

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 15 July 2024

Attendance list at end of document

The meeting started at 10.02 am and ended at 1.15 pm.

110 Minutes of the previous meeting

The minutes of the Strategic Planning Committee meeting held on 4 June 2024 were confirmed as a true record.

111 Declarations of interest

Minute 115. Current and Future Housing Land Supply Challenges.

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

Minute 118. Renewable Energy Generation Policies.

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

112 Public speaking

Richard Eley welcomed the creation of the Local Plan Working Group that had been created to oversee the development of the East Devon Local Plan but raised concerns that these meetings should not be done in secret behind closed doors as he believed this was a breach of the Nolan Principles. These meetings should be open to the public and recorded so that public scrutiny and public intervention can, if necessary, correct any mistakes made throughout this detailed and complex process.

Mr Eley highlighted that there had not been any press coverage, nor any information on the EDDC website or social media platforms about these meetings and further highlighted that the notes taken at these meetings would not be available for public viewing for at least 3 months. He suggested in order to avoid the escalation of public concern the meetings should reconvene and be conducted in public and recorded for openness and transparency and information should not be withheld from the public unless there are clear and lawful reasons for doing this.

In response the Planning Solicitor advised that the complaint had been forwarded to the Monitoring Officer who would be responding to it in due course.

113 Matters of urgency

There were no matters of urgency.

114 Confidential/exempt item(s)

There were no confidential/exempt items.

115 Current and Future Housing Land Supply Challenges

The report presented to the committee provided an update on the current housing land supply position. The Assistant Director – Planning Strategy and Development Management explained that whilst recent changes to government guidance provides for Local Planning Authorities whose Local Plans are at Regulation 18 stage to determine applications without having to apply the ‘tilted balance’ if they can show a 4-year housing land supply, there was still a requirement for the council to show a 5-year housing land supply for the new Local Plan to be found sound at examination.

The Assistant Director – Planning Strategy and Development Management provided some good news advising that the requirement figure, under the governments standard method for calculating housing need, had been reduced from 910 homes to 893 homes per year.

In order to achieve a 5-year land supply upon plan adoption officer’s had been looking at potential housing trajectory models for sites coming forward that had been identified in the draft Local Plan. Members were advised that a ‘stepped trajectory’ was the only way to just about demonstrate a 5-year housing land supply which would allow strategic sites to come forward in a phased delivery. It was highlighted that a risk associated with using this model was that as there was a shortage of affordable housing in the district this could be seen as inappropriate but it was hoped with the opportunity of a second new community this would give a logical reason to take this approach.

He further advised that clarification had been sought from Kings Counsel on the legal position on the current issues relating to housing land supply and the advice received confirmed that significant weight should be given to housing land supply issues without applying the tilted balance to boost our housing numbers.

Members were advised of alternative options:

- To not take action but this would run the risk of the Local Plan being found unsound;
- To provide advice to the Planning Committee that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council’s housing land supply position;
- To not provide advice to the Planning Committee regarding the weight to be given to housing land supply matters.

Before receiving questions from Members, the Chair asked Members to bear in mind that the recent changes to government guidance may become redundant following the election of the new government who has proposed to immediately review the changes made to the NPPF.

Questions from Members covered:

- Clarification was sought on the number of homes needed to demonstrate a 5-year housing land supply. In response it was advised there was a need for in excess of 447 homes to get to 5 years supply but we should be looking to build a buffer as the 5 years supply is a minimum;
- Clarification was sought on what could be done to make sure houses were constructed in a timely manner within the required 5 years. It was advised that this was not a common issue in East Devon due to the housing demand;

- Reassurance was sought that detailed discussions had already taken place with the landowners regarding the schedule of delivery. Landowners and their representatives have been contacted but not about delivery as this will be addressed in the masterplan.
- How can we make an informed decision without having sight of counsel's advice. The Planning Solicitor advised that members of the Strategic Planning Committee may have sight of the Kings Counsel advice but that it was legally privileged and so not available for disclosure to the general public. He reassured Members that a comprehensive summary of the advice had been provided in the report.
- There is a need to explain to the public that the housing numbers are government generated and not figures made by the council;
- Does the council have an influence on the type of housing delivered, could we make sure it is mainly social and affordable housing?
- A concern was raised that Strategic Planning Committee were expected to advise the Planning Committee to go ahead and choose the first and second choice sites when this committee still had not seen them. There is a need to see them beforehand to make sure they are suitable.

Following comments from Members expressing their wish to see the Kings Counsel Advice before reaching a decision, the Chair advised that the meeting would be adjourned to allow members of the Strategic Planning Committee to read the document.

The meeting was adjourned at 10.55am and briefly reconvened at 11.23am.

The meeting was then moved into private session at 11.23am to allow members of the Strategic Planning Committee to ask questions in respect of the Kings Counsel Advice and returned to a public meeting at 11.37am.

Upon returning to a public session further questions and discussion from Members in respect to the report covered:

- Clarification was sought whether the council would have a 5-year land supply if all the allocations were put into the Local Plan. In response it was advised if the council followed the stepped trajectory and used the first and second choice sites the council would demonstrate a 5-year housing land supply but only just;
- In response to a question about whether the first and second choice sites would include Whimple and Feniton the Assistant Director – Planning Strategy and Development Management advised he would need to follow this up;
- It was suggested that the current wording in the recommendation suggests that the Planning Committee can do what they like if a 5-year housing land supply can be demonstrated. It was suggested to include the wording 'and in compliance with the emerging East Devon Local Plan strategic and planning policies' in the recommendation. In response the Assistant Director – Planning Strategy and Development Management advised that the emerging Local Plan was not at an advanced enough stage to legally carry weight to influence decision making;
- Do not support the recommendation to provide advice to the Planning Committee as this would be a dangerous approach due to uncertainty;
- There is a need to make a decision as the longer we leave this decision the worse it gets for the Local Plan. There is a need to advise the Planning Committee to positively promote ready to go schemes to help bolster the 5-year housing land supply.

The Chair proposed the recommendation as written in the report.

RESOLVED:

That Members advise Planning Committee that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. This is to ensure that the Council has a robust housing land supply and as a result a sound Local Plan in respect of housing land supply for examination of the Local Plan.

116 **East Devon Local Plan work programme update**

Members noted the progress report on the production of the new Local Plan which provided a timetable of the key steps and stages to allow a Regulation 19 Plan to be brought to Committee in November 2024, followed by a consultation on the Plan from December 2024 to January 2025 and finally the submission for examination in May 2025.

Questions raised by Members included:

- Reference was made to the ongoing evidence gathering studies bullet pointed on page 16 and reassurance was sought whether the timetable was realistic. In response it was advised that it could be achieved but would be challenging;
- As we are in a housing crisis is there a way to stop houses being built for second homes? In response it was advised there was not very much that could be done to prevent houses being used as second homes but members were reassured that council tax data showed it was not a district wide issue and that this issue could be dealt with by way of neighbourhood plans in those specific communities;
- Can this council specify a minimum distance between houses?
- Can pavement width be added to the evidence gathering because pavements are not wide enough for wheelchairs and pushchairs?
- The Assistant Director - Planning Strategy and Development Management advised the last two points would be dealt with by a Local Design Guide that the council would need to produce but was not sure whether the new government would make this a requirement.

RESOLVED:

That the work programme going forward on production of the new East Devon Local Plan be noted.

117 **Local Plan Zero Carbon Policies for New Developments**

The report presented to committee sought direction from members on how they would like to progress with new development zero carbon policies for inclusion in the new Local Plan.

Following discussions with South West Energy and Environment Group (SWEEG) they advised that the greater benefit would be achieved by focussing on the issues around the supply chain and embedded carbon and referred to their work with Exeter City Council's Local Plan.

The Assistant Director – Planning Strategy and Development Management advised Members that officer preference based on the advice from SWEEG would be to focus on savings that could be made from policies around embedded carbon and supply chain issues and sought Members advice on this.

It was highlighted to Members that if they choose to follow this route there was a potential issue in that there would be a requirement that all new development at the point of construction would require the installation of photovoltaics.

Questions raised by Members and discussions covered:

- Clarification was sought on whether the report was seeking a preferred approach that would give the greatest impact on carbon omissions without compromising on viability considerations. It was advised that a policy was needed that would produce the maximum carbon savings;
- Do the recommendations cover house extensions and alterations and if not what can be done to tighten up energy efficiency for these?
- There is a need to consider the future and demand items like water butts and grey water recycling to be provided for all new builds;
- Clarification was sought on home insulation under the New Homes Standard and the requirement of solar panels and heat pumps. Should the council be requiring a higher level of Building Regulation Standards?

Councillor Mike Howe proposed the recommendations with a slight amendment to Recommendation 1 which would encompass the demolition of buildings as this is when the most carbon emissions are generated. This was seconded by Councillor Geoff Jung.

1. That committee endorse a policy approach for either demolition and/or new development that places the emphasis on seeking to minimise carbon emissions during and through the demolition and/or construction phase of development.

Further comments included:

- There is a need to encourage builders to buy in bulk/buy to scale;
- There is a need to change the national mindset of making homes more energy efficient;
- Reference was made to paragraphs 3.5 and 3.6 and clarification was sought about when a report would be brought to committee about Strategy 34. In response it was proposed a report would be brought to committee close to November 2024 timescale.

During discussions Councillor Paula Fernley asked for a third recommendation for Strategic Planning Committee to write an open letter to the new Secretary of State about what we want to do at local level and what they should be doing at national level. The proposer, Councillor Howe and seconder, Councillor Jung were happy to include this as a third recommendation.

The Chair also proposed a fourth recommendation in line with paragraph 3.24 that the Local Plan should require wherever possible all new development to be at least PV ready as a minimum standard.

The proposer, Councillor Howe sought clarification whether this referred to commercial development as well. The Chair confirmed this would be for all development.

RESOLVED:

1. That a policy approach for either demolition and/or new development that places the emphasis on seeking to minimise carbon emissions during and through the demolition and/or construction phase of development be endorsed.

2. That a Local Plan policy approach that relies on application of building regulations in respect to future energy standards for construction, rather than one that seek to exceed these standards be endorsed.
3. The Chair of Strategic Planning Committee write an open letter to the Secretary of State on behalf of the council highlighting concerns that local authorities cannot require standards that exceed Part L of Building Regulations under the written ministerial statement of the previous government and there is a need for this government to take measures to move to zero carbon development more quickly.
4. That the Local Plan should require as a minimum that all new development should be photovoltaic ready.

118 **Renewable Energy Generation Policies**

The report presented to committee sought direction from members on how they would like to progress with renewable energy generation – wind and solar farms for inclusion in the new Local Plan.

The Assistant Director – Planning Strategy and Development Management advised that as part of this work officers had looked at other authorities that had taken a more proactive approach including Teignbridge District Council. He advised that to do something similar would take time to complete and as the deadline for the examination of the Local Plan was drawing near it was officers preference to continue with the current approach to identify the areas where this could be possible. The Assistant Director – Planning Strategy and Development Management emphasised a potential risk about using this approach in that at the time of the examination of the Local Plan it could be seen that this ‘reactive’ approach that is out of step with government.

In response to the report the Chair sought clarification whether there was an opportunity to leave a ‘hook’ in the Local Plan to consider this under a Supplementary Planning Document. The Assistant Director – Planning Strategy and Development Management confirmed this could be considered.

Some members expressed disappointment about there not being enough time to do the work on the renewable energy generation policies and supported being proactive in wind power in the district.

Councillor Mike Howe proposed the following amended recommendation, seconded by the Chair.

That Committee agree to continue with the currently proposed approach for solar and wind farm development with sites that are technically suitable for these developments identified in the plan but with a criteria-based policy applied to ensure that they are acceptable in terms of impacts on the landscape, heritage assets and other planning considerations. That officers in reporting on the wording of this chapter of the Plan at a future meeting, advise on potential to include a hook in the chapter to enable the production of a Supplementary Planning Document on the subject in the future.

RESOLVED:

To continue with the currently proposed approach for solar and wind farm development with sites that are technically suitable for these developments identified in the plan but with a criteria-based policy applied to ensure that they are acceptable in terms of impacts on the landscape, heritage assets and other planning considerations be agreed and that officers in reporting on the wording of this chapter of the Plan at a future meeting, advise

on potential to include provision in the chapter to allow the production of a Supplementary Planning Document on the subject.

Attendance List

Councillors present:

J Bailey
K Blakey
C Brown
B Collins
O Davey
P Fernley
P Hayward
M Howe (Vice-Chair)
B Ingham
G Jung
Y Levine
T Olive (Chair)
H Parr

Councillors also present (for some or all the meeting)

I Barlow
R Collins
P Faithfull
J Loudoun
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 Bailey
D Ledger

Chairman

Date: