-strategy-and-plan/

gm040816cab Cross boundary strategy and plan making
hk 06 010916

Extract from Local plans Expert Group: Report to Government - March 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-government.pdf

5. Working across boundaries to meet needs

5.1. This Section of our report considers how plan making can be made more efficient and effective where meeting needs may require cross boundary cooperation. There are two principal elements to this:

- The Duty to Cooperate; and
- The scope for joint spatial planning.

Joint Local Planning

5.14. Our attention was drawn to positive examples of good joint planning, details of which are set out in our Discussion Paper on Joint Planning. Helpfully, there appears to be an increasing recognition of the benefits of joint working in many parts of the country.

5.16. It is not our intention to recommend that the Government imposes a new layer of strategic planning. However, we do believe that there is more that can be done to encourage the preparation of joint plans and that to do so would be working with the grain of sentiment in both the public and the private sectors, as well as the principles set out in paragraph 179 of the NPPF. Respondents agreed and were outspoken about the need to achieve joint strategic planning across Housing Market Areas. For example, we were advised by respondents to our Call for Evidence:

- Achieving a means of reaching agreement across housing market areas would be the “single most important step” the LPEG review could achieve;
- “everything works better when local authorities come together with common evidence and common timeframes”;
- Without strategic cross-boundary planning, the plan making process is “destined to fail”;
- There must be a new system for agreeing the distribution of housing, because the current system is “frankly a mess”.

5.17. Apart from the call to simplify and standardise SHMAs, the need for a system to agree housing distribution was the most common feature of the responses to the Call for Evidence. In fact, the extent of agreement was such that we have listed those parties who advocated the need for joint planning in a footnote.

5.18. Joint working will have advantages everywhere but the areas where it is most necessary are the areas where authorities have demonstrated an inability to work together. Such areas are classically city regions where the constrained administrative boundaries of the principal urban area mean that it cannot meet its housing needs but the surrounding districts have a social, political and economic geography which makes joint working more difficult. There are many examples of where joint planning around large towns and cities

would be particularly useful – and as a principle, joint planning would assist across every Housing Market Area. Joint planning would also be particularly productive, for instance, across the boundaries of major conurbations, into their hinterland.

5.21. We recommend that the Government makes clear that, where authorities in a HMA have failed to reach sufficient agreement on meeting and distributing housing needs by March 2017, the Government will be prepared to use powers to direct the preparation of a Joint Local Plan for the HMA (or a suitable geography such as transport corridors) within a prescribed timetable. This may require legislative change and guidance would also be necessary in the NPPG to guide the governance arrangements for such plans.

5.22. Arguably, the same outcome could be achieved by the Government directing that plans should be written for joint authorities. However, we consider that as far as possible, local plans should be prepared by their local authorities and that joint plans will be more effective in coordinating the meeting of needs than individual plans, separately examined.

5.23. This measure would give authorities 5 years from the publication of the NPPF to agree how they intend to work together to meet housing and other needs. Making clear this position now should stimulate joint working and plan making so that direct intervention should be necessary only in limited circumstances. Even in those circumstances, the necessary Local Plans would be prepared by the authorities themselves (unless the Government has found it necessary to take over and arrange for the writing of the local plan in accordance with provisions which have already been announced). This, therefore, is not top-down planning, simply a reinforcement of the need for bottom up, coordinated local planning to be properly undertaken in accordance with national policy.

5.24. A Joint Local Plan prepared in these circumstances need only contain policies for those high level issues which have not been agreed locally – such as the scale and distribution of housing and employment needs, critical infrastructure and broad locations for large scale development, leaving individual local plans to proceed (more rapidly) with genuinely local issues.

5.25. In combination with our recommendations for a strengthened Duty to Cooperate, these measures would transform the country's ability to plan for the full range of housing and other needs and break the logjam which currently exists where even the most willing and positive minded authorities cannot achieve the sustainable outcomes that depend on joint working with their neighbours. All of the measures recommended retain control over plan making with the local authority but they would greatly assist in ensuring that the necessary local plan making can and will take place.

**Appendix B
To PTE/16/42**

Plan showing the three urban economic functional geographies in Devon

