

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 5 September 2023

Attendance list at end of document

The meeting started at 10.00 am and ended at 3.51 pm. The Chair adjourned the meeting for lunch at 12:50 pm and reconvened at 1.35 pm. Brief adjournments also took place at 11.30 am to 11.50 am and 2.45 pm to 2.55 pm.

14 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 21 July 2023 were confirmed as a true record.

15 Declarations of interest

Minute 19. Housing Numbers in the East Devon Local Plan.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 20. East Devon Local Plan - Future Work Planning.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 21. Achieving Nutrient Neutral Development in the River Axe Catchment.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Marcus Hartnell, Other Registerable Interest, as a Devon County Councillor left the chamber for this item and did not take part in discussions or vote on this item.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Mike Howe, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Paula Fernley, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Todd Olive, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 23. Duty to Co-operate Update.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 24. Section 106 and CIL Resources and Processes.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 24. Section 106 and CIL Resources and Processes.

Councillor Mike Howe asked for it to be noted that although it was not a declaration he was Chair of the Community Infrastructure Levy Working Party which referred to his ward in the report.

16 **Public speaking**

There were no members of the public wishing to speak.

17 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

19 **Housing Numbers in the East Devon Local Plan**

The Assistant Director – Planning Strategy and Development Management presented the report which addressed matters raised by Strategic Planning Members at the meeting on 9 June specifically addressing the housing need matters with constraints in East Devon to accommodate housing growth.

The report focused on two key aspects which related to the unconstrained housing need figure calculated on the Government's standard method for calculating housing numbers and the housing requirement which takes into the constraints. The current housing need figure under the Government's standard method stands at 910 homes per year which Members noted was not unusual for Southern England.

The Assistant Director – Planning Strategy and Development Management highlighted the following planning constraints which the report addressed but concluded could not be taken into account as these were not classed as exceptional circumstances:

- Areas of Outstanding Natural Beauty
- Green Belts
- Duty to co-operate
- Growth on protected habitats

He also addressed the wider concerns for not accommodating the standard method housing need numbers and emphasised that current evidence had demonstrated East Devon did not have any exceptional circumstances to justify using an alternative approach to the standard method for calculating the Local Housing Need.

The Assistant Director – Planning Strategy and Development Management advised it was important to note that the proposed levels of growth could be accommodated with suitable mitigation in place and that it would be kept under review should Government policy changes.

Members thanked the Assistant Director – Planning Strategy and Development Management for the excellent detailed report which gave a compelling argument to the recommendations proposed and raised the following comments and questions:

- There is a need to challenge the housing numbers through political channels rather than through the local plan process.
- Concern was raised about the duty to co-operate and neighbouring authorities not meeting their housing numbers. It was advised there was a need to wait and see and then push for evidence to back up their case. Torbay was the only neighbouring authority at this stage that had indicated that they would not be able to meet their housing numbers and evidence had been requested to confirm this.
- There was a need to find ways to mitigate existing challenges and focus on issues such as waste water and working with NHS.
- There was a need to work closely with town and parish councils to ensure they get the right housing that they believe is needed.
- Clarification was sought on the affordability ratio and the comments detailed in paragraph 5.30. The Assistant Director – Planning Strategy and Development Management agreed questioning the evidence about whether this would bring house prices down.
- Clarification was sought on the infrastructure issues detailed in paragraph 5.24 and whether this could be considered a constraint if Government was failing to carry out the engineering solutions. In response the Assistant Director – Planning Strategy and Development Management advised it would not be a constraint to levels of growth in planning terms as development could be phased to allow for the infrastructure to put in place, but it could be raised at a political level.
- Concern was raised about the proposal for a new town when DCC were not happy with their infrastructure and roads in Exeter.
- There is a need to separate the site allocations from worst to good and put the worst sites on a reserve which if needed can be appealed when the local plan goes for inspection.
- The reason why East Devon suffers so badly with house prices and availability is due to inward migration.

In line with comments received from Members about the need to challenge the housing numbers through a political process Councillor Kevin Blakey proposed the following additional recommendation which was seconded by Councillor Ben Ingham.

‘That EDDC should write to our local MPs to press for a policy change as referred to in recommendation 2 to take into account the real local need excluding the influence of demand for housing created by inward voluntary migration.’

Further comments included:

- Do not agree that we do not have exceptional circumstances. There is a duty to our residents to push back and not accept figures from an algorithm.
- Concern raised that the local plan was not moving forward since the consultation and the need to stop going around in circles.
- It was suggested to a slight amendment of the wording in recommendation 2 as there was a need to keep other neighbouring authorities under constant review with their housing numbers.
- Dissatisfaction was expressed about the delivery of housing sprawling out into the countryside onto our green fields. Discussions have never taken place in committee about how this can be avoided.
- In response to the additional recommendation proposed by Councillor Blakey it was suggested there was a need for a continuous commitment to look at political avenues to challenge the housing numbers.
- There is a need to push to maximise the number of affordable homes.

- A member expressed support for a letter to be sent to local MPs to try and get the housing numbers down but could not support a letter that could not support the voluntary inward migration as this would stop people coming into the district that were highly skilled. In response Councillor Blakey advised the point he was trying to make was that local housing need should be made more affordable and that house prices were driven by people coming into the area.
- The current housing target was completely unreasonable and that continued conversations were needed with our local MPs to keep the pressure on Government.
- It was suggested to have a bullet pointed letter to the local MPs listing all the constraints.
- It was suggested to use the previous letter sent to Michael Gove should be used as a base point.

The following suggestions were made by Members to include in the letter to Michael Gove:

- A member suggested circulating the letter to the Strategic Planning Committee Members as several Members who had commented earlier were not present.
- It was suggested there was a need to send the letter out as a press release and to also put the letter on all the council's social media platforms, so residents know that they are supported.
- There was a need to include the following constraints:
 - the impacts on roads and infrastructure.
 - the effects on water and sewerage and its infrastructure
 - the increased pressures on doctors' surgeries and the NHS in general.
 - the efficacy of the affordability uplift in the standard method.
 - the ability for councils to build homes and not just developers to maintain a mixed market.

RESOLVED:

1. That active local plan preparation reconvene and work on the basis, for the time being, of providing sufficient housing to meet the Government standard method.
2. That should the Government policy change and provide sufficient flexibility for a differing housing level, an insurmountable infrastructure constraint, or a finding at a local plan examination elsewhere then matters should be reviewed for an alternative approach is applicable, appropriate and desirable and can be successfully achieved in the East Devon local plan.
3. That EDDC should write an open letter to our local MPs to press for policy change as referred to in recommendation 2. Delegated authority to be given to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair and Vice Chair to agree the content of the letter in line with the previous letter written and points raised.

East Devon Local Plan - Future Work Planning

The Assistant Director – Planning Strategy and Development Management provided the Committee with an interim update on the work programme for the new local plan to address the immediate issues to the local plan making system due to the proposed Levelling-up and Regeneration Bill. He advised that it was critical for Members to be aware that absolute deadline to submit the draft local plan was June 2025 and adopted by June 2026.

The Assistant Director – Planning Strategy and Development Management drew Members attention to key areas that had been identified as not having been effectively progressed and would need further consultation through a further Regulation 18 stage. Members noted that a detailed report would be brought to Committee next Spring.

These included:

- Site allocations and master planning for the new town
- Employment allocations
- Further housing sites
- Clyst Valley Regional Park Boundary
- Green Wedges
- Coastal Preservation Areas
- Designated Neighbourhood Area Housing Requirements

Members attention was drawn to the detailed table that summarised the further work, evidence and committee considerations that may be needed to support the local plan which would be brought to Members in bite size chunks, chapter by chapter to work through and agree any changes.

Questions from Members included:

- Clarification was sought on whether there was a Jurassic Coast Protection Area to cover the inland areas and whether this was an overlap of the coastal preservation areas. The Assistant Director was not aware of this and advised he would look into this with the World Heritage Site Team.
- There was a need to consider food and water security and look at ways of protecting the grade 1 and 2 lands on further developments and clarification was sought on whether there would be policies in the local plan to protect these types of land. It was advised there would be policies in the plan to protect the best agricultural land and could look to accommodate water security which could be picked up when the Water Cycle Study was completed.
- Concern raised that there nothing in the local plan about our rural communities and clarification was sought about helping farmers. It was advised current policies were open to rural development and rural diversification.
- Several Members raised concerns about the Green Wedges advising they were very important, and the review should not propose to reduce them or be encroached on. The Assistant Director – Planning Strategy and Development Management advised there the Green Wedge Policy along with the other outdated policies must be reviewed to make sure the new local plan has up-to-date evidence and justification for it to be adopted. In response there was a request to have it noted in the minutes that whilst the committee recognises there was more work to be done that as a matter of principle the Green Wedges were a priority and preventing the coalescence of settlements was absolutely vital.
- Clarification was sought on the strategic development at Whimble and Feniton. In response it was advised this would be picked up at a later date when considering the site allocations.
- It was suggested that the Chair and Vice Chair be kept regularly up to date on the GANT chart and on any other relevant information relating to progress. The Assistant Director – Planning Strategy and Development Management confirmed he was happy to sit down with the Chair and Vice Chair and review the work programme at any time.
- Clarification was sought on whether a policy could be introduced to prevent developers trying to get out of providing affordable housing after the planning application has been approved. In response it was advised that if current

government legislation changed this could be possible but at present this would not be possible.

RESOLVED:

1. That local plan production continues under the current existing plan making system though with future periodic reviews to assess possible potential and desirability to work under the proposed new system.
2. Working on and refining the existing draft local plan notwithstanding that scope exists to alter the plan strategy and add to, delete or amend draft policies in the future be endorsed.

21 **Achieving Nutrient Neutral Development in the River Axe Catchment**

Prior to the Assistant Director – Planning Strategy and Development Management presented his report the Portfolio Holder Coast, Country and Environment read out the following statement.

‘I was alarmed last week to read the Government proposed changes to Nutrient Neutrality for their National Policy

It is proposed that within the Levelling-up and Regeneration Bill to make Natural England’s nutrient neutrality rules advisory rather than mandatory. This will effectively enable this council to resume processing planning applications again in the Axe catchment which we have been unable to do since early 2022. On the face of it, its good news for local housing building, but is it good for the environment?

It still remains vital to clean up the Axe Catchment and will the change in policy with the lifting planning restrictions and the announced alleged new funding tackle the root causes of nutrient pollution in rivers and estuaries.

It is reported that additional funding will be provided to the NE Nutrient Mitigation Scheme to tackle pollution and restore habitats, with the promise that developers will contribute to funding mitigation in the future.

It was also announced the Government will also provide:

- Legislation requiring investment from water companies to improve infrastructure to the highest standard by 2030. But this has already been announced so not new money.
- £200m grants to improve slurry infrastructure and fertilising equipment on farms, with an increase in inspections to ensure that farmers are minimising water pollution. But Liz Truss, who when in charge at the DEFRA between 2014 and 2016, oversaw “efficiency” plans set out in the 2015 spending review reduced Environment Agency funding by £235m. This included a £24m cut from a government grant for environmental protection, including surveillance of water companies, between 2014-15 and 2016-17. So, this new grant is simply replacing what was cut 9 years ago!
- Additional £25m to invest in innovative land and soil management techniques. But these 2 new funding announcements are less than what was cut in 2014! So, what about inflation?
- Consultation later this year to consider requirements for sustainable drainage solutions to protect homes and waterways. Surely wasn’t this part of the NPPF proposed changes that were to be concluded last spring?

I therefore question this “new” funding for environmental mitigations will deliver what is needed throughout the country!

Although I never understood the stopping of planning permission for the Axe catchment in 2022, as the greatest amount of pollution was estimated as Agricultural at over 70%. (To me it seemed that the wrong player was sent off!!)

Now the Government are suggesting removing this requirement, but I feel we need to know the full consequence of their proposals within the Axe catchment area before we react to what seems a retrograde step from the Nature Recovery Policy which we are now introducing.

It would seem that funding is simply returning but at yesterday's prices in another form!

Up to now the Axe catchment work has been through Strategic Planning, as it effects new homes, but I now wonder if we need to include this within our Nature Recovery, rather than it being only being a planning matter.

I therefore suggest that we review this suggested change in Government policy and plan any changes required in our strategy to the Axe catchment and feedback our thoughts appropriately to Government and our MPs.

What we don't want is to lose the valued work already achieved that has been done to improve the Axe water quality, but to use that work and build on it to return this catchment to its former high-quality status as soon as possible.

Just because government is suggesting the lifting of the NE requirement to a building ban, we don't want to waste the work we have achieved so far.'

Members considered the Assistant Director – Planning Strategy and Development Management's report which sought agreement into delivering suitable mitigation measures in the River Axe catchment.

The Assistant Director – Planning Strategy and Development Management drew the Committees' attention to the letter received in April 2022 from Natural England advising that because of the sensitivity of the River Axe it had been placed in a Special Area of Conservation and that new planning permissions for new homes and other developments providing overnight accommodation should not be granted unless it can be shown to be 'nutrient neutral'.

The Assistant Director – Planning Strategy and Development Management advised there were key mitigation options for Members to consider:

1. To set up a trading platform which would allow landowners to bring forward projects to allow mitigation of phosphate discharge.
2. To agree a £3k payment towards initial set up costs. This would be taken from the £100k funding monies that had already been provided by Government to address these issues;
3. To pursue potential water efficiency measures to the Council's housing stock, and
4. To investigate the council housing stock within the River Axe catchment that is not connected to mains drainage and whether upgrading drainage systems could reduce the discharge of phosphates.
5. To adopt the guidance from Natural England.

Members were made aware of a recent ministerial statement that the Government was intending to propose changes through the Levelling-up Bill to address the issues highlighted in the report and clarified from a letter received from the Department of Levelling-up Housing and Communities that these measures were subject to Parliamentary scrutiny and effect from Royal approval which implied it was still a long way off and planning decisions would still need to be taken in line with the current planning framework.

The Assistant Director Planning Strategy and Development Management recommended a caveat to Recommendation 1 to read:

‘Agree to provide financial support to the Environment Agency and West Country Rivers Trust Nutrient Trading Platform in the form of a £3k payment towards initial set up costs and £10k for this financial year and defer payments for future years until there is greater clarity.’

Comments and questions raised from Members included:

- Reassurance was sought on whether the private credit trading platform would achieve better outcomes. In response the Assistant Director – Planning Strategy and Development Management advised it would not be for profit and can have reasonable assurance it would deliver its intended outcomes. Further details had been requested which if Members wanted could be brought back to Committee at a later date.
- Clarification was sought on how many of our council houses were not on mains drains in the catchment area. Although an exact figure could not be provided the Assistant Director – Planning Strategy and Development Management advised it was not very many and advised this would be investigated further.
- Clarification sought on what was the least and most effective on mitigation measures. It was advised that a wetland would be far more effective than water efficiency measures but purchasing land for a wetland would be extremely difficult.
- Clarification sought on the efficiency measures referred to in paragraph 5.7
- Reference was made to paragraph 5.8 and whether increasing the concentration of phosphates in discharge would have the desired effect.
- Clarification sought on how many houses would be affected by the River Axe catchment area in the emerging local plan. It was advised there were about 700 homes proposed in the catchment area which included all the first and second choice sites and about 150 homes currently delayed through the planning application process directly as a result of these issues.

Councillor Mike Howe proposed the recommendations which included the Assistant Director – Planning Strategy and Development Management’s caveat to Recommendation 1 which was seconded by Councillor Helen Parr.

RESOLVED:

1. That financial support to the Environment Agency and West Country Rivers Trust Nutrient Trading Platform in the form of £3k payment towards initial set up costs for this year be agreed and delegated authority be granted to Assistant Director – Planning Strategy and Development Management in consultation with the Monitoring Officer and Section 151 Officer to agree an Service Level Agreement between the Environment Agency, West Country Rivers and East Devon District Council reflecting the issues raised by Members concerns.
2. To pursue potential water efficiency measures to the Council’s housing stock within the River Axe catchment be agreed and that a detailed proposal be brought to Members for consideration at a future meeting.

3. To investigate council housing stock within the River Axe catchment that is not connected to mains drainage and consider whether upgrading drainage systems could reduce the discharge of phosphates be agreed.
4. That the guidance on thresholds for the significance of projects impacting on nutrient neutrality issues as agreed with Natural England be adopted by the Council and published on the Council's website.

22 **Gypsy and Traveller Site Provision**

The Assistant Director – Planning Strategy and Development Management updated Members on work that was on-going to develop a strategy for delivering necessary sites to meet the needs for gypsy and travellers.

It was advised a number of attempts had been made to acquire suitable sites however it had become an ongoing challenge to find these suitable sites due to the lack of willingness from landowners to sell.

A couple of opportunities had now been presented. These options were:

Elbury Close, Broadclyst.

This site was currently leased from the National Trust to DCC. It is in poor condition and in need of urgent repairs. DCC would like EDDC to take on the lease arrangements which would provide an opportunity to explore expanding the site to provide additional pitches.

Cranbrook

The adopted Cranbrook Plan DPD allocated land for a total of 15 permanent pitches across 2 sites.

Members views were sought on the following 3 options for delivery:

1. The developers market the pitches as serviced sites having first laid out the site as per the agreed and costed specification.
2. The developers market the pitches without services and without first laying them out.
3. The Council agrees to take the free transfer of all the pitches (as serviced land) and a financial contribution from the developers to enable their delivery.

The Assistant Director – Planning Strategy and Development Management also sought Members views on Baxters Farm, Musbury which is owned by DCC and had been identified as potential land for a gypsy and travellers site. This was identified in a draft development brief but DCC would not want to accommodate provision on the site and have been looking at alternatives. Members were advised that DCC were also mindful that there is an unauthorised encampment of travellers on DCC land within Shute Woods which is subject to an enforcement notice to remove the travellers from that site. As a result there is some pressure on DCC to find a suitable site in the district.

RESOLVED:

1. That the historic issues associated with gypsy and traveller site provision in the district be noted and the current position be noted.
2. That the 3 options for the delivery of gypsy and traveller pitches as part of the Cranbrook expansion areas as set out at paragraph 3.11 be considered.
3. That the emerging opportunity to work with Devon County Council to deliver a gypsy and traveller site in the east of the district in-lieu of provision of Baxters

Farm, Musbury and to address the long running unauthorised encampment at Shute Woods be noted.

RECOMMENDED TO CABINET:

1. That the Council agree in principle to taking over the lease arrangements for the Elbury Close site at Broadclyst and progress discussions with Devon County Council and the National Trust over these arrangements be agreed as well as to discuss the opportunities to continue the current management arrangements with Elim Housing. A detailed proposal for the new lease and management arrangements to then be brought to Cabinet for Members consideration.
2. That option 3 of paragraph 3.11 of the report be recommended as the preferred option.

23 **Duty to Co-operate Update**

The report presented by the Assistant Director – Planning Strategy and Development Management updated Members on matters related to the duty to co-operate and was advised that as the council had a duty to co-operate with neighbouring local authorities and stakeholders if the local plan was not prepared in a way that met the duty to co-operate it would not be found sound and would not be adopted.

The bodies considered to be bound by the duty to co-operate included:

- Environment Agency
- Natural England
- NHS
- Highways England
- South West Water

Members attention was drawn to the appended report. Appendix 1 provided Members with a summary of the relevant bodies, comments received and key actions and appendix 2 summarised the strategic cross boundary issues and key actions.

The Assistant Director – Planning Strategy and Development Management emphasised there was a lot of work still to be done and that there could still be a lot of issues to resolve and officers were working to reassure Members that the duty to co-operate can be met.

RESOLVED:

1. That the representations received on the draft local plan from ‘duty to co-operate bodies’ as set out in Appendix 1 to this report be noted.
2. That work undertaken on strategic cross boundaries issues and proposals for examining the issues identified as set out in Appendix 2 to this report be noted.
3. That the table set out in Appendix 2 be circulated to other duty to co-operate bodies for comments as set out in paragraph 4 of this report.

24 **Section 106 and CIL Resources and Processes**

The Assistant Director – Planning Strategy and Development Management presented a report updating Members of the current position with regard to the Section 106 and Community Infrastructure Levy (CIL) processes.

It was noted that the proposed measures to address a number of issues highlighted by the SWAP audit was to include a new staffing structure within the planning obligations team to incorporate alongside the existing CIL and Section 106 Officer posts a new Planning Obligations Manager, an additional CIL Officer and Planning Obligations Support Officer. This would in turn provide the much needed additional resource to assist the town and parish councils to help deliver projects in their areas with the Section 106 monies.

The Assistant Director – Planning Strategy and Development Management advised to help reduce the financial burden on the council it was proposed to increase the monitoring fees as detailed in appendix 1 of the report.

The Chair on behalf of the Members thanked the Assistant Director – Planning Strategy and Development Management for the welcomed report which addressed not only the historical issues but a proposed solution and how it would be funded and looked forward to seeing the improvements.

RECOMMENDED TO CABINET:

1. That the proposed revised S106 Monitoring Fees charging schedule appended to this report be supported.
2. That the proposed Planning Obligations Team incorporating the existing COL and Section 106 Officer posts and the proposed new Planning Obligations Manager and Planning Obligations Support Officer posts be created with the new posts to be funded from S106 Monitoring Fees and CIL admin funds be approved.
3. That the current spend process for S106 receipts for spend in the community on play areas, open space and other community spaces be amended as per option 2 as detailed in the report and delegated authority be given to the Assistant Director – Planning Strategy and Development Management to issue best practice guidance on the Council's website on how town and parish councils should engage their communities on spend decisions be approved.

RECOMMENDED TO COUNCIL:

1. That these charges be applied with effect to Section 106 agreements associated with planning applications received once the new charges have been published on the Council's website.
2. That the proposed Planning Obligations Team incorporating the existing COL and Section 106 Officer posts and the proposed new Planning Obligations Manager and Planning Obligations Support Officer posts be created with the new posts to be funded from S106 Monitoring Fees and CIL admin funds be approved.

Attendance List

Councillors present:

B Bailey
J Bailey
K Blakey
O Davey (Chair)
P Fernley
C Fitzgerald
M Hartnell
P Hayward
M Howe (Vice-Chair)

B Ingham
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

R Collins
G Jung
M Rixson

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer

Councillor apologies:

B Collins
D Ledger

Chairman

Date: