

# **Proposed Submission (Publication) East Devon Local Plan 2006 to 2026**

## **Draft Statement of Compliance with the Duty to Co-operate**

**November 2012**

This document is published for consultation purposes to accompany the publication of the Proposed submission East Devon Local Plan 2006 to 2026. Comments on the document are welcomed before noon on Monday 14<sup>th</sup> January 2013, particularly from the relevant 'prescribed bodies', which share the Duty to Co-operate.

### **Introduction**

The Localism Act and the National Planning Policy Framework (NPPF) create a duty on local planning authorities, county councils and other "prescribed" bodies to co-operate with each other to address strategic matters relevant to their areas in the preparation of a local plan. The duty requires ongoing constructive and active engagement on the preparation of the plan.

Paragraph 181 of the National Planning Policy Framework (NPPF), which was published in March 2012, states that '*Local planning authorities will be expected to demonstrate evidence having effectively co-operated to plan for issues with cross-boundary impacts when their local plans are submitted for examination*'. This Statement sets out how East Devon District Council has co-operated with neighbouring bodies and the 'prescribed' bodies in the preparation of the Local Plan in relation to strategic issues with potential cross-boundary impacts.

The NPPF gives further guidance on the duty to co-operate in paragraph 178, focussing on '*planning issues that cross administrative boundaries, particularly those which related to the strategic priorities set out in paragraph 156*'

The priorities listed in paragraph 156 of the NPPF are

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

## The East Devon Context

East Devon is located in a two-tier area, with Devon County Council providing many public services including education, highways, social services and minerals and waste services. East Devon District Council provides planning, environmental health, waste collection, Council Housing and others services. East Devon borders Exeter City to the west, with Exeter Airport and major employment and housing developments relating to Exeter's growth being located within East Devon. The key cross boundary strategic issue in East Devon is helping to deliver the sub-regional growth agenda (based on Exeter) in a sustainable fashion.

The Duty to Co-operate (the Duty) is set out in Section 110 of the Localism Act 2011, which adds a new section (33A) into the Planning and Compulsory Purchase Act 2004 relating to the Duty. This states that the local planning authority must engage 'constructively, actively and on an ongoing basis' during the preparation of local plans when they relate to 'strategic matters'. Strategic matters are defined as development, including infrastructure, with a significant impact on at least two planning areas. The Duty applies to all local planning authorities and county councils in England together with other "prescribed" bodies. The prescribed bodies are listed in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The "prescribed" bodies that are considered to be potentially relevant to the preparation of the East Devon Local Plan are:

- Devon County Council as the relevant county council and highway authority;
- Teignbridge District Council as a neighbouring authority;
- Exeter City Council as neighbouring authority;
- Mid Devon District Council as neighbouring authority;
- Taunton Dean District Council as neighbouring authority;
- South Somerset District Council as neighbouring authority;
- West Dorset District Council as neighbouring authority;
- Somerset County Council as neighbouring highway authority;
- Dorset County Council as neighbouring highway authority;
- The Highways Agency;
- The Environment Agency;
- English Heritage;
- Natural England;
- The Civil Aviation Authority;
- The Homes and Communities Agency;
- The Office of Rail Regulation;

- The Marine Management Organisation;
- Heart of the South West Local Enterprise Partnership;
- The Primary Care Trust (which is in the process of being replaced by the North, East and West Devon Clinical Commissioning Group);

Table 1 summarise the contacts that have been established with each of the prescribed bodies during the preparation of the plan and their relevant inputs.

**Table 1**

Name of body	Description of co-operation
Exeter and East Devon Growth Point	The Exeter and East Devon Growth Point was recognised by the Government in 2006. The Growth Point is a formal partnership between EDDC; Exeter City Council and Devon County Council. It is also supported by the Homes and Communities Agency and private sector partners sit on the board. The vision of the growth point is to realise the full economic potential of Exeter and East Devon - to provide a range of employment opportunities alongside new communities where people will have the ability to live close to where the majority of jobs will be provided. East Devon District Council has worked extremely closely with both the officers of the Growth Point Team and the members of its board to develop the proposals for the 'West End'. It has also jointly commissioned many of the studies that form part of the evidence base for the local plan, including land in East Devon outside of the West End.
Devon County Council	Devon County Council officers and members have been integral to the preparation of the plan through joint working on steering groups, joint commissioning of studies, sources of expert advice and formal consultees as the plan has progressed.
Exeter City Council	As a partner in the Exeter and East Devon Growth Point, Exeter City Council has been closely involved in those parts of the Local Plan that will help to deliver the cross boundary sustainable growth strategy. Officers and members have also been involved in joint working on steering groups, joint commissioning of studies and as formal consultees.
Teignbridge District Council	As part of the Exeter Housing Market Area and neighbouring authority with a joint boundary along the Exe Estuary Special Protection Area, Teignbridge District Council share an interest in strategic planning issues. It been involved, particularly on housing and environmental issues, in joint working on steering groups, joint commissioning of studies and as a formal consultee.
Mid Devon District Council	As part of the Exeter Housing Market Area, Mid Devon District Council has a shared interest in strategic planning issues, particularly housing related. It has been involved in joint working on steering groups, joint commissioning of studies and as a formal

Name of body	Description of co-operation
	consultee.
Taunton Dean District Council	Whilst Taunton Dean District is a neighbouring planning authority there are limited cross boundary issues related to the Local Plan, none of which are considered to be strategic in relation the Duty to Co-operate. As a formal consultee Taunton Dean has raised no comments as the plan has progressed.
South Somerset District Council	Whilst South Somerset District is a neighbouring planning authority there are limited cross boundary issues related to the Local Plan, none of which are considered to be strategic in relation the Duty to Co-operate. As a formal consultee South Somerset has raised no comments as the plan has progressed.
West Dorset District Council	West Dorset local planning authority responsible for the neighbouring town of Lyme Regis. The town boundary abuts the County boundary to the West of Lyme Regis and the neighbouring settlement of Uplyme (which is in East Devon) joins onto Lyme Regis. Informal discussions have been held between officers of East Devon and both West Dorset District Council and Lyme Regis Parish Council to discuss development options for meeting the future growth of Lyme Regis. Officers from West Dorset were also invited to the Local Development Framework Panel of Members, which guided the development of the Local Plan. Formal comments were made by West Dorset on the emerging local plan requesting that opportunities for meeting part of the growth of Lyme Regis within East Devon (mainly housing, although employment would also be welcomed). The numbers of homes concerned is small (under 50) and East Devon District consider that the appropriate way to consider this is through the neighbourhood planning system. It is not considered to be 'strategic' in Duty to Co-operate terms because it would not have a significant impact on at least two planning areas.
Somerset County Council	Somerset County Council is a neighbouring local authority and highway authority. There are not considered to be significant cross boundary issues in terms of the Local Plan and Somerset County Council have not formally commented as the plan has progressed.
Dorset County Council	Dorset County Council is a neighbouring local authority and highway authority. It has expressed concerns about the scale of employment development proposed in East Devon. The concerns relate primarily to the impact that additional traffic could have on the A35 in West Dorset, both in terms of congestion and residential amenity. However, it is considered that the scale of employment in the Plan is justified and the concerns expressed by Dorset County Council do not warrant a reduction in provision, particularly in light of the Highways Agency not raising concerns in

Name of body	Description of co-operation
	principle (the A35 is a trunk road).
The Highways Agency	The trunk roads in East Devon are the M5; A30, A303 and the A35. The Highways Agency have been fully involved in the major development proposals in the 'West End' and improvements needed to the strategic road network required to accommodate the growth agenda. A Highways Agency representative is on the Strategic Housing Land Availability Assessment Panel and has influenced the Panels consideration of sites with the potential to affect the strategic road network. Comments made by the Highways Agency at different stages of plan preparation have been taken into account and there are not outstanding objections in principle to the plan.
The Environment Agency	The Environment Agency has been involved in the development of plan policies through officer input into studies such as the Strategic Flood Risk Assessment, Water Cycle Study, Green Infrastructure and membership of the Strategic Housing Land Availability Assessment Panel. They have not made formal comments as the plan has progressed.
English Heritage	East Devon has an outstanding heritage of historic buildings and the Blackdown Hills extends across the county border into Somerset. English Heritage has not made formal comments on the plan during its preparation.
Natural England	Natural England has been involved in much of the work that has underpinned the environmental policies of the Local Plan and assessment of major development proposals in the West End, including work on Green Infrastructure and habitat protection. It has made comments at various points during the plan preparation that have been taken into account where possible. At the time of the last formal consultation there were outstanding concerns about the location and justification of development within or impacting on protected landscapes and internationally important area, subject to evidence being provided.
Civil Aviation Authority	In December 2011 the Civil Aviation Authority advised East Devon District Council that it was not necessary to consult it about strategic planning documents other than those with direct aviation involvement.
The Homes and Communities Agency	The Homes and Communities Agency help to support the work of the Exeter and East Devon Growth Point, which is the main body responsible for delivering the sustainable growth agenda in the 'West End' of East Devon.
The Office of Rail Regulation	There are two railway lines in East Devon – the Waterloo to Exeter line and the Exmouth to Exeter line. A new station to serve the

Name of body	Description of co-operation
	new community at Cranbrook has been agreed on the Waterloo to Exeter line.
The Marine Management Organisation	The Marine Management Organisation was established by the Marine and Coastal Management Act 2009 as a statutory public body to manage the marine area.
Heart of the South West Local Enterprise Partnership	East Devon District Council is actively engaged with the Heart of the South West Local Enterprise Partnership and this has influenced the development of the Local Plan.
North, East and West Devon Clinical Commissioning Group	The North, East and West Devon Clinical Commissioning Group is in the process of replacing the Primary Care Trust (PCT). The PCT has been consulted on the emerging plan and has not made any comments.

Some of these bodies are more directly involved with the strategic issues dealt with through the local plan than others and this report focuses on the most critical areas of co-operation. In addition to the prescribed bodies, the main point of co-operation in the preparation of the Plan has been with the Exeter and East Devon Growth Point. The Growth Point is a partnership between East Devon District Council, Exeter City Council and Devon County Council, to deliver a number of strategic developments in the Exeter and East Devon area. The Growth Point area has a dedicated team to co-ordinate and work on initiatives that will secure accelerated high quality growth and development. The Growth Point team serves a cross-boundary and cross-authority/organisation Growth Point Board. The Board have specific responsibility to agree agendas and includes private and public sector partners. The majority of the major strategic developments being actively worked on and promoted in the Growth Point Area fall in East Devon, including:

- a) **Cranbrook new community** - which will accommodate 6,000 homes between now and 2026.
- b) **Exeter Science Park;**
- c) **Urban Extensions/new housing** - at Pinhoe and north of Blackhorse – 1,400 new homes;
- d) **Skypark Businesses Park** – major high quality business park.
- e) **Intermodal interchange** – regional facilities for movement and handling of goods with rail and road interchange.

The growth point developments constitute by far and away the biggest area and issues of cross-boundary importance for the District Council. The Local Plan will be integral to this growth agenda and neighbouring authorities and public bodies/agencies have been key partners in the preparation of the plan and the evidence base that underpins it. There was agreement to produce a joint development plan document with Exeter to deal with major developments in the West End, but the success of the Growth Point Board coupled with

achievements in delivering the growth agenda meant that this did not progress to a joint committee.

The majority of growth outside of the 'West End' of East Devon is proposed in the seven main towns of the District and in the larger villages and development in these settlements tends not to raise specific cross boundary issues. East Devon is primarily a rural area with an outstanding natural environment, reflected in the definition of its southern coastline as part of the Dorset and East Devon Coast World Heritage Site and two thirds of the District being designated as Areas of Outstanding Natural Beauty. One important area of partnership working has included cross boundary consideration of landscape and nature conservation issues. The environmental cross-boundary ties and joint working have historically been very strong with joint working with Devon authorities but are also allied through links to Somerset through Blackdown AONB work and into Dorset through World Heritage site policy initiatives.

### **Co-operation in the Preparation of the Local Plan**

Table 2 below provides a summary of the key pieces of collaborative work East Devon District Council has undertaken in preparing the Local Plan and who it has co-operated with on each aspect of that work. The 'reference' column in the table refers to the relevant reference for the document in the Local Plan Evidence Library, where applicable. The 'topic area' column in the table groups the tasks into the following categories for ease of reference (these are loosely based on the strategic priorities listed in paragraph 156 of the NPPF).

- Housing (providing homes needed);
- Economic Development (providing jobs needed including retail, leisure and other commercial development);
- Infrastructure (including transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management);
- Community (health, security, community, cultural infrastructure and other local facilities); and
- Environment (climate change mitigation and adaption, conservation and enhancement of the natural and historic environment, including landscape).

**Table 2**

<b>Ref</b>	<b>Topic Area</b>	<b>Strategic issue (why)</b>	<b>Evidence of co-operation (what)</b>	<b>Nature of co-operation (how)</b>	<b>Key partners (who)</b>	<b>Officer or member level</b>	<b>Dates (when)</b>
n/a	Housing/ Infrastructure / Economy/ Community/ Environment	Meeting sub-regional growth across administrative boundaries	Exeter and East Devon Growth Point	Partnership and joint commissioning of studies and working with other parties	The Growth Point is a formal partnership between EDDC; Exeter City Council and Devon County Council. It is also supported by the Homes and Communities Agency and private sector partners sit on the board.	Officer and Member	The Exeter and East Devon Growth Point was recognised by the Government in 2006 and work has been ongoing since then
Hsg 016; 017; 018; 019; 020	Housing	Identifying housing need	Shared Housing Market Assessment of need and how it will be met Shared understanding of demographic change	Partnership and joint commissioning	Devon County Council, Exeter City Council, Mid Devon District Council, Teignbridge District Council, Torbay Council, Dartmoor National Park.	Officer and Member	2007 and East Devon findings updated 2011
Hsg 003	Housing	Assessing housing potential	Strategic Housing Land Availability Assessment	Joint steering group, panel and methodology	Exeter City, Teignbridge District Council, Mid Devon, Dartmoor National Park, Devon County Council,	Officer with Member representative on	Methodology first approved 2008 but reviewed

Ref	Topic Area	Strategic issue (why)	Evidence of co-operation (what)	Nature of co-operation (how)	Key partners (who)	Officer or member level	Dates (when)
			Partnership		Natural England, Environment Agency, companies/individuals actively engaged in the development of land for housing.	SHLAA Panel	annually and work on assessment ongoing
Hsg 001	Housing	Identifying housing need	Devon-wide Gypsy and Traveller Housing Needs Assessment	Joint study	All other Devon local planning authorities	officer	2006
n/a	Infrastructure	Provision of infrastructure	Emerging infrastructure delivery plan (IDP)	Informal discussions. Consultation draft IDP to be published 2013.	Devon County Council, East and West Devon Clinical Commissioning Group, Environment Agency, Highways Authority, Exeter City Council	Officer	2012
Env 030	Infrastructure	Identification of sustainable water management solutions	Water cycle study	Commissioning of and inputs into water cycle study	The Environment Agency, South West Water, Devon County Council, Exeter City Council and Teignbridge District Council	Officer	2010
n/a	Infrastructure	Integrating development planning and	Infrastructure study	Commissioning and inputs into infrastructure study	Exeter and East Devon Growth Point, Devon County Council, Exeter City Council	Officer	2010

Ref	Topic Area	Strategic issue (why)	Evidence of co-operation (what)	Nature of co-operation (how)	Key partners (who)	Officer or member level	Dates (when)
		infrastructure planning			and Teignbridge District Council		
Env 015	Infrastructure	Green Infrastructure (GI)	Royal Town Planning Institute commended GI Strategy	Partnership with stakeholder workshops	Exeter City Council. Teignbridge District Council, Devon County Council, Natural England, Environment Agency, Forestry Commission, National Trust and major land owners	Officer and Member through Growth Point Steering Panel	Strategy produced April 2009 to December 2009, but work on-going
Env 028	Infrastructure	Flood risk assessment	Strategic Flood Risk Assessment	Commissioning and input into assessment	Environment Agency	Officer	2008
Inf 009	Infrastructure	Transport	Local Transport Plan	Input into Local Transport Plan	Devon County Council	Officer and member	2011
Env 019	Infrastructure	Coastal change management	Work of the Jurassic Coast Pathfinder Project has influenced the coastal policies of the Local Plan	Contribution to the Jurassic Coast Pathfinder Project Steering Group	Steering Group included Devon County Council, Dorset County Council, Devon Maritime Forum, English Heritage, Environment Agency, National Trust, Natural England, RSPB and various district and parish councils	Officer and member	Final report to DEFRA 2011

Ref	Topic Area	Strategic issue (why)	Evidence of co-operation (what)	Nature of co-operation (how)	Key partners (who)	Officer or member level	Dates (when)
Env 024	Environment	conservation and enhancement of the natural environment	Exe Estuary SPA and Dawlish Warren SAC – interim report relating to strategic planning and impacts from recreation	Joint commissioning and input into report	Devon County Council, Teignbridge District Council, Exeter City Council, Environment Agency, Natural England and RSPB	Officer	2011
Env 012	Environment	Landscape conservation and enhancement	East Devon and Blackdown Hills AONB and East Devon District Landscape Character Assessment and Management Guidelines	Partnership working to produce guidance and ongoing work of Devon Landscape Policy Group	Devon County Council, Somerset County Council, Dorset County Council, Teignbridge District Council, Mid Devon District Council, Natural England, Blackdown Hills AONB team and East Devon AONB team.	Officer and member	2008