

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 7 October 2022

Attendance list at end of document

The meeting started at 9.30 am and ended at 4.46 pm

43 Public speaking

Councillor Alasdair Bruce, speaking on behalf of Feniton Parish Council, spoke on item 8 as follows:

“On your agenda today you are asked to endorse the Consultation Draft of the Local Plan and specifically to make a recommendation on the scale of growth appropriate at Feniton. The draft plan is to contain specific sites that have come forward in the HELAA and have initially been categorised as either “preferred locations” or “2nd Best Sites” for housing.

For the rural village of Feniton, the HELAA process identified potential for 42 houses at one “preferred location” and a surprising 442 houses at various “2nd Best sites”. In total these would represent an extraordinary 67% increase in housing numbers in the village.

I would urge the Committee to not go out to public consultation with these figures. A proposal for such growth in Feniton would be completely contrary to the agreed strategy to achieve sustainable development in East Devon.

Feniton has the lowest jobs to workers ratio in the District. There is already extensive out-commuting, most of it by private car. The very limited bus and rail capacity are inadequate to meet the needs of the working population. Additional housing at anything like the levels identified for Feniton would exacerbate this already unsustainable position.

Furthermore, with a school already at capacity, no medical facility and one small shop in the village, housing growth will add further to the need for unsustainable car journeys.

I would ask the Committee to consider what is to be gained by consulting on housing numbers in a small rural village at a level which it already knows cannot be sustainable.

An expansion of 67% at Feniton makes no sense in the context of the agreed strategy to locate new housing close to jobs, services and infrastructure. It will certainly make no sense to the community.

The draft plan on today’s agenda contains a holding statement about Feniton with final text to be agreed at your meeting on 1st November. Please do not proceed to publish a consultation draft that includes the unqualified and unjustified figures resulting from the HELAA. The Local Plan must be driven by a sustainability strategy, not by the development aspirations of landowners and housing developers.”

Mr Graham Long, speaking on behalf of Uptonery Parish Council, spoke on item 8 as follows:

“Love her or loath her our new Prime Minister said on Wednesday that she has three objectives, Growth, Growth, Growth. Delivering growth is not only essential for a nation, its also essential for every County, City, Town and Village. The only alternatives are stagnation or decline. Last week I asked you to include my village as a Tier 4 settlement in your emerging Local Plan up to 2040, but you chose to stick with the list of Tier 4

settlements that you agreed on last year, excluding Upottery although the village has a 2017 HELAA site suitable for ~ 20 houses. The lack of a village shop appears to be why we are not in Tier 4.

I am sure you appreciate that when the County Council and central government create their plans up to 2040 for bus routes, schools, highway improvements, etc your local plan will tell them that you are content for villages below Tier 4 to stagnate or decline and such organisations will then focus investment where the plan tells them people growth will happen.

I've been looking through the minutes of your previous meetings and on March 8th this year, you debated two amendments to the settlement hierarchy put to you by Mr Freeman. Option 1 was to consider including four villages (include Upottery) along with three other settlements in your Tier 4 list because "they were previously not considered suitable but were reasonably close to having comparatively greater level of services and facilities". Option 2 was to "consider a further eight villages that had some missing key facilities".

At the end of that agenda item, a motion was agreed, proposed by Councillor Howe, seconded by Councillor Davey and clarified by the Planning Barrister saying that no extension to Tier 4 will take place above that proposed at your Feb 8 meeting, but that the committee also acknowledged for the purpose of the Local Plan a modest growth of 10% would be allowed.

Councillors, I suggest you have a mechanism here to include Upottery (and possibly the three other Option 1 villages) in the Local Plan without altering the settlement hierarchy. I call on you to allow Upottery to grow."

A statement was read out on behalf of Councillor Colin Brown as follows:

"At the strategic planning meeting on the 29th of September there were a number of villages which spoke against having development and claimed they were unsustainable. The only village asking for a small number of houses was Upottery. The Chair of Upottery Parish Council has spoken to this committee again asking for small numbers of homes to be built in their village. In the past 15 years before the present local plan, 25 homes were built of which about half were affordable, that is organic growth! What this village is asking for is for this committee to show the parish some respect and listen and agree to development taking place in the field opposite the village hall.

The planning inspector, after having allowed appeals against East Devon planning officers in this village stated that housing should be located where it will enhance or maintain the vitality of rural communities. Upottery has a pub which doubles as a shop where villagers can buy their daily essentials, i.e. milk, bread, butter etc. and a regular bus service, it is also home to Otter brewery an internationally known company, whose beer I have seen being sold as far afield as Gibraltar. More importantly, it has a school which 3 years ago was extended and has places available for pupils. Please do not allow this village to stagnate. Please allow it to have the organic growth it needs for the benefit of the village."

Members discussed the possibility of reviewing the classification of Upottery to consider reclassification as a Tier 4 settlement; however they were reminded that the discussion on classification had taken place over several meetings previously, and the classifications made were based on evidence; and that if such a change was made, then three other settlements (Colyford, Rockbeare and Woodbury Salterton) would also need to be reclassified to be consistent. These four settlements did not have the evidence base needed to support that reclassification, so to include them would bring the risk that the Local Plan could be found unsound.

Any community still had the opportunity, not only to respond to the Local Plan consultation, but to pursue other routes such as a Community Land Trust, or an exception site application for determination.

It was also clarified that an increase of 10% of housing was applied to Tier 4 settlements, as per the decisions made at earlier meetings by the Committee.

Councillor Jung stated that “Following on from Wednesday Cabinet meeting where it was agreed to write to our local MPs regarding the Government reported proposals on ripping up some of our most important nature protections.

The proposal to scrap the retained EU Law on Habitats Regulations, which safeguards our most important wildlife and wild places. Also, the proposals for new Investment Zones, included in the Growth Plan, could also tear up fundamental legal protections for wildlife in the UK. This is totally at odds to our local aims and objectives for our countryside this Council is seeking to achieve through our Council Plan and Climate Change Strategy and our new Local Plan the highest possible protection to our nature rich countryside.

Therefore, as Portfolio holder for Coast Country and Environment I have major concern now that the government proposed U turn on these green issues will severely impact on our local environment targets. Our new draft Local Plan with its high level of environmental designation that we are seeking to protect and where possible enhance seems now to be at odds to the governments stripping away any environment protection. That’s why I supported to involve our local MPs to seek their support regarding our concerns. However, my question to our Officers at this Strategic meeting today is, how would our Strategies, Policies, and proposals for protecting our countryside stand as it appears they will be at odds to Government’s proposals.

My second question relates to our disappearing bus services. Whilst we plan more and more houses and employment it seems that our bus services are diminishing. It’s reported that they are not being used and therefore not profitable. Basically, use it or lose it! My village along with Exmouth has lost its only link to the west of the district, Lympstone’s bus now only goes to Exmouth. Our bus services are so expensive now, pricing themselves out; and it seems the only people using them are the ones with a bus pass. The consequence, people use cars to travel, the total opposite to our green agenda.

With many of our site’s assessments for our local plan being determined by its location to a bus stop, but for how long will it be a bus stop? How can we get our residents to go green when the transport provision is being trashed? How can we turn it around so that the public transport is working with us rather than against our green agenda?”.

Members were reminded that government legislation was not yet in place for the proposals that Cllr Jung referred to. It was important to focus on the current legislation to enable a Local Plan to be delivered. Determination of bus services fell to Devon County Council.

44 **Declarations of interest**

Minute 49. Consultation on the draft East Devon Local Plan – first draft of the proposed local plan consultation draft

Councillor Paul Arnott, Affects Non-registerable Interest, Member of Colyton Parish Council.

Councillor Olly Davey, Affects Non-registerable Interest, Member of Exmouth Town Council who may be impacted by the Local Plan.

Councillor Sarah Chamberlain, Affects Non-registerable Interest, acquaintance with land owners who may be impacted by the Local Plan.

Councillor Mike Howe, Affects Non-registerable Interest, Member of Bishops Clyst Parish Council and owns a shop in Clyst St Mary.

Councillor Richard Lawrence, Affects Non-registerable Interest, Ward Member of Whimble and Rockbeare.

Councillor Dan Ledger, Affects Non-registerable Interest, Member of Seaton Town Council and neighbouring resident to site Seaton 02.

Councillor Philip Skinner, Affects Non-registerable Interest, close friend owns land that is linked to the potential new town in the draft Local Plan.

Cllr Peter Faithfull, Affects Non-registerable Interest, Member of Ottery St Mary Town Council.

Cllr Marianne Rixson, Affects Non-registerable Interest, Member of Sidmouth Town Council.

45 **Matters of urgency**

None.

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

None.

47 **Validation of planning and related application - adoption of Local Requirements List**

The Local Requirements List outlines the requirements for submitting all planning and related applications, based on the National Validation Requirements. The List should be reviewed and adopted every two years.

Whilst that deadline has passed, a brief review has been made of the existing List, which was adopted in 2019, and determined that the stated requirements remain necessary and appropriate. There is need to undertake a full review once the new local plan is in place, to include new policies under that plan as well as to fulfil new government requirements recently announced. The full review will be undertaken in 2023.

The Committee were asked to recommend the List for re-adoption for immediate republication for Development Management purposes.

Discussion by the Committee and other Members included:

- Revisit the costs for developers in putting forward a planning application; in response, the Service Lead - Planning Strategy & Development Management reminded Members of the existing options to developers, including the “permission in principle” two stage process brought in by government that was not heavily used; as well as application for outline permission;
- Evidence from other stakeholders, such as South West Water, had to be taken at face value from the professionals with appropriate qualifications/body membership. Stakeholders would also submit their requirements as part of the evidence for the plan;
- Design and access requirements were included, but were also present under national requirements for property access;

- Agreement that location plans would receive more scrutiny or be provided with supporting maps to make clear both the location and context of applications.

RECOMMENDED for Senior Officer Approval:

That the information and requirements in the document 'Information Required with Planning and Associated Applications' be re-adopted and re-published immediately for Development Management purposes.

48 **East Devon Local Housing Needs Assessment 2022 - report by the consultants ORS**

The report set out the assessment report's key findings, which covers quantifying and justifying the Local Housing Need (LHN) for the District, and identifying and quantifying the types of housing need, including the Affordable Housing Need (AHN). It also justifies the extent of the Exeter Housing Market (HMA) within which East Devon lies.

Using the Government's Standard Method, the assessed Local Housing Need for East Devon district was 918 dwellings per year (18,360 dwellings over the 20 year period 2020 to 2040), made up by:

- 12,885 dwellings to meet projected growth
- 1,100 dwellings to address pent-up demand
- 4,375 dwellings for extra inward migration

Affordable Housing Need (AFN) is forecast to be 401 households per year, equating to 8,011 households over the 20 year period, but the report concludes that only 3,500 of those are in AFN (177 per year) because of either unaffordability or inability to buy but with a prospect of access to an affordable homeownership product. The report gave the breakdown of the types of affordable dwellings needed, with the highest percentage being social rent.

The report also included the need for older person housing schemes, and adapted housing to be taken into account.

Members discussed the needs they were aware of for local communities, including their ability to afford a house purchase, and the level of social housing required. Debate covered policy for social housing at a higher percentage of builds, which needed to be balanced with the viability of a development. Other ways to help boost social housing numbers were discussed, including building on the Council's own land; lobbying for a change to the Right to Buy legislation to stop housing stock being diminished; and learning from other authorities who had delivered social housing (Tiverton was cited as an example).

RECOMMENDED for Senior Officer Approval:

1. Endorsement of the East Devon Local Housing Needs Assessment September 2022 report for use as evidence for the purposes of the new Local Plan and other spatial plan making; for development management, and in support of achieving EDDC's corporate objectives;
2. The East Devon Local Housing Needs Assessment 2022 report be published on the Council's website as part of the new Local Plan evidence base.

49 **Consultation on the draft East Devon Local Plan - first draft of the proposed local plan consultation draft**

The first draft of the proposed East Devon Local Plan – consultation draft plan was before the Committee with a recommendation that the committee agree to endorse this version of the plan for public consultation, subject to refinement to the plan to come before the Committee at their scheduled meeting on 1 November 2022. The consultation would run from the 7 November to the 21 December 2022. The committee had already undertaken significant work on the draft in late 2021; as well as more recent meetings in September and October 2022.

Whilst there were still elements of evidence awaited on allocation of land for development of a new town and development generally on the western side of the District, the report sought to focus attention on what elements of the extensive plan should be highlighted as part of the consultation.

Explanation was given as to how the consultation would be presented through consultation software, 'Commonplace'.

A number of sites had come forward through the “call for sites” at Feniton and Whimble; as a result there was the potential for substantial build in that area, but the Committee were specifically asked to make a recommendation for the scale of housing development that they felt was appropriate. The committee had already heard from Councillor Bruce on the excessive scale of growth that could come forward from the sites.

The committee had, at previous meetings, received presentations for a number of sites; it was recommended that the committee should also invite presentations for second choice sites not in Tier 4 classification. These were planned to be delivered at the scheduled meeting on 1 November 2022.

General discussion by Members before considering the draft consultation plan by chapter, included compulsory purchase options to deliver more social homes. Difficulties in following this option were debated. Some Members felt that, due to the outstanding work still to include in it, they could not support the document at that time; others felt the document still presented a weak plan for consultation.

Comments were invited, chapter by chapter; followed by a straw poll for agreement to progress the chapter forward.

Chapter 1: Introduction, evidence and policies

- Suggestion to include a reference to explain why compulsory purchase was not referenced due to its difficulties. Whilst the comment was noted, it was not felt appropriate to include that in the document.

Chapter 2: Vision and objectives

- General support for the chapter, including reference to “protect and enhance” villages.

Chapter 3: The spatial strategy

- Consider asking for views under this section, for allocation at Whimble and Feniton to give opportunity to those communities to put across their views; as well as for Upton for more growth. As per debate under minute 43 Public Speaking, the Tier classification had been previously discussed by the committee at previous meetings, and making any changes now impacted on the rest of the plan significantly. The Committee could still request additional

consultation next year on those communities discussed; it was re-iterated that the plan must be evidence led, and in line with policy that homes must be in sustainable locations;

- Some villages showed no increase in homes at all, could the numbers be more balanced. Members were reminded that the plan was evidence based, and some areas had location constraints and a lack of sites;
- Ottery St Mary Town Council's view was clear that they opposed the allocations;
- Disagreement with Tier classification and lack of reference to climate emergency;
- Plymtree was explained as not having enough suitable sites when the assessment was undertaken, and the view on that had not changed since that evidence had been obtained;
- Any community had the right to bring forward an exception site or work to deliver a neighbourhood plan.

Chapter 4: Addressing housing needs and identifying sites for development

No comments from the committee other than agreement with the chapter.

Chapter 5: Future growth and development on the western side of East Devon

- Discussion against and in support of the reference to the expansion of Exeter Airport;
- Query over location of employment land; in response, the land identified in the plan version they were considering included land carried over from the current Local Plan. Whilst there was still evidence gathering under way, the information within the consultation draft was felt sufficient to proceed to consultation;
- In response to a query about the location of land for gypsy and traveller sites, the Committee were shown a map of location BRCL_26, alongside the M5 east of the Science Park. This land had been put forward by the land owner as a possible site for this use, where there was already historic storage use in that area – however again this site was out for consultation only at this stage, no decision on the use had been made.

Chapter 6: Strategy for development at Principal Centres, Main Centres and Service Villages

- Excessive expansion at Whimble, when there were a number of constraints in that location – the level set out in the consultation draft was felt to be too high;
- Feniton level of growth too high;
- Consider adding to the consultation some wording explaining that the number of sites that have been put forward in Feniton and Whimble, combined with the available services and facilities, has raised an issue of whether a greater level of growth than other villages would be appropriate. Specific questions are then to be included seeking views on the scale of growth that would be appropriate in Feniton and Whimble and asking respondents to rank the site allocation options in order of preference;
- Ottery St Mary Town Council not in support of many sites put forward for that area, because of issues with flood risk and highways;
- Suggestion was made to set out clearly in the document in this section, which were the preferred sites, and which were second choice sites; plus to check before going out to consultation that all site numbers added up to totals listed correctly;
- Sid Valley has no viable sites due to issues of flood risk and impact on AONB, so those sites should not be included;
- Settlement containment area of Ottery St Mary needs protecting.

The committee were in agreement for the chapter content, excluding reference to Feniton and Whimble, which would be dealt with as a separate recommendation.

Chapter 7: Tackling the climate emergency and responding to climate change

- Need for clear target dates for actions; 2040 target date is referenced in the document, but this is for the Council overall, not just the local plan;
- Scale of growth of solar farms needs quantifying;
- Add reference to "odour" in policy 29.

Chapter 8: Meeting housing needs for all

- Debate on the percentage of affordable housing under policy 39, stated in the document and supported by evidence at 15%, but Members felt that this was not high or ambitious enough, and that level gave out the wrong message to the public;
- 40% affordable housing level at Cranbrook was delivered with grants in place, which are unlikely to be available again;
- Concern over viability arguments, with 15% being the starting point for negotiations, rather than being delivered;
- Balance between the level of affordable homes and the delivery of infrastructure which a new community requires. Expectation of level of affordable homes is lower where the developer will also be contributing to the infrastructure of a new community – the consultation plan could include wording to explain this position.

Chapter 9: Supporting jobs and the economy and vibrant town centres

The committee were updated on the outstanding Economic Development Need Assessment, of which a draft had been seen but further work was being undertaken; the evidence already held was sufficient to produce the consultation plan before the committee at this meeting. Allocations were also set out in chapter 6, and there were existing sites in the current Local Plan included.

Chapter 10: Designing beautiful and healthy spaces and buildings

No comments from the committee other than agreement with the chapter.

Chapter 11: Prioritising sustainable travel and providing the transport and communications facilities we need

- Debate covered the inclination back to using cars, partly due to fewer bus services;
- Making additional bus stops seemed futile if so few or no buses were running;
- Some cycling habits were remaining in areas like Exmouth.

Chapter 12: Caring for our outstanding landscape

No comments from the committee other than agreement with the chapter.

Chapter 13: Protecting and enhancing our outstanding biodiversity and geodiversity

- Comment that the chapter does not do enough and should be enhanced, particularly after so much work had been undertaken to protect designations.

Chapter 14: Open space and sports and recreation facilities

- Should include exploring an opportunity to provide a new facility within the new town proposal; this may come out of the Leisure Strategy work to determine where such facilities are needed;
- Allotment provision is dependent on how much land for allotments can be provided.

Chapter 15: Our outstanding historic environment

No comments from the committee other than agreement with the chapter.

Chapter 16: Ensuring we have community buildings and facilities

No comments from the committee other than agreement with the chapter.

Chapter 17: Implementation and monitoring of the local plan

In response to queries, the Service Lead – Planning Strategy and Development Management responded that employment land review was monitored and reported annually; monitoring on businesses was done in-house looking at data already held by the Council, such as business rate data.

Chapter 18: Have we missed anything

Some suggestions were highlighted as already present under various chapters. The suggestion of a chapter relating to the shoreline of the District was put forward, but there were land ownership issues there in that the local authority had no authority past the mean high water mark.

RECOMMENDED to Senior Officers to:

1. Endorse the draft local plan, as completed to date and as appended to the committee report and voted upon in the earlier straw polls for public consultation, subject to refinements to the plan to be received at Strategic Planning Committee on the 1 November 2022;
2. Agreement to receipt of a further report on the 1 November 2022 with plan refinements incorporated and with a recommendation for consultation to take place in autumn 2022;
3. That the Local Plan consultation will not specify a proposed level of growth in the villages of Feniton and Whimble and that wording in the consultation be included to make this clear. Instead wording to be included explaining that the number of sites that have been put forward in these locations combined with the available services and facilities has raised an issue of whether a greater level of growth than other villages would be appropriate. Specific questions are then to be included seeking views on the scale of growth that would be appropriate in Feniton and Whimble and asking respondents to rank the site allocation options in order of preference so that responses can inform Members future consideration of these issues
4. To agree the revised timetable (as set out in section 9 of the report to committee) for the consultation on the draft Local Plan.

RESOLVED

To receive presentations from land owners or their agents in respect of land that is being promoted for development on the western side of East Devon.

Attendance List

Councillors present:

P Arnott (Chair)
O Davey (Vice-Chair)
M Allen
S Chamberlain
M Howe
B Ingham
R Lawrence
D Ledger
A Moulding
G Pratt
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

A Bruce
M Chapman
P Faithfull
G Jung
D Manley
P Millar
J Rowland

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Damian Hunter, Planning Solicitor
Debbie Meakin, Democratic Services Officer

Councillor apologies:

J Bailey

Chair

Date: