

**Agenda for Strategic Planning Committee
Tuesday, 30th March, 2021, 2.00 pm**



Members of Strategic Planning Committee

Councillors D Ledger (Chair), O Davey (Vice-Chair),
P Arnott, M Allen, J Bailey, K Blakey,
S Chamberlain, P Hayward, M Howe,
B Ingham, A Moulding, G Pratt, E Rylance,
P Skinner and I Thomas

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Online via the zoom app

Contact: Wendy Harris 01395 517542; email
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Monday, 22 March 2021

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

Public speakers are now required to register to speak – for more information please use the following link: <https://eastdevon.gov.uk/council-and-democracy/have-your-say-at-meetings/all-other-virtual-public-meetings/#article-content>

1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 10)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 East Devon Local Plan - Committee Work Programme for 2021 (Pages 11 - 28)

This report sets out a proposed work plan to produce a new draft local plan during 2021 and into 2022.

8 Urban Capacity Study (Pages 29 - 32)

This report seeks authority to publish work undertaken on production of a study assessing the potential housing capacity within the urban areas of the larger towns in East Devon.

9 The Future of New Homes Bonus Consultation (Pages 33 - 44)

This report seeks to make Members aware of a current government consultation on the future of the New Homes Bonus and to seek Members agreement to responses to the various consultation questions.

10 National Planning Policy Framework and National Model Design Code Consultation (Pages 45 - 56)

This report provides details of a current government consultation on changes to the National Policy Framework and a new National Model Design Code and includes draft responses to the various consultation questions.

11 East Devon District Design Guide (Pages 57 - 61)

This report seek to summarise the progress that has been made on the production of an East Devon Design Guide.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 23 February 2021****Attendance list at end of document**

The meeting started at 2.04 pm and ended at 4.06 pm

103 Public speaking

There were no members of the public that wished to speak.

104 Minutes of the previous meeting

The minutes of the Strategic Planning Committee meeting held on 15 December 2020 were confirmed as a true record with the following minor amendment on page 4 which should read '30 hectares of land'.

105 Declarations of interest

Minute 108. River Axe Nutrient Management Plan.

Councillor Paul Hayward, Personal, Employed as Parish Clerk to All Saints and Chardstock Parish Councils that are in the Axe Nutrient Management Plan area.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor and resident of the West End of East Devon.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 109. Section 106 and Community Infrastructure Levy Internal Audit Report.

Councillor Paul Hayward, Personal, Employed as Parish Clerk to All Saints, Chardstock and Newton Poppleford & Harpford Parish Councils that receive S106 monies.

Minute 110. Habitats Mitigation Non-Infrastructure Contributions.

Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor and resident of the West End of East Devon.

Minute 111. East Devon Playing Pitch Strategy.

Councillor Andrew Moulding, Personal, President of Cloakham Lawns Sports Centre which has football and cricket pitches.

Minute 111. East Devon Playing Pitch Strategy.

Councillor Ian Thomas, Personal, Member of Uplyme and Lyme Regis Cricket Club.

Minute 112. Summary of Self-Build Monitoring Report (31/10/19 - 30/10/20).

Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor and resident of the West End of East Devon.

Minute 112. East Devon Landscape Character Assessment - minor amendment.
Councillor Paul Hayward, Personal, Employed as Parish Clerk to All Saints, Chardstock and Newton Poppleford & Harpford Parish Councils.

Non-Committee Members

Minute 111. East Devon Playing Pitch Strategy.
Councillor Ian Hall, Personal, Chairman of Cloakham Lawn Sports Centre.

106 **Matters of urgency**

There were no matters of urgency.

107 **Confidential/exempt item(s)**

There were no confidential/exempt items.

108 **River Axe Nutrient Management Plan**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report outlining the concerns raised by Natural England in the Local Plan about the declining water quality from excess phosphates in the river which was mostly caused from agricultural run-off and sewage discharge within the catchment area.

The proposed Management Plan would address these issues which included a methodology for calculating the impacts and potential mitigation that could be applied to address these issues.

The Service Lead – Planning Strategy and Development Management summarised the mitigation work and Members noted the three different options that were hoped to reduce the amount of discharge into the watercourse which included on-site sewage treatment plants, the creation of wetlands and tree planting measures in the catchment area and changes in agricultural practices to reduce run-off.

Comments made by Non-Committee Members included:

- Concerns raised about the impact on the environment of the river and attention was drawn to para. 4.3 addressing the need for a significant reduction on the phosphate levels. A BBC report highlighted a catastrophic decline in freshwater fish from our rivers as a result of pollution and concerns were raised about which fish and other creatures would be next;
- All our watercourses in this area are heavily polluted;
- The River Axe is important for the Seaton Wetlands. It is a major watercourse with a lot of tributaries and we could do a lot to learn and to improve the quality;
- Concerns raised that the pollution could have potential impacts downstream;

The Service Lead – Planning Strategy and Development Management agreed with the comments made and said it was the council’s primary concern from a planning authority perspective that developments that were granted permission should not make the situation worse and that the council should be trying to improve the situation beyond that but can only within our remit.

The Service Lead – Planning Strategy and Development Management highlighted there was a wider area of work ongoing to help improve the quality of the watercourse and Members noted that Natural England and the Environment Agency had provided grants

over the last 5-6 years to farmers to help improve their working practices to stop water run-off capturing waste which had already started to see some benefits.

Comments made by Committee Members included:

- Spillages of slurry can be extremely damaging to watercourses and can actually kill a river by completely killing all the fish and vegetation and clarification was sought on whether the council had any powers to enforce this. In response it was advised the Environment Agency and Natural England had the powers to investigate and take action with pollution events.
- Clarification sought on whether there were any other watercourses that had similar issues. In response the Service Lead – Planning Strategy and Development Management advised he was not aware of any other watercourses in the area where this was the case;
- The Council has a moral obligation to reduce and minimise watercourse pollution;
- The need to liaise with adjoining district councils in a meaningful way. In response it was advised that South Somerset and Dorset Councils as well as other agencies had been included in discussions and were aware of the issues;
- Concerns raised that most the nutrients going into the River Axe is from farming and referred to para. 2.16 of the report where it states that agricultural supply stems from the application of fertilizer in the form of manure and slurry on the fields. Farmland needs to play a part in decreasing phosphates;
- A suggestion was made to refer the report to Overview Committee to consider the environmental implications and that a further report should be brought back to Strategic Planning Committee to update Members on the progress in these matters.
- There should be a cost to developers for mitigation against concerns with the local sewage quality so that sewage works can be improved;
- Clarification sought on whether the Rivers Yarty and Coly were suffering with similar concerns as both rivers were tributaries of the River Axe. In response the Service Lead - Planning Strategy and Development Management advised there may be a possibility of high levels of phosphates running through both rivers since they feed into the Axe but wider works would be needed to help understand how much tributaries are affected and what can be done as mitigation;
- A suggestion to write to the MP to raise with the Secretary of State for the Environment to help deal with this extremely serious problem which will get much worse in the long run;
- Clarification sought on whether the East Devon Catchment Partnership had met to discuss this issue and a suggestion to set up a working group as soon as possible. In response the Service Lead - Planning Strategy and Development Management advised as the East Devon Catchment Partnership was made up of partnerships' already working on trying to improve water quality it did not make sense to set up a further working group. He advised the existing arrangements were sufficient but this would be reviewed as and when the situation progresses.

RESOLVED:

- 1. That the Committee notes the work being undertaken at and for the River Axe and endorses the River Axe Nutrient Management Plan as evidence to inform council and partner decisions.**
- 2. That the Committee notes that the report should have specific relevance, as a material consideration, to inform local plan policy making and determination of planning applications.**

3. That the Committee refers the report to the Overview Committee for further consideration regarding the alarming environmental implications in the report.
4. That the Committee requires a further urgent report in six months to update on the progress in those matters.

109 **Section 106 and Community Infrastructure Levy Internal Audit Report**

The Service Lead – Planning Strategy and Development Management updated Members on the findings of the South West Audit Partnership audit to ensure appropriate arrangements were in place to manage receipt and expenditure of Section 106 and CIL contributions summarising the four keys issues highlighted with actions agreed:

- Over 1,000 outstanding actions on the current Exacom System.
In response the Service Lead – Planning Strategy and Development Management highlighted many of the outstanding actions were administration processes and only 7% related to payments that needed to be invoiced or chased. Members noted that no monies had been lost through the process.
- Not all demand notices had been raised in a timely manner and concerns were raised about the recovery process.
In response the Service Lead – Planning Strategy and Development Management advised that this was the result of a resourcing issue and when the resource was in place this would be prioritised.
- Out of date Participatory Budgeting Guide.
In response the Service Lead – Planning Strategy and Development Management confirmed this had been completed and was published on the website.
- Town and Parish Councils not being advised on how much S106 monies had been collected.
- In response the Service Lead – Planning Strategy and Development Management updated Members about a public facing module via the Exacom System that would provide free access to information which would be available on the website by the end of March 2021.

A Committee Member raised concerns that a lot of money has been spent in the past employing temporary staff to get this work completed and that it had never been completed. He sought a firm commitment that it would be completed within the timeline and not waylaid or the S106 Officer diverted to do different work. In response the Service Lead – Planning Strategy and Development Management confirmed it was on course to be resolved in the next few months.

RESOLVED:

That the findings and recommendations of the attached internal audit report on the management of the receipt and expenditure of S106 and CIL contributions be noted.

110 **Habitats Mitigation Non-Infrastructure Contributions**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report that sought Members agreement to increase non-infrastructure charges to reflect the additional costs involved in delivering the strategy.

The Service Lead – Planning Strategy and Development Management drew the Committees’ attention to Table 1 on page 29 of the report that outlined the current non-
page 6

infrastructure contribution required per dwelling and Table 2 on page 30 that outlined the proposed revised charges of an increase of £6.81 per house per site.

The Service Lead – Planning Strategy and Development Management proposed one minor change to the proposed recommendation to give applicants a reasonable notice of change and asked Members to consider amending the date to applications received after 1 April 2021 which would also tie in with the new financial year.

The following point was raised by Committee Members:

- Clarification sought on para. 2.1 about which project was unachievable. In response the Service Lead – Planning Strategy and Development Management advised he could not recall the project but was happy to follow this up and advise.

RESOLVED:

That the revised non-infrastructure habitats mitigation contributions as shown in Table 2 within the report be required for all applications for residential developments within the habitats mitigation zone that are received after 1 April 2021 be agreed.

111 **East Devon Playing Pitch Strategy**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report detailing an updated East Devon Playing Pitch Strategy that had previously been before Strategic Planning Committee Members on 26 March 2019.

The Service Lead – Planning Strategy and Development Management outlined the work undertaken to date and also highlighted the delays due to the pandemic.

Members noted Sport England had responded to the current issues and options consultation advising that they would be objecting if an up-to-date playing pitch strategy did not accompany the new Local Plan when it was submitted for examination.

The Service Lead – Planning Strategy and Development Management outlined three options to take this work forward as follows and advised Members the work was anticipated to be completed within 12 to 18 months:

- Option 1 – Officers of the Council to complete the work.
- Option 2 – To defer the work.
- Option 3 – To commission consultations to complete the work.

The Service Lead – Planning Strategy and Development Management highlighted that option 2 was not a viable option considering the comments by Sport England and option 3 would have cost implications.

The Chair advised Members that he had requested this report to Strategic Planning Committee following a meeting with representatives of the Football Foundation who advised there was up to £3m available match funding for East Devon Community Sports Clubs from April 2021.

Comments made by Non-Committee Members included:

- Suggestion to work alongside the LED Monitoring Forum which was working with Sport England and Strategic Leisure to undertake an audit within the district of all leisure facilities. In response the Service Lead – Planning Strategy and

Development Management advised it would be good to join up the work that the LED especially as they are undertaking a district wide audit and would help to progress this project more quickly;

- There was a big need to include netball as a sport in the Axe Valley. There is an underrepresentation on ladies' sport in Devon.

Comments made by Committee Members included:

- Clarification sought on whether the inventory included clubs currently playing on local village playing fields;
- Clarification sought on whether it would be expedient to request from villages their insights from their neighbourhood plans about emerging sports pitches in order to get some synergies going between neighbourhood plans and the local plan. In response the Service Lead – Planning Strategy and Development Management advised all sources would be used to identify all aspirations and needs of communities
- Clarification sought on diversity and site specificity of sports.
- It would be good to see some properly elite sports being introduced into Devon that are not already here.
- Concerns raised about the options and did not want to use consultants to complete the playing pitch strategy;
- Clarification sought on what long term strategic communications had officers had to achieve better relationships. In response the Service Lead – Planning Strategy and Development Management advised the next stage would be to engage with all of the governing bodies and the clubs.
- It is important the Local Plan takes priority and the need to complete the playing pitch strategy as soon as we are out of the pandemic;
- Support was shown to keep the playing pitch strategy in-house to keep control and to allow us to ask the questions rather than a third party coming in starting afresh and making a profit;
- A suggestion was made for a further recommendation for officers to liaise with Strategic Leisure's current analysis of sports facilities across the district so that the work by the LED Monitoring Forum does not overlap. In response the Service Lead – Planning Strategy and Development Management advised he was keen to work with Strategic Leisure to try and move this work forward.

RESOLVED:

- 1. That progress to date on a new playing pitch strategy for East Devon be noted;**
- 2. That the options for progressing the new playing pitch strategy be considered and Option A – Officers of the Planning Policy Section complete the Playing Pitch Strategy – though noting that Local Plan production is a priority and concentrating on it could delay completion of the strategy – work may need to be fitted in when time and opportunities permit be agreed;**
- 3. Officers liaise with Strategic Leisure's current analysis of sports facilities across the district be agreed.**

112 **Summary of Self-Build Monitoring Report (31/10/19 - 30/10/20)**

The Service Lead – Planning Strategy and Development Management presented the report outlining the latest monitoring figures on demand for plots from 30 October 2019 until 31 October 2020. The demand for plots showed there was 23 individuals added to the self-build register.

Members noted the ongoing interest in self-builds in the district as a means of looking ahead towards the next local plan and attention was drawn to para. 3.2 that looked at those measures.

Points raised by Committee Members included:

- A suggestion for a Facebook page for members of the community to exchange ideas and experiences;
- Members concurred with the planning options listed in para. 3.2. Specifically addressing the option to reduce or delete the pre-application advice charges for people wishing to build a single self-build dwelling;
- Concerns raised whether people were aware of the register as there did not appear to be a large number of people coming forward with their interest as it has been running for several years now;
- Supportive of a specific Cranbrook register to benefit from variety rather than bland landscapes that Cranbrook currently have in the newer phases and would like to see it as a planning requirement for the larger scale developments coming forward;
- A suggestion to provide a field with fully serviced plots with utilities installed and outline planning permission for houses to make is easier for genuine self-builders;

RESOLVED:

1. That 23 individuals added to the self-build register during the latest monitoring period (31/10/19 – 30/10/20) be noted.
2. The need to permission 13 plots suitable for self-build between 31/10/20 and 30/10/23 to meet the level of demand between 31/10/19 and 30/10/2020 shown in Part 1 of the self-build register be noted;
3. That the demand for self-build plots indicated on the register should be taken into account in our planning, housing, regeneration and estate functions be noted;
4. To speak to the Communications Team to promote as to opportunities to promote self-build options within the district;
5. The creations of a self-build forum be agreed;
6. To research avenues within the local plan process to deliver fully serviced self-build plots be agreed.

113 **East Devon Landscape Character Assessment - minor amendment**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report that sought approval for a minor amendment to the landscape character area mapping. This was to ensure that the East Devon Landscape Character Assessment work to the Otterton peninsula in appendix A properly reflects local landscape character and remains relevant as guidance for planning policy and development management decisions across the district.

RESOLVED:

That the minor mapping and description changes to the 2019 East Devon Landscape Character Assessment be approved.

Attendance List

Councillors present:

P Arnott

K Blakey
S Chamberlain
O Davey (Vice-Chair)
P Hayward
N Hookway
M Howe
B Ingham
D Ledger (Chair)
A Moulding
E Rylance
I Thomas

Councillors also present (for some or all the meeting)

J Bailey
S Bond
I Hall
M Hartnell
S Jackson
G Jung
G Pratt
M Rixson
J Rowland
E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

M Allen

Chairman

Date:



Report to: **Strategic Planning Committee**

Date of Meeting 30 March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon Local Plan – Committee Work Programme for 2021

Report summary:

This report sets out a proposed work plan to produce a new draft local plan during 2021 and into 2022. The report highlights a series of proposed topic area reports that it is planned to bring to committee over the coming months. The intent being that this work will lead to a draft local plan, which includes preferred land allocations for development, being presented to Committee in December 2021 and for this draft plan, subject to further refinement, going out for public consultation in May 2022.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- 1) **That Strategic Planning Committee endorse the proposed programme for committee consideration of local plan reports through 2021 and into 2022.**
- 2) **That on the basis of the proposed programme Strategic Planning Committee agree to work towards an early draft local plan for committee consideration in December 2021.**

Reason for recommendation: To advice committee of the work ahead to get to a draft plan consultation in May/June 2022

Officer: Ed Freeman, Service Lead – Planning Strategy and Development Management, e-mail - efreeman@eastdevon.gov.uk, Tel: 01395 517519

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

There are no direct financial implications from the recommendations of this report.

Legal Implications

There are no legal implications other than as set out in this consultation report.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information - At various points this report refers to a report to Strategic Planning Committee on 15 December 2020, item 96, see:

[Agenda for Strategic Planning Committee on Tuesday, 15th December, 2020, 2.00 pm - East Devon](#)

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 Local plan issues and options report consultation

- 1.1 Members of Strategic Planning Committee will be aware that the new local plan issues and options report was open for consultation responses until the 15 March 2021. A detailed feedback report will be brought to the committee meeting on the 21st April 2021.
- 1.2 The issues and options consultation can be looked upon as the first formal stage of plan making. This committee report sets out a suggested draft programme for carrying forward plan making work throughout the rest of 2021, and in to 2022, with a particular onus on proposed papers to be presented to Strategic Planning Committee.
- 1.3 There are Strategic Planning Committee meetings scheduled for every month of 2021. The proposal is to present a series of topic based papers to each meeting to enable a clear Member steer and instruction on key issues. This, to accord with previously agreed timetables, would allow for the writing of a proposed draft local plan to be presented to members for their initial consideration at a meeting of this committee in December 2021.
- 1.4 We would suggest that this draft local plan should contain preferred policy choices and reasoning and justification for their inclusion as well as a summary commentary on possible realistic alternative choices. The same would also apply for land allocations for development – preferred allocation sites would be shown and alternative options also highlighted. This process of work would neatly dovetail with the Sustainability Appraisal

aspect of plan making as the Sustainability Appraisal needs to look at realistic alternative options and assess them with the assessment process informing (but not determining) policy choices.

2 Committee work plan for 2021

- 2.1 For the monthly meetings we are suggesting the work programme and timetable that is tabled later in this report. It should be noted that the work programme is based around key paper/subject headings. Some of these headings (second column in the table) are the same/similar to the chapter titles that are found in the issues and options report and which may be found in many local plans themselves. However, at this stage nothing is fixed in respect of the plan structure or format. Other headings in the table are more generic or cross-cutting considerations for plan making.
- 2.2 The proposal is that Strategic Planning Committee will receive a topic paper on each of the subject matters in the table, these will link to current evidence documents that are available, are in preparation or which need to be produced (see the next section of this report). Where appropriate relevant papers will set out potential alternative policy options and approaches on each subject matter and will invite member debate around points and options raised.
- 2.3 It is proposed that planning policy officers will prepare papers to present to committee but we will, as well, invite officers from other services and departments of the council to relevant committee meetings to present their thoughts and observations and to set out their aspirations for planning policy. For example there would appear merit in inviting economic development and regeneration staff to meetings debating future economic policies and town centre matters and the countryside and leisure staff to meetings addressing recreation matters. Members may wish to give instruction on whether they see merit in extending any invitations to any other bodies or organisations outside of East Devon District Council, though some degree of caution may be relevant to avoid possible charges of prejudice or bias in the process.
- 2.4 A committee steer on the way forward, in respect of subject matters listed, will be a desirable outcome from each meeting as this steer, or conclusions drawn, will help inform subsequent plan making work and the drafting of the local plan.
- 2.5 It is stressed that the table below is far from definitive of all work matters and papers that will be brought to committee, but it provides a starting point. The table below is a draft timetable and is subject to change.

Cmte date	Key Papers/ subject	Commentary
March 2021	This work programme	Members will be asked to agree the work programme set out in this committee report, including the items listed below.
	Urban capacity study	This work will examine the number of new houses that could potentially be accommodated through building inside the existing built-up areas of East Devon towns (early issues and options questionnaire feedback indicates strong support for this approach).
April 2021	Issues and options feedback report	Committee will receive a feedback report (probably initial findings or possibly, if time permits, a final version) on comments received during the issues and options consultation.
	Sustainability Appraisal Feedback	This report will provide information on feedback on the Sustainability Appraisal scoping report consultation and more information on how the work may inform policy development.
	Scoping and Vision of the plan	This paper will set out commentary and suggested options for the scope of the plan. Specifically whether it should cover all issues or only selected matters, for example strategic policies only, with more detailed policy matters to follow in subsequent plans or documents. It would also consider the vision for the plan and seek Members views on their key aspirations for what they want the plan to achieve for the district.
May 2021	Final issues and options feedback report	If not already completed a final feedback report on issues and options consultation will be presented to members.
	Housing development needs	This paper, with options within, will set out future housing need, ranging from minimum levels required to meet Government requirements to higher levels that might deliver additional benefits. Whilst final conclusions will not necessarily be expected at this stage of plan making an early member steer on numbers and wider housing issues would be desirable.
	Employment development needs	This paper will present options in respect of the general distribution and nature of future employment and job generating developments. An early steer on thinking, perhaps rather than final conclusions, would be sought.
	Development of a spatial distribution strategy - Introduction	This paper will introduce and highlight the importance of establishing a strategy for the spatial distribution of development. In crude terms what, broadly speaking, should be built where and why. This would include consideration of issues around levels of growth at existing towns and villages. Some possible options, with pros and cons and related issues highlighted, will be presented to committee for discussion. Specific further comment on the importance of the early establishing of a plan strategy are set out below this table.

Cmte date	Key Papers/ subject	Commentary
June 2021	Proposed format and structure of a new local plan	To help with initial drafting of the local plan it will be desirable to get an early steer on the proposed format and structure of the draft local plan – this might be as simple as proposed chapter headings and bullet points on matters that each chapter may address.
	HELAA site submissions	The Housing and Employment Site Availability Assessment (HELAA) process allows people to submit sites that they consider would be appropriate for development. A paper will be bought to Committee providing details of each site that has been submitted (but this paper will not include a full evaluation of the sites – this comes later in the year).
	Local plan relationship with neighbourhood plans	Neighbourhood plans set out, by Parish areas, local community policies to be used in determining planning applications, they also set out broader community aspirations. This paper will set out more details on Neighbouring Plans and potential options and approaches that could be used to take them into account to inform local plan production.
July 2021	Refining a spatial distribution strategy	This paper (if needed) will follow on from an earlier introductory paper and will seek further debate and help refine a spatial distribution strategy for development. It may well be that further papers and meetings are needed on the subject matter but as many detailed policy matters flow from having a strategy it is a critical matter to be determined before plan making can fully progress.
	A strategy and approach to future consultation	In this paper we will set out a proposed approach to consultation to align with the approach to plan making this actual committee report proposes. Members may, however, wish to promote additional consultation and engagement or refine the suggested approach.
Aug 2021	Design considerations	The Government are placing increasing importance on design considerations. It may be that in local plan policy, or potentially subsequent documents, that we will need to give considerable thought to site specific (as well as more generic) design guidance. It may be that all or many allocated development sites will need or would benefit from having bespoke Design Codes to inform development. This paper will advise on emerging Government thinking and issues for a new local plan.
	Built heritage considerations	Many matters relating to built heritage concerns are addressed through national policy and legislation. There will, however, be scope to address some more detailed concerns through local plan policy as well as considering how, if and where heritage considerations could support other and wider local plan policy initiatives.

Cmte date	Key Papers/ subject	Commentary
Sept 2021	Biodiversity	National policy establishes much of the biodiversity protection within the planning systems. There are, however, key local factors that we need to consider, including: <ul style="list-style-type: none"> • Plan assessment under the Habitat Regulations; • Mitigation of impacts of development on the highest tier of wildlife sites; • Biodiversity net gain (how development should lead to net wildlife improvements rather than losses).
	Landscape	We will need to consider landscape policies in general for the plan and how landscape considerations are taken into account through plan making. We will also need to give consideration to possible local landscape (and similar) designations such as coastal landscape protection areas and green wedges.
	Health considerations	Health is likely to be an overarching theme for the plan picked up under visioning and strategy work, rather than necessarily having its own policies. It will, however, be desirable to ensure that emerging policies adequately address health concerns.
	Coastal erosion and roll back policies	We will need to establish the full extent of the coastline of East Devon that is vulnerable to being lost to the sea and to establish planning policy for development that may or may not be permissible in vulnerable areas, as well as other related policy responses.
	Sports and recreation considerations	Key work to inform policy around sport and recreation may be the Playing Pitch Strategy and a Built Sports Facilities Strategy. The former will be produced by the Planning Policy team and for the latter there is a Leisure Strategy being produced for the Council/East Devon. It is hoped that this strategy will meet Sport England and local plan making requirements.
Oct 2021	Infrastructure	There are two key elements to consider in respect of infrastructure: <ul style="list-style-type: none"> • Existing deficiencies and what the planning system may be able to do about them; and • The infrastructure needs arising from new development. To address the first through the local plan generates considerable challenges and in reality the planning system is better structured to address the second.
	Transport	Transport may be looked upon as a critical subset of infrastructure. There may be major strategic objectives and aspirations in respect of transport in the plan but the expectation is that a lot of the work will be based around ensuring the deliverability of the plan and robustness, in transport terms, of proposed site allocations.
	Climate change	Climate change and policies around minimising carbon emissions and adaptation to impacts are likely to be a major consideration in the local plan. These are likely to inform the overall vision and strategy of the plan and so will be picked up under these elements with this paper highlighting detailed policy considerations relating to climate change issues.

Cmte date	Key Papers/ subject	Commentary
	HELAA feedback report	If available/completed final feedback will be given on the HELAA outputs. The HELAA will be essential to inform local plan allocation choices and if there are delays in this work stream it could impact on the plan making timetables overall.
Nov 2021	Town centres and retail	This paper will address planning policy matters in respect of town centres – including in respect of retail, mixed use development and the future role and function of town centres. It will also consider retail more generally.
	Cranbrook	There is a Cranbrook Plan in production that will set out development policies for the town into the 2030s. This paper will consider if and how a local plan may address planning policies for the town and the relationship with the Cranbrook Plan.
	Built-up Area Boundaries	If (assuming) we are to include Built-up Area Boundaries (or something similar) around towns and some (to be determined) villages of East Devon then these will need to be defined. In this paper we will show conclusions drawn, using the methodology (adapted as appropriate) that is used for the Villages Plan to establish draft new local plan boundaries for towns and villages.
	Site allocation choices	Recommended preferred site allocation choices, to align with an agreed plan strategy, will be presented to members drawing from HELAA outputs (assuming they are available) and other assessments. At this stage it is proposed that Built-up Area Boundaries (defined through a separate work stream) will be adjusted (outward) to incorporate land allocation choices.
Dec 2021	Draft local plan	In December 2021 the intent is that members will receive a proposed draft plan which will include proposed preferred site allocations for development. It is envisaged that where appropriate it would also include a number of alternative site options considered through the sustainability appraisal that would be highlighted in consultation materials. This would ensure that communities are given an opportunity to comment on site options where there are genuine options to be considered.
Jan/ Feb/ March 2022	Follow on items from 2021 workload	Dates for committee meetings in January, February and March 2022 are to be determined. The expectation is that there will be a number of matters to resolve from the 2021 workload to allow for completion of the final draft plan. This is likely to include completion of the evidence base to support the draft plan, refinement of the draft plan itself and potential for further engagement with Members prior to production of a final draft.

Cmte date	Key Papers/ subject	Commentary
April 2022	Draft local plan for consultation	<p>Approval will be sought for consultation on the draft plan in May and June 2022.</p> <p>It is suggested that this draft plan (effectively a preferred approach style document) should comprise of preferred local plan policy and preferred land allocations for development as well as succinct commentary on alternative policy approaches and alternative land allocations (and other map based policy boundaries) for comment.</p> <p>We would hope that this version of the plan will be close to the final version, the Publication draft that will go out for comment in 2023. It is highlighted, however, that there will be further work required in 2022, of particular significance will be a viability assessment. This will need to assess whether the plan, as a whole and component parts, as drafted adds-up in commercial viability terms. It may be the policy changes will need to be made if there are viability concerns, or assessment may indicate further 'gains' can be made.</p>

2.8 It is reiterated that the time lines for undertaking the work are tight and key decisions will need to be made in a timely manner to allow for plan production to be followed through in a logical, coherent and structured manner. Should committee wish to adjust the work schedule then concerns should be flagged up at the earliest stage noting that changes could have significant knock-on implications.

2.9 We have tried to construct the schedule to spread topics out over the year ahead so as to not overload committee meetings or officer workloads. Key papers come early in the schedule and many papers are timed to allow for evidence documents and related work areas to have been completed or to have made substantive progress.

3 Evidence documents

3.1 The strategy and policies of a Local Plan need to be informed by evidence – we need robust logic to justify plan policy wording as well as evidence to justify where any policy related line or boundary is drawn on a map. For example if the new plan includes a Green Wedge policy (the current local plan has such a policy that seeks to avoid development that would lead to the coalescence or merging together of settlements) we will need evidence and justification for the policy wording and also evidence to justify boundary lines drawn on a map. This land area consideration, however, does not apply where areas are defined by or through Government, for example Sites of Special Scientific Interest or the Areas of Outstanding Natural Beauty.

- 3.2 It is only a starting assessment, and will need to be adjusted over time, but tabled as Appendix 1 to this report is a schedule of evidence documents that have been produced or we consider may be needed in order to justify local plan policy.
- 3.3 It can be seen that the list is long and ultimately not all reports may be needed and some may end up being quite short. However, there is the likelihood that other subject matters requiring evidence will emerge as plan making progresses. This will be especially so if it is deemed desirable to challenge Government policy or go down less conventional policy routes.
- 3.4 In the ideal world all evidence documents would be in place and published (with cross-references made in the plan) before draft local plan consultation starts, in accordance with the projected timetable, of May 2022. This is, however, not going to be feasible and we will need to progress on the basis of the information we do hold. In the draft plan we may need to refer to emerging evidence or advise that work will be ongoing to justify or amend certain policies.

4 The importance of establishing a local plan strategy at an early stage of plan making

- 4.1 It is highly desirable to start to develop a strategy for the plan, most importantly in respect of the distribution of development, at an early stage of plan making. A strategy should establish broad locations that are appropriate for given forms of development and set out reasons why. It may well establish the scale of development that may be appropriate for given towns and potential favoured directions of growth for a town (e.g. northerly, westerly, southerly etc.), for example identifying where differing approximate levels of new house building would be appropriate. A plan strategy would not be expected to go into details, and probably not identify specific sites for development, though it may identify broad areas of search of land for development, perhaps especially so if large scale schemes such as a new town are proposed.
- 4.2 The existing local plan focusses a large part of the overall development in East Devon on land close to the city of Exeter. For the new plan it will be relevant to consider whether this strategy should be carried forward or perhaps accelerated. If so there should be a logic for doing so, or conversely a preferred approach may be to shift, perhaps significantly, away from a focus of building close to Exeter, if this is the case there will need to be a logic for doing so.
- 4.3 Over recent years the towns of East Devon have seen varying levels of growth. Compared to population levels at the turn of the century Ottery St Mary and Axminster have seen the most new housing built, in other towns the comparative house building levels have been lower. A plan strategy will need to consider what levels of development should go to differing towns, what underpinning logic might exist for any town to grow and what that growth may seek to achieve and why.
- 4.4 The same logic will also apply to potential for development at villages and in the countryside - why or why not build and what is development seeking to achieve and why or what might the outcomes be.
- 4.5 A critical point about having a coherent strategy for development is that it then informs and sets a template for the development of the plan overall, the topics within it and site specific

policies in the plan. This is particularly relevant when it comes to making land allocations for development. However, if the strategy were to change as plan making progresses, especially so if it changes significantly, then previous and more detailed work may need to be revisited and this could have knock-on timing implications.

5 Possible challenges of allocating land for development

- 5.1 Identifying sites to be allocated or developed in the local plan may well prove to be the most challenging and contentious element of the plan making process. Past experience suggests that site allocations can generate more comment and objection through plan making than other elements of plan policy.
- 5.2 However, by having a coherent strategy for the distribution of development it should make the allocation process more reasoned and logical (though that is not to say that it will stop objections!). A coherent strategy will help focus the site selection process to the types of locations that are most appropriate for development and which will help deliver the outcomes (i.e. the strategy) that the plan is seeking to achieve. There is though something of a 'chicken and egg' element at play that we do need to be aware of - a general location, perhaps for example a town that supports a very good range of facilities, may in-principle be a strategically appropriate place for further development. However, if there are limited site choices at that town and there are lots of constraints and significant adverse development impacts might occur then, it might, despite in-principle good logic for development not be a location to build at (or at least we might focus development to address specific identified needs).
- 5.3 In the timetable as set out we have indicated that members will have early information, with some limited initial officer assessment, around sites that have been submitted through the HELAA process. This work will give an early indication of the range of sites that might be potential land allocations in the plan. It is stressed, however, that an independent panel will look in more detail at technical matters around credibility for development – this will include such matters as can utility services be secured, is highway access achievable and might development be commercially viable or credible. It is stressed that the HELAA panel do not recommend or decide which sites should be allocated for development, but what they do is provide technical information for use by members of this council, when weighed against other considerations, to use in making their decisions on which sites to allocate.
- 5.4 In the proposed timetable for work, and looking at the committee report from December 2020 (see specifically paragraph 7.10), we advise that an officer report in December 2021 will recommend sites for allocation in the draft local plan. Members will need to be satisfied that they are happy with this approach and if not should advise of any alternative process that they wish to follow.
- 5.5 Whilst they would be officer recommendations, as at December 2021, we have set out a three month period, January 2022 to March 2022, during which there is space to review and assess sites, undertake any engagement that might be seen as beneficial and otherwise identify any revisions that could be seen as appropriate. This work would lead onto allocated sites to feature in a draft plan to be consulted on in May and June 2022.

6 Conclusions

- 6.1 This report sets out what is likely to be a demanding work programme if previously agreed plan making timetables are to be followed. To meet the work programme there will need to be key decisions made on a regular basis to steer and guide the policy and plan making process. If there is a desire to undertake more work or do more consultation it could well impact on plan timetables and this may be especially so in respect of choices of land for allocation for development.
-

Appendix 1 – Potential evidence and other requirements – as identified at March 2022- need to produce a new local plan

Plan subject	Specific evidence study or report	Commentary	Who is doing the work
Overarching work areas and related studies	Housing and Employment Land Availability Assessment (HELAA)	The HELAA invites people to promote land for development. A call for sites runs to 15 March 2021 and through the remainder of the year appraisal work on site submissions will be undertaken. The HELAA outputs will form part of the evidence to justify allocations of land for development.	This work is being undertaken by staff in the Planning Policy team, though sites will be assessed by an external panel.
	Sustainability Appraisal (SA)	The SA is an ongoing iterative process through plan production that evaluates potential sustainability impacts of emerging strategy and policy choices. SA reports will be published as plan production progresses and consultation on a scoping report runs to 15 March 2021.	This work is being undertaken by staff in the Planning Policy team.
	Habitat Regulation Assessment (HRA)	HRA is required where development or its impacts could adversely affect the highest tier of wildlife sites. There will need to be cross-authority-boundary coordination on this work which will be ongoing through plan production.	The expectation is that we will need to appoint consultants to undertake this specialist work.
	Habitat Regulation - Mitigation Strategy	Allied to Habitat Regulation Assessment will be the need for mitigation strategy/ies to allow for development to go ahead. For the River Exe, Pebblebeds and Dawlish Warren the clear expectation is continued working with Exeter and Teignbridge on a new or rolled forward strategy. We may also, however, now need a mitigation strategy for the River Axe, potentially jointly agreed with Dorset and Somerset authorities.	The expectation is that we will need to appoint consultants to undertake this specialist work.
	Equalities Impact Assessment	An equality impact assessment will ensure that the local plan, including its policies and processes in production, specifically engagement and consultation, do not unlawfully discriminate against any persons with protected characteristics.	This work is being undertaken by staff in the Planning Policy team.
	Viability Assessment	Viability assessment of the full local plan will need to assess all policies and land allocations to demonstrate that individual elements of the plan, and the plan as a whole, is commercially viable and can therefore be expected to be implemented. It is highlighted that a start should be made on this work in 2021 but significant progress will be unlikely until after policies and allocation choices start to be formed, the bulk of the work will, therefore take place in 2022.	The expectation is that consultants will need to be employed to undertake this work.
	Duty to Cooperate	This cross-boundary co-operation work is likely to include a series of agreements on key strategic topic matters with the bodies having a role/relevance to those topic matters.	The expectation is that this work will be done in-house as plan making progresses.

Plan subject	Specific evidence study or report	Commentary	Who is doing the work
	Appraisal of the previous local plan policy	The intent, to support new plan production, is to undertake a review of all of the policies of the existing local plan in respect of - effectiveness, level of use and compatibility with Government policy and legislation. This will inform potential to roll them forward, if appropriate or desired, into a new plan.	This work is being undertaken by staff in the Planning Policy team.
	Audit trail report of work undertaken in preparing the new local plan	We will produce a regularly updated overarching report that forms an audit trail on work undertaken and planned to support production of the new local plan. This report will aim to be succinct with an onus on providing links to more detailed reports.	This work is being undertaken by staff in the Planning Policy team.
	Town/villages/rural area visioning study	Consideration will need to be given to the possible need for visioning studies for town/village/rural areas to inform possible policy approaches that may be taken for any specific areas or locations. One or more studies may be most relevant if we have specific local area policies for particular settlements.	If undertaken this work will be produced (or lead) by the planning policy team.
	Site allocations study	We will consider the need, for every development site we allocate in the plan, for whether there should be an evidence report to show appropriateness (drawing for example on work on - HELAA, SA , compatibility with plan strategy, viability, transport considerations, 'just being a decent site', etc.). Need some thought to if and how this work will work best and overlaps with other work areas.	If undertaken this work will be produced (or lead) by the planning policy team.
	Monitoring indicators report	It will be relevant to give early thought to whether we need a specific study around monitoring indicators, for example linked with SA and HRA work. Though any work could come through as part of the policy development work.	If undertaken this work will be produced by the planning policy team.
	Consultation statement	A consultation statement, to be ongoing work, will show how we have met the plan making regulations and good practice. It will specifically include details of how we have consulted, representations received, summary issues raised and the Council response.	This work is and will be undertaken by staff in the Planning Policy team.
Spatial Strategy	Role and Function of Settlements	This report will examine how settlements work and function. It will consider population and employment, community facilities and retail, transport and connectivity; and then groups settlements into a hierarchy where they share similar characteristics.	This work is being undertaken by staff in the Planning Policy team.
	Distribution strategy	This report will consider issues around the future distribution of development across East Devon - how much of what types of development should go to what types of location and why. The report links to the role and functions of settlement study and should be an early report to committee.	This work is being undertaken by staff in the Planning Policy team.

Plan subject	Specific evidence study or report	Commentary	Who is doing the work
Health and wellbeing	To date no specific study is identified as needed on health and wellbeing issues.	Health and wellbeing is seen as a cross-cutting matter that will feature in many other subject and policy matters and at this stage a stand-alone evidence report on the subject is not seen as being needed.	If work were deemed appropriate it is suggested that it should be undertaken by the planning policy team.
Climate change	We will need to undertake a review of climate change evidence requirements.	There were various studies undertaken for GESP. These will need to be reviewed to see if there are any additional requirements to support potential local plan policy approaches.	We will need to keep under review possible need for consultant appointment.
Housing	Local Housing Needs Assessment	The consultants ORS have completed a local housing needs assessment for East Devon. This may be supplemented by a further study that covers East Devon, Exeter, Teignbridge and Mid Devon and any work might need a future (light touch) update.	Should further work be deemed as necessary it is envisaged that consultants would be appointed.
	Gypsy and traveller accommodation needs study	We need to understand the accommodation needs of the gypsy and traveller community. A study that covers East Devon, Exeter, Teignbridge and Mid Devon may be commissioned, or alternatively we may look to do an East Devon only assessment.	If assessment covers a larger area we would look to appoint consultants. At an East Devon only level it could be appropriate for the planning policy team to do the work.
	Urban Capacity Study	This study looks at the possible level of housing development that could be accommodated on infill sites within the existing built-up areas of East Devon towns.	This work has been completed by the planning policy team at the Council.
	Custom and self-build demand assessment	We will need new evidence of self-build needs/aspirations if we wish to have specific policy on the matter.	We may be able to undertake needs assessment in the planning policy team though it may need external consultant appointment.
	Housing to support rural living	We already have policies that support housing to support rural businesses but consideration will need to be given to any necessary refinement of these policies. There are also options for new policy around alternative lifestyles and self-sufficiency where if taken forward the production of an evidence document to justify the policy approach would be appropriate.	This work would be done by the planning policy team.
	Nationally Described Space Standards	An option is to have policy that sets minimum size standards for new residential development. We have followed this route in the Cranbrook Plan and to include policy in the new local plan would require an evidence report.	This work would be undertaken by staff in the Planning Policy team.
	Employment	Economic Development Needs Assessment	There is an existing Greater Exeter study and this may be updated. If not updated we need to consider whether we need further bespoke East Devon work though at this stage this is not seen as essential.

Plan subject	Specific evidence study or report	Commentary	Who is doing the work
	Employment site analysis	We have identified a benefit in undertaking a bespoke study looking at existing and potential employment sites in East Devon in respect of potential commercial demand, viability and their deliverability.	If further work is deemed necessary then it is envisaged that it would be through an external commission.
	Tourism study	We will need to give consideration to whether we need a tourism study or studies. We have a number of tourism policies in the existing local plan but now lack up to date evidence to inform or justify policies going forward. Further assessment will need to be undertaken of need for tourism policies in the plan.	If further work is deemed necessary then consideration will need to be given to whether we need to employ consultants.
	Hotel/Tourism protection areas	Study to identify areas/locations we may wish to resist the loss of existing tourism faculties.	This work will be undertaken by staff in the Planning Policy team.
	Transformational sectors study	The Greater Exeter Strategic Plan, in its draft form, had policy promoting new transformational employment sectors (these related to hi-tech industries and businesses involved in such fields as managing data and green energy production). Should we seek to specifically and actively promote these sectors through policy in the local plan we may need new or refreshed evidence.	Any extra work needed, especially if of a technical nature, may need to be externally commissioned.
	Rural economy	Depending on how we approach rural economy matters through local plan policy we may need to produce or commission evidence to justify the approach being taken. This, however will be a matter for debate at a later stage.	We will need to keep under review any evidence needs and whether planning policy staff can complete tasks or if an external commission is needed.
Town Centres (Inc. retail)	Retail evidence report	There was a previous, high level, GESP commissioned study that may need refreshing or we may need to commission new work. Impacts of Covid and the changing nature of retailing and town centre functioning may, however, point to the need for a radical overhaul of planning approaches and a new set of evidence requirements to address ways forward. Evidence needs will need to be kept under review.	If further studies are needed the expectation is that external work will need to be commissioned.
	Retail frontages study	We have identified a need to undertake a retail/other uses frontage study in town centres. Such work will be needed to form evidence to define and justify any policy boundaries for town centres and retail/commercial use frontage policies.	This work would be undertaken by staff in the Planning Policy team.

Plan subject	Specific evidence study or report	Commentary	Who is doing the work
	Other and non-town centre retail uses assessment	We will need to keep under review the potential need for any other evidence requirements that may come forward in respect of retail or town centre areas. For example there are suggestions that town centres should accommodate more mixed use and community/social uses as well as housing. Evidence may be needed for any future policy approaches or choices.	We will need to keep under review any evidence needs and whether planning policy staff can complete tasks or if an external commission is needed.
Design - spaces and buildings	At this stage there are no specific studies that are identified as needed - but we will keep matters under review.	There is national design guidance that will be sufficient to meet current and local plan making specific needs. However, for specific allocations (choosing sites and specific policy wording) we may need an urban design input to aid consideration of what land should be allocated. Looking forward the Council may need to produce a number of development site specific design codes but unless the timetable for Local Plan production is very much extended this is likely to come forward as supplementary planning documents.	We will need to keep under review any evidence needs and at this stage we would envisage that planning policy staff and other council teams can complete tasks for the Local Plan, however design coding of site allocations is likely to need some external commissions.
Built heritage and historic environment	At this stage there are no specific studies that are identified as needed - but we will keep matters under review.	At the present time we would expect to rely on national policy and guidance supported by existing East Devon specific work (for example the Heritage Strategy) to justify and meet our needs. However we may need specific assistance in respect of assessing and making development site allocations and reviewing potential for adverse impacts. There are also specialist areas that may warrant some specific consideration, for example in respect of policy that could address carbon reduction measures in historic buildings.	We will need to keep under review any evidence needs and whether planning policy staff can complete tasks or if an external commission is needed.
Natural Environment	Coastal Change Management Area study	We have erosion/shoreline change evidence for the eastern half of East Devon and the intent would be to extend this to cover the western half of the district.	It may be possible to undertake some of this work in the planning policy team though an external commission will be needed for technically complex elements.
	Strategic Flood Risk Assessment (SFRA)	This work is seen as essential to support plans. Stage 1 of an SFRA essentially involves assimilating existing data and gives a broad steer on whether development proposals may generate flooding concerns. If no significant concerns are identified then going in to Stage 2 of an SFRA is not necessary.	We would hope that a Stage 1 SFRA can be completed by Planning Policy staff with inputs from other Council staff. If we need to go to Stage 2 then external consultants may need to be commissioned.

Plan subject	Specific evidence study or report	Commentary	Who is doing the work
	Undeveloped coast study	We have existing policy to protect the undeveloped coast and if we are to have similar policy coverage in a new plan we should have an evidence report to justify policy wording and also for the actual designated areas.	This work will be undertaken by planning policy staff.
	Water cycle study	This study will show if there are constraints to development in respect of - flooding, water supply or dealing with waste water - whether there are barriers to development that need new infrastructure and also if there are opportunities for natural flood risk management - if there are no constraints or evidence gaps we don't have to do more detailed work.	This work will be started (and maybe completed) by Planning Policy staff. However if it becomes technically complex we may need to appoint external consultants.
	Green wedge study	If we are to have Green Wedges (or similar) in the new local plan then we should have a report to justify policy boundaries.	This work will be undertaken by planning policy staff.
	Clyst Valley Regional Park	It would be hoped that existing master planning and related work will meet evidence needs - but partly may depend on what we want to do with policy/outcomes sought.	We will work on the basis, to start at least, that appropriate and sufficient evidence exists.
	Local landscape designations	If we have local landscape designations in the plan we will need evidence to support and justify them.	This work will be undertaken by planning policy staff.
	Nature Delivery Strategy	The current expectation is that there will be a Devon wide Nature Delivery Strategy. We would hope that this will be produced in a timely manner and meet our policy needs. Supplementary work may, however, also be required.	We will work on the basis, to start at least, that appropriate and sufficient evidence will exist. However there may be a need for supplementary evidence gathering if so we would trust by planning policy staff).
	Biodiversity net gain study	Legislation is due that will require a biodiversity net gain after development. We will need to consider if and how local policy will assist delivery of requirements and potentially supersede any Government requirements.	Devon County Council are undertaking work and we would look to use this and further develop evidence in the policy team.
	Strategic wildlife corridors study	We will need to investigate any evidence requirements and policy outcomes.	This work will be undertaken by planning policy staff.
Transport	Overarching transport study	We will need to investigate whether there is the need for any overarching transport, movement and accessibility study for East Devon.	To be determined, though there is likely to be considerable Devon County Council evidence.
	Links to Exeter study	We will need to consider possible need for studies specifically looking at links into Exeter, and impacts on and around the western edges of East Devon, in respect of road, rail, buses, bicycle, and walking?	To be determined.

Plan subject	Specific evidence study or report	Commentary	Who is doing the work
Infrastructure and facilities	Digital infrastructure	There is the need to consider whether any digital infrastructure evidence documents are required.	To be determined.
	Infrastructure Delivery Plan	This plan will identify infrastructure projects required alongside developments proposed in the Local Plan	This work will be undertaken by planning policy staff.
	Cemetery provision	There may need to be a study looking at cemetery provision and capacity.	If needed this work will be undertaken by Planning Policy staff.
Sport and Recreation	Playing Pitch Strategy	A Playing Pitch Strategy is in production.	This work will be undertaken by staff in the Planning Policy team.
	Open space study	Need to consider if we need an update on the previous assessment.	This work, if required, will be undertaken by staff in the Planning Policy team.
	Leisure Strategy / Built Sports Facilities Strategy	There may be a need for a Sport England compatible Built Sports Facilities Strategy. The Council may, however, meet needs through ongoing work.	To be determined.
Built-up Area Boundaries	Village Built-up Area Boundary Study	It is envisaged, at this stage, that we will do a light touch review of the work for the Villages Plan on boundaries.	This work will be undertaken by staff in the Planning Policy team.
	Town Built-up Area Boundary Study	Using the villages boundary methodology we would apply the same logic to assessing town boundaries.	This work will be undertaken by staff in the Planning Policy team.



.Report to: **Strategic Planning Committee**

Date of Meeting 31 March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Urban Capacity Study

Report summary:

This report seeks authority to publish work undertaken on production of a study assessing the potential housing capacity within the urban areas of the larger Towns in East Devon. The report also outlines the process undertaken, summarises the findings of the study and notes the implications of this work for meeting the future growth needs of the district.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Strategic Planning Committee note the work in relation to the Urban Capacity Study summary of findings report and related appendices and endorse its use as evidence to support production of the new Local Plan.
2. That Members note the limited capacity available within the existing built-up area boundaries of the main towns and the need to find substantial land outside of these areas to meet the future development needs of the district.

Reason for recommendation: To provide evidence to support production of the new Local Plan

Officer: Ed Freeman, Service Lead – Planning Strategy and Development Management, e-mail - efreeman@eastdevon.gov.uk, Tel: 01395 517519

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:

There are no direct financial implication from the recommendations of this report.

Legal implications:

The report and findings are not material considerations in determination of planning applications however will be used to inform Local Plan preparation. There are no legal implications other than as set out in the report.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [Appendix 1 – East Devon Settlement Assessments; Appendix 2 – Methodology Report](#)

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 Background

- 1.1 In the middle of 2019, to support production of the Greater Exeter Strategic Plan (GESP), East Devon, Exeter, Mid Devon and Teignbridge authorities agreed to undertake a joint study looking at the potential opportunity to accommodate housing within the existing larger towns. The outputs would have later been used to help inform the role of existing urban areas in the GESP development strategy.
- 1.2 Work was undertaken by Council planning officers beginning in the middle of 2019 and was completed in early 2020, with the aim to publish the study to support the Draft Policy and Options consultation in the middle of 2020. However, following the cessation of the GESP process in mid-2020 the joint study was left unpublished.
- 1.3 Given this Council has now committed to a new Local Plan and initial consultation has been undertaken, it is proposed that the outputs of the study are published as an evidence base to support its production.
- 1.4 Given the main body of work was undertaken some time ago, a light-touch review of the UCS was undertaken in February 2021 in preparation of the report being published. This checked the final list of UCS sites against progress made on planning applications and discounted a site in Exmouth that now has permission for residential development.

2 Process and methodology

- 2.1 The aim of the UCS is to get an understanding of how many possible housing sites with a capacity of 5 homes or greater may be located within already urban areas. To achieve this, the UCS assesses the potential of individual sites to accommodate development within the current built up area boundaries of the main towns as adopted in the East Devon Local Plan 2013-2031 (or in the case of Cranbrook, the current built-extent of the town in the OS map at the commencement of the study). The towns included in the study are as follows:

- Axminster
- Budleigh Salterton
- Cranbrook
- Exmouth
- Honiton
- Ottery St Mary
- Seaton
- Sidmouth

- 2.2 In the middle of 2019, a methodology to undertake the work was prepared by Figura planning. The methodology (which is included in appendix 1) sets out the process by which officers would review the built-up areas in search for potentially suitable sites, gathered from a variety of sources. The methodology uses the built up area boundary to define the study area other than at Cranbrook where one has not yet been defined. At Cranbrook the boundary has been defined by the existing built form at the time of the study, as is appropriate for the purposes of this study, and has no wider meaning or purpose than forming a study area for this work.
- 2.3 The study starts by identifying all undeveloped land within the study area. As a result public open spaces and sports fields are among the areas identified at the first stage of the study. This has been done to ensure a comprehensive and thorough approach to the work and should not be taken to imply that these areas were ever seriously considered for development, indeed they are quickly discounted through the study due to their recreational importance. Following this review stage, identified sites would then be ruled out following a process of reviewing constraints, until a final list of potential sites are formulated.
- 2.4 **Critically, inclusion within this final list of sites should not be considered a substitute for planning permission and the study makes no judgement on whether permission would be granted.** It is likely that some sites included will not be appropriate for development as a result of detailed factors not assessed though the remit of the study.
- 2.5 The UCS instead forms part of the evidence base to inform plan-making and to provide an indication as to the number of larger sites that might come forward in the following years, or which warrant further investigation.

3 Conclusions

- 3.1 Copies of the full assessments undertaken for each town are included in appendix 2 of the report. A summary of the conclusions and potential supply are shown below.

	Total potential sites	Total potential supply
Axminster	12	140
Budleigh Salterton	1	10

Cranbrook	0	0
Exmouth	28	427
Honiton	7	74
Ottery St Mary	4	20
Seaton	4	55
Sidmouth	4	40
Total	60	766

- 3.2 It is important to note that even in the unlikely event that all of these sites were brought forward the potential supply of 766 homes represents significantly less than 1 years housing supply coming from land within the existing built up area boundaries of the towns.
- 3.3 The sites identified are all within built up area boundaries and in-principle could be brought forward for development under the current policy framework but for whatever reason have not been pursued. It is generally the case that sites such as those identified trickle through the system over time as windfall sites and so historically resources have not been committed to proactively trying to bring them forward. A proactive approach to their delivery is likely to be highly resource intensive and is potentially fraught with difficulties in terms of tracking down and approaching owners to discuss these sites without being seen to be encouraging an application that may ultimately not be accepted. There is also concern that the resources required to undertake this work would be better directed to other work in terms of local plan production that is likely to lead to more significant benefits in terms of meeting the needs of the district. The work is however useful evidence to inform plan production and also any estimate of the likely numbers of windfall sites that may come forward in the future.

Report to: **Strategic Planning Committee**

Date of Meeting 30th March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



The Future of New Homes Bonus Consultation

Report summary:

This report seeks to make Members aware of a current government consultation on the future of the New Homes Bonus and to seek Members agreement to responses to the various consultation questions. Officers have sought to consider the options put forward as best as they can but without more information it is not possible to model the likely financial implications of each option for the Council.

The report below includes the main text from the government consultation with proposed answers to the consultation questions inserted for Members to consider.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Members consider the government consultation on the Future of New Homes Bonus and recommend to Cabinet that the proposed responses to the consultation questions form the Council's formal response to be submitted to the government.

Reason for recommendation:

To ensure that the Council respond to the consultation on the Future of New Homes Bonus and seek to influence the future of this important funding stream.

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

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

The outcome of this consultation is critical to the financial position of the Council. Although the effect of losing New Homes Bonus income has been mitigated in part by only relying on a proportion of this funding each year to support core revenue costs/services this does represent an annual sum of £1.5m of income to the Council's General Fund Budget. The remaining balance of the grant has been used to support the Council's capital programme. In total the Council has received £30.2m over the 11 years of the scheme, reaching its peak of £4.5m in 2017/18, £2.5m will be received in 2021/22 as the scheme has become less generous.

Legal implications:

It is within the remit of the Strategic Planning Committee to agree responses to Government consultations on planning related matters on behalf of the Council. Otherwise the report does not raise any other legal implications which require comment.

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; NHB is an important income to the Council

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

Introduction

The New Homes Bonus ("the Bonus") rewards local authorities for net additional homes added to the Council Tax Base, thereby seeking to incentivise authorities to encourage housing growth in their areas. Introduced in 2011, the Bonus applies in respect of additional new builds and conversions delivered above a baseline of housing growth, using the national average band D council tax rate. It also applies in respect of long-term empty properties brought back into use, and there is a premium for affordable homes.

The Bonus is paid annually from a top slice of the Revenue Support Grant and forms part of the Local Government Finance Settlement. The funding is un-ringfenced so that councils can choose how to allocate the funding to meet local priorities, and, in two-tier areas, allocations are split 80/20 between District and County Councils. On introduction allocations were paid for 6 years, known as 'legacy payments'. Since its introduction in 2011, including the allocations for 2021/22, the Bonus has awarded a total of £9.5 billion to local authorities in England, recognising a net increase in housing stock of 2 million. This includes 500,000 affordable homes.

The government considers that it is now appropriate to consider the future of the Bonus and, in particular, options for reforming the scheme to ensure it provides an effective incentive which: is focused and targeted on ambitious housing delivery; complements the reforms outlined in the government's Planning White Paper; and dovetails with the wider financial mechanisms the government is putting in place, including the proposed infrastructure levy and the National Home

Building Fund, a multi-billion pounds programme which will bring together existing housing land and infrastructure funding streams into a single, flexible, more powerful pot, to drive an increase in supply over the long term.

Background

The New Homes Bonus was introduced in 2011 to provide an incentive for local authorities to encourage housing growth in their areas. The aim of the Bonus was to provide a financial incentive to reward and encourage local authorities to help facilitate housing growth. The five key stated principles of the policy were that it should be:

- a powerful incentive
- simple in terms of understanding and implementation
- transparent in terms of its recognition, significance and rewards from growth
- predictable in terms of expected future funding and perception of being a permanent feature of local government finance
- flexible in terms of how receipts are spent and spent in line with the wishes of the local community.

Following the outcome of the 2015 Spending Review, in December 2015 the government consulted on making changes to the way the Bonus is calculated to improve the incentive effect and make savings of at least £800 million to support authorities with specific pressures, such as adult social care. The consultation sought views on:

- reducing the number of years for which the Bonus is paid from 6 years to 4 years, 3 years or 2 years
- withholding the Bonus from areas where an authority does not have a Local Plan in place
- abating the Bonus in circumstances where planning permission for a new development has only been granted on appeal
- adjusting the Bonus to reflect estimates of deadweight (introducing a baseline above 0%)

Following the consultation, in 2017/18 the government implemented changes to:

- reduce the number of years the Bonus is paid to 5 years in 2017/18 and 4 years from 2018/19
- introduce a baseline of 0.4% growth of housing stock below which the Bonus would not be paid (and retained the option of adjusting the baseline to ensure allocations remained within the funding envelope)

As part of the Local Government Finance Technical Consultation, in Summer 2017 the Department consulted on methodology for reducing payments for homes where planning permission is later granted on appeal but decided not to implement this measure.

For 2020/21, as part of the one-year Spending Round, the government announced that it would make a new round of allocations for 2020/21 but that these allocations would not attract new legacy payments and that it would consult on the future of the housing incentive.

Options for reform

This section outlines the broad options the government has been considering for reforming the Bonus. It describes the approaches that could be taken and sets out some of the key relevant considerations. In those cases where the government has a preferred approach, this is explained.

Importantly, the options for reform considered in this section would only be implemented for funding allocations made from 2022-23 onwards. No changes are proposed for either calculation of the in-year element of the 2021-22 allocations or payments due to be made in 2021-22 relating to previous years. This is to ensure that local authorities have sufficient time to reflect the proposed changes in their forward planning.

Legacy payments

Prior to reforms to the Bonus implemented in 2017/18, to provide a powerful and predictable incentive, each annual in-year reward was paid for six financial years, such that allocations built up incrementally over time as each 'in-year' reward continued to be paid in addition to the new reward for that year. These are commonly referred to as legacy payments. The longevity of legacy payments was reduced when the Bonus was reformed in 2017/18. New legacy commitments ceased to be made in allocations from 2020/21 and the government does not intend to reintroduce the concept of legacy payments.

Questions on the current New Homes Bonus

The efficacy of the current Bonus

The government would firstly like to hear stakeholders' views on the efficacy of the Bonus in positively influencing behaviour to promote ambitious housing delivery.

Question 1: Do you believe that an incentive like the Bonus has a material and positive effect on behaviour?

With reductions in other funding streams for local authorities the new homes bonus has become an increasingly significant means of funding public services. This inevitably leads to authorities having to be mindful of this when planning for growth.

Question 2: If you are a local authority, has the Bonus made a material impact on your own behaviour?

In East Devon we already have a substantial housing need which has led to an ambitious growth agenda including the development of Cranbrook New Town. The New Homes Bonus has been an important component in funding that agenda and made it possible to deliver the levels of growth that were envisaged. Had the scheme not been in place then growth levels may well have been lower. The Council has used this income to meet borrowing costs to support essential upfront infrastructure required for new development, there needs to be certainty going forward on this key income stream or such business models do not work.

Question 3: Are there changes to the Bonus that would make it have a material and positive effect on behaviour?

It is important that the New Homes Bonus remains only an incentive to deliver growth and that local authorities do not become so reliant on it that it becomes a consideration that starts to override good planning. It is important that the drive to deliver new homes and government incentives do not become determinative and lead to poor quality developments being granted that are not sustainable and deliver a poor living environment for residents just to obtain government funding.

The split in two-tier areas

Under the current scheme, in two tier areas, allocations are split 80/20 between District and County Councils. The rationale for this split was that for the incentive to be most powerful, it needed to be strongest where the planning decision sits – the lower tier in two tier areas. The government however also recognised the role, in two tier areas outside London, of the upper tier in the provision of services and infrastructure and the contribution they make to strategic planning. Payment of the Bonus was therefore split between tiers outside London: 80% to the lower tier and 20% to the upper tier. The government would now like to hear views on whether this arrangement should be continued in a reformed Bonus.

Question 4: Should the government retain the current 80/20 split in any reformed Bonus, or should it be more highly weighted towards the District Councils or County Councils?

With strategic planning having effectively been abolished the delivery of the governments housing growth agenda rests almost entirely on the District Councils in two tier areas. The County Council role is limited to that of advising and supporting in terms of the delivery of the infrastructure for which they are responsible. It therefore seems appropriate that the incentive for accommodating growth in the form of the New Homes Bonus is heavily weighted in favour of those that are responsible for delivering that growth – the district councils.

The affordable housing premium

Under the current scheme, there is a premium of £350 per additional affordable home. This was introduced to reward local authorities that provide the right balance of housing to meet the needs of local people, ensuring that affordable homes are sufficiently prioritised within supply. The government seeks views on whether this feature should be retained in a reformed Bonus.

Question 5: Should the affordable housing premium be retained in a reformed Bonus?

There is an ever increasing need to deliver homes that are genuinely affordable and meet the needs of the community as we have a growing gap between household incomes and house prices. In order to do this dedicated staff and resources are needed to ensure that we maximise what can be delivered through Section 106 agreements by negotiation as well as developing our own programme for delivering affordable housing. Given the resources and commitment that this work takes it is only right that authorities that are successful in prioritising the delivery of affordable housing are rewarded for doing so and given the resources to help them to continue this work.

Question 6: Is £350 per additional affordable home the right level of premium, or should this level be increased or decreased?

Although the delivery of affordable homes of all types and tenures is important the bonus scheme should recognise that delivering social housing that is genuinely affordable to those in greatest housing need is particularly challenging. In order to deliver these tenures which are more expensive and hardest to deliver can lead to fewer affordable homes being delivered overall and yet these could be the homes that have the greatest impact on meeting the needs of the community. The current scheme incentivises authorities to deliver the highest possible number of affordable homes when it should be incentivising them to deliver affordable homes of types and tenures that best meet the needs of their community. As a result the bonus should have a greater premium for the delivery of social rented units to reflect the fact that these are the most costly and difficult to deliver and that by seeking them authorities will often end up with fewer affordable units overall due to the greater cost to the developer of delivering them compared with discounted market housing products.

Empty homes

The current scheme also rewards local authorities for bringing long-term empty properties back into use. The rationale for this feature of the Bonus was to strengthen the incentive for local authorities to identify empty properties and work with property owners to find innovative solutions that allow these properties to be brought back into use. The government also seeks views on this aspect of the Bonus.

Question 7: Should a reformed Bonus continue to reward local authorities for long-term empty homes brought back in to use?

It is vital that the scheme continues to reward authorities for bringing long term empty homes back into use. It is clearly wrong to have people homeless and in housing need and yet have perfectly good homes lying empty. Local authorities do great work with landlords and property owners to bring these homes back into use but this work needs resourcing. The bonus acts as a means for funding this work and ensuring that we continue to maximise the opportunities available from the existing housing stock rather than committing resources entirely to building more and more new homes.

Time period on which payments are based

Payments under the current Bonus are based on the most recent year of housing delivery. However, there is considerable year-on-year fluctuation in housing delivery within local authorities – fluctuation which may not necessarily reflect an underlying change in performance. One possible approach would be to instead base payments on the average of the most recent three years of housing delivery. The government seeks views on whether a reformed Bonus should be adjusted in this way.

Question 8: Should the Bonus be awarded on the basis of the most recent year of housing delivery or the most recent three years?

Assessing performance on the most recent year of housing delivery has inherent problems as economic circumstances and factors such as the Covid-19 pandemic can have a significant impact on delivery and yet are not reflection of the performance of local authorities. Basing payments on the average of the most recent 3 years would help to smooth out these fluctuations and make for easier financial planning.

Changes to the threshold for payment

Under the current scheme, the threshold for payment is a baseline percentage of annual housing growth: local authorities are only rewarded for net additional homes added to the Council Tax Base above a baseline of 0.4% growth in their housing stock over the previous year. In other words, if the housing stock has risen by 0.3% since the previous year, no Bonus is payable, whereas, if it has grown by 0.5%, Bonus is payable in respect of 0.1% housing growth.

The government now seeks views on possible reforms to the threshold for payment of the Bonus.

Option A: Raising the baseline percentage

One option would be to keep the payment threshold as a baseline of annual housing growth, but to raise the baseline percentage. The government is considering a new baseline of 0.6%, 0.8% or 1.0% growth, and invites views on each of these possibilities. The government considers that raising the baseline, making the reward more challenging to achieve, would sharpen the incentive effect of the Bonus and encourage more ambitious housing delivery.

Question 9: Do you agree that the baseline should be raised?

No – Raising the baseline will make it harder for some authorities to achieve the baseline level in many cases for reasons that are entirely outside of their control. This may be because they are a heavily constrained urban that is built up close to its boundaries or a more rural area with substantial environmental constraints that limit growth. In either scenario the authority may still have growth ambitions that are ambitious given their constraints and they should be incentivised to deliver the levels of growth that are reasonable and appropriate given their circumstances and rewarded when these are achieved. Lowering the threshold could act in the opposite way if the levels of growth needed to meet the threshold are unachievable and so they may not even try for growth.

Question 10: If the baseline is to be raised, should it be raised to 0.6%, 0.8% or 1% of housing growth since the preceding year?

See answer to Question 9.

Question 11: Why should the government opt for the baseline you have recommended in answer to the previous question? A higher baseline could potentially be combined with a higher payment rate (so as to keep the total level of funding broadly constant). Alternatively, the same payment rate could be maintained (in which case total funding would fall).

See answer to Question 9

Question 12: If the baseline is to be raised, should this change be combined with higher payment rate?

Although the baseline should not be raised it would seem appropriate to have a graduated higher payment rate according to how far over the threshold the authority has managed to increase its housing stock. This approach would address the governments concerns by rewarding those high achieving authorities whose stock has grown the most and incentivising higher levels of growth without punishing those for whom those levels of growth are unachievable for reasons beyond their control.

Option B: Rewarding improvement: setting the payment threshold by reference to a local authority's past performance

An alternative approach would be to set the threshold relative to a local authority's own past performance in respect of housing growth. Rather than having a single baseline of housing growth for all authorities, this approach would in effect reward authorities for improvement on their average past performance. Authorities would be rewarded for each net housing addition to the Council Tax Base above a certain percentage (call it $x\%$) of the annual average of past net housing additions (over a designated period of time).

The purpose of this reform would be to provide an incentive for authorities with a less successful record of housing delivery to improve rapidly. Both the value of the variable x , and the time period over which average past performance should be calculated, are parameters on which the government would welcome views. Time periods the government is considering for calculating average past performance are 5 or 10 years. The government is not minded to use a period shorter than 5 years, as year-on-year fluctuations in housing delivery within a given local authority likely make this inappropriate.

Question 13: Should the government adopt a new payment formula for the Bonus which rewards local authorities for improvement on their average past performance with respect to housing growth?

The problem with this approach is that high performing authorities who have accommodated high levels of housing growth in the past and have now hit the ceiling of what the market can support year on year would effectively be penalised for not being able to continue that increasing growth over time. In contrast those that have underperformed in the past would effectively be rewarded for their past failures if they now improve. This does not seem to be a fair approach and could lead to unforeseen consequences such as previously high performing authorities feeling disincentivised such that their performance drops.

Question 14: If the government is to adopt such a payment formula, above what percentage (x%) of average past net housing additions should the Bonus begin to be paid? In other words, what should the value of x be?

See answer to Question 13.

Question 15: If the government is to adopt such a payment formula, over what period should the annual average of past net additions be calculated? Should it be a period of 5 years or 10 years?

Since the New Homes Bonus was introduced 10 years ago it would seem logical if this approach is to be adopted to take an average over the full 10 year period and then be incentivising growth levels beyond those that the previous incentives have led to. A 5 year period would seem random.

Option C: A hybrid approach: rewarding improvement and high housing growth

A further alternative would be a hybrid of options A and B. This hybrid approach would involve adopting a new payment formula that rewards authorities for either improving on their average past performance or achieving high housing growth. Under this option, authorities would be rewarded for each net housing addition to the Council Tax Base above the lower of:

- x% of the annual average of past net housing additions (over the relevant designated period of time); and
- y% of the authority's housing stock.

The purpose of this hybrid approach would be for the Bonus to continue to incentivise authorities to perform well, but also provide an incentive for authorities with a less successful record of housing delivery to improve rapidly. The government welcomes views on what the values of the variables x and y should be in this payment formula. The government's current preferred approach would be to set the value of y significantly higher than the current 0.4% baseline.

Question 16: Should the government adopt a new hybrid payment formula for the Bonus which rewards either improved performance or high housing growth? Please explain why or why not.

A hybrid approach retains the problems of each of these options as standalone approaches in that it would disadvantage those that have been successful in delivering housing growth in the past when they should continue to be rewarded for their on-going success and incentivised to continue. It is not however always possible to continue to increase housing delivery year on year without a ceiling being reached where the housing market cannot deliver more or local constraints limit further increases. These factors need to be taken into account in any formula.

Question 17: Above what percentage (x%) of average past net housing additions should the Bonus begin to be paid? In other words, what should the value of x be in this proposed hybrid payment formula?

It should be retained at the current level of 0.4%. The government has not made any sound arguments for changing it.

Question 18: Above what percentage (y%) increase in the authority's housing stock should the Bonus be paid? In other words, what should the value of y be in this proposed hybrid payment formula?

If the bonus scheme is to continue to incentivise housing growth then it is difficult to see why it would not reward any growth to the housing stock above the threshold.

Supporting infrastructure investment in areas with low land values

In the Planning for the Future White Paper, the government proposes to replace the existing system of developer contributions with a new Infrastructure Levy. The Infrastructure Levy would capture a proportion of land value uplift associated with housing development and use this to fund affordable housing and infrastructure. Land value uplift is greatest in areas where development values are high. The government is currently considering responses to Planning for the Future, and decisions on how to take the Infrastructure Levy forward are subject to this consideration.

Option D: Repurposing the Bonus to support infrastructure investment in areas with low land values

One approach would be to repurpose the Bonus to balance the effects of low developer contribution income in lower value areas by providing an incentive to local authorities to bring forward development in these areas. This would support local authorities in lower value areas to provide infrastructure and affordable housing alongside development. This approach depends on core elements of the Infrastructure Levy being taken forward in line with the approach proposed in the White Paper.

Question 19: Do you agree with the proposal to repurpose the Bonus to balance the effects of the Infrastructure Levy by providing an incentive to authorities to bring forward development in lower value areas?

No – The new homes bonus is there to incentivise housing delivery whereas the infrastructure levy would be specifically to provide funding for infrastructure. The government has yet to consult on detailed proposals for the infrastructure levy and the outcomes of any such changes to infrastructure funding are as yet unknown. It is premature to assume that a new infrastructure levy would lead to low developer contribution income in lower value areas and proportionately higher contributions in higher value areas. This is an assumption with no evidence behind it as yet and so it is too soon to consider repurposing or making any changes to the new homes bonus in response.

Question 20: What, in your view, would be the advantages and disadvantages of repurposing the Bonus in this way?

There is insufficient evidence to make any assessment of the advantages and disadvantages of this approach as it is based purely on an outline proposal for a new infrastructure levy the details of which remain unknown.

Question 21: If the option is to be pursued, should this reform to the Bonus be postponed until the new planning system is enacted?

Any consideration of this approach should wait until the new planning system has not just been enacted but until it has been operating for a number of years so that the impacts of the changes can be fully understood based on evidence.

Modern Methods of Construction

The Bonus presently incentivises general housing growth, and the government intends to keep this as the primary objective of any reformed Bonus. However, the government also wishes to promote take up of modern methods of construction (MMC), and is considering ways in which the Bonus might, as a subsidiary objective, incentivise MMC. The government is keen to hear views on what levers local authorities have at their disposal to encourage the use of MMC and how a reformed Bonus might best reward these.

Question 22: In your view, what levers do local authorities have at their disposal to encourage uptake of MMC, and how impactful is such encouragement likely to be?

There is very little that local authorities can do to encourage the uptake of MMC. It is not for the planning system or building control to dictate the construction methods used on new homes as long as standards are adhered to. They can utilise MMC on homes that they construct themselves but other than that all they can do is allocate sufficient land for house building and employment spaces and hope that developers wish to invest in MMC in their area. Factors such as availability of finance, skills and materials are likely to be far more influential in levering in MMC but these are not within a local authority's control.

Option E: Introducing a premium for modern methods of construction (MMC)

One approach would be to introduce a premium for new homes built using MMC, analogous to the premium for affordable homes paid under the current scheme. The government recognises that the data on MMC required for this option is not currently collected and invites views on the burden these additional data requirements might impose on local authorities. One approach being considered by the government is to collect the relevant MMC data at the point at which a building is signed off as habitable.

Modern Methods of Construction

Modern Methods of Construction refers to a wide spectrum of technologies, ranging from offsite construction to smart techniques. The MHCLG Joint Industry Working Group on MMC produced a seven-category definition framework, which spans the MMC used in homebuilding. The categories are:

Category 1 – Pre-Manufacturing - 3D primary structural systems: A systemised approach based on volumetric construction involving the production of three-dimensional units in controlled factory conditions prior to final installation

Category 2 – Pre-Manufacturing - 2D primary structural systems: A systemised approach using flat panel units used for basic floor, wall and roof structures of varying materials, which are produced in a factory environment and assembled at the final workface to produce a three-dimensional structure

Category 3 – Pre-Manufacturing – Non-systemised structural components: Use of pre-manufactured structural members made of framed or mass engineered timber, cold or hot rolled steel or pre-cast concrete.

Category 5 – Pre-Manufacturing – Non-structural assemblies and sub-assemblies: A series of different pre-manufacturing approaches that includes unitised non-structural walling systems, roofing finish cassettes or assemblies, etc.

Category 6 – Traditional building product led site labour reduction/productivity improvements: Includes traditional single building products manufactured in large format, pre-cut configurations or with easy jointing features to reduce extent of site labour required to install.

Category 7 – Site process-led labour reduction/productivity improvements: This category is intended to encompass approaches utilising innovative site-based construction techniques that harness site process improvements falling outside the other categories

Pre-manufactured value (PMV) is a measure of the proportion of a project made up of on-site labour, supervision, plant and temporary works and is associated with increased productivity. Increasing manufacturing and/or reducing site labour can both be applied to improve PMV.

Question 23: Should the Bonus include a premium for new homes built using MMC? Please explain why or why not.

No – Local authorities do not have any real control of whether new homes built in their area are built using MMC and so rewarding those areas where MMC are being used is a random way of allocating funding. The bonus should be used to incentivise local authorities and reward them for things that they can significantly influence. The roll out of MMC is not one of them.

Question 24: If you are a local authority, would such a premium make a material impact on your behaviour? Would it, for example, encourage you to look for opportunities to bring through developments that are amenable to the use of MMC?

No – How can it influence our behaviour when we have no control over the uptake of MMC? For this to work the government would have to give local authorities powers to enable them to encourage MMC in their area so that we can have greater influence over these issues before being incentivised to encourage MMC.

Question 25: How onerous a data burden would this option impose on local authorities? Do you agree with the proposal to collect the MMC data at the point at which a local authority signs off a building as habitable?

Currently the only way to know whether a house was built using MMC would be through the building control process, however a large proportion of new homes will be assessed by Approved Inspectors and so the local authority will have limited information about the methods of construction used. The data burden would not therefore simply be onerous it would be impossible as things stand.

Option F: MMC as a condition on receipt of funding

An alternative approach to using the Bonus to encourage take up of MMC would be to make receiving Bonus funding conditional upon an authority's achieving an MMC-related target. This target could relate to the proportion of new housing additions which used MMC. For instance, the condition might require that w% of net additional homes used MMC in order for the Bonus to be paid.

Question 26: Should the government make it a condition of receiving the Bonus that w% of net additional homes used MMC in order for the Bonus to be paid? If so what should the value of w be?

See comments to Questions 23 – 25

Question 27: Why should or shouldn't such a condition be introduced?

See comments to Questions 23 - 25

Local plans

Government policy is that all local authorities should maintain up-to-date local plans as the fundamental building block of a plan based system. The government is also considering ways in which, as a subsidiary objective, the Bonus might incentivise the development and maintenance of up-to-date local plans.

Option G: Requiring an up-to-date local plan

One possible approach would be to make it a condition of funding that a local authority has an up-to-date local plan. An alternative would be that the local authority must be able to credibly demonstrate satisfactory progress towards developing one but such an approach would need to be sufficiently robust to prevent abuse. The government could consider payment of the bonus at a reduced rate until such time as an up-to-date local plan is in place. This could be a reduction of 25%, 50% or 75%.

Question 28: Do you think that local authorities should be required to have a local plan, or demonstrate satisfactory progress towards one, in order to receive funding?

No – The New Homes Bonus has always been an incentive to deliver housing growth. Having an up to date local plan is part of the package of measures available to a local authority to ensure that it delivers new housing. Failure to have an up to date local plan is likely to lead to lower levels of housing growth anyway and so the current system already penalises authorities who do not have an up to date local plan. To increase the penalty in the way suggested it is only likely to remove funding from those authorities when these may be a major factor in why a local plan is not up to date or a new plan being progressed more quickly. Penalising them in this way is therefore counter product and represents a double penalty on top of the impact that not having an up to date plan already has.

Question 29: Do you think the bonus should be paid at a reduced rate until such time as a local authority has an up-to-date local plan in place, and should it be 25%, 50% or 75%?

No – Any reduction in funding is only likely to make it harder for an authority to progress a new Local Plan and would therefore be counter productive.

Question 30: If you are a local authority, would this encourage you to develop or maintain an up-to-date local plan?

There are already plenty of measures in place to encourage local authorities to maintain an up-to-date local plan without the need for more.

Report to: Strategic Planning Committee

Date of Meeting 30th March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



National Planning Policy Framework and National Model Design Code Consultation

Report summary:

The report provides details of a current government consultation on changes to the National Planning Policy Framework and a new National Model Design Code which provides a framework for the production of design codes. The report includes draft responses to the various consultation questions and seeks Members views on the draft responses.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Members consider the proposed changes to the National Planning Policy Framework and the proposed National Model Design Code and agree the proposed responses to the consultation for submission on behalf of the Council.

Reason for recommendation:

To ensure that Members are aware of proposed changes to government policy and guidance on planning matters and that an appropriate response to the consultation is submitted by the Council.

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

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no direct financial implication from the recommendations of this report.

Legal implications:

It is within the remit of the Committee to agree responses to Government consultations on planning related matters on behalf of the Council. Otherwise the report does not raise any other legal implications which require comment.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information Link to consultation: [National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals)

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
-

Introduction

The government is proposing to make a number of changes to the National Planning Policy Framework and would like to hear views on the amendments set out in this consultation. Most of the changes relate to policy on the quality of design of new development, and which respond to the recommendations of the Building Better, Building Beautiful Commission.

They have also taken this opportunity to make a number of environment-related changes, including amendments on flood risk and climate change. The amendments also include a small number of very minor changes arising from legal cases, primarily to clarify the policy. A few minor factual changes have also been made to remove out-of-date text (for example, the early thresholds for the Housing Delivery Test), to reflect a recent change made by Written Ministerial Statement about retaining and explaining statues, and an update on the use of Article 4 directions.

This is not a wholesale revision of the National Planning Policy Framework, nor does it reflect proposals for wider planning reform set out in the Planning for the Future consultation document. A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward.

Building Better Building Beautiful Commission

The government convened the Building Better, Building Beautiful Commission with the aim of championing beauty in the built environment, as an integral part of the drive to build the homes that our communities need.

The government asked the Commission to develop a range of practical measures that will help ensure new housing developments meet the needs and expectations of communities, making them more likely to be welcomed, rather than resisted. The Commission had three primary aims:

- to promote better design and style of homes, villages, towns and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area

- to explore how new settlements can be developed with greater community consent
- to make the planning system work in support of better design and style, not against it

The Commission's report proposed three overall aims. These were: ask for beauty, refuse ugliness and promote stewardship, and made 45 detailed policy propositions. In response to the Commission, the government have accepted their recommendation for a stronger focus on beauty in national planning policy, to ensure the system helps to foster more attractive buildings and places, while also helping to prevent ugliness.

This consultation takes forward the commitment to making beauty and place making a strategic theme in the National Planning Policy Framework. The government state clearly that poor quality schemes should be refused and, where appropriate, they have replaced references to 'good design' with 'good design and beautiful places'. Several other aspects of the Framework have been updated to reflect the Commission's recommendations.

National Model Design Code

The purpose of the National Model Design Code is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide, which reflects the government's priorities and provides a common overarching framework for design. The National Model Design Code is intended to form part of the government's planning practice guidance. It is not a statement of national policy. However, once finalised, the government recommends that the advice on how to prepare design codes and guides is followed.

A design code is a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The draft National Model Design Code is intended to be used as a toolkit to guide local planning authorities on the design parameters and issues that need to be considered and tailored to their own context when producing design codes and guides, as well as methods to capture and reflect the views of the local community from the outset, and at each stage in the process.

The government believes that design codes are important because they provide a framework for creating healthy, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality standard of design. This can provide greater certainty for communities about the design of development and bring conversations about design to the start of the planning process, rather than the end.

The government is seeking views on the application of the draft National Model Design Code in practice and the model processes it sets out. Views are specifically sought in terms of:

- a) the content of the guidance
- b) the application and use of the guidance
- c) the approach to community engagement

Summary of proposed amendments to the National Planning Policy Framework

This revised Framework:

- Implements policy changes in response to the Building Better Building Beautiful Commission recommendations

- Makes a number of changes to strengthen environmental policies – including those arising from our review of flood risk with Defra
- Includes minor changes to clarify policy in order to address legal issues
- Includes changes to remove or amend out of date material
- Includes an update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues.
- Clarification on the use of Article 4 directions

The sections below outline the main changes proposed to the Framework. A number of chapters remain unaltered, other than consequential changes to page, paragraph and footnote numbers (these are 1, 6, 7 and 10). In the shaded boxes are the consultation questions with a proposed draft response on behalf of the Council in italics.

Chapter 2: Achieving sustainable development

The revised text reflects the government’s response to the Building Better Building Beautiful Commission, and makes a small number of other minor changes:

The wording in paragraph 7 has been amended to incorporate the 17 Global Goals for Sustainable Development which are a widely-recognised statement of sustainable development objectives, to which the UK has subscribed.

Paragraph 8(b) has been amended in response to the Building Better Building Beautiful Commission recommendations to emphasise the importance of well-designed, beautiful and safe places in achieving social objectives of sustainable development.

The wording in paragraph 8(c) has been strengthened to emphasise the role of planning in protecting and enhancing our natural, built and historic environment.

The wording of the presumption in favour of sustainable development (paragraph 11(a)) has been amended to broaden the high-level objective for plans to make express reference to the importance of both infrastructure and climate change.

The final sentence in footnote 8 (referred to in paragraph 11(d)) has been removed as the transitional arrangements for the Housing Delivery Test no longer apply.

Q1. Do you agree with the changes proposed in Chapter 2?

The changes help to emphasise the importance of good design and this is welcomed. The changes to paragraph 11 and the need for plan-making to improve the environment and mitigate climate change is also particularly welcomed.

Chapter 3: Plan-making

The revised text reflects the government’s response to the Building Better Building Beautiful Commission, and recent legal cases:

In response to the Building Better Building Beautiful Commission recommendations, paragraph 20 has been amended to require strategic policies to set out an overall strategy for the pattern, scale and design quality of places.

Paragraph 22 has also been amended in response to the Building Better Building Beautiful Commission recommendations to clarify that councils who wish to plan for new settlements and major urban extensions will need to look over a longer time frame, of at least 30 years, to take into account the likely timescale for delivery.

Paragraph 35(d) has been amended to highlight that local plans and spatial development strategies are 'sound' if they are consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework, and other statements of national planning policy where relevant. This ensures that the most up to date national policies (for example, Written Ministerial Statements) can be taken into account.

Q2. Do you agree with the changes proposed in Chapter 3?

Agree with the proposed changes for the most part. The change to paragraph 22 to reflect the need to look further ahead in the case of larger scale developments such as new settlements is reflective of our experience with Cranbrook new town, however it is not clear what powers LPA's have to require developers to look that far ahead. In any event the proposed wording is not entirely clear where it states "...policies should be set within a vision that looks further ahead...". Policies and visions are usually different with policies being the means to achieve an overarching vision and would not be detailed within a vision statement. It is suggested that for clarity the wording should read ".....policies should reflect a vision that looks further ahead....".

Chapter 4: Decision making

The revised text aims to clarify the policy intention for Article 4 directions:

In order to ensure Article 4 directions can only be used to remove national permitted development rights allowing changes of use to residential where they are targeted and fully justified, we propose amending Paragraph 53, and ask for views on two different options.

We also propose clarifying our policy that Article 4 directions should be restricted to the smallest geographical area possible. Together these amendments would encourage the appropriate and proportionate use of Article 4 directions.

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

Of the two options it is the first that is considered to be most acceptable since it seems highly unlikely that a local article 4 direction to remove permitted development rights for the change of use to residential would be "...necessary in order to protect an interest of national significance". The first option of simply requiring it to be "...essential to avoid wholly unacceptable adverse impacts" sets a high bar but still would enable local authorities to impose such restrictions where local circumstances require it.

Chapter 5: Delivering a wide choice of high quality homes

The revised text aims to clarify the existing policy and reflects the government's response to the Building Better Building Beautiful Commission and recent legal cases:

Paragraph 65 has been amended to clarify that, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. This is to address confusion as to whether the 10% requirement applies to all units or the affordable housing contribution.

Paragraph 70 has been amended to remove any suggestion that neighbourhood plans can only allocate small or medium sites. This was not the policy intention, so the wording has therefore been amended to clarify that neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with new paragraph 69a) suitable for housing in their area.

Paragraph 73 has been amended to reflect Chapter 9: "Promoting sustainable transport" in ensuring that larger scale developments are supported by the necessary infrastructure and facilities including a genuine choice of transport modes. Paragraph 73(c) has also been amended in response to the Building Better Building Beautiful Commission's recommendations to clarify that when planning for larger scale development, strategic policy making authorities should set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles) and ensure that masterplans and codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community.

Footnote 40 (referred to in new paragraph 74(c)) has been updated to reflect that the Housing Delivery Test has now come into effect.

New paragraph 80 (d) has been amended in response to legal cases in order to clarify that the curtilage does not fall within the scope of this policy.

New paragraph 80 (e) has been amended in response to the Building Better, Building Beautiful Commission's policy proposition 1 e) that it opens a loophole for designs that are not outstanding, but that are in some way innovative, and that the words 'or innovative' should be removed. This change is not proposed to rule out innovative homes, rather that it will ensure that outstanding quality can always be demanded, even if an innovative approach is taken.

Q4. Do you agree with the changes proposed in Chapter 5?

It is not clear from para 73 how local authorities are going to require garden city principles when these include and rely upon principles of land value capture, community ownership and long term stewardship of assets and these are not within an LPA's gift unless the LPA is the land owner or can establish a development corporation. Achieving the other principles of garden cities without these other principles being in place is very difficult.

With regard to para 80 (e) stronger wording is needed to establish what is "outstanding" in terms of these one-off homes. Being innovative is surely a part of that. More clarity is needed on this issue and the proposed revision does not achieve this.

Chapter 8: Promoting healthy and safe communities

The revised text seeks to clarify existing policy:

New paragraph 92 (b) includes minor changes to help to clarify Government's expectations for attractive pedestrian and cycle routes. This supports the Building Better Building Beautiful Commission's recommendations on supporting walkable neighbourhoods.

New paragraph 97 has been amended to emphasise that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and efforts to address climate change.

Q5. Do you agree with the changes proposed in Chapter 8?

The proposed amendments and clarifications are helpful.

Chapter 9: Promoting sustainable transport

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

New paragraph 105 (d) has been amended to support the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling.

New paragraph 109 (c) and supporting footnote 45 has been amended to prevent continuing reliance by some authorities on outdated highways guidance. The amended wording states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that the design of schemes and standards applied reflects current national guidance, including the National Design Guide and National Model Design Code.

Q6. Do you agree with the changes proposed in Chapter 9?

The proposed amendments and clarifications are helpful.

Chapter 11: Making effective use of land

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

New paragraph 124 has been amended to include an emphasis on the role that area-based character assessments, codes and masterplans can play in helping to ensure that land is used efficiently while also creating beautiful and sustainable places.

Q7. Do you agree with the changes proposed in Chapter 11?

Although the amendments are helpful it is considered that the most efficient use of land and the most beautiful and sustainable places can be achieved through a more holistic approach to master planning the whole place and using this process to identify where best to accommodate growth and development and link into infrastructure, services and facilities rather than a process that is led by what land is put forward by developers and land owners for development. However without

greater powers to bring forward land that has not been put forward by developers and land owners then this approach would not succeed either.

Chapter 12: Achieving well-designed places

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

New paragraphs 125 and 127 have been amended to include the term “beautiful” in response to the Building Better Building Beautiful Commission’s findings. This supports the Building Better Building Beautiful Commission’s recommendation for an overt focus on beauty in planning policy to ensure the planning system can both encourage beautiful buildings and places and help to prevent ugliness when preparing local plans and taking decisions on planning applications

Paragraph 126 has been amended to clarify the role that neighbourhood planning groups can have in relation to design policies.

Paragraph 127 has been amended to emphasise that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character and design preferences.

A new paragraph 128 has been added in response to the Building Better Building Beautiful Commission’s recommendations and the governments manifesto commitment to give communities greater say in the design standards set for their area. This reflects the Government’s proposals for a National Model Design Code, which will include a model community engagement process, and will create a framework for local authorities and communities to develop a more consistent approach which reflects the character of each place and local design preferences. It also clarifies that the National Design Guide and the National Model Design Code should also be used to guide decisions on planning applications in the absence of locally produced guides or codes.

A new paragraph 130 has been added to reflect the findings of the Building Better Building Beautiful Commission and the Government’s ambition to ensure that all new streets are tree-lined, and that existing trees are retained wherever possible.

New paragraph 132 and footnote 50 have been updated to refer to Building for a Healthy Life.

New paragraph 133 responds to the Building Better Building Beautiful Commission’s recommendations to make clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. In addition, it clarifies that significant weight should be given to development which reflects local design policies and government guidance on design.

Q8. Do you agree with the changes proposed in Chapter 12?

The strengthening of government policy on design issues and the promotion of good design is very much welcomed.

Para 125 needs to reflect the fact developments should not only be beautiful but also “well-designed” to ensure that they are not just visually attractive but also functional places and buildings that work in terms of the spaces, solar orientation, circulation etc.

Although we are supportive of design coding but there is a danger if done through the plan making process that this work and the resulting plan becomes highly complex and time consuming as well as resource intensive.

The increased emphasis on the role of trees within streets is also a welcome addition noting their importance in design terms, to people's health and wellbeing and also to addressing climate change issues.

The importance of public engagement in the preparation of design codes and masterplans is acknowledged, however this is likely to be highly resource intensive work that will place additional workload pressures on planning departments that are already overstretched. The government need to take action to better support the funding of local planning authorities if we are to be expected to undertake design coding and master planning as detailed in the guidance and to fully engage with our communities in doing this work. Without addressing issues of resourcing and a programme to deliver the additional skills needed to successfully undertake this important work then it will not be a success.

Chapter 13: Protecting the Green Belts

The revised text seeks to clarify existing policy:

New paragraph 149(f) has been amended slightly to set out that development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order, is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.

Q9. Do you agree with the changes proposed in Chapter 13?

The proposed amendments and clarifications are helpful.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

The revised text seeks to strengthen environmental policies, including clarifying some aspects of policy concerning planning and flood risk:

The changes proposed are in part, an initial response to the emergent findings of the government's joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government's [Policy Statement on flood and coastal erosion risk management](#) sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, they will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when the review concludes.

On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.

New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).

The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.

New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.

New paragraph 166(b) has been expanded to define what is meant by “resilient”.

Q10. Do you agree with the changes proposed in Chapter 14?

The proposed changes to para 160 require some clarification to ensure that where it refers to “all sources of flood risk” these are sources recognised by the lead flood authority rather than localised flooding issues that may have arisen due to a blocked drain or poorly maintained culvert. Clearly such issues need to be addressed but they should not influence the location of development. The current wording could lead to unrealistic expectations that developments can be resisted because of such issues when they do not present a long term flood risk.

Chapter 15: Conserving and enhancing the natural environment

The revised text seeks to clarify existing policy and reflects the government’s response to the Building Better Building Beautiful Commission:

New paragraph 175 has been amended in response to the [Glover Review of protected landscapes](#), to clarify that the scale and extent of development within the settings of National Parks and Areas of Outstanding Natural Beauty should be sensitively located and designed so as to avoid adverse impacts on the designated landscapes.

New paragraph 176 has been separated from the preceding paragraph to clarify that this policy applies at the development management stage only.

New paragraph 179(d) has been amended to clarify that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design, especially where this can secure measurable net gains for biodiversity and enhance public access to nature.

Q11. Do you agree with the changes proposed in Chapter 15?

The proposed amendments and clarifications are helpful.

Chapter 16: Conserving and enhancing the historic environment

The revised text seeks to reflect a change made to national planning policy by a Written Ministerial Statement on protecting our nation’s heritage dated 18 January 2021:

New paragraph 197 has been added to clarify that authorities should have regard to the need to retain historic statues, plaques or memorials, with a focus on explaining their historic and social context rather than removal, where appropriate.

Q12. Do you agree with the changes proposed in Chapter 16?

The purpose of this change is understood. However where a statue, plaque or memorial is proposed to be removed because there is concern about whether it is socially acceptable to recognise the person or place in the way that the heritage asset currently does without further explanation of the historic and social context it is not clear what should happen. The revised wording states that regard should be had to “...explaining their historic and social context rather than removal”. Where such explanation is favoured over removal it is not clear how this is to be funded and delivered.

Chapter 17: Facilitating the sustainable use of minerals **Minor changes have been made to clarify existing policy:**

New paragraph 209(c) has been amended to refer to Mineral Consultation Areas in order to clarify that this is an important mechanism to safeguard minerals particularly in two tier areas, and to reflect better in policy what is already defined in Planning Practice Guidance.

New paragraph 210(f) has been amended to reflect that some stone extraction sites will be large and serve distant markets.

Q13. Do you agree with the changes proposed in Chapter 17?

The proposed amendments and clarifications are helpful.

Annex 1: Implementation

Minor changes have been made to update the position on transitional arrangements, and on the Housing Delivery Test.

Annex 2: Glossary

The definition of “green infrastructure” has been updated to better reflect practice, as already set out in Planning Practice Guidance, published evidence reviews and the new national framework of green infrastructure standards.

The definition of the “Housing Delivery Test” has been amended to reflect the rulebook. This clarifies that the test measures homes delivered in a local authority area against the homes required, using national statistics and local authority data.

The definition of “minerals resources of local and national importance” has been amended to include coal derived fly ash in single use deposits.

Definitions of “mineral consultation area”, “recycled aggregates” and “secondary aggregates” have been added to reflect the changes in chapter 17.

Q14. Do you have any comments on the changes to the glossary?

The proposed amendments and clarifications are helpful.

National Model Design Code

Q15. We would be grateful for your views on the National Model Design Code, in terms of

- a) the content of the guidance**
- b) the application and use of the guidance**
- c) the approach to community engagement**

- It is difficult to see why the NMDC and the Guidance Document are separate. It would be far more helpful, and far less confusing, to have a single document as these two documents are meant to be read as one anyway.
- The document needs a fair amount of interpretation to be accessible to lay-people and this accessibility could be improved on through more care in the language and terminology used and also the way things are arranged and explained. If we are genuinely to engage communities through this work then it is important that they understand it.
- There is nothing in the document about value and cost. It is inconceivable that the imposition of codes does not affect the costs of development. LPAs are well used to viability being used to reduce or remove requirements in planning so why Design Codes should be treated differently is totally unexplained. In leaving out mention of values and costs there either needs to be structural change to the way in which the development industry and land market operates, or, there needs to be recognition that Design Codes are very likely to be subject to viability arguments and watered down to the point where they become meaningless and development reverts to type.
- Climate Change is barely mentioned in either document. This is significant omission at a time when concern is only increasing and the built environment is recognised as being one of the main sources of emissions in the UK.
- Nor is there meaningful mention that the form, and most importantly, location of development has a huge impact on the ability of people to lead sustainable lives with greater ease than unsustainable alternatives.

Public Sector Equality Duty

Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

No comment

Report to: Strategic Planning Committee

Date of Meeting 30th March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



East Devon District Design Guide

Report summary:

The report seeks to summarise the progress that has been made on production of an East Devon Design Guide detailing why work was paused due to the emerging work of the government on addressing the same issues. A number of options for progressing design coding in the district are presented informed by the emerging government guidance with Members views sought on the options presented.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Members consider the current position with the proposed East Devon Design Guide and the national design guidance and agree that work ceases on the Design Guide.
2. That Members agree that Officers focus on undertaking design coding for the main site allocations emerging from the new Local Plan noting that this would need to be done through supplementary planning documents post adoption of the Local Plan.
3. That a further report be brought to Committee in early 2022 to consider the need for and scope of design coding needed alongside the draft local plan, options for undertaking this work and the likely resource implications.

Reason for recommendation:

To ensure that an appropriate response is made to the emerging government guidance on design coding so that new developments coming forward in the district achieve a high level of design quality in-line with government guidance and the aspirations of the Council.

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

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency

- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no direct financial implication from the recommendations of this report.

Legal implications:

The Local Development Scheme shall be updated at the relevant time to reflect any changes agreed by committee. Other than that comment there are no legal implications other than as set out in the report.

Equalities impact Low Impact

Climate change Medium 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

Introduction

At Strategic Planning Committee on the 26th June 2018 it was resolved to include production of an East Devon District Design Guide to the Local Development Scheme. The LDS at that time said:

“This SPD will set out the types of processes that should be followed by applicants and developers to ensure that the proposals they submit will be of a high design standard and quality. This guide should not only encourage and support applicants to incorporate high quality design in their work from the outset it should enhance and speed up officer time on reviewing design considerations in proposals.”

It was envisaged at that time that it would be completed by the end of 2019 but for a variety of reasons the work has been delayed. The Design Guide is still included on the current Local Development Scheme.

An officer project team was formed in 2019 and quickly scoped this work. It was considered that given the diversity of the built form of the district and the wide range of issues that would need to be addressed, as well as the limited available resources, that producing a detailed design code that prescribes what is considered to be good design for the whole district was unfeasible. A document that sought to provide guidance that would be relevant for all circumstances given the contrasts between the different towns and villages in terms of their history, urban form, context, materials and design features would be likely to run to hundreds of pages. It was also felt that many of the detailed design issues that are unique to specific settlements had in the past been well covered in local design guides and in many cases are covered in neighbourhood plans.

A document that sought to guide developers through an appropriate design process that would deliver good outcomes was considered to be the best way forward. The thinking was that by ensuring that designers considered all of the relevant issues and were directed to existing guidance from the Design Council and others through the document better outcomes should follow. The guide could then direct designers to consider local level guidance where that exists and consider the local circumstances to inform their work. This approach also aligned with the comments in the LDS around this being a process document rather than a “How to” guide.

A document was started on this basis with the aim of creating an East Devon specific design process and guidance document with a series of checklists to aid designers working in the district. This was to be loosely based on the Buildings for Life publications by the Design Council. By the end of 2018 such a document was beginning to take shape however the government announced that the Building Better, Building Beautiful Commission was to be established to consider how the planning system could support better design of homes and communities. Work on the project continued at a slowed pace while the commission were considering the issues because of concern about what government guidance may come out of the work of the commission and the impact it could have on the work given that any East Devon Guide would need to be in accordance with government guidance if it was to carry any weight in decision making.

The commissions initial findings were published in July 2019 and this led to the government publishing a National Design Guide in October 2019 and updating Planning Practice Guidance at the same time. The National Design Guide does much of what officers had been working on in terms of detailing a good design process. It also indicated that further guidance would be produced by government about how local authorities should produce local design guides, undertaking master planning and design coding. As a result of all of this the project was put on hold until the government position was better understood and we could ensure that our efforts were directed in the best way to respond to the forthcoming government guidance.

The Planning White Paper then outlined proposals for a more design led planning system and greater community engagement on design issues. All of this has led to the guidance and draft national design code that the government is now consulting on and is the subject of a separate report on this agenda. This indicates an approach focused around design coding for specific sites and areas is favoured albeit a district code is still a possibility.

Current Position

It is considered that it is now appropriate to review how design guides and design coding is taken forward in the district. There are considered to be a number of key options to be considered. These are:

1. District Design Guide and Checklists

It is considered that there is an option to still pursue the originally proposed design guide and checklist. Although it would largely duplicate the national design guide and other design guidance it could provide a more local interpretation and more detailed checklists. Although quite a lot of work was done on the design guide there is still much to do to develop this into a supplementary planning document including refining and finalising the document and then undertaking consultation. It is considered that in light of the government guidance now in place there is little benefit in completing this work and given that the planning policy teams resources are now dedicated to production of the Local Plan completing this work would only delay plan production.

2. District Design Codes

Detailed design coding for the whole district could be pursued but as mentioned above is likely to lead to a very detailed document given the diversity of the built form in the district and the likely scope of this work. It is considered that it would be impossible to consider every eventuality and design codes that become very large and detailed documents are generally not well used or liked by the development industry. There is also a danger that such a document becomes very prescriptive reinforcing traditional design principles and stifling innovation. It is considered that we do not have the resources or the expertise in house to undertake this work and it would have to be sent out to external consultants and could easily lead to a 6 figure cost.

3. Site Specific Design Codes

Government guidance has rightly put a greater emphasis on design codes and experience shows the importance of these for large scale development sites particularly where a number of different parties are bringing forward development and a co-ordinated approach is needed. It is also important that proper public engagement is done as part of this work and that the Council leads in this work to ensure that an appropriate quality of design and layout is secured. In an ideal world this work would be done alongside local plan production so that each major site allocation is accompanied by a design code at adoption. In order for this to be feasible changes to the legislation envisaged in the Planning White Paper are needed. It is considered that to take this approach under the current plan making system would delay the plan by many months while engaging communities in design coding for proposed allocations which they may be objecting to through the plan production process is considered to be inherently problematic.

It is therefore considered that design coding should be a top priority upon adoption of the plan with these coming forward for each of the large scale site allocations as supplementary planning documents. Given the likely workload and expertise that would be needed it is considered that at least some of this work would need to be undertaken by external consultants if it is not to hold up site delivery in the early years of the new plan or be overtaken by work being produced by the site developers without them understanding the council and the communities expectations.

4. No Design Codes

There is of course an option to not undertake design coding at all and rely on the developers of specific sites to develop appropriate design codes and proposals and rely on government policies and guidance and those of the local plan to resist inappropriate development. This is not considered to be an appropriate response as it would not lead to the uplift in design quality being sought by government and considered to be desirable at local level as well. Such an approach would potentially be out of conformity with emerging legislation that is likely to follow the Planning White Paper. It does however have the least cost and resource implications.

Conclusions

Overall it is considered that the best way to deliver appropriate design coding in the district is to undertake design code exercises for each of the major site allocations coming through the Local Plan and for the Council to lead on this work and engage with the community on the codes. This can best be done through the production of SPD's once the new Local Plan has been adopted and there is clarity over the sites being allocated and hopefully greater buy in from the affected communities to enable proper engagement with this work. It is important however to note that this work could not all be done in house and would create a cost for the council. Further work would be

needed to understand the extent of design coding needed to deliver the Local Plan once a draft strategy has been developed and a draft plan produced.