

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 9 January 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.57 pm. The meeting was briefly adjourned at 11.24 am and reconvened at 11.33 am.

50 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 5 December 2023 were confirmed as a true record.

51 Declarations of interest

There were no declarations of interest.

52 Public speaking

Councillor Geoff Jung, Portfolio Holder for Coast, Country and Environment raised concerns about how Strategic Planning Committee were being forced by Government to increase the number of housing provision in East Devon while South West Water's performance, in relation to the provision of its water quality and sewage treatment works clearly has demonstrated systematic ongoing failures. This has been further demonstrated in the last couple of weeks by recent pollution events in Exmouth which have led to the local MP reporting South West Water to the Water Services Regulation Authority (Ofwat). Councillor Jung suggested that these failures were due to South West Water increasing the pump pressure to provide increased capacity resulting in major pipes bursting releasing untreated sewage. He said that as a Planning Authority we have to rely on South West Water and the Environment Agency to give advice in relation to potential planning developments and it is clear that the current sewage treatment system in East Devon is failing and that urgent action is needed to correct it.

Councillor Paul Arnott sought clarification from the Assistant Director – Planning Strategy and Development Management about the difference between the incident in Exmouth and Natural England putting an embargo on any development in the Axe Valley area due to ongoing pollution from farms and future development. In response it was advised the immediate difference was that Natural England had monitored the level of phosphates in the River Axe over a number of years to understand the water quality and although the discharge was acknowledged in Exmouth it was a focussed area. The Assistant Director – Planning Strategy and Development Management advised if members were in agreement, he would seek the Environment Agency's views on the situation.

In response to a question from the Chair about whether South West Water could be made a statutory consultee for new housing developments it was advised that to do this would require Government to change legislation.

Councillor Mike Howe referred to his ward in Clyst St Mary which regularly has raw sewage flowing into the village with or without a rainfall. He pointed out that it was fundamentally wrong that South West Water never object to a planning application and they need to be made aware that they can object. Until South West Water come up with

a solution this Planning Authority should not be approving any further development in the villages with these issues.

The Assistant Director – Planning Strategy and Development Management acknowledged the frustrations that Members felt about these issues and drew attention to the Water Cycle Study which was needed to help understand the current situation. He advised that this was currently delayed and would hopefully be brought to the next Committee meeting.

53 **Matters of urgency**

There was one item dealt with in this way recorded at Minute 55.

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

There were no confidential or exempt items.

55 **Changes to the National Planning Policy Framework**

The Committee considered the Assistant Director – Planning Strategy and Development Management's urgent report that highlighted the latest key changes to the National Planning Policy Framework (NPPF) published by Government on 19 December 2023 and 20 December 2023 and how these changes would impact East Devon's housing numbers requirement.

The Assistant Director – Planning Strategy and Development Management advised that on the whole the proposed changes would not significantly affect the council apart from the need to consider housing need and constraints which this council had commented during the NPPF's consultation stage should be taken into account as East Devon has high levels of constraints including Areas of National Landscape and areas of flooding. He referred to paragraph 67 which states that authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.

Reference was made to paragraph 77 and paragraph 266 which advised that as the draft local plan was at the Regulation 18 stage it was identified that the housing requirement would now require the council to deliver a four-year housing land supply instead of a minimum of five years. The details of how this would be calculated were not yet known but the Assistant Director – Planning Strategy and Development Management advised Members that there was still a need to bolster the housing supply as the Council would still need to demonstrate a five-year housing land supply position as part of the new Local Plan.

Discussions covered:

- Support expressed for Recommendation 1.
- A concern was raised on the wording for Recommendation 3 – 'a need to bolster the housing land supply position' as this appears the council has already decided this.
- The report had not picked up on a relevant concern about the change to neighbourhood plans in development management and reference was made to paragraph 14 of the NPPF states that neighbourhood plans will be considered up to date for up to five years of them being made which significantly boosts our

towns and villages when guiding development. In response the Assistant Director – Planning Strategy and Development Management advised Members that in the government's response to the NPPF consultation they indicate that neighbourhood plans would need to have allocated a housing site to benefit from the protection.

- A concern was raised about Simon Jupp MP December newsletter that stated that Government had made local housing targets advisory which was deceptive and dishonest. In light of this comment it was suggested this Committee needs to make the wider public clear that the revised NPPF changes absolutely nothing for housing numbers in East Devon unless there are exceptional circumstances which this council does not have and therefore Government policy still requires this council to proceed with the standard method.
- It was suggested there were two options to calculating the four-year housing land supply.
- Option 2 was not supported as it would not reduce the figure in the five-year housing land supply test is just reduces the time period it is measured.
- Support was expressed for calculating the four-year housing land supply based on option 1 set out in the report.
- Reference was made to paragraph 79 of the NPPF referring to the Housing Delivery Test which remains mostly unchanged.

In light of the comments made above Councillor Todd Olive proposed the following revised recommendations which were seconded by Councillor Dan Ledger.

1. Note the changes to the NPPF as published on 20 December 2023 -strongly commend positive changes to the weight attributed to Neighbourhood Plans in development management decision-making.
2. Request that the changes to the weight of Neighbourhood Plans be drawn to the attention of Parish Councils and Neighbourhood Plan Steering Groups without a made Neighbourhood Plan by the Neighbourhood Planning Officer.
3. Note that changes to paragraphs 77 and 226 of the NPPF mean that the Council is only required to demonstrate a four-year housing land supply and Option 1 methodology be adopted for carrying out the revised test pending receipt of technical guidance from the Department of Levelling Up, Housing and Communities.
4. Request that the Portfolio Holder for Strategic Planning, in consultation with the Assistant Director – Planning Strategy and Development Management make a public statement regarding the changes to the NPPF to emphasise that these do not alter or reduce the number of homes that the emerging Local Plan is require to allocate according to Government policy.
5. Further request that the Portfolio Holder for Strategic Planning, in accordance with the Assistant Director – Planning Strategy and Development Management write to East Devon's MPs to emphasise the issue set out in Recommendation 4.

Further comments received on the revised recommendations included:

- On behalf of Members the Chair thanked the Assistant Director – Planning Strategy and Development Management and Councillor Todd Olive for going through the NPPF to see what the changes were and acknowledged it must have been hard going.
- The Vice Chair requested to be included in drafting the public statement in recommendation 4 and letter to East Devon's MPs in recommendation 5.

- As of 20 December all appeals will need to be made on the new NPPF – we will need to wait to see how the Planning Inspectorate are viewing the four-year housing land supply requirement.
- It was suggested to add the following words to the end of recommendation 3 ‘or a clear steer from the Planning Inspectorate to account for any string of appeals.

The Assistant Director - Planning Strategy and Development Management highlighted that the proposed recommendations do not address the ongoing need to bolster the housing land supply position to ensure that a five-year housing land supply position can be shown at adoption of the Local Plan. Following questions, he advised that under the EDDC Constitution it was for Strategic Planning Committee to advise Planning Committee on this issue.

RESOLVED:

1. The changes to the NPPF as published on 20 December 2023 be noted and positive changes to the weight attributed to Neighbourhood Plans in development management decision-making be strongly commended.
2. Request that the changes to the weight of Neighbourhood Plans be drawn to the attention of Parish Councils and Neighbourhood Plan Steering Groups without a made Neighbourhood Plan by the Neighbourhood Planning Officer.
3. To note that changes to paragraphs 77 and 226 of the NPPF mean that the Council is only required to demonstrate a four-year housing land supply and Option 1 methodology be adopted for carrying out the revised test pending receipt of a technical guidance from the Department of Levelling Up, Housing and Communities or a clear steer from the Planning Inspectorate taking into account any appeal decisions.
4. Request that the Portfolio Holder for Strategic Planning, in consultation with the Assistant Director – Planning Strategy and Development Management and Vice Chair of Strategic Planning Committee make a public statement regarding the changes to the NPPF to emphasise that these do not alter or reduce the number of homes that the emerging Local Plan is required to allocate according to Government policy.
5. Further request that the Portfolio Holder for Strategic Planning, in accordance with the Assistant Director – Planning Strategy and Development Management and Vice Chair of Strategic Planning Committee write to East Devon’s MPs to emphasise the issue set out in Recommendation 4.

56 East Devon Local Plan - A revised new vision

The Assistant Director – Planning Strategy and Development Management presented an updated report setting out a proposed new vision for the local plan that addressed Members concerns following the meeting on 31 October 2023.

Comments raised during discussion included:

- Areas of Outstanding Natural Beauty referred to in the vision should be changed to the renamed ‘National Landscapes’.
- In the second paragraph it was suggested to change the wording ‘fully decarbonised’ to ‘operating at net zero carbon’ to better understand what it means.
- A suggestion to remove the word ‘traditional’ in paragraph 7 where it refers to farming and traditional rural activities as this implies no changes will take place.
- Would like to see a reference regeneration of our towns.

- To replace the words ‘expanding rapidly in paragraph 4 line 2 to ‘developed’ as its uncertain how quick the population will grow.
- In the last paragraph to replace the sentence ‘these will support both biodiversity and the health and well-being of our communities with ‘these will support both nature recovery and health and well-being of our communities’.
- There are a few grammatical errors that need changing.
- There is a typo in paragraph 8.
- It was suggested to change the wording ‘it is a warming climate’ to ‘it is a changing climate’ and in the second paragraph to remove the second ‘they will’.
- In the third paragraph replace ‘sustain strong relationships’ with ‘maintain strong relationships’.
- Would like to add to the end of the first sentence in paragraph 5 ‘supported by appropriate services and infrastructure’ as this was one of our concerns.
- It was suggested that the fourth paragraph should be amended to reflect that the delivery of the new town would be council and corporate led and not developer led.
- Paragraph 5 needs to be removed as it promotes wrong behaviours.

RESOLVED:

The proposed vision as set out in the report be endorsed and its inclusion in the East Devon Local Plan be agreed subject to the removal of paragraph 5 and other minor amendments delegated to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair and Vice Chair.

57 **East Devon Local Plan - Timetable update report**

The Committee considered the Assistant Director – Planning Strategy and Development Management’s report updating Members on the overall progress on local plan production which was progressing according to the timetable.

RESOLVED:

That the ongoing work on local plan production as summarised in the report be noted.

58 **Issues related to Housing Windfall Sites**

The Committee considered the Assistant Director – Planning Strategy and Development Management’s covering report summarising the main issues relating to unplanned windfall sites which make up a significant proportion of housing completions in East Devon. Members also considered the appendix which contained more technical details relating to some of those issues.

Windfall sites are those that have not been identified in the development plan which make up a significant proportion of our housing completion. In total 2,267 windfall sites in the last five years and 39% of the total housing completions in East Devon.

The summary of the main issues included:

- Issue 1 highlights the role of windfall sites which is supported by the NPPF (paragraph 71).
- Issue 2 highlights the compelling evidence that windfalls provide a reliable supply source.
- Issue 3 highlights the extent to which development is to be plan-led arising from the balance between windfalls and allocations for housing.

- Issue 4 highlights the options for a windfall allowance in forecasting housing supply.

The Assistant Director – Planning Strategy and Development Management summarised the following options in relation to this issue as outlined in the appendix:

Option 1 – HMU 2023 windfall allowance of 138 dwellings per year

This is based on the evidence in Appendix A and whether the windfall allowance used in the five-year housing land supply assessment in the East Devon Housing Monitoring update ending 31 March 2023 which Committee endorsed as evidence on 3 October 2023. The windfall allowance would be 10% of the housing requirement based on local housing need of 910 homes per year plus a 10% supply headroom.

Option 2 – Non-strategic increase – adding in garden land windfalls

A – Increasing the windfall allowance

There is compelling evidence to demonstrate that garden land windfall sites of 1 to 9 dwellings would provide a reliable source of windfalls in the future which would increase the allowance rate by 39 dwellings per year. This is not included in option 1 due to the lack of evidence on the impact of local areas.

B – Decreasing the windfall allowance

For more certainty by changing the balance between windfalls and allocations by decreasing the windfall allowance and increasing the amount of allocations for housing development.

Issue 5 – The ability for local plan policies to support windfall delivery

This will result in more areas within settlement boundaries to have more potential for windfalls.

Issue 6 – Producing windfall evidence in a timely manner

This is a very technical but necessary piece of work that will have considerable demands on resources for evidence and plan preparation.

Discussions included:

- It was noted that windfall sites from 1 April 2020 to 31 March 2040 will count towards the housing supply in the emerging local plan completions between 1 April 2020 to 31 March 2040.
- In estimating the five-year housing land supply figures it was suggested the figures were being suppressed and an extra column should be included titled 'brought forwards' so that these figures are not lumped together as windfalls.
- Clarification was sought on the concept of paragraph 2.27 as planning decisions were taken in accordance with policies in the NPPF and local plan and neighbourhood plans. The Assistant Director – Planning Strategy and Development Management acknowledged the issue which could be used against the council in terms of promoting specific applications but in reality the Planning Committee would be considering individual application on their own merits.
- Clarification was sought on paragraph 2.29 and whether the objections received were predominantly from developers. It was advised the objections were mainly from developers.

RESOLVED:

1. The use of the evidence in Appendix A be endorsed for development Management and plan-making purposes.

2. To defer the endorsement of Option 1 to a future meeting so that Members can better understand the preferred approach to justify the housing windfall allowance used to calculate the 2023 East Devon five-year housing land supply position for development management purposes.
3. Option 2 be endorsed as the approach to inform the council's plan-making, its housing supply forecasts and 'rolling' five-year housing land supply assessments which the council will rely on to justify emerging local plan policies.
4. To note the current five-year land supply position and the related windfall allowance for development management and for plan-making will be updated in 2024 and in subsequent years when new evidence at relevant monitoring points becomes available.
5. That should Government policy and/or guidance change regarding a windfall allowance then matters should be reviewed to determine whether an alternative approach is applicable, appropriate and desirable in the East Devon Local Plan.

59 **Exeter City Council Local Plan - Draft Local Plan (Regulation 18)
Consultation and Water Lane SPD Consultation**

The Committee considered the proposed responses to Exeter City Council's draft local plan consultation (Regulation 18) and Exeter Water Lane Supplementary Planning Document following the concerns that had been raised in the last consultation in 2022 about the loss of employment sites within the city.

The Assistant Director – Planning Strategy and Development Management referred to the proposed response in paragraph 3.2 which highlighting some positive points which included:

- Positive agenda for the future development of the city.
- Coordinated working and actions between the City Council and East Devon District Council.
- Welcome the commitment to move to net zero carbon which is in line with this council's aspirations.
- A broad range of accommodation needs.
- Welcome the allocation of 17 hectares of employment land – although it was noted this was a substantial shortfall to what they need to provide and the local plan should be more explicit in respect of quantifying overall levels of employment land needed.
- Welcome the removal of the allocation for redevelopment of the existing Moor Lane motorway service station. Although it was highlighted to Members there were concerns that the only other alternative suitable site would be 3km north of junction 29 around the Poltimore and Broadclyst area which has not been included in our local plan as it would be very harmful for the landscape.
- Welcome the positive approach to green infrastructure but would be keen to see greater reference to green infrastructure beyond the city which would include the Clyst Valley Regional Park and Pebblebed Heaths.

The Assistant Director – Planning Strategy and Development Management also referred to the proposed comments to the Water Lane Supplementary Planning Document which raised concerns that it failed to quantify and justify the loss of employment spaces within this long-established employment area which was much needed to support the economy.

Comments included:

- The links to the Valley Parks were welcomed.

- There is a need to comment about Exeter City's lack of comment about how they will achieve a net zero carbon for 2030. The Assistant Director – Planning Strategy and Development Management advised that if Members were in agreement an extra sentence could be added to the end of the third paragraph to read 'It is not however clear how they will achieve your corporate ambition of net zero by 2030.'
- Do not support the council's opposition to the removal of the motorway services (Policy STC8) as this area is a nightmare even without the planned increase in houses. It was suggested that either the existing services needs to go or a second services needs to be built on the other side of the motorway to lessen the already congested roundabout and would benefit A376 and A3052. In response the Assistant Director – Planning Strategy and Development Management advised that a caveat could be included in the response to advise that East Devon District Council acknowledge that further transport assessment work is ongoing to assess the cumulative impacts of planning growth on Junction 30 and the wider road network and accept that this issue may need to be revisited if relocation of the services is required as a mitigation measure.

RESOLVED:

1. The proposed response to the Exeter Local Plan Consultation be endorsed and its submission to the City Council be approved subject to the amendments discussed in the meeting delegated to the Assistant Director – Planning Strategic and Development Management in consultation with the Chair and Vice Chair.
2. The proposed response to the Exeter Water Lane SPD Consultation be endorsed and its submission to the City Council be approved subject to the amendments discussed in the meeting delegated to the Assistant Director – Planning Strategic and Development Management in consultation with the Chair and Vice Chair.

Attendance List

Councillors present (for some or all the meeting)

B Bailey
J Bailey
K Blakey
O Davey (Chair)
P Fernley
M Howe (Vice-Chair)
B Ingham
D Ledger
Y Levine
T Olive

Councillors also present (for some or all the meeting)

H Parr
P Arnott
K Bloxham
C Brown
J Brown
R Collins
P Faithfull
G Jung
M Rixson

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer

Councillor apologies:

B Collins
C Fitzgerald
M Hartnell

Chairman

Date: