

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 2 February 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.41 pm

89 Public speaking

Cllr Jane Chanot of Farringdon Parish Council said that the overall perception of the recent Local Plan consultation was that there was a lack of transparency and missing evidence. Farringdon PC had been told that there was a Masterplan vision, however only a plan with no detail had been available on the Commonplace consultation website and it was a major concern that details such as a proposed new road, as shown in the Masterplan vision, had not been brought to the public's attention during the consultation.

Farringdon is in the middle of option 1 and option 2 for the proposed new town and is seen as a preferred option based on deliverability. Concern had been raised by a local landowner that their land had been designated as easily deliverable when the land had not been put forward. In response to a question from the Chair, Cllr Chanot confirmed that no public consultation had been held in Farringdon.

Mr Nigel Dutt questioned why the current Local Plan is being reviewed so early particularly as the Plan will deliver more than the Government's required housing supply numbers up to 2031. As the review had started so early there is time to wait for potential changes to the NPPF and other policies before replacing the current Local Plan.

Neighbourhood Plans will be impacted by the early replacement of the Local Plan and the Farringdon Neighbourhood Plan would only run to 2024 instead of 2031 in the event of a new Local Plan. This was considered a waste of time and effort by those who had worked hard to produce the Neighbourhood Plan.

There was a major concern and anger that, as the Farringdon Neighbourhood Plan was being produced, EDDC was discussing a potential new town in the same parish. This had been exacerbated by EDDC not holding a public consultation in Farringdon which would be the most affected parish. The draft new Local Plan feels too developer led with lessons not having been learned from the experience of building Cranbrook. Taking time over the new Local Plan would give EDDC an opportunity to distance itself from the perceived greed and power of the business world of developers.

Mrs Jennifer Brooke said that the Local Plan consultation process was flawed as the Commonplace software was not fit for purpose. An independent usability report had identified issues such as a lack of cookie consent, breach of data regulations and lack of accessibility for users who are less computer literate. The consultation was also not transparent and not objective as option 1 was already cited as the preferred location for the proposed new town. The CBRE options appraisal and the Traffic Management Report did not adequately address issues such as surface water flooding, pollution and congestion which would be caused by the new town and service road. The first consultation in 2021 resulted in less than 20% support for a new town although EDDC has now made this a core part of strategy.

The population of East Devon continues to grow although health care infrastructure is not keeping pace. The proposed new town would be a few hundred metres from Cranbrook and taken together, would comprise over 33,000 new residents. This would destroy existing rural villages and hamlets resulting in a vast urban sprawl. As there is no support for a new town, no need for it under the emerging NPPF and no infrastructure to support residents, Mrs Brooke questioned why EDDC and some landowners and developers continue to pursue it.

A question for the Committee had been submitted by Mr Peter Brooke. The Monitoring Officer advised that part of Mr Brooke's correspondence would be treated as a Freedom of Information request as it asked for specific figures relating to the Local Plan consultation process. The remaining part of Mr Brooke's correspondence was read out by the Democratic Services Officer and made the following points that the CBRE Options Appraisal:

- Failed to account for a "none of the above" consideration.
- Failed to address the required commitment from the NHS, Police, Fire and sewerage services.
- Did not consider lessons learned from Cranbrook.
- Contained "Greenwashing" due to the amount of farmland which would be developed.
- Having only received a 1% response cannot be considered to be an effective consultation.

The Chair thanked the public speakers for their contributions.

90 **Minutes of the previous meeting**

The minutes of the previous meeting held on 1 December 2022 were agreed as a true record.

91 **Declarations of interest**

There were no declarations of interest.

92 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

94 **Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

There were no decisions made by Cabinet called in for scrutiny.

95 **Review of the process for production of the Local Plan - report by the Chair**

The Chair introduced his report on reviewing the process for production of the Local Plan and highlighted various concerns including the following:

- The HELAA procedure guidance was not followed.
- The impact on Neighbourhood Plans.
- Evidence missing from the consultation.
- The need for improvements to health infrastructure.
- Criticism of the Commonplace consultation software.
- An explanation is required as to why town and parish consultation meetings were not held.

Comments and questions from Members included the following points:

- Concern was expressed regarding the public consultation held in Whimble with confusion regarding proposed housing numbers.
- Lessons needed to be learned regarding the choice of the Commonplace software.
- Comments from members of the public were welcomed and the lack of uncertainty with the consultation was a cause for concern.
- All aspects of the Local Plan process should be referred to the Strategic Planning Committee for investigation in the first instance.
- The Commonplace software was an improvement on the paper based consultation of the past.
- There needs to be an evaluation of why the usability and accessibility of the Commonplace website was not checked.
- There was concern that the consultation had been held over the Christmas period.
- Members also expressed concern as to whether the consultation would be seen to be valid.
- Members felt that the new Local Plan process was being done in a hurry and could have waited until after the May elections.
- Residents had not been given the full information in the consultation but were still being asked for their views.

In response to Members' concerns and questions, the Chief Executive and the Assistant Director Planning Strategy and Development Management advised that the Strategic Planning Committee was the appropriate Committee to be considering issues regarding the Local Plan and consultation. Following a report to the Strategic Planning Committee, the Scrutiny Committee could then consider a report with the added benefit of the views of the Strategic Planning Committee and the Portfolio Holder.

It was noted that the Commonplace software had also been used for other consultations and that no issues had arisen. The Committee confirmed that any report arising out of the discussion should focus solely on the Local Plan consultation.

The decision to hold the consultation over the Christmas period had been taken by the Strategic Planning Committee and had factored in various issues and time pressures. The recent consultation was the first of the minimum of two formal stages, known as Reg. 18 and Reg. 19, in a long process which may involve further consultations depending on the responses received and which would give the public further opportunities to comment.

The Assistant Director Planning Strategy and Development Management clarified the purpose and procedure for the HELAA process in identifying sites which are deliverable and achievable and the stages at which the public can give their views. The Assistant Director was confident that the consultation process was valid.

RECOMMENDATION

That a report be prepared for the Strategic Planning Committee assessing what has been done so far in the new Local Plan process and setting out the way forward.

96 **Portfolio Holder Annual Report - Strategic Planning**

The Portfolio Holder for Strategic Planning had sent apologies for the meeting.

The discussion included the following comments:

- Members noted the information regarding Section 106 and CIL monies. Whilst there was frustration among town and parish councils that projects have been impacted by staff resourcing issues, local councils have been kept informed.
- Members were pleased with progress at Cranbrook.
- With regard to the joint non-statutory plan, it was noted that a report would be presented at the April Scrutiny meeting.
- Members noted the comments regarding issues at consultation events with some attendees behaving in an aggressive manner towards staff.

The Portfolio Holder was thanked for his report which was noted.

97 **Portfolio Holder Annual Report - Climate Action and Emergency Response**

Cllr Marianne Rixson, Portfolio Holder for Climate Action and Emergency Response, presented her report and highlighted the following points:

- The Portfolio works across the whole Council and delivers through each service. As the team is very small, it is proposed to form a Green Team early in 2023 in order to oversee and monitor delivery of climate action, particularly the new 8% campaign to drive forward the Council's climate response over the next 7 years.
- The Portfolio has been impacted by staffing resources, however the appointment of the new Assistant Director Environmental Health has been welcomed.
- A summary of projects and activities was provided including the promotion of active travel.
- The Climate Change Officer has started to work with outside groups, including town and parish councils.
- The Portfolio will focus on reducing the Council's organisational carbon footprint and supporting others to do the same.

The Portfolio Holder thanked the Director of Housing Health and Environment for his help in establishing the Portfolio.

Comments and questions from Members included the following points:

- With regard to monitoring the success of the Green Team, this will be evidenced in the on-going reduction of the Council's carbon footprint. Information and publicity will be available as to how the whole Council is engaging in climate action.
- It was noted that the Council has approved funding to reduce the reliance of Streetscene on diesel powered vehicles.
- Concern was expressed that the low noise levels of electric vehicles can pose a difficulty for those with impaired hearing and that this should be borne in mind.
- Members supported active travel and acknowledged the need for more off road provision for walkers and cyclists.
- It was noted that as 40% of households do not have a driveway, solutions need to be found for those residents who need to re-charge an electric vehicle.
- The profile of existing trees should be raised in order to further understand the importance of trees.

- It was noted that a new tree policy will be developed this year in partnership with Devon County Council.

The Portfolio Holder was thanked for her very comprehensive and informative report which was noted.

98 **Changes to Scrutiny practices - report by the Chair**

The Chair had requested financial resources to support the work of the Scrutiny Committee and proposed a Scrutiny Task and Finish Forum to take forward the development of the Committee.

The discussion included the following points:

- The request for a budget for Scrutiny had not been raised at the appropriate point in the budget setting process.
- The proposed terms of reference for a Scrutiny TaFF replicate what the Committee is already doing so it would be difficult to justify a dedicated Scrutiny budget.
- A review of Scrutiny has not been undertaken since the previous review in 2015.
- A budget could be used for resources from outside of the Council.
- The Committee is already well resourced by senior Officers.
- There has not been a problem with Scrutiny acting effectively in the past and there is no clear rationale for requesting a budget. Quality work should be based on reports from Officers as has been the case in the past.
- A successful training session had been held last year and good scrutiny guides have been circulated. Finance should be requested as and when it is required for specific items such as external reports, based on advice from EDDC Officers.

It was agreed to reject both of the proposals in the report to request a budget for the Scrutiny Committee and to set up a Scrutiny Task and Finish Forum.

99 **Forward Plan**

Cllr Gardner referred to recommendations made previously by the Scrutiny Tree TaFF and accepted by the Committee on 25 June 2015 and proposed that the recommendations, as listed, be reviewed with a report as to whether they had been implemented or not.

The Portfolio Holder for Coast, Country and Environment recommended that the Committee waits for the new Tree Policy which is expected later in the year.

It was agreed to add the proposal made by Cllr Gardner to the Forward Plan and that a scoping report be brought back to the Committee for consideration.

Attendance List

Councillors present:

M Allen (Chair)
J Bailey
M Chapman
O Davey

C Gardner
S Hawkins
D Key
H Parr
E Rylance
B Taylor
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

J Bonetta
B De Saram
S Gazzard
N Hookway
V Johns
G Jung
R Lawrence
A Moulding
M Rixson
J Rowland
T Wright

Officers in attendance:

Matthew Blythe, Assistant Director Environmental Health
Catherine Causley, Climate Change Officer
Ed Freeman, Assistant Director Planning Strategy and Development Management
John Golding, Director of Housing, Health and Environment
Sarah Jenkins, Democratic Services Officer
Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer
Mark Williams, Chief Executive

Councillor apologies:

J Kemp

Non Committee members apologies:

M Armstrong
J Loudoun

Chair

Date: