

**Agenda for consultative meeting of the
Strategic Planning Committee
Tuesday, 5th April, 2022, 10.00 am**



Members of Strategic Planning Committee

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

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, 28 March 2022

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/UCmNHQruge3LVl4hcgRnbwBw>

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-public-meetings/#article-content>

Between 8th December 2021 to 11th May 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 Public speaking

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

2 Minutes of the previous meeting (Pages 3 - 11)

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 Minutes of the Community Infrastructure Levy Working Party of 2 March 2021 and 14 March 2022 (Pages 12 - 19)

8 East Devon Local Development Scheme (Pages 20 - 30)

9 River Axe and the requirement for mitigation to offset pollution impacts (Pages 31 - 40)

10 Methodology for defining settlement boundaries (Pages 41 - 46)

[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 online via the zoom app on 8 March 2022****Attendance list at end of document**

The meeting started at 2.00 pm and ended at 4.50 pm. The meeting was briefly adjourned at 4.10pm and reconvened at 4.15pm.

88 Public speaking

Mr Andrew Preston spoke on behalf of Mr Peter Stodgell a landowner in Upottery in relation to Minute 95 Settlement Hierarchy who supported the proposal to include Upottery in tier 4 of the settlement hierarchy which had previously been omitted because the village did not have a shop.

Mr Preston commented that out of the 699 overall population 516 were of working age population with 73% being economically active highlighting that 13 villages out of the 23 identified in tier 4 had a smaller working age population. He considered the village sustainable as it had a reasonable range of local services, good employment provision, a primary school, community hall, pub, sports field, play area and bus service which compared favourably with other tier 4 settlements. He urged Members to consider Upottery as a tier 4 settlement as it had opportunities for limited sustainable development and to consider land at Manor Green as a potential housing allocation.

Councillor Roger Giles spoke on behalf of Ottery St Mary Town Council in relation to Minute 96 HELAA Spring 2022 Call for Sites. He thanked Councillors Mike Allen, Mike Howe and Ben Ingham for their support at the last Strategic Planning meeting on 22 February where they acknowledged that 1,300 dwellings proposed for Ottery St Mary was too many. He also referred to Feniton Parish Council's statement, read out by Councillor Bruce, criticizing the 650 dwellings proposed for Feniton highlighting that this could also have implications for Ottery St Mary's secondary school.

He raised the following three points:

1. The proposal for the additional dwellings in Ottery St Mary and West Hill runs counter to the Ottery St Mary and West Hill Neighbourhood Plan and would in effect ride roughshod over the neighbourhood plan process in East Devon.
2. Town and Parish Councils should be consulted about call for sites availability and site suitability before the consultation process and not afterwards.
3. The HELAA Panel was overpopulated with building company representatives and should be a balanced panel consisting of environmental and amenity groups with town and parish council representatives that could take account of constraints.

Finally, he asked the Chair to confirm whether the email he had referred to at the last meeting addressing the Local Plan proposals had been forwarded to Strategic Planning Committee Members as previously requested.

In response to the points raised by Councillor Giles the Chair advised that all members of the public and all town and parish councils would be given an opportunity to comment on the Local Plan at the consultation stage and these comments would be taken on board. With regards to the HELAA Panel invites had been sent to multiple agencies including Environment Agency, Natural England and Heritage England but were declined due to lack of capacity. He reassured Councillor Giles that the HELAA Panel was only an

advisory panel and it would be for Members of this Committee to decide on the Call for Sites.

89 **Minutes of the previous meeting**

Members were happy to accept the minutes of the consultative Strategic Planning Committee meeting held on 22 February 2002.

90 **Declarations of interest**

Minute 93. New Community and Infrastructure Provision - Evidence and Timeline.
Councillor Jess Bailey, Personal, Devon County Councillor.

Minute 93. New Community and Infrastructure Provision - Evidence and Timeline.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 94. Settlement Hierarchy.
Councillor Jess Bailey, Personal, Devon County Councillor.

Minute 94. Settlement Hierarchy.
Councillor Kevin Blakey, Personal, Cranbrook Town Councillor.

Minute 94. Settlement Hierarchy.
Councillor Mike Howe, Personal, Own and run a village community shop.

Minute 94. Settlement Hierarchy.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 94. Settlement Hierarchy.
Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 94. Settlement Hierarchy.
Councillor Paul Arnott, Personal, Colyton Parish Councillor.

Minute 94. Settlement Hierarchy.
Councillor Philip Skinner, Personal, Known to FWS Carter & Sons and the Stewart family. Owns a land in Talaton that is in the HELAA process which is not detailed in any documentation. Removed to the virtual lobby during this item and did not take part in any discussions and did not take part in the vote.

Minute 95. HELAA Spring 2022 Call for Sites.
Councillor Jess Bailey, Personal, Devon County Councillor.

Minute 95. HELAA Spring 2022 Call for Sites.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 96. Response to Mid Devon Issues and Options Consultation.
Councillor Jess Bailey, Personal, Devon County Councillor.

Minute 96. Response to Mid Devon Issues and Options Consultation.
Councillor Mike Howe, Personal, Director to an industrial company in Cullompton.

91 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

93 **New Community and Infrastructure Provision - Evidence and Timeline**

The Committee considered the Service Lead – Planning Strategy and Development Management's report signposting Members to the work undertaken so far on a new community and infrastructure provision which included the Garden Community and Delivery Vehicles initiatives and previous work done on GESP.

The Service Lead – Planning Strategy and Development Management outlined the further work to be done highlighting that consultants had now been commissioned to help assess the options for a new community covering the following key areas which would progress alongside the work on the Local Plan:

- Transport infrastructure;
- Energy infrastructure;
- Green infrastructure;
- Community infrastructure;
- Basic services such as electricity and water and also drainage issues that had been raised by Members at previous meetings.

He sought a steer from Members about whether they supported in-principle a new community to form part of a spatial strategy for growth.

Comments raised by non-Committee Members included:

- There is a need to consider development in rural villages before considering a new community;
- Town and Parish Councils need to be contacted to understand our rural communities needs because there is a shortfall of affordable houses in our rural communities;
- The new community should work with surrounding villages and not just be a community on its own.

Comments raised by Committee Members included:

- A new community is critical to the emerging Local Plan to help our Climate Emergency Strategy;
- There is a need to revisit the hierarchy of settlements to put houses next to jobs to help reduce commuting in cars;
- Clarification sought on the proposed funding for the garden communities programme. The Service Lead – Planning Strategy and Development Management advised that although the council had not yet received funding this year there was opportunity to receive it in a year's time;
- An update was sought on the delivery vehicle initiative. In response the Service Lead – Planning Strategy and Development Management advised that Members would need to confirm their preferred option first before an update can be provided as the delivery vehicle would need to be tailored to suit the new community option favoured by Members and referred Members to initial work hyperlinked within the report which sets out the main options;

- An update was sought on a precise timetable of the consultants work and whether everything would be ready in time for the consultation stage. In response the Service Lead – Planning Strategy and Development Management suggested circulating a full brief to Members if that was what Members wanted. He emphasised the work by the consultants would be developed alongside the Local Plan highlighting that not all the information would be obtained by the draft plan consultation stage but would be ready for consultation on the publication version of the plan.
- Concerns raised about how the new community would fit in with the hierarchy settlements. In response the Service Lead – Planning Strategy and Development Management advised this would depend on the size and scale of the new community Members' envisaged;
- It is important to get the correct infrastructure in place first and the need to learn from Cranbrook;
- Suggestion made to further consider Axminster and the East of Honiton proposal before considering a new community;
- Concerns raised about transport links. The new community would be reliant on roads as there would be no rail links;
- If a garden village consists of up to 4,000 dwellings would the new community be classified as a garden village? The Service Lead – Planning Strategy and Development Management suggested there could be potential for a number of garden villages as opposed to one large new community;
- Will a town of 8,000 houses be necessary; to provide 900 houses a year is an unrealistic amount by Central Government. The Service Lead – Planning Strategy and Development Management clarified that the new community would bring forward 2,500 homes within the period of the new Local Plan. The 8,000 homes was a suggestion of the total scale of the new community
- The district is running out of suitable sites so it makes sense to plan ahead;
- The delivery of the delivery vehicle is critical so we don't end up with 3,000 houses with only one corner shop and no other infrastructure;
- Suggestion made to split the Local Plan and take out the new community in order to get it done properly;
- There is a need to concentrate on housing provision in current villages and towns.

The following amendment to Recommendation 2 was proposed by Councillor Mike Allen and seconded by Councillor Paul Arnott

That Strategic Planning Committee:

Agree to consider the inclusion of a new community as part of the spatial strategy within the working draft Local Plan subject to this being reviewed as further evidence comes forward.

Strategic Planning Committee noted:

The previous reports and debates that have taken place on the issue of a further new community, infrastructure requirements and delivery vehicles;

RECOMMENDATION:

Of agreement to consider the inclusion of a new community as part of the spatial strategy within the working draft Local Plan subject to this being reviewed as further evidence comes forward.

The Committee considered the Service Lead – Planning Strategy and Development Management's report that sought Members' views on which sites should be added to tier 4 of the settlement hierarchy and which settlements beyond tier 4 should be considered

as locations for growth following the Committee resolution on 8 February 2022 that the Committee wished to include more settlements within tier 4 of the hierarchy.

The Service Lead – Planning Strategy and Development Management outlined the two options:

Option 1

To consider the following four villages that previously were not considered suitable but were reasonably close to having comparatively greater level of services and facilities:

- Colyton;
- Rockbeare;
- Upottery;
- Woodbury Salterton

Option 2

To consider a further eight villages that were not considered previously as they had some missing key facilities as noted in the brackets:

- Raymond's Hill (no primary school, no community hall);
- Offwell (no shop);
- Colaton Raleigh (no primary school);
- Clyst Hydon (no shop, no community hall);
- Clyst St George (no shop);
- Stockland (no shop, no bus service);
- Dalwood (no primary school, no bus service);
- Talaton (no primary school).

The Service Lead – Planning Strategy and Development Management drew Members attention to an email received from the Clerk to Offwell Parish Council highlighting that the parish council did not support its inclusion within tier 4 of the settlement hierarchy.

Comments made by Non-Committee Members included:

- It was questioned about Exton's inclusion in the settlement hierarchy due to its small size and the limited amount of development;
- Suggestion was made to create an additional tier 5 to include hamlets to allow a small amount of development in rural communities;
- The endorsed Colyton Neighbourhood Plan which covers Colyford and Colyton states that Colyford is in countryside. This was supported by residents who wanted strengthened green wedge policies between Colyford and Seaton;
- Several Members raised concerns about Neighbourhood Plans and it was suggested that details of the Neighbourhood Plans should be provided for the proposed villages to enable Members to have the full information to hand;
- It was suggested that simply totting up the number of facilities within a settlement was not a good measure as villages may not necessarily need a shop as people can do online shopping or have essentials delivered by a van. There is a need to look carefully at facilities to consider what would bring a community together; The Service Lead – Planning Strategy and Development Management advised that the hierarchy was about the most suitable sustainable settlements to locate growth and reassured Members that all settlements would fundamentally have the opportunity to have rural exception sites or community led developments coming forward whether they were in the hierarchy or not
- Need to consider car travel and although Exmouth is considered a sustainable location it still has a lot of traffic coming from outside of Exmouth into the town centre. People will still opt to travel by car;
- Clarification was sought about why Awliscombe had not been included in the options. The Service Lead – Planning Strategy and Development Management referred to paragraph 3.3 in the report and advised that although Awliscombe did have a level of

services some services such as the sports pitch were located outside of the settlement and not in easy reach other than by car;

- Need to find a mechanism to allow a small amount of growth in villages. The Service Lead – Planning Strategy and Development Management advised that the hierarchy of settlements put forward in the working draft Local Plan seeks to achieve this which is led by evidence and will be discussed through consultation.
- Reference was made to the list of villages in option 1 and a need to understand how these communities felt about growth. In response the Service Lead – Planning Strategy and Development Management advised that there would be consultation on the draft plan and that the hierarchy need to follow the evidence and have a planning logic behind it;
- Parish Councils have not been contacted about where they want houses to go in their villages;
- Support was expressed for an additional tier 5 option to help villages that want a small amount of growth;

The following motion was proposed by Councillor Mike Howe and seconded by Councillor Olly Davey.

Recommend no extension to tier 4 of the settlement hierarchy above that proposed in the working draft Local Plan presented to Strategic Planning Committee on 8 February 2022 and not to expand tier 4 settlements by more than 10% above current numbers.

In response the Service Lead – Planning Strategy and Development Management advised he was happy to take 10% as a rule of thumb but it could not become a policy as it would not be enforceable and there was no evidence behind the figure. He reassured Members that the principle of ensuring growth levels were appropriate for each settlement had already been applied and gave Feniton as an example where development had been moderated to a much smaller amount than could be accommodated there based on land availability.

In light of the Service Lead – Planning Strategy and Development Management's comments the Planning Barrister sought clarification from the proposer and seconder about the 10% figure and whether they wished to amend the motion to state 'as a rule of thumb to not expand tier 4 settlements by more than 10% of current numbers'.

The proposer, Councillor Howe emphasised that as some villages were being swamped by development he preferred the motion should read:

The Committee acknowledges that for the purposes of preparing the Local Plan, modest growth represents no more than 10% unless exceptional circumstances or infrastructure comes alongside supported by evidence like the Neighbourhood Plan or with infrastructure attachments to it.

The seconder, Councillor Olly Davey supported the amended motion.

RECOMMENDATION:

1. That no extension to tier 4 of the settlement hierarchy above that proposed in the working draft Local Plan presented to Strategic Planning Committee on 8 February 2022.
2. That the Committee acknowledges that for the purposes of preparing the Local Plan, modest growth represents no more than 10% unless exceptional circumstances or infrastructure comes alongside supported by evidence like the Neighbourhood Plan or with infrastructure attachments to it.

The Committee considered the Service Lead – Planning Strategy and Development Management’s report that set out proposals for a further ‘call for sites’ to try to identify additional land for development.

The Service Lead – Planning Strategy and Development Management outlined the key targeted areas which included:

- tiers 1 – 4 in the settlement hierarchy;
- brownfields sites;
- regeneration and intensification opportunities;
- further site options within the western side of the district;
- sites for small scale housing developments;
- employment sites;
- gypsies and traveller sites

He drew Members attention to the third section in the report that outlined the different forms of engagement that would be undertaken including press releases, media coverage and contacting parish and town councils that Members had supported to encourage other sites to come forward in the district. This further work would then be required to be sent to the HELAA panel for a formal assessment.

The Service Lead – Planning Strategy and Development Management advised he would keep Members updated on the timetable and implications and reminded Members that the implications would depend on how many additional sites come forward.

Comments during discussion included:

- Concern raised about the lack of gypsy and travellers sites and issues in the past about parks being used which causes great stress within communities. A suggestion was made for the need for a strategy to encourage landowners to come forward with land as the report identifies a long standing challenge with very few sites coming forward as available;
- There is a need to consider employment provision as this is as important as housing in rural communities;
- Town and Parish Councils should be contacted to understand their need in the communities. The Service Lead – Planning Strategy and Development Management acknowledged that further thought was needed about how to include parishes in this process.
- There is a need to focus on the top tiers of the hierarchy for the call for sites and to not focus on areas that already have submitted a lot of sites; In response the Service Lead – Planning Strategy and Development Management advised there was a need to treat everyone fairly and sites that may come forward would still have to be accepted and considered;
- Concern was raised that a strategic brownfield sites study had not been completed and that it would be regrettable if greenfield sites were considered without considering the brownfield sites; The Service Lead – Planning Strategy and Development Management accepted the need to go back through the urban capacity study to look at potential sites and suggested that the Housing Task Force could look at other sites the Council owned so they could be considered.

A further recommendation was proposed by Councillor Mike Allen and seconded by Councillor Philip Skinner to read:

In evaluating the proposed sites Officers should not presume a large new community to the West End will be approved.

Councillor Allen advised that he was not against the new community but that Members should not presume it is possible and that an open mind was needed when presented with further sites.

Further discussions included:

- Support a further call for sites to enable Members to understand what land is available and if there is a need to consider greenfield sites this should be considered to ensure appropriate land is available for development;
- There is a need to set the ground rules now before the consultation in order to follow through in the future.
- Support was expressed for recommendations 1 and 2 only;
- Several Members could not support recommendation 3 as it went against what Members had already agreed in the previous meeting;
- There are communities worldwide that ban the use of greenfield sites and only use brownfield sites where they combine employment and housing together;

RECOMMENDATION:

1. To endorse the proposal for a further call for sites to support production of the Housing and Employment Land Availability Assessment;
2. Delegate authority to the Service Lead – Planning Strategy and Development Management to undertake this work;
3. In evaluating the proposed sites Officers should not presume a large new community to the West End will be approved.

96

Response to Mid Devon Issues and Options Consultation

The report presented to Committee summarised the current Mid Devon Local Plan Issues Consultation that highlighted the potential for significant additional development in the Cullompton area which could impact on East Devon.

The Service Lead – Planning Strategy and Development Management sought Members endorsement to the proposed response which focussed on the issues most relevant to East Devon as detailed in paragraph 1.2 of the report.

RECOMMENDATION:

That Strategic Planning Committee endorse the proposed response in this report and delegate authority to the Service Lead – Planning Strategy and Development Management to submit comments accordingly.

DECISION:

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents

Attendance List

Councillors present:

D Ledger (Chair)
O Davey (Vice-Chair)
M Allen
P Arnott
J Bailey
K Blakey
P Hayward

M Howe
B Ingham
R Lawrence
A Moulding
G Pratt
P Skinner

Councillors also present (for some or all the meeting)

C Brown
B De Saram
P Faithfull
G Jung
P Millar
H Parr
V Ranger
J Rowland

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Wendy Harris, Democratic Services Officer
Shirley Shaw, Planning Barrister
Debbie Meakin, Democratic Services Officer

Councillor apologies:

S Chamberlain
E Rylance

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Community Infrastructure Levy Working Party held at online via zoom on 2 March 2021

Attendance list at end of document

The meeting started at 2.10 pm and ended at 3.25 pm

14 Declarations of Interest

Minute 16. CIL Spend Options 2021.

Councillor Dan Ledger, Personal, Seaton Town Councillor.

Minute 16. CIL Spend Options 2021.

Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 16. CIL Spend Options 2021.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 16. CIL Spend Options 2021.

Councillor Paul Hayward, Personal, Parish Clerk to All Saints, Chardstock and Newton Poppleford and Harpford Parish Councils that have received CIL.

Minute 16. CIL Spend Options 2021.

Councillor Sarah Chamberlain, Personal, Broadclyst Parish Councillor and lives in an area that has been expanded out from Cranbrook under the new CIL charging.

15 Community Infrastructure Levy Terms of Reference

The Working Party noted the role of the Community Infrastructure Levy Working Party was to consider community infrastructure funding bids received and make recommendations to the Strategic Planning Committee on Community Infrastructure Levy spend.

The Working Party also noted the terms of reference. These were:

1. To advise and recommend a strategy for the expenditure of the Community Infrastructure Levy.
2. Where the agreed strategy for expenditure includes a bidding process to advise and recommend a scoring criteria for assessing Community Infrastructure Levy bids.
3. Where 2. Above applies to consider community infrastructure funding bids received.
4. To consider and recommend Community Infrastructure Levy spend to the Strategic Planning Committee.

16 CIL Spend Options 2021

The Working Party considered a paper by the Service Lead – Planning Strategy and Development Management that sought guidance from Members on the CIL Spend Options for 2021 and put to Members two key options that had been explored in the past.

- To invite funding bids for infrastructure projects through a bidding application form and a scoring criteria. Members noted that this process had not been successful in the past. In 2017 only 6 applications had been received which had provided inadequate information and did not meet the threshold for the scoring criteria.

Option 2

- To consider the Priority One project within the East Devon Infrastructure Delivery Plan (IDP) which is significant in delivering the Local Plan Strategy. Members noted that infrastructure providers would be contacted to help understand what their priorities were for funding over the next 2-3 years, to find out how this sits in terms of match funding for those projects and provide Members with a list of key projects identifying key priorities.

To help provide some context the Service Lead – Planning Strategy and Development Management referred to page 8 of the agenda that listed the key projects that had been identified in 2019 for funding commitments.

The Service Lead – Planning Strategy and Development Management pointed out that option 1 would be difficult to achieve as it would be resource intensive and highlighted the current pressures that the Section 106 Officer and the Planning Policy Team were currently under. He advised his preference would be to opt for option 2 as it had been tried in 2019 and had been more successful in allocating monies and identifying key projects.

Discussion on the options report included:

- Suggestion to include an option 3 to defer until there was money available to spend as all the money was spent last year. In response the Chair advised as stated on page 6 of the agenda the available balance was £2,172,816.27. The Service Lead – Planning Strategy and Development Management agreed there was money available but highlighted that Members may wish to defer any spend decision this year to save up for the larger projects.
- The need to consider whether we want to try and contribute to the larger projects or spend the money in smaller amounts on projects that do not make a material difference.
- The need to be mindful of the current pandemic and the need to spend the money to support the local economy.
- The money should be spent as soon as possible to invest in our local area.
- Concerns raised about spending the council's money within education as virtually all schools now are run as academies which are funded from Central Government and not funded by Devon County Council.
- Concerns raised about spending money on the passing loop on the Waterloo Line and although it is a very important project it is a National Government project and not a District Council project. There are better causes within the district to spend money on. In response the Service Lead – Planning Strategy Development Management highlighted that these type of projects look for government match funding in order to deliver which could be the difference between getting the national support in terms of funding.
- The need to focus on the priority 2 projects to try and give as much community benefit to as many people as possible. There are a lot of bids under £250,000 that could easily be fulfilled which would do a lot of social good to many different towns in the district. In response the Service Lead – Planning Strategy and Development Management advised that the priority one projects were needed to support the delivery of the local plan and said there was a danger that some

allocation sites would not come forward because the infrastructure would not be delivered to support them.

- Clarification sought on the process for the two options. The Service Lead – Planning Strategy Development Management outlined the two key choices which had been pursued in the past. Option one was the less successful bidding process and option two was the more successful and less formal approach by contacting the infrastructure providers.
- Preference was shown for the less formal approach.
- Clarification sought on the process of contacting the infrastructure providers and the relevance of our local plan. In response Keith Lane advised the need to focus on delivering the local plan and referred to the projects listed in the East Devon Infrastructure Plan that were either included in the local plan or linked to delivering the housing and employment growth.
- Suggestion to limit the projects listed in priority two to the more senior partners.
- The Council needs to be assertive and commit this money to projects that have much shorter timescale and reference was made to the 123 list,
- All projects are very important in their own right in their own area as every area has their own priorities.

The Service Lead – Planning Strategy and Development Management welcomed all comments highlighting more information was needed from infrastructure providers before decisions could be made about individual projects to be able to prioritise the money and to make sure we get best value for money by trying to match fund with other monies.

RECOMMENDED to the Strategic Planning Committee:

1. That option two for the less formal approach of contacting our partners be agreed
2. To consider the priority two projects to include a caveat to only look at major providers from DCC, EDDC and NHS be agreed

Attendance List

Councillors present:

M Armstrong
M Howe
S Chamberlain
O Davey (Chair)
P Hayward
N Hookway
D Ledger
E Wragg

Councillors also present (for some or all the meeting)

P Arnott
G Jung
E Rylance

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Keith Lane, Planning Officer (Planning Policy)
Sulina Tallack, Planning Obligation Officer
Wendy Harris, Democratic Services Officer

Councillor apologies:

G Pook
P Skinner

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Community Infrastructure Levy Working Party held online via zoom on 14 March 2022

Attendance list at end of document

The meeting started at 11.00 am and ended at 12.35 pm

1 Minutes of the previous meeting held on 2 March 2021

Members were happy to accept the minutes of the Community Infrastructure Levy Panel meeting on 2 March 2021.

2 Declarations of Interest

Minute 3. CIL Current Position 2022.

Councillor Nick Hookway, Personal, Lives on a road that would have been improved if the Dinan Way Extension had gone ahead.

Minute 3. CIL Current Position 2022.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 4. CIL Spend Report 2022.

Councillor Dan Ledger, Personal, Member and Mayor of Seaton Town Council.

Minute 4. CIL Spend Report 2022.

Councillor Eileen Wragg, Personal, Past Member of Devon County Council's Planning Committee that approved Dinan Way.

Minute 4. CIL Spend Report 2022.

Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 4. CIL Spend Report 2022.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 4. CIL Spend Report 2022.

Councillor Sarah Chamberlain, Personal, Broadclyst Parish Councillor, resident and known to the landowner of Broadclyst Station.

3 CIL Current Position 2022

As part of the Working Party agenda papers the Working Party noted the appended spend process, terms of reference and the current position with regard to CIL income and expenditure to date and the funds available for spend at the present time.

The Service Lead – Planning Strategy and Development Management reminded Members that in 2019 the Working Party had recommended to Strategic Planning Committee that the expansion of Exmouth Community College and the Dinan Way extension in Exmouth be funded. Further to these resolutions he advised that monies had been paid to Devon County Council for the Exmouth Community College extension and the project was progressing. In terms of the Dinan Way extension the £400k committed to the extension had remained unspent as the bid made to Central Government's Levelling up fund had not been supported and sought Members guidance

on whether the monies should remain committed to the project or returned to the 'central pot'

The Working Party noted the total CIL income to spend was a total of £4.5m. However this would be reduced to £4.14m if Members supported the inclusion of Dinan Way. They also noted the current spend of which £1.36m had already been distributed to the relevant town and parish council's including substantial amounts to Budleigh Salterton Town Council and Exmouth Town Council.

Discussion on the report included:

- Clarification sought on the CIL allocation of £9,950.79 to Cranbrook Town Council. In response the Service Lead – Planning Strategy and Development Management advised that as Cranbrook had only been taken out of CIL recently the amount could have been accumulated while CIL still applied;
- Clarification sought on whether libraries could be funded by CIL. The Service Lead – Planning Strategy and Development Management advised that they could be but it was not a critical issue (i.e. Priority 1).
- In view that Exmouth was in tier 3 of the levelling up fund and no sign of the extension happening in the near future it was suggested that the Dinan Way funding be removed and returned to the 'pot';
- Several Members supported retaining the £400k to support the future funding of the extension.
- Reference was made to the infrastructure list and clarification sought on certain items that were managed by a charitable trust and how this would fit in with CIL. The Service Lead – Planning Strategy and Development Management advised that CIL money impacts on infrastructure through the planning process. He referred to the Pebblebed Heaths and work done with Devon Clinton Estates to mitigate the impacts on recreational development obtained by Habitat Regulations;
- It was highlighted that a lot of funding had been given to Exmouth in the past and Members should be mindful that other areas in the district need funding.
- It was highlighted that a lot of schools were on the infrastructure list;
- What is the point of keeping £400k back if there is no possibility of the Dinan Way Extension happening in the near future;
- Clarification sought about whether CIL had time constraints. It was confirmed there were no time constraints for spend.

The following proposal was made by Councillor Nick Hookway and seconded by Councillor Mike Howe to remove the CIL funding commitment of £400k to Dinan Way Extension.

RESOLVED TO RECOMMEND TO STRATEGIC PLANNING COMMITTEE:

To remove the CIL funding commitment of £400k to Dinan Way Extension.

4 **CIL Spend Report 2022**

The Working Party considered a paper seeking guidance from Members on how CIL should be spent. To help provide some context the paper included a table on the priority that should be given. Members noted the spending gap of £70m for priority 1 projects on the Infrastructure Delivery Plan and for priority to be given to priority 1 projects.

The Service Lead – Planning Strategy and Development Management advised Members to bear in mind that as there was a growing need for school places in the West end of

Exeter two sites had been set aside for primary school provision and that a significant amount of money would need to be set aside in coming years. Similarly on the horizon was the hope that Government funding would enable a passing loop on the Waterloo line to deliver a half hourly rail service.

Further key projects were the delivery of the Clyst Valley Regional Parks including the preferred project that Members were invited to consider for the delivery of Suitable Alternative Natural Green Space (SANGS) in the Clyst Valley Regional Park to mitigate the impact of development at Cranbrook.

The Service Lead – Planning Strategy and Development Management advised there was an option to acquire land by Broadclyst Station and Members attention was drawn to the project timetable which highlighted its key importance of delivering the required infrastructure needed for Cranbrook to support its expansion. This also presented an opportunity to deliver other projects including tree planting and biodiversity net gain projects.

If Members were minded to support the recommendations they would be submitted to the next Strategic Planning Committee (5 April 2022) for consideration.

The Chair reminded Members that information detailed on Appendix 1 was confidential and would be considered at Cabinet under Part B.

Points raised during discussion included:

- It was questioned about the lack of landscaping outlined in the project. The Service Lead - Planning Strategy and Development Management advised it would be a natural landscape to be accessed for an alternative space for dog walking and other recreation;
- Suggestion to include a third recommendation for the Working Panel to review the Leisure Strategy and its requirements when it becomes available;
- Support expressed for the recommendations as written but the third recommendation was not supported as the CIL Working Party considered bids and not policies;
- Clarification sought on mitigation for Cranbrook. In response the Service Lead – Planning Strategy and Development Management advised the Cranbrook Plan identified potential land for SANGS which would mitigate the expansion areas. It was explained that the proposed area would support the delivery of the remainder of the first phase of the town as habitats assessments at reserved matters stage had indicated that further mitigation than that originally envisaged was required;
- Support was expressed for the SANGS as it would be a massive benefit to the area and community with better connectivity.

RESOLVED TO RECOMMEND TO STRATEGIC PLANNING COMMITTEE:

1. That £910k of CIL monies be committed to support the acquisition and delivery of land at Station Road, Broadclyst, to deliver an area of SANGS to form part of the Clyst Valley Regional Park;
2. No other spend decisions be made at this time given the need to retain funds to support delivery of a number of priority one projects within the IDP in the coming years.

Attendance List
Councillors present:

O Davey (Chair)
M Armstrong
S Chamberlain
N Hookway

M Howe
D Ledger
P Skinner
E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Wendy Harris, Democratic Services Officer
Keith Lane, Planning Officer (Planning Policy)
Sulina Tallack, Planning Obligation Officer

Councillor apologies:

P Hayward
G Pook

Chairman

Date:

Report to: Strategic Planning Committee

Date of Meeting 05 April 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



East Devon Local Development Scheme

Report summary:

The Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents. The previous LDS dates from 2021 and requires an update. This report introduces the proposed new LDS, summarises key content and provides more information on plan production considerations.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Strategic Planning Committee endorse the proposed new Local Development Scheme and recommend it for adoption by Council.

Reason for recommendation: To ensure that the council has an up to date Local Development Scheme noting revised timescales for production of the new local plan and the Cranbrook 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

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information – See links in this committee report and the attached Local Development Scheme.

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 Introduction

- 1.1 There is a requirement for planning authorities to have an up to date Local Development Scheme (LDS).
- 1.2 The new proposed LDS forms a future work programme for the Planning Policy team at the Council and is appended to this committee report. The new LDS lists key policy documents that are proposed to be produced by the Planning Policy team or in which the policy team is partnering in production. The LDS also provides an overview of and advises on relevant planning policy work undertaken by outside partners, to include Devon County Council, in respect of waste and minerals plans and local communities in respect of Neighbourhood Plan making.

2 Development Plan Documents

- 2.1 The appended LDS advises of and sets out more detail on production of two Development Plan Documents (DPDs). These are:
- 2.2 **A new East Devon Local Plan** – this is planned to be an overarching plan covering all policy matters that typically come up for consideration in determination of planning applications by East Devon District Council (other than at Cranbrook – see below).
- 2.3 **The Cranbrook Plan** – this plan, which at April 2022 is nearing completion of Examination, will provide policy for the future development of and determination of planning applications at Cranbrook.

3 Supplementary Planning Documents and other strategy and policy documents

- 3.1 In addition to DPD production the intent is that the Planning Policy team will produce, or partner in production of, a series of additional Supplementary Planning Documents (SPDs) and other strategy and policy documents. However, it should be noted that with a specific focus on local plan work the scope to undertake other tasks is significantly reduced.

Financial Implications

There are no financial implications on which to comment

Legal Implications

Under the Planning and Compulsory Purchase Act 2004 the Council is legally required to maintain an up to date Local Development Scheme (LDS). Adoption of the enclosed revised LDS will ensure compliance with our legal obligations. Other legal implications are covered in the report.

East Devon Local Development Scheme – April 2022

The future work programme for planning policy production in East Devon covering the period from 2022 to 2040



East Devon – an outstanding place

Contact details

Planning Policy Team
East Devon District Council
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Phone: 01395 516551

Email: planningpolicy@eastdevon.gov.uk

<http://eastdevon.gov.uk/planning/planning-policy/>

To request this information in an alternative format or language please phone 01395 516551 or email csc@eastdevon.gov.uk

Contents

- 1 Introduction4
- 2 The stages in Development Plan Document preparation4
- 3 The adopted East Devon Local Plan and Villages Plan5
- 4 Future Development Plan Documents in East Devon6
- 5 Other policy documents identified for production7
- 6 Community Infrastructure Levy - Charging Schedule7
- 7 Neighbourhood Plans7
- 8 Waste and minerals planning and Devon County Council work.....8

1 Introduction

- 1.1 This East Devon District Council Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents by the Council.
- 1.2 East Devon District Council has resolved that this new LDS should take effect from – (insert date, assuming recommendations to committee are resolved). This LDS covers the time period from April 2022 through to the end of 2025, it is envisaged however that it will be revised and superseded before this end date.

2 The stages in Development Plan Document preparation

- 2.1 Development Plan Documents (DPDs) sit at the top of the hierarchy of District Council planning policy documents, on adoption they form part of what is defined as the Development Plan. The term 'local plan' is often used interchangeably with DPD and although the Council has an adopted plan (which is a DPD) called the 'East Devon Local Plan' the use of the wording 'local plan' should generally also be taken to include all other DPDs as well.
- 2.2 DPDs are of fundamental importance in respect of informing prospective developers of the types of development and locations for development that are likely to be appropriate and they are the key policy documents used in determining planning applications. DPDs also inform communities, infrastructure and service providers and other council and wider service providers of development proposals. There are specific legally defined procedural steps that need to be complied with in order to produce a DPD, some of these are referred to in this LDS, however for a more complete picture see: The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), noting that future changes may be made, at: <http://www.legislation.gov.uk/ukxi/2012/767/contents>
- 2.3 In this LDS we set out dates for undertaking key stages in production of DPDs; the stages we report on are summarised below:
- **Issues Consultation** – this is the starting point where comments on general issues and plan scope are sought. At this stage of plan making potential options and alternatives for development may be identified.
 - **Draft plan** – this is where a draft version of the plan or some other consultation document or documents are produced and feedback is sought. Although we use this draft plan terminology (and typically we will produce and consult on a draft of

the proposed plan) there are different approaches to this stage of work that we could undertake. In this LDS we highlight the date at which a draft of the plan is envisaged to be consulted on.

- **Publication** – this is the plan that the Council intend to submit for examination. The plan is made publically available and formal objections and other responses are sought from the public at this stage.
- **Submission** – the publication plan, the evidence supporting the plan and the formal responses to the plan are submitted to the government who appoint an independent inspector to consider the soundness of the plan. The examination of a plan, carried out by a Planning Inspector, starts at plan submission.
- **Inspector's Hearings** – as part of the examination process there will typically be hearing sessions at which the Inspector will lead discussion on the contents of the plan, this helps the Inspector prepare his or her report.
- **Adoption** – the Council receive a report from the inspector and can then, assuming earlier tasks do not need to be revisited, adopt the plan.

2.4 It is stressed that the above stages are a much simplified version of what happens in plan making and they are not all explicitly required or referred to in legislation or regulations, they do, however, form key milestones that are reported on in this LDS to give an overview of plan preparation timelines. Government plan making regulations and legislation (and other guidance) should be reviewed for a complete picture of legislative processes that have to be followed.

3 The adopted East Devon Local Plan and Villages Plan

- 3.1 The current East Devon Local Plan, covering most policy matters across the District, was adopted on the 28 January 2016. In addition there is also an East Devon Villages Plan, adopted on 26 July 2018, which has a much more narrowly defined remit of defining Built-up Area Boundaries around selected settlements and it defines retail policy for Beer and Colyton. The adopted East Devon Local Plan and the adopted East Devon Villages Plan are both DPDs and cover the 18 year period from 1 April 2013 to 31 March 2031. Through the process of reviewing and then revising (as necessary) the plans will however be progressively and ultimately completely superseded by new policy documents before this end date.
- 3.2 It should be noted that policies in local plans should be reviewed at least every five years to assess whether they need updating, and the reasons for decision should be published. A formal review of the adopted East Devon Local Plan was undertaken in 2020.

4 Future Development Plan Documents in East Devon

- 4.1 This LDS sets out that, from 2022 to 2025, there will be two DPDs that will be produced/completed, summary details of these documents with dates set against key stages, are set out below. It should be noted that the dates (year and months) provided are based on what we currently know or best estimates, changes over time are, however, possible.
- a) **Future East Devon Local Plan** – the expectation is that this plan will address all Development Plan matters, potentially other than at Cranbrook – see below, that fall to the responsibility of East Devon District Council. The end date of the local plan is yet to be determined. The following forms the timetable for production:
- Issues Consultation – completed in January 2021.
 - Draft plan – consultation starting Autumn 2022.
 - Publication – consultation starts Autumn 2023.
 - Submission – early 2024.
 - Inspector's Hearings – 2024.
 - Adoption – early 2025.
- The local Plan has a proposed end date of 2040 though this will be kept under review.
- b) **Cranbrook Development Plan** – this plan will allocate development sites and establish policy to enable the new town of Cranbrook to expand to provide around 8,000 homes and associated social, community, employment and environmental facilities. The following timetable for production is set out:
- Issues Consultation – this stage has already been completed.
 - Draft plan – this stage has already been completed.
 - Publication – this stage has already been completed.
 - Submission – this stage has already been completed.
 - Inspector's Hearings – took place in 2021.
 - Adoption – expected Spring 2022.
- It remains to be determined whether and to what degree or at what point in time the policies of a new local plan for East Devon will supersede some or all Cranbrook Plan policies. The Cranbrook Plan has a planned end date of 2031.
- 4.2 It should be noted that for any given DPD (or other policy document) the Council may produce more detailed and bespoke individual plan making timetables.

5 Other policy documents identified for production

- 5.1 In addition to DPDs the Council also produce a number of extra policy documents. Of greatest importance in respect of determining planning applications are Supplementary Planning Documents (SPDs). SPDs are intended to provide more detail on the use and implementation on policies in DPDs. Procedures for producing SPDs are set out in legislation and regulations and the Council has a protocol for SPD production, see:
<https://eastdevon.gov.uk/media/2443645/spd-protocol-adopted-by-spc-20-march-18.pdf>
- 5.2 SPDs need to go through two stages of consultation but they are not subject to examination and therefore their preparation is shorter and simpler than DPDs; but they do not carry the same weight in decision making.
- 5.3 The Planning Policy team of the Council may also produce further guidance and advise to support and promote development and promote wider social and environmental objectives. Such guidance will not have the formal status of an SPD but we will often look to follow similar processes in production.

6 Community Infrastructure Levy - Charging Schedule

- 6.1 In East Devon a financial charge, called a Community Infrastructure Levy (CIL), is placed on certain types of new development (most notably new housing) and monies raised are used to help pay for infrastructure that is needed to support development.
- 6.2 In order to be able to charge CIL the Council had to produce a charging schedule that is supported by financial viability assessment evidence, undertake consultation and take the work to Examination by an independent examiner. In this respect production of the CIL charging schedule follows a similar path to that for DPDs (but under separate legislation). The current charging schedule was approved in 2020 and will apply from 1 February 2021.

7 Neighbourhood Plans

- 7.1 Neighbourhood Plans are produced by local communities and in East Devon they are typically produced at the parish level. Neighbourhood Plans set out policies and proposals for development and in this respect they are similar to DPDs and they follow reasonably similar stages in production (but under separate legislation). Once adopted (the technical term is that they are Made) they also form part of the Development Plan for the District and will be used alongside DPD, SPDs and other policy documents in the determination of planning applications.

- 7.2 For more information on Neighbourhood Plans see:
<https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/>

8 Waste and minerals planning and Devon County Council work

The responsibility for waste planning and minerals planning in East Devon rests with Devon County Council; they have legal responsibility for producing plans and determining planning applications for these two matters. The County Council adopted a new Devon waste plan in 2014 and adopted a new minerals plan in 2017. For more information see:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy>

- 8.1 The adopted waste plan and adopted minerals plan are also part of the Development Plan for East Devon.

Report to: Strategic Planning Committee

Date of Meeting 05 April 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



River Axe and the requirement for mitigation to offset pollution impacts

Report summary:

This report highlights the fact that Natural England have advised East Devon District Council that because of the sensitivity of the River Axe, which is designated as a Special Area of Conservation, new planning permissions for new homes, and other developments providing overnight accommodation, should not be granted in the catchment of the river unless they can be shown to be “nutrient neutral”. Similarly plans and projects such as the local plan will need to ensure residential developments provide appropriate mitigation for their impacts on nutrient levels before they can proceed. Whilst we still need to fully understand the issues raised, and full potential implications, in the absence of mitigation this will prevent new homes being granted in the area. It should be noted that a number of other planning authorities in England have received the same advice in respect of designated sites and others were already subject to this advice.

On a more positive note this report highlights some of the very positive actions that are currently being undertaken and suggested in and around the River Axe and in respect of water quality and environmental improvements. This report notes that the Government are offering £100,000 to the authorities within the catchment of the River Axe where the nutrient concerns have been raised to help identify measures to secure nutrient neutrality associated with development. It is proposed that East Devon should become the lead authority in respect of the River Axe noting that the river and its catchment stretches into Somerset and the river rises in Dorset.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

1. **That Strategic Planning Committee note the very recent advice from Natural England in respect of the River Axe and nutrient pollution matters that may place an embargo on granting planning permission for new housing in the catchment of the River Axe.**
2. **That committee delegate authority to the Service Lead – Planning Strategy and Development Management to liaise with Dorset Council, South Somerset District Council and West Somerset and Taunton Council with a view to this authority becoming the ‘lead authority’ to receive £100,000 to coordinate measures to secure nutrient neutrality.**

Reason for recommendation: To ensure that the council is aware the advice of Natural England and can note the potential impacts.

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; Risk associated with the advice from Natural England are explicitly linked to matters related to possible impacts of reduction in new house building. Until mitigation can be delivered new homes, including affordable homes for local people, might not be built in the River Axe catchment whilst there could be increased pressure for development elsewhere in East Devon; this could be linked to the possibility of the Council's ability to show a five year land supply becoming under threat. The advice from Natural England suggest possible increasing concerns over the water quality of the River Axe and such concerns constitute a risk and a negative in their own right.

Links to background information – See links in the body of this committee 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 context

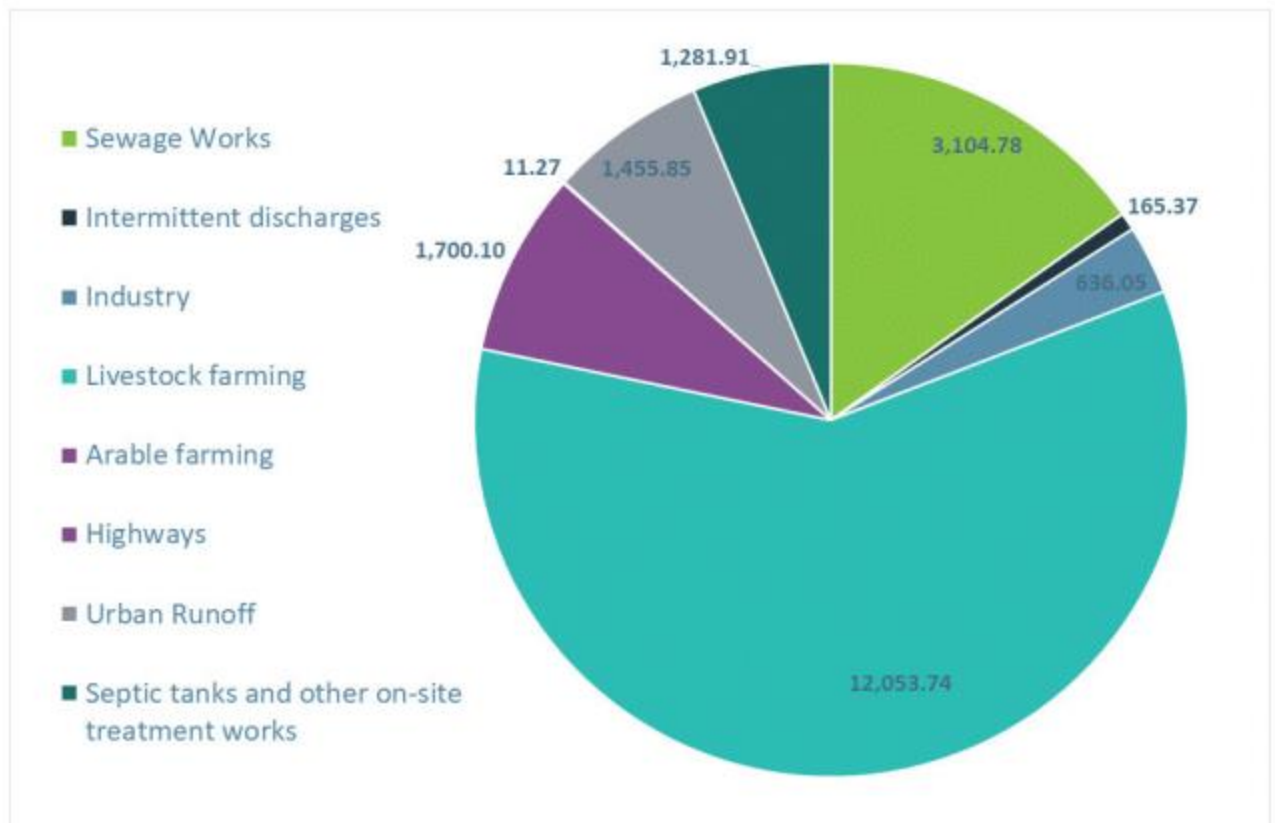
- 1.1 The River Axe, from upstream of Seaton to a point close to the Somerset boundary is designated as a Special Area of Conservation (SAC). This places the designated stretch of river in the highest tier of wildlife sites in the United Kingdom, such sites fall under a 'Natura 2000' classification. The river, however, and through Natural England measures, falls below required standards to fulfil designation status. The fundamental problem is that there are excessive levels of phosphates entering the river and these are resulting in adverse

1.2 Most phosphates entering the river come from agricultural activity including run-off from farmed land. This can amount to up to 70% of the total depending on location within the catchment. Throughout the catchment area livestock account for over 50% of the total phosphate loading into the river. A sizeable amount of the remainder is, however, a result of human activity that is associated with the houses we live in and business premises and buildings we use – or more precisely it is the waste water that is generated. Most sewage and grey water coming from buildings is treated at sewage treatment plants and the post-treatment liquid emissions from these plants enters watercourses. Sewage treatment plants, and this applies to private and domestic scale systems as well as water company plants, will emit some phosphate into the water course, noting that treatment will strip some phosphates out. Below is a diagram illustrating the key sources of phosphates into the SAC; beneath that is an example of the breakdown on phosphate levels at one point within the catchment (Whitford):

The diagram illustrates the flow of nitrogen and phosphorus (N & P) from various sources into a river and then into a habitat site. The catchment area includes an urban landscape, agriculture, and new development. Wastewater treatment works are also shown. Arrows indicate the movement of N & P through surface runoff and groundwater leaching, leading to N & P induced algae blooms in the habitat site.

- Urban Landscape:** Shows buildings and a road. An arrow labeled "EXISTING N & P SURFACE RUNOFF" points to the river.
- Agriculture:** Shows a field with crops. An arrow labeled "EXISTING N & P SURFACE RUNOFF" points to the river.
- New Development:** Shows a house and a truck. Arrows labeled "NEW N & P SURFACE RUNOFF" and "NEW N & P GROUNDWATER LEACHING" point to the river.
- Wastewater Treatment Works:** Shows large circular tanks. An arrow labeled "INCREASED VOLUME OF EFFLUENT PIPED TO WWTW" points to the tanks. Another arrow labeled "INCREASED QUANTITY OF N & P DISCHARGED TO SITE" points from the tanks to the river.
- Habitats Site:** The river flows into this area, where "N & P INDUCED ALGAE BLOOMS IMPACT PROTECTED ECOLOGY" is shown.
- Groundwater Leaching:** Arrows labeled "EXISTING GROUNDWATER LEACHING OF N & P" point from the ground into the river.

Figure 2.3 SAGIS Phosphate Source Apportionment, kg-P/yr, Axe at Whitford

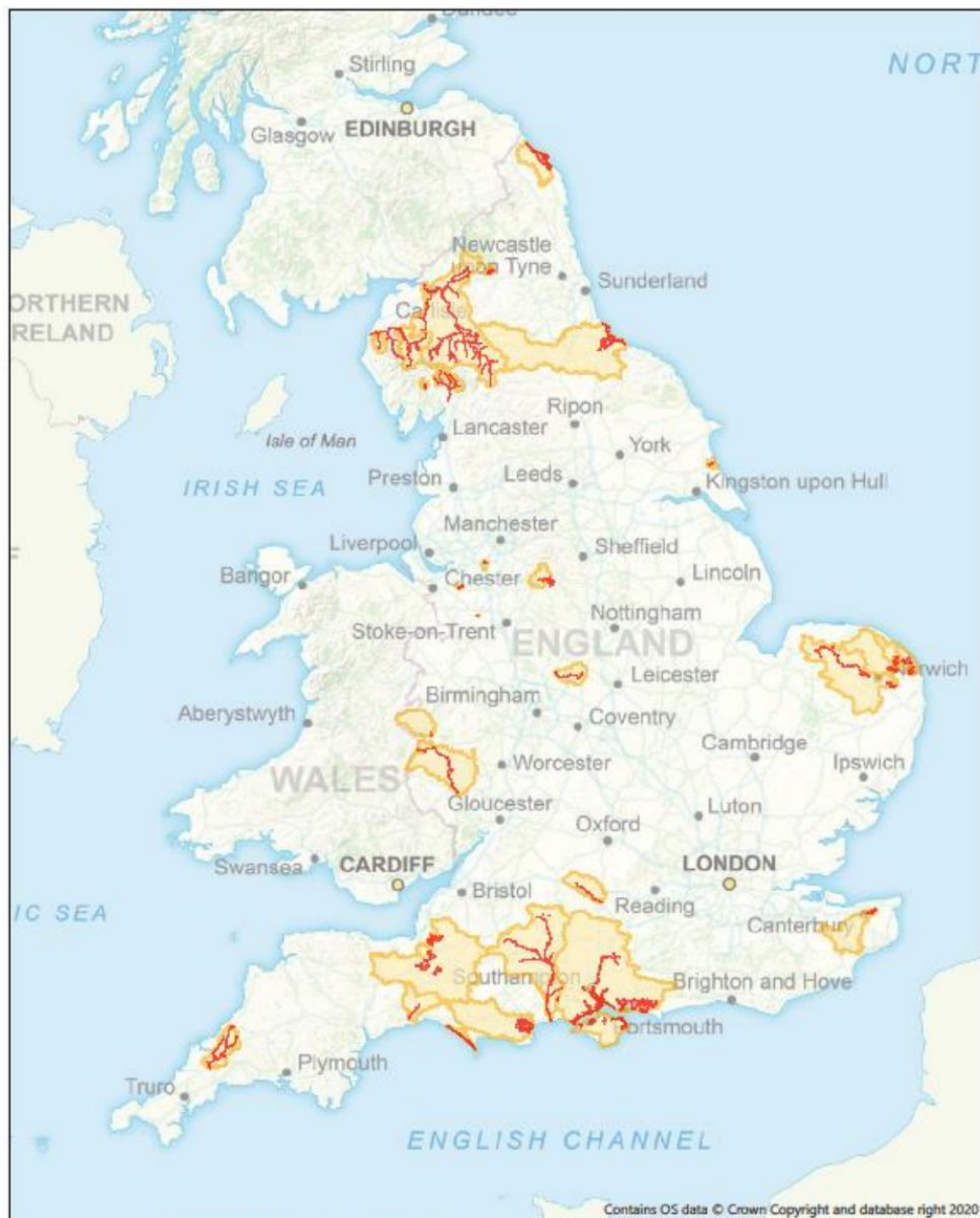


- 1.3 There is a legal requirement for planning authorities, under the Habitat Regulations, to undertake assessment of any development scheme that could adversely impact on any of the highest tier of wildlife sites, the Natura 2000 sites. In fact the actual requirement applies to any competent authority (that is more than just planning authority) to undertake an assessment of any “plan, policy or proposal” that could lead to adverse impacts. Depending on the results of assessment it may be that planning permission should not be granted unless mitigation measures will be implemented to offset adverse impacts. Members will be aware of the fact that this council (with partners) is already delivering mitigation at and around the River Exe and Pebblebed Heaths (and in Teignbridge at Dawlish Warren) in respect of adverse impacts from recreational impacts on the Natura 2000 sites.
- 1.4 In respect of the River Axe we have been aware of the need for mitigation for some time but this has become a far more critical concern following receipt of communications from Natural England.

2 Natural England advice – dated 16 March 2022

- 2.1 On the 16 March 2022 this council received a lengthy communication from Natural England that set out their detailed concerns in respect of high nutrient levels in a number of rivers and watercourse in England that are designated as Natura 2000 sites.
- 2.2 Natural England are explicitly highlighting the need to follow the legal requirements set out under the Habitat Regulations when assessing planning application and elevated nutrient impact considerations. The key nutrient concerns for the River Axe are increased phosphate levels, though for many water courses increased nitrate levels are more of a concern.

- 2.3 It is stressed that the legal and procedural matters highlighted by Natural England do not highlight legislative or legal process concerns that we are not already aware of and have not taken into account in our plan making work or in determination of planning applications. Indeed our work and conclusions had already placed a hold on a number of planning applications for schemes of ten dwellings or more whilst we identify mitigation measures. What is new, however, is the abruptness and directness of the advice that has been issued by Natural England and that we need to more fully understand.
- 2.4 We are now one of over 70 local authorities affected by this issue as can be seen on the map below of the areas in the country where Natural England have issued this advice.



European protected sites requiring nutrient neutrality strategic solutions
Nutrient neutrality SSSI catchments

- SSSI subject to nutrient neutrality strategy
- Nutrient neutrality SSSI catchment

Produced by Defra Spatial Data Science
 © Defra 2021, reproduced with the permission of Natural England, <http://www.naturalengland.org.uk/copyright>.
 © Crown Copyright and database rights 2021. Ordnance Survey licence number 100022021.



3 Lead authority to plan for mitigation

3.1 It is highlighted that the River Axe and its catchment falls in four local planning authorities areas, although this will be three when the new unitary authority in Somerset supersedes the current local authority in April 2023. The SAC designated stretch of river, however, falls entirely within East Devon and most development that could impact on the designated stretch is expected to occur in our district. It is concluded by officers of this council that we would be the logical lead authority to plan for mitigation of the River Axe site, even though phosphates will flow downstream from Dorset and Somerset into East Devon.

3.2 The catchment of the Axe in relation to local authority boundaries can be seen on the map below:



European protected sites requiring nutrient neutrality strategic solutions

Component SSSIs of River Axe SAC

- Local Authorities
- SSSI subject to nutrient neutrality strategy
- Nutrient neutrality SSSI catchment
- National Parks

4 Options for mitigation and the Triple Axe project

- 4.1 Since adoption of the River Axe Nutrient Management Plan work has been on-going to develop a mitigation strategy to address the issues raised. We are aware of many mitigation options that exist that would offset the impacts of development. Knowing of options is one thing but actually being in a position to design and implement them is another and all together more complex matter with many measures being dependent on securing and using land. In this respect it should be noted that East Devon District Council (from our searches) does not own any land that could actually deliver mitigation. In addition many of the mitigation options are short term projects that could not be used to mitigate permanent new dwellings. It should be noted that on farm projects to improve the quality of water discharge have been supported and funded by Natural England and Environment Agency for many years. A mitigation scheme for new dwellings will however need to provide mitigation in perpetuity and so is proving much harder to achieve.
- 4.2 A further barrier to delivering a mitigation strategy has been resources and expertise and this was one of the reasons for the post of District Ecologist being created and recruited to. Members will be aware that our Ecologist started work earlier this year and has already been working to progress mitigation measures. The £100k funding from government for the catchment would provide for additional staff resource and other resources to help to progress that work and deliver a mitigation strategy.
- 4.3 It is highlighted that mitigation schemes themselves fall into three broad categories as summarised below.
- 4.4 **On-development site mitigation** – on sites that are being developed there can be scope to introduce measures that will reduce (or at extremes potentially reduce to zero) emissions overall going into the river. Water use efficiency measures can help as can grey water recycling/use. It can also be possible to introduce measures on-site that fall under the approaches summarised below.
- 4.5 **Measures designed to reduce farming impacts** – most of the phosphates entering the river are a result of farming activity and run-off. It is highlighted that mitigation is concerned with net levels of phosphates in the river and mitigation needs to result in a reduction in overall levels. Mitigation can therefore be achieved through improved farming practices (notwithstanding that there is pollution legislation and regulation governing farming activities – though breaches might sometimes occur). Slurry is one example that can adversely impact on the river and improved management (above regulatory standards) could help reduce impacts.
- 4.6 **Measures in or adjacent to the watercourse** - related to improved farming practices is the potential for undertaking measures on land in or adjacent to the river and tributaries. Slowing water flows and introducing wetlands and river valley tree planting/vegetation and removing grazing from close to the river can all have positive phosphate reduction impacts. On some especially big development sites it might be possible to have some of these measures on the site being developed itself.
- 4.7 **Improved sewage treatment** – sewage treatment plants work within regulatory standards but such standards do allow for discharge of some phosphates into the river system. It might be technically and legally complex to implement improvements to treatment, and can

be expensive, but there is some potential scope for improved treatment. It is relevant to note, however, that stripping more phosphate out of the discharges could result in higher carbon emission levels.

- 4.8 There are costs associated with all of the above measures, and probably any measure to mitigate phosphate impacts, and the clear expectation is that monies would wholly or predominantly need to come from the development, as happens currently for the River Exe and Pebblebed Heaths mitigation. It is also highlighted that quantifying the mitigation that any measures will deliver may become complex as would calculating the actual net phosphates that any development site might actually generate. The word “net” (as opposed to gross) is important here as many development sites may already emit phosphates into the river, especially if farmed, as most land currently is and some farming activities are more polluting than others. So there is a need to calculate pre development emissions and to offset these against post development emissions to determine net mitigation requirements. The correspondence from Natural England sets out a calculator for doing this that they endorse.
- 4.9 It is also highlighted and critical that mitigation measures will be long lasting and that there is confidence that they will be in place for many years to come – an applicable legal time period for such mitigation might be taken as lasting for at least 80 – 125 years. It is likely to be a challenge to have confidence, especially if working with third parties, to be able to show full confidence of the long life time of any mitigation measures. It should be noted that developers can seek to deliver mitigation themselves alongside and in association with any planning application. It is expected, however, that this will frequently be a big if not insurmountable challenge for many (perhaps all) development schemes and as such if the Council want to see development happen in the catchment of the river the expectation is that there will need to be a strong Council lead and coordinated set of plans and actions.
- 4.10 **The Triple Axe Project** - We will want to come back to committee to explain more about the Triple Axe Project but it does neatly dovetail with mitigation measures that the Council will need to see delivered. The Triple Axe project is led by the Blackdown Hills AONB partnership and the Devon Wildlife Trust. It forms a partnership of a wide range of bodies and professionals with a specific interest in the River Axe and its surroundings, its environmental quality and improvement and the farming, wildlife and communities of the river valley system.
- 4.11 The Triple Axe Project is currently developing a range of projects designed to improve river water quality with a direct focus on reducing phosphate levels. These projects are however at early stages of development and are currently shorter term in nature and of a demonstration status. Looking forward the intent is to deliver long term, sustainable and lasting improvements to the river. There is therefore, a clear synergy between the work we need to do and the outputs we seek and that of the Triple Axe Project. The council retain direct and clear contacts with the Triple Axe work. For more information on this project and challenges it has identified see the Triple Axe Action Plan (2021-26)
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:93663dee-b727-4f53-8144-f4cec41b4303>

5 Implications for Plan Making

- 5.1 In terms of the new Local Plan it was already known that the impacts of development on nutrient levels in the River Axe would need to be considered under the habitats regulations in making allocations in the area and that any residential development promoted in the area would need to be subject to mitigation. The correspondence from Natural England does not change this position while the additional funding will help to move forward with a mitigation strategy.
- 5.2 With regard to neighbourhood plans in the area it may well mean that further habitat regulations assessment work will need to be undertaken in support of neighbourhood plans particularly those that seek to allocate new homes. Our neighbourhood planning officer will be on hand to advise and support neighbourhood planning groups.

6 Implications for Development Management

- 6.1 The development management team currently have 28 applications under consideration that could potentially be impacted by the correspondence from Natural England. Up until now we had been granting small scale residential developments within the catchment of the Axe but holding larger scale applications pending mitigation measures. Developments will now have to be subject to a full appropriate assessment under the habitats regulations and in the likely absence of mitigation that would demonstrate that they can be nutrient neutral then they would have to be refused at this time. A clear implication of this and decisions on future residential developments that would have come forward in the area is a clear reduction in the number of new homes coming forward within the catchment of the Axe. This could have implications for housing delivery overall and our ability to maintain a 5 year housing land supply. Further investigation of the implications for housing supply need to be undertaken and reported on.
- 6.2 Further implications for development management will include the need to provide information about these changes on our web-site and to applicants now and in the future. In addition undertaking appropriate assessments for proposals for new residential development in the area will generate additional work. There will therefore be not insignificant resource implications for the service.

7. Further Work

- 7.1 A lot of further work is needed initially to better understand the guidance issued by Natural England and its implications and then in delivering a mitigation strategy. Further reports will be brought to Members as work progresses and decisions need to be taken to progress this work.

Financial Implications

The financial implications and available funding have been clearly addressed in the body of the report. The potential future financial implications are wide ranging from loss of planning fee income due to the requirement to refuse applications through to the potential for additional resource requirements due to the new burdens that will be placed upon the service. These impacts will need to be considered and prioritised within future budgets along with the financial management of delivering a cross council strategy.

Legal Implications

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

Report to: Strategic Planning Committee

Date of Meeting 05 April 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Methodology for defining settlement boundaries

Report summary:

During its deliberations on the 'Working Draft East Devon Local Plan', this committee agreed in principle that settlement boundaries should be drawn around the Tier 1 to Tier 4 settlements. In order to draw the boundaries properly, it is essential that we follow a defined process in a logical and transparent way: this report details the methodology proposed for achieving this. The criteria chosen seek to reflect the discussions and decisions taken by Strategic Planning Committee that boundaries should enable some limited, small scale, incremental growth.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- 1) **That Strategic Planning Committee endorse the proposed methodology for defining settlement boundaries, set out in paragraph 2 of this report, and delegate authority to the Service Lead – Planning Strategy and Development Management to use the methodology in the preparation of the plan for consultation.**

Reason for recommendation: To ensure that Members agree with the method to be used to define boundaries so that more detailed work can progress.

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; It is important that we set out how settlement boundaries are to be defined to ensure a rational process is followed and can subsequently be justified.

Links to background information – See links in the attached the 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 Introduction

- 1.1 The issues relevant to settlement boundaries were first considered by Strategic Planning Committee in [October](#) 2021, when a topic [paper](#) was [considered](#). These papers set out national policy and other considerations relating to the principles of settlement boundaries and explored alternative options.
- 1.2 The working draft plan included three policies relevant to settlement boundaries. Strategy Policy 6 ‘Development inside settlement boundaries’ set out what kind of development is likely to be acceptable inside settlement boundaries and was accepted by Strategic Planning Committee as shown in the relevant [minutes](#). Strategy Policy 7 ‘Development adjacent to the outside edge of settlement boundaries’ set out a policy of allowing some restricted forms of development on the outside edge of the settlement boundary, but this approach was not supported by the Committee. Members preferred ‘Option C’, which was not to have a policy enabling development on the outside edge of settlement boundaries and to draw settlement boundaries more ‘loosely’ to help provide a supply of smaller sites that would be too small to consider specifically allocating for development. Strategy Policy 8 ‘Development beyond settlement boundaries’ restricted development beyond settlement boundaries so that it is only permitted if in accordance with a specific local or neighbourhood plan policy: this was supported by Committee.

2 Proposed Methodology

- 2.1 In order to achieve a consistent approach to the drawing of settlement boundaries we will need to follow a methodology that sets out the circumstances in which land will or will not be included within the settlement boundary. This approach was used successfully during the preparation of the Villages Plan.

2.2 A set of criteria has been devised to guide the detailed work of defining settlement boundaries for inclusion in the next consultation on the local plan. They are set out in the table below and reflect the previous discussions of Strategic Planning Committee.

	Ref	Criteria	Commentary
General Criteria	A1	Boundaries should reflect the existing scale and core built form of the settlement while enabling small scale, incremental growth.	It is important that the settlement boundaries are prepared in accordance with the strategy set out in the local plan. This seeks to encourage and manage growth through policies and allocations, Settlement boundaries have been designed as a policy tool to give a high degree of certainty to both local communities and the development industry about where development is generally encouraged and where it is more closely controlled. Plan allocations and policies provide opportunities for sustainable growth of settlements. This approach, coupled with the drawing of boundaries that limit, but do not stifle all outward growth of settlements will enable the pattern of growth to be managed in line with the NPPF. Where a site is allocated in a made neighbourhood plan, that site may be included within the settlement boundary under criteria B3.
	A2	Where practical, boundaries should follow clearly defined physical features such as walls, fences, hedgerows, roads and water courses.	It is clearly desirable for lines on maps to follow physical features that have a degree of permanence. This enables the plan to be easily read and understood by interested parties and often such features on the edge of settlements mark a change in character from built settlement to rural. However, sometimes the change in character is more gradual, for example where large gardens form a 'buffer' between the main built form of the settlement and the wider countryside. In these circumstances, if there is significant development potential, it may be appropriate for the settlement boundary not to follow physical features. Where this is the case, an assessment will be made to make it clear why the land has been excluded.
Areas to be included	B1	Built and extant planning permissions for residential and employment uses which are both physically and functionally related to the settlement.	Where sites with permission will secure development that will fall in line with the criteria detailed in this methodology it will typically be appropriate to include them in the boundary. However, where planning permission has been granted as an exception to normal planning policy, including any market housing built to enable affordable housing under Strategy 35 of the adopted

	Ref	Criteria	Commentary
			East Devon Local Plan 2013 - 2031 OR where planning permission has been granted but due to special circumstances, such as low density development to protect mature trees, exclusion may appropriate.
	B2	Built and extant planning permissions for community facilities, such as religious buildings, schools and community halls which are considered to be physically and functionally related to the settlement.	Where buildings are physically well related to the built form of a settlement, inclusion is appropriate. However, where the buildings are set in very extensive grounds that are clearly beyond the built form of a settlement they may be excluded.
	B3	Site allocations identified in the draft local plan or any made neighbourhood plan for residential, community or employment uses which are physically and functionally related to the settlement.	Significant areas of open space on the edge of a site allocation may be excluded, together with any neighbourhood plan allocation that restricts the nature of the development (such as requiring only housing for older persons).
	B4	Areas of land that are largely contained between site allocations proposed in the draft local plan and the main built-up area of the related settlement.	Any land included on this basis will be considered on a case by case basis having regard to landscape, townscape and any other considerations relevant in specific circumstances. More detailed assessments will be provided of potential sites that could meet this criteria so that it is clear why they have been either included or excluded.
	B5	Parcels of land smaller than 0.15 of a hectare ¹ that may provide opportunities for no more than 4 homes to be built where generally compatible with the general layout and landscape setting of the settlement	No all sites that would potentially meet this criteria will be included within settlement boundaries. The purpose of this criteria is to allow for limited incremental growth in keeping with the scale of settlement and its character. More detailed assessments will be provided of potential sites that could meet this criteria so that it is clear why they have been either included or excluded. These assessment will have regard to landscape, townscape and any other considerations relevant in specific circumstances. This criteria only applies to sites where the existing boundaries are below the threshold set – it will not apply to parcels of larger sites.
	B6	Parcels of land larger than 0.15 of a hectare that may not have been considered suitable for allocation, but nevertheless may provide	The inclusion of any site on this basis is likely to be exceptional as our preference is to specifically allocated sites of this scale. However, it is possible that there may be some sites that are constrained so that they

¹ The Housing and Economic Land Availability Assessment (which forms the main 'supply' of sites to be considered for allocation in the local plan) does not consider sites below this threshold - [HELAA Methodology - May 2021 \(eastdevon.gov.uk\)](#) at paragraph 5.2

	Ref	Criteria	Commentary
		suitable development opportunities if applicants demonstrate through the development management process that individual proposals would be acceptable.	are unlikely to yield enough dwellings to justify allocation. It may be difficult to resolve the potential difficulties of developing such sites through the local plan process, but they may still have potential to enable small scale incremental growth of settlements, if specific proposals are found to be acceptable through the development management process. Very few sites are likely to be included based on this criteria.
Areas to be excluded	C1	The curtilage of any property with the capacity to very significantly extend the built form of the settlement.	The definition of Settlement Boundaries is about defining a group of land and buildings that together take the physical form of a settlement plus small scale opportunities for development growth. It is not about including outlying land and buildings simply because they share an address or post code.
	C2	Large areas of open recreational or amenity space at the edge of settlements which have a predominantly open visual character.	
	C3	Development which is physically or visually detached from the settlement (including farm buildings or renewable energy installations).	
	C4	Parts of settlements that might comprise of groups of houses or buildings but which are separated from the main core of the village by fields or open space.	

2.3 In the Villages Plan, following the definition of boundaries using the agreed criteria, further work was undertaken to assess whether all the areas provisionally included in the boundary had good access to services and facilities by means other than the private car. In the case of Newton Poppleford and West Hill some areas were excluded from the boundary on this basis and this approach was supported by the Inspector. It is proposed that we take a similar approach in the Local Plan so that, once boundaries are drawn using the above criteria we ‘sense check’ them against the emerging policies of the plan. It may be that this further step in the process shows that some areas initially included would not be appropriate locations for development and they would then be excluded. The intent is that the above table and other material will feature in an evidence document or audit trail document that will be used to help explain and justify local plan policy and its application to boundary definition. Such a document or documents would be likely to be submitted as part of the Council’s paperwork for plan examination.

Financial Implications

There are no financial implications on which to comment.

Legal Implications

As noted in the report a clear audit trail of evidence and methodology is necessary as part of the plan making process. There are no further legal comments.