

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 14 February 2023

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.45 pm. The meeting was briefly adjourned at 11.41 am and reconvened at 11.49 am.

60 Public Speaking

The following speakers spoke on item 7 – Proposed response to Government consultation – Levelling-up and Regeneration Bill: reforms to national planning policy.

Councillor Chanot who spoke on behalf of Farringdon Parish Council advised that the Local Plan had been taken over by changes to Government policy and referred to Michael Gove's Steering Statement of 6 December 2022. There had been at least 30 councils who had recognised the importance of suspending any changes until the new National Planning Policy Framework (NPPF) was in place and suggested that the Strategic Planning Committee should follow suit. She referred to the Scrutiny Committee on 2 February where discussions took place about the failings of the consultation process and that a motion had been raised by the former Chair and member of Strategic Planning Committee that another consultation should be held with full facts presented and properly analysed once the NPPF had been published later this spring.

Councillor Chanot suggested that Strategic Planning Committee should recommend to Full Council that the Local Plan process be suspended until the revised NPPF was published. Thereafter the emerging local plan and sustainability appraisal and supporting evidence including the HELAA be revisited and be consistent with new Government Policy. Finally all residents should be afforded full details in line with transparency and all resident's views properly taken into account.

Councillor Hattan spoke on behalf of Bishops Clyst Parish Council raising concerns about question 11 which covered the examination of plans and for paragraph 35(b) on page 12 to be retained as the retained provisions in paragraphs 31 and 35 did not cover this.

He advised that the parish council had commissioned a report from a planning consultant on the Local Plan process who had raised several areas where the criteria for local plans would change. In particular, paragraph 17 of the NPPF consultation document which states 'Authorities can begin planning in line with these changes, should they be implemented following public consultation, in Spring 2023. We recognise that any changes to emerging plans which are necessary may result in delays in getting an up-to-date plan in place. So, to reduce the risk of communities being exposed to speculative development, we propose the following time limited arrangements. For the purposes of decision making, where emerging Local Plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocation towards meeting housing need, those authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a four year supply of land for housing instead of the usual five. These arrangements would apply for a period of two years from the point that these changes to the framework take effect, since our objective to provide time for review while incentivising plan adoption.'

The parish council questioned the prudence of continuing with the Local Plan process until the revised NPPF had been issued by Government and requested that Strategic Planning Committee recommended to Full Council that the local plan process be suspended until the revised NPPF was published and the housing targets reassessed.

Nigel Dutt sent in a question to the Assistant Director – Planning Strategy and Development Management and asked for it to be read out during the meeting. The question read as follows:

Following item 7 and noting the reaction by many other local councils, will the planning officers be making a recommendation at this meeting on whether the uncertainty around the proposed NPPF changes should have any immediate effect on the content or timescale of the proposed EDDC 2024 – 2040 Local Plan. In response the Assistant Director Planning Strategy and Development Management advised there was no intention to make any further recommendations at this stage.

The following statement was read out on behalf of Councillor Les Bayliss, Chairman of Cranbrook Town Council on item number 9 - District heating and its reliability and resilience.

“The report in front of councillors today was considered in draft form at the meeting of the Cranbrook Strategic Delivery Board on 23 January 2023. At that meeting, the councillors who represent Cranbrook advised that the report was misleading in two respects:

1. The report downplays the impact on the number of homes affected. The figures seem to indicate that the bulk of the 1,700+ homes were affected for less than one day which is incorrect. Cranbrook residents have been experiencing difficulties with the district heating system multiple times every year, not just in December as stated the report.
2. The report also downplays just how poor E.ON's customer service was. It collapsed and totally let down hundreds of households. One district and town councillor sat at home providing a response to those who needed it and relaying engineering calls – not E.ON's contact centre.

In Cranbrook Town Council's opinion, the current system is not fit for purpose. Another example is the current meter and billing issues and E.ON's total failure to respond to and resolve these.

Whilst the report talks about the resilience of district heating itself, what it does not talk about is the lack of E.ON ability and resilience to respond locally to issues. It doesn't challenge the lack of availability of sufficient engineering staff to respond to major outages which arise regularly outside normal working hours. There seems to be a need to challenge the ongoing investment by E.ON in providing enough resources to respond when needed. Even the best systems fail from time to time and the test is whether the organisation is able and ready to provide a prompt and effective response when that happens. Telling people who report a failure of heating and hot water on a Friday evening that they will have an engineer appointment the following week is not helpful. Those with boilers can turn to an emergency heating engineer if one is needed – with district heating that is not an option.

On balance, Cranbrook Town Council would probably endorse the recommendation to support the roll-out of district heating networks but there has to be a much more robust challenge and oversight by East Devon District Council in the future. East Devon District

Council has been leaving the private sector to get on with it in Cranbrook unchecked. That has to change with Cranbrook and also with regard to the emerging Local Plan which to date is proposing the same approach with the proposed second new community. Please learn lessons and improve.”

61 **Minutes of the previous meeting**

The minutes of the Strategic Planning Committee held on 1 November 2022 were confirmed as a true record.

62 **Declarations of interest**

Minute 65. Proposed response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council, All Saints Parish Council and Chardstock Parish Council.

Minute 67. District Heating: Reliability and Resilience.
Councillor Kevin Blakey, Affects Non-registerable Interest, Resident of Cranbrook and Cranbrook Town Councillor.

Minute 67. District Heating: Reliability and Resilience.
Councillor Kim Bloxham, Affects Non-registerable Interest, E.ON Liaison on behalf of Cranbrook Town Council; Cranbrook Town Councillor and a resident of Cranbrook.

Minute 67. District Heating: Reliability and Resilience.
Councillor Paul Hayward, Affects Non-registerable Interest, Family members live in Cranbrook.

Minute 69. Infrastructure Funding Statement.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council, All Saints Parish Council and Chardstock Parish Council.

63 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

65 **Proposed response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy**

The Committee considered the Assistant Director Planning Strategy and Development Management's report that sought agreement to how the council responds to the Government's consultation on changes to the National Planning Policy Framework.

Key issues raised throughout the consultation that could have implications included:

- Housing numbers and housing need. Members noted that the Government consultation was not proposing to withdraw the standard method for calculating housing need;

- Additional guidance to help authorities with an alternative method for assessing housing need where characteristics apply such as islands with a high percentage of elderly residents or university towns with a high percentage of students. Members noted that the council's response focused on environmental constraints such as the Areas of Outstanding Natural Beauty that should be taken into account when considering housing numbers;
- The soundness for local plans and the need to remove the word 'justified' as a requirement. Members noted it was difficult to understand the significance at this stage.
- Five year housing land supply requirements. Members noted that the consultation focussed on transitional requirements which could benefit this council to a reduced housing land supply to four years rather than five years;
- To remove the duty to cooperate and be replaced with an alignment policy;
- Measures to tackle slow build;
- Measures to tackle climate change;
- Supplementary planning documents to be replaced with supplementary plans which would carry the same weight as local plans;
- National Development Management Policies to be set based on the additional National Planning Policy Framework guidance;
- Neighbourhood plans to be protected for five years rather than the two years which would benefit this council with its five year land supply.

The following additional recommendation was proposed by Councillor Arnott and seconded by Councillor Rylance

"Officers continue with background technical work regarding the local plan but that no further discussions or decisions will be made with regards to sites or their allocations until the Government has delivered the finalised National Planning Policy Framework."

Comments made during discussion included:

- Reference was made to 'islands of elderly residents' and that the ONS data shows that some wards in East Devon have more than 30% over 75 years old
- The need to focus on the lack of truly affordable housing as the affordable housing being delivered at present is not affordable. The Assistant Director Planning Strategy and Development Management acknowledged this was a significant issue which was addressed in the proposed response to Q.22;
- There is a need for a comprehensive report on what can be built and where-as a lot of East Devon is being destroyed by greenfield development. The Assistant Director Planning Strategy and Development Management advised in his opinion there was not a significant amount of brownfield sites suitable for development as many had constraints;
- Reassurance was sought on the current five year housing land supply under the Government's proposal and what could be done now about next year's five year housing land supply. It was advised under the Government's transitional arrangements the council would have a four year land supply but with projections declining it would be prudent to review applications in sustainable locations to bolster supply;
- Clarification was sought about why developers were being allowed to build on existing sites with no provision of affordable housing. Are we being forceful enough? In response the Assistant Director Planning Strategy and Development Management advised that it was an uphill battle as Government guidance says that local authorities must be accommodating to enable development to come forward to help bolster supply;

- Minor amendment to the wording on page 69 – Mission 11 – to read ‘designing out crime continues to be a key consideration in the determination of planning applications’;
- A concern was raised about increased housing bringing issues with sewage and water and how the problems with South West Water must not be drawn out any longer than necessary;

With the agreement of the proposer and seconder of the recommendation it was suggested that the second recommendation should read as follows to reflect the concerns raised about sewage and water:

‘That Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF.’

Comments from Members on the proposed answers to the consultation questions included:

- Q.28 – Is it a missed opportunity to not make a comment on bringing affordable housing on exception sites. The Assistant Director Planning Strategy and Development Management was happy to incorporate an appropriate response in line with funding for CLTs;
- Q.30 – A suggestion to include a comment about retrospective planning applications being abused by developers. The Assistant Director Planning Strategy and Development Management shared the concerns and suggested adding a general comment along the lines that this should be avoided at all costs.

RESOLVED:

1. Strategic Planning Committee agree that this Council respond to the Government consultation with the boxed text explicitly set out in this committee report together with additional wording to address the concerns regarding retrospective planning applications being delegated to the Assistant Director of Planning Strategy & Development Management in consultation with the Chair.
2. That Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF.

66 Greater Exeter Economic Development Needs Assessment

The Committee considered the Assistant Director Planning Strategy and Development Management’s report that sought agreement for the Greater Exeter Economic Development Needs Assessment January 2023 report to be published on the council’s website as part of the new Local Plan evidence base.

It was a jointly commissioned piece of work between East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council to understand the need for employment land to meet forecast demand over a 20 year period.

Key findings included:

- East Devon accounts for approximately 20% of employment and GVA across Greater Exeter and employment and growth rates are the highest of the local authority areas in Greater Exeter;
- A larger proportion of growth is concentrated in the West End of the district.

Members noted the table at paragraph 2.7 relating to additional jobs with a figure showing a minimum figure of 3,200 additional jobs over the planned period up to a maximum of 13,700 additional jobs.

Members also noted the demand for sites and premises in which East Devon has approximately 106 ha. of employment space. Some concerns were raised including that a number of these sites had already been allocated in the existing local plan and as a result it was concluded additional work was required to help understand why sites had not come forward. It was also recognised that there was a need to look more closely at the council's relationship with Exeter City Council and cross boundary issues highlighted at paragraph 3.4.

Points raised during discussion included:

- It does not make sense in terms of sustainability that Exeter City Council would consider using brownfield sites leading to the loss of employment land;
- Welcome the opportunity to relocate some employment land into East Devon which would create shorter journeys to work.

RESOLVED:

1. That the Greater Exeter Economic Development Needs Assessment January 2023 report be noted and its use as evidence for the purposes of the new Local Plan and other spatial plan making, for development management and in support of achieving East Devon District Council's corporate objectives be agreed;
2. That the issue of displacement of employment uses within Exeter arising from their recently consulted on draft Local Plan and the further work that is needed to fully understand and discuss this with the partner authorities as well as further work referred to in Section 4 of the report to more fully understand Economic Development issues in East Devon be noted;
3. That Strategic Planning Committee recommend that the Greater Exeter Economic Development Needs Assessment January 2023 report be published on the council's website as part of the new Local Plan evidence base.

67 District Heating: Reliability and Resilience

The Committee considered the Assistant Director Growth, Development & Prosperity report that detailed the cause of technical issues affecting the operation of the district heating network that impacted over 1,700 homes in Cranbrook. The report also considered how to improve oversight of the operation of the two networks in the district and whether there were wider strategic implications in terms of the policy of promoting the ongoing roll out of district heating in the West End of the district.

Members noted that E.ON were still conducting an analysis as to why so many valves failed simultaneously during a period of cold weather on the 7 December. This coincided with a period of cold weather with minimum temperatures dropping to freezing or below for the next 10 days.

Two meetings took place, one on 19 December with District Councillors, Town Councillors and Simon Jupp MP followed by a meeting on 25 January for the wider public. This was attended by 66 Cranbrook residents to help explain what had happened and to address outstanding issues including customer service. A number of key learning points were detailed in the report.

The Assistant Director Growth, Development & Prosperity acknowledged residents' frustrations about being locked into a contract with poor service but advised that in a wider context the transition to net zero carbon was critical and the rationale for completing the journey still remained. He referred to the recommendations in the report, in particular Recommendation 2 to introduce a District Heating Stakeholder Forum with E.ON referring to paragraph 3.4 for details of the membership, Recommendation 3 to continue to support the approach of pursuing the roll out of district heating networks to serve the major development areas in the West End and Recommendation 4 to write to the relevant BEIS Minister to advocate for support on energy bills for district heating customers across the country.

Comments received from non-Committee Members included:

- Councillor Bloxham expressed support that District Heating was pursued for the further expansion of Cranbrook but said people deserved a better service than had been experienced to date. Resilience is poor, responses are poor and there is clear under investment in all aspects of providing district heating whether it be resilience of supply, engineering capacity to respond to issue, call centre capability or customer service – all have been very lacking to date. She advised that the report did not really give a true picture of the customer experience which had been woeful and that she had spent many hours trying to assist residents with their issues. So far the District Council had taken a back seat. The lack of any sort of a development corporation role has been fully exposed by these events and moving forward the District Council has got to be more involved, not just because it may have a financial interest in the future but because it has a moral responsibility to ensure that the future is better.
- Support was expressed for the need to decarbonise the district heating network but this also needed robust oversight and effective customer service.

Points made by Committee Members during discussion included:

- Clarification sought on what guarantees were in place that this would not happen again when Cranbrook is at full size especially as problems with hot water and heating have happened in the past. The Assistant Director Growth, Development & Prosperity advised that the network would become resilient over time as the need for temporary energy centres was removed and all the network was connected to the main energy centre;
- Had attended the meeting on 25 January held by Cranbrook Voice and was not reassured by E.ON. They are good at producing heat and taking money but everything in between leaves something to be desired. The Local Authority has a part to play in this and it is not pulling its weight. East Devon District Council needs to be more proactive.
- Reference made to Recommendation 2 needing more teeth and the need for a legally binding agreement with E.ON;
- Reference made to Recommendation 4 and concerns raised that district heating was currently unregulated and the need for it to be regulated and be brought under OFGEM; In response the Assistant Director Growth, Development & Prosperity advised that Government were committed to introducing OFGEM as part of the Energy Security Bill;

- The failings of this system should not impact the wider strategy around district heating. When new technology is introduced there is often teething problems but there needs to be better customer service to keep residents updated. It was suggested that a dedicated telephone number for Cranbrook residents should be established;
- Cranbrook residents had to wait in excess of 10 days for repairs and some families had to move out because it was too cold. More resource is needed on the engineering side and as Cranbrook develops at a pace it needs to be resilient. The forum needs to hold E.ON to account.
- E.ON needs to understand that the forum has a responsibility to make necessary recommendations which should be binding;
- There is a need to learn from experience. This is the future and there is a need to stick with district heating.

RESOLVED:

1. The issues that led to the supply issues on the Cranbrook network in December and what has been done to rectify the position be noted;
2. The principle of establishing a District Heating Stakeholder Forum with E.ON to cover both district heating networks be endorsed;
3. To continue to support the approach of pursuing the roll out of district heating networks to serve major development areas in the West End in line with adopted policies;
4. The approach of the Chair writing to the relevant BEIS Minister to advocate for an equivalent package of support for domestic consumers on heat networks to that received by domestic consumers on the gas grid under the Energy price Guarantee (EPG) be endorsed.

68

East Devon self-build monitoring report 2021-2022

The Committee considered the Assistant Director Planning Strategy and Development Management's report outlining the latest monitoring figures for self builds until 30 October 2022. The Council was legally required to meet the demand for self/custom building housing shown on the self-build register.

Members noted that the overall demand for plots was 28, with 11 in 'Part 1' which the council would need to permission in order to meet demand between 31 October 2021 and 30 October 2024. The supply figures indicated that 16 suitable plots were permissioned for self-build between 31 October 2021 and 30 October 2022 which would mean that, so far, the council was short of 10 plots to meeting our 2020 – 2021 demand figures of 26.

Points raised during discussion included:

- It was pointed out that Recommendations 3 and 4 had a couple of typo errors in the dates;
- Clarification sought on the definition of serviced plots. In response it was advised the plot of land would have all main services such as water, gas, electric etc.

RESOLVED:

1. The draft monitoring report for use in planning decisions (both to inform local plan production and inform decision making on planning applications) be endorsed.
2. That 28 individuals added to the self-build register during the latest monitoring period (31/10/21 to 30/10/22) be noted;

3. The need to permission 11 plots suitable for self-build between 31/10/21 and 30/10/24 to meet the level of demand shown on Part 1 of the self-build register (between 31/10/21 and 30/10/22 be noted);
4. The additional need to permission 10 additional plots suitable for self-build between 31/10/22 and 30/10/23 to meet the 'residual' requirement from the demand shown on the register for 31/10/20 to 30/10/21 be noted;
5. That the demand for self-build plots indicated on the register should be taken into account in our planning, regeneration and estate functions be noted.

69 **Infrastructure Funding Statement**

The Committee considered the Assistant Director Planning Strategy and Development Management's report that summarised the contents of the East Devon District Infrastructure Funding Statement that the Council was legally required to publish on an annual basis.

Points on the report included:

- A comment was raised about whether the Feniton to Sidmouth Cycle way could be included in the infrastructure list. In response the Assistant Director Planning Strategy and Development Management advised this would need to come forward through the CIL Infrastructure List which needed to be reviewed.
- Clarification sought on whether the list detailed in paragraph 3.2 were in priority order. It was advised it was a high level list with no order of priority.

RESOLVED:

1. That the contents of this report and the requirement to provide an 'Annual Infrastructure Funding Statement' be noted;
2. That the publication and submission to government of the 2021/22 'Annual Infrastructure Funding Statement' based on the information detailed in this report be approved.

Attendance List

Councillors present:

D Ledger (Chair)
O Davey (Vice-Chair)
P Arnott
J Bailey
K Blakey
P Hayward
M Howe
R Lawrence
A Moulding
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

P Faithfull
G Jung
T Wright
K Bloxham

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management

Damian Hunter, Planning Solicitor

Andrew Wood, Assistant Director Growth Development and Prosperity

Wendy Harris, Democratic Services Officer

Councillor apologies:

S Chamberlain

B Ingham

G Pratt

Chairman

Date: