



Agenda for Cabinet Wednesday, 1st May, 2024, 6.00 pm

Members of Cabinet

Councillors: M Rixson, G Jung, D Ledger, M Hall, O Davey, S Jackson, J Loudoun, N Hookway, P Arnott (Chair) and P Hayward (Vice-Chair)

Venue: Council Chamber, Blackdown House, Honiton

Contact: Amanda Coombes, Democratic Services Officer;
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(or group number 01395 517546)
Tuesday, 23 April 2024

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This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

- 1 Minutes of the previous meetings (Pages 3 - 10)
Minutes of Cabinet held on 27 March 2024
Minutes of the Extraordinary Cabinet meeting held on 10 April 2024
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking
Information on [public speaking is available online](#)
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 7 Minutes of Housing Review Board held on 14 March 2024 (Pages 11 - 16)
- 8 Minutes of Poverty Working Panel held on 18 March 2024 (Pages 17 - 19)
- 9 Minutes of Overview Committee held on 21 March 2024 (Pages 20 - 26)

- 10 Minutes of Scrutiny Committee held on 4 April 2024 (Pages 27 - 32)
- 11 Minutes of Leisure Strategy Delivery Forum held on 9 April 2024 (Pages 33 - 37)
- 12 Minutes of Extraordinary Scrutiny Committee held on 18 April 2024 (Pages 38 - 40)

Key Matters for Decision

- 13 New Communities in East Devon (Pages 41 - 63)

Matters for Decision

- 14 **Response to the Clyst Honiton Neighbourhood Plan Submission** (Pages 64 - 89)
- 15 **Exemption to Contract Standing Orders - Strategic Flood Risk Assessment** (Pages 90 - 91)
- 16 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

The Vice Chair to move the following:

“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B Matters for Decision

- 17 Station Road Countryside Park - Delivery & Management Options (Pages 92 - 116)

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Members of the public exercising their right to speak during Public Speaking will be recorded.

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 27 March 2024

Attendance list at end of document

The meeting started at 5.02 pm and ended at 7.34 pm

160 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 28 February 2024 were agreed.

161 Declarations of interest

Min 166. Devon Place Board.

Councillor Paul Hayward, Affects Non-registerable Interest, his role as Axminster Town Clerk is mentioned in the report.

Min 167. Leisure and sports pitches requirements.

Councillor Matt Hall, Affects Non-registerable Interest, works for Exeter City Council.

Min 167. Leisure and sports pitches requirements.

Councillor Paul Hayward, Affects Non-registerable Interest, has family members living in Cranbrook.

162 Public speaking

There were no members of the public registered to speak.

163 Matters of urgency

There were none.

164 Confidential/exempt item(s)

There were two items dealt with in the way which are recorded at Minutes 172 and 173.

165 Minutes of Strategic Planning Committee held on 5 March 2024

Members agreed to note the Minutes and recommendations of Strategic Planning Committee held on 5 March 2024.

Minute 77: East Devon Playing Pitch Strategy

That Strategic Planning Committee recommend the Council should play a role in the delivery and enhancement of the playing pitch provision within the district and that resources should be put in place to enable this work.

166 Devon Place Board

The Project Manager - Place and Prosperity provided an update on the work of the Regeneration Forums (Project Groups), established as part of the Devon Place Board project work for Seaton and Axminster. It covered the on-going requirements to monitor the projects set out within the respective Strategy documents and proposed that an

officer-led group was established for taking forward the monitoring and reporting via quarterly meetings.

RESOLVED:

That the existing Axminster Renewal Forum and Seaton Project Group be replaced with one officer-led Project Monitoring Group in order to monitor outputs and outcomes of the projects listed within the Regeneration Strategies, previously completed for each town, be agreed.

REASON:

To enable the continued monitoring of the projects identified in the Axminster Renewal Strategy and Seaton Regeneration Strategy and to offer support and advice to stakeholders in delivering projects ensuring effective and efficient use of resources.

167 **Leisure and sports pitches requirements**

The Assistant Director – Countryside & Leisure informed Members that Full Council and Cabinet had formally adopted the Leisure and Built Facilities Strategy 2021-31 and its Action Plan. There were currently significant challenges in meeting the completion deadlines for each priority within the Action Plan. There were also requests for support to help deliver new sports pitches in Honiton and hosting and taking forward the Cranbrook Local Delivery Pilot programme funded by Sport England.

There had been no identification of additional resources both in terms of staffing capacity and new budget allocations. Therefore, it was recommended to carry out a high-level options appraisal of the actions within the Leisure Strategy to develop a costed Implementation Plan with possible options for affordable delivery. This would provide the Council with the necessary financial information to make strategic decisions on what it may wish to deliver from the Strategy going forward. This was one of the recommendations from the recent Peer Review undertaken in conjunction with the Local Government Association.

The Deputy Leader wished to thank the district's MPs Simon Jupp and Richard Foord for their continued support and efforts for making sure East Devon gets the government funding it was entitled to and not to lose out on any. He hoped that they were fully behind the council in doing what they could for sports and recreation for East Devon residents and asked them to carry on supporting the council to deliver these vital amenities.

Discussions on recommendations 2 and 5 were debated confidentially in the private part of the meeting.

RESOLVED that Cabinet:

1. Approves the appointment of Strategic Leisure to carry out a high-level options appraisal of the Leisure & Built Facilities Strategy 2021-31 with an Implementation Plan, and possible options for delivery to inform decisions on the affordability of the Council's current and future leisure provision.
2. Approves the request to create posts for the 2024/25 financial year for the Community Connector, Community Builder and Project Manager posts to support the Sport England Local Delivery Project within Cranbrook, whilst seeking ongoing funding for the three posts to widen the programme to other areas of East Devon to help deliver the wider priorities within the Leisure & Built Facilities Strategy 2021-31.

3. Approves the request to create a post for a Strategic Leisure Enabler Lead role for the District, to take forward the strategic options for leisure provision in conjunction with wider partners and stakeholders.

RECOMMENDED to Council:

4. To approve funding from the Council's General Fund Revenue budget of £85,000 to help support the Estates team with the priority 1 actions identified within the Leisure Strategy action plan on stock condition surveys and renegotiating existing dual use facility agreements.
5. The provision of a budget of up to £76,974 for the 2024/25 financial year to fund the Community Connector, Community Builder and Project Manager posts, subject to there being a review of future provision and funding. That delegated authority be given to the S151 officer in consultation with the Portfolio Holder for Finance, Portfolio Holder for Culture, Leisure, Sports and Tourism and Cllr Kim Bloxham, to agree the arrangements for hosting and the performance management regime.
6. The provision of a budget of £57,756 inclusive of 30% on costs to fund the Strategic Leisure Enabler Lead role.

REASON:

To enable the Council to agree a position on what and where to prioritise its future investment in its leisure facilities and activities, that were identified within the Leisure and Built Facilities Strategy 2021 -2031 and the draft Playing Pitch Strategy 2024.

168 **Combined Regulations for the Management and Control of EDDC Cemeteries**

The Licensing Manager sought approval of the combined Regulations for the Management and Control of the East Devon District Council Cemeteries and to include the proposed amendments to the combined regulations following public consultation.

RESOLVED that Cabinet:

Approve the introduction of combined Regulations to include proposed amendments for the Management and Control of East Devon District Council Cemeteries.

REASON:

To combine Regulations for the Management and Control of EDDC Cemeteries subject to proposed amendments following a public consultation. EDDC currently had three sets of regulations for the managed cemeteries within the district.

169 **Councillor DBS checks and Safeguarding Protocol**

The Monitoring Officer was seeking approval for a draft Protocol in relation to the introduction of Councillor basic Disclosure Barring Service (DBS) checks and consideration of any safeguarding issues.

RECOMMENDED to Council:

That the Councillor DBS Checks and Safeguarding Protocol to form part of the Council's Constitution, be agreed.

REASON:

The Council had decided as part of its Safeguarding Policy to undertake DBS checks for members. It was important that a process was put in place for undertaking those checks

and introducing a risk assessment process should any convictions and safeguarding concerns be identified.

170 **Building Safety Regulator Recharges for Building Control Consultancy Services**

The Building Control Manager's report explained that in accordance with the provisions of the Building Safety Act 2022, the Council was obliged to confirm its hourly charging rate for Building Control consultancy services to the new HSE Building Safety Regulator (BSR) in relation to High-Risk Buildings. This had been calculated to be £97.41 per hour + VAT.

RESOLVED:

That the hourly rate used to calculate external recharges for consultancy services to the Building Safety Regulator set at £97.41 per hour + VAT, be agreed.

REASON:

1. To ensure that BC service could adequately recover incurred costs associated with providing this consultancy service to the BSR.
2. The proposed revisions were in line with the methodology set out in Appendix A of the DLUHC circular letter.
3. Charges rates were to be reviewed annually and adjusted as appropriate to ensure cost recovery.

171 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED:

That under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

172 **Feniton Flood Alleviation Scheme - entering Consultant Contract above £100k**

The Feniton Flood Alleviation Scheme was progressing and the previous sub order to deliver detailed design and updated modelling had increased due to an increase in scope.

RESOLVED that Cabinet:

Agree to extend the existing contract to enter a contract to deliver the construction of Feniton Flood Alleviation Scheme.

REASON:

The designer/safety/environmental specialists were already in contract, via a framework agreement. Due to scope increase, including site supervision provision, the council wished to extend the contract.

173 **Boiler Trial - Project Review****RESOLVED that Cabinet:**

Approve the amended recommendations as outlined in the report.

Attendance List**Present:****Portfolio Holders**

M Rixson	Portfolio Holder Climate Action & Emergency Response
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes & Communities
M Hall	Portfolio Holder Economy
O Davey	Portfolio Holder Strategic Planning
S Jackson	Portfolio Holder Communications and Democracy
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
P Arnott	Leader of the Council
P Hayward	Deputy Leader and Portfolio Holder Finance (Assets)

Also present (for some or all the meeting)

Councillor Brian Bailey
 Councillor Ian Barlow
 Councillor Kevin Blakey
 Councillor Kim Bloxham
 Councillor Colin Brown
 Councillor Jenny Brown
 Councillor Roy Collins
 Councillor Peter Faithfull
 Councillor Paula Fernley
 Councillor Mike Goodman
 Councillor Sam Hawkins
 Councillor John Heath
 Councillor Richard Jefferies
 Councillor Todd Olive
 Councillor Susan Westerman

Also present:**Officers:**

Tim Child, Assistant Director Place, Assets & Commercialisation
 Sue Clayton, Licensing Support Officer
 Amanda Coombes, Democratic Services Officer
 Simon Davey, Director of Finance
 Amy Gilbert-Jeans, Assistant Director Housing (Tenancy Services)
 Alison Hayward, Project Manager Place & Prosperity
 Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement
 Phillippa Norsworthy, Licensing Manager
 Charles Plowden, Assistant Director Countryside and Leisure
 Liam Reading, Housing Strategy, Enabling and Projects Service Manager

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Andrew Wood, Assistant Director Growth Development and Prosperity

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 10 April 2024

Attendance list at end of document

The meeting started at 6.01 pm and ended at 6.27 pm

174 Declarations of interest

There were none.

175 Public speaking

There were no members of the public wishing to speak.

176 Matters of urgency

None.

177 Confidential/exempt item(s)

None.

178 Council Plan 2024-2028

The Portfolio Holder Council and Corporate Co-ordination gave a presentation to Cabinet of the new Council Plan 2024-2028 to review and agree.

The Leader, Deputy Leader and Portfolio Holder Council and Corporate Co-ordination wished to thank the residents who had responded to the consultation. They also wished to thank and acknowledge Ann Reeder and Dave Burn consultants from Frontline Consulting, for their support through the workshop process. Their thanks and appreciation extended to Jo Avery, Management Information Officer for her diligence in getting the Plan together as well as all officers and Senior Management involved in the process.

RESOLVED: that Cabinet

1. Agree the Council Plan 2024-2028 including its actions and measures and recommends its approval to Council.
2. Gives delegated authority to the Director of Finance in consultation with the Portfolio Holder Council and Corporate Co-ordination to make any minor changes to the text as required prior to submission to Full Council.
3. Consider and agree the frequency of monitoring of the actions and measures set out on the plan.

REASON:

To progress the Council Plan to the final stage of agreement and provide clarity as to the ongoing monitoring of the actions from the plan.

Attendance List

Present:

Portfolio Holders

M Rixson	Portfolio Holder Climate Action & Emergency Response
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes & Communities
M Hall	Portfolio Holder Economy
O Davey	Portfolio Holder Strategic Planning
S Jackson	Portfolio Holder Communications and Democracy
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
P Arnott	Leader of the Council
P Hayward	Deputy Leader and Portfolio Holder Finance (Assets)

Also present (for some or all the meeting)

- Councillor Brian Bailey
- Councillor Colin Brown
- Councillor Roy Collins
- Councillor Tim Dumper
- Councillor Peter Faithfull
- Councillor Richard Jefferies
- Councillor Todd Olive
- Councillor Eleanor Rylance
- Councillor Susan Westerman

Also present:

Officers:

- Jo Avery, Management Information Officer
- Matthew Blythe, Assistant Director Environmental Health
- Amanda Coombes, Democratic Services Officer
- Simon Davey, Director of Finance
- Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement
- Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Chair

Date:

Recommendations for Cabinet that will resolve in an action being taken:

Housing Review Board on 14 March 2024

Minute 58 Finance report

that Cabinet acknowledge the variances identified as part of the housing revenue account and housing capital finance up to month 10 2023/24.

Minute 60 Annual report of the Housing Review Board

that Cabinet and Council note the work that the Housing Review Board has undertaken during the 2023-24 civic year.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Housing Review Board held at Council Chamber, Blackdown House, Honiton on 14 March 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 11.30 am

51 Minutes of the previous meeting

The minutes of the meeting held on 25 January 2024 were agreed.

52 Declarations of interest

There were no declarations of interest under the Code of Conduct. Councillor Sarah Chamberlain declared that she was employed by Exeter City Council in the housing department.

53 Public speaking

There were no members of the public registered to speak.

54 Matters of urgency

There were none.

55 Confidential/exempt item(s)

There were none.

56 Housing Review Board forward plan

The Tenancy Services Manager presented the forward plan and explained the revised format of the plan and the reasoning behind these changes in that it aligned with the Overview and Scrutiny Committees' forward plan format. Members were advised that the forward plan acted as a reminder of agenda items due to come forward to future meetings. The forward plan had been derived from previous meetings and requests, as well as the housing service plan. Service managers we currently reviewing realistic timeframes against each topic and dates for the future items would be populated once dates for 2024/25 Housing Review Board meetings had been agreed. Members were reminded that they could add further reports and topics for discussion to the next forward plan by either informing herself or the Democratic Services Officer.

Concern was expressed that there were a large number of items on the forward plan but only four Housing Review Board meetings scheduled for the year. The Director for Housing, Health and Environment reassured those present that additional Board meetings could be called if required. It was noted that a stock condition survey report would be brought to the next meeting of the Housing Review Board.

57 Function of the Housing Review Board

The Board considered the report of the Assistant Director for Housing (Tenancy Services) which had come forward following a direct request for the function of the HRB to be reviewed and refreshed. The report aligned with the recent scrutiny review carried out by the Centre for Governance and Scrutiny (CGS), which was presented to a joint meeting of the Scrutiny Committee, Overview Committee and Housing Review Board on 15 February 2024. An action plan would be produced by the Democratic Services Manager by 30 April 2024 based on findings of the CGS review. Members of the HRB would receive further details on this.

The Assistant Director Housing's report set out a proposed change to the frequency of HRB meetings (from five to four per year), which would need to be made formally within the Council's Constitution. This change to the frequency of meetings would allow for better alignment with quarterly performance information. The day-to-day performance of the functions within the Housing Revenue Account were a key consideration for the Housing Review Board in terms of how they set out and derived with work plans moving forward. To ensure that this could be achieved the Board therefore needed to receive this information in a timely manner at the end of each quarter. Board members were reminded that an extraordinary meeting could be proposed at any other time throughout the year as and when required.

RECOMMENDED: that Council agree that the Housing Review Board terms of reference be amended so that the number of meetings is decreased from five to four per year (or more frequently as required).

58 **Finance report**

The accountant's report provided the Housing Review Board with a summary of the housing revenue account and housing capital program overall financial position for 2023/24 at the end of month 10 (31 January 2024). The report also considered the implications of any forthcoming regulatory changes.

Producing a Housing Revenue Account had been a statutory requirement for Councils who managed and owned their housing stock for some time, and therefore a key document for the Board to influence.

The Board noted the impact on the originally agreed budgeted surplus (£0.268m) of subsequently approved spend that was not originally included in the set budget, resulting in a revised budgeted deficit of £0.656m. Income was increased on rents by 7% and all other service charges by 3% in 2023/24. Lost rent due to voids continued to be above the budgeted levels and was likely to add an additional £0.433million to the in-year deficit as the catch-up work to reduce void levels continued. In addition to this, due to the higher levels of major works that were being addressed from the stock condition surveys, the expenditure on decants during the year had been higher than expected. This further increased the revised budget deficit to £1.374m.

The stock condition had also significantly increased the demand on the integrated asset management contract with void levels and their associated expenditure, as well as larger jobs outside the Price Per Property framework requiring significant contributions from reserves. This resulted in a final revised forecast deficit of £4.851m, to be funded by reserves/underspends in previous years. Despite the forecast deficit the Finance Manager reassured the Board that the HRA was fully financed from earmarked reserves and balances and that some of the higher than predicted spending this year was catching up on expenditure following a lack of spending in previous years.

The accountant's report explained that the completion of the stock condition survey and the creation of an asset management strategy would directly feed into the housing revenue account business plan and officers were working on a stock options appraisal position report that would consider longer term investment decisions.

The Board noted that during the year to date there had been nine right to buy sales (with another completion imminent) and three property acquisitions. These acquisitions were funded 60% from the Capital Development Fund 40% from right to buy receipts.

RECOMMENDED: that Cabinet acknowledge the variances identified as part of the housing revenue account and housing capital finance up to month 10 2023/24.

59 **Key performance indicators and compliance, quarter 3 2023/24**

The Housing Review Board were presented with the key performance indicator (KPI) dashboard and the compliance dashboard for quarter 3. The Tenancy Services Manager and the Responsive Repairs and Voids Service Manager introduced themselves and gave a presentation which summarised the performance and actions being taken to improve performance where targets were not being achieved.

Performance targets were set annually, but this year the framework began part way through the year so targets were not set for all the indicators. Figures were benchmarked against last financial years' performance and HouseMark was used to benchmark performance and set targets for the KPIs against performance of other social housing landlords.

Performance in rent arrears continued to be good and quarter three remained within target and top quartile. This was being achieved through a proactive approach to rent collection, ensuring early intervention when accounts fell into arrears and using all the appropriate tools available to stop situations worsening.

The number of voids continued to reduce month on month. Void turn-around times were also starting to show improvement, with a clear downward trend across the reporting months. There were 130 void dwellings at the end of quarter three (December 2023) compared to 168 in July 2023. Work was still required to reduce average relet times, however it was noted that a lot of long term voids were being let, which had an impact on the performance data. The Responsive Repairs and Voids Service Manager outlined to the Board actions that were being taken to ensure void property performance including the active involvement of tenants in the process, weekly contractor meetings and recruiting to a Void Manager post.

The Responsive Repairs and Voids Service Manager reported that repair jobs (both routine and emergency jobs) completed within target were improving. There were combined measures across the two main contractors reflecting service improvements being made within the contractors' operations and timely data being provided to EDDC by the contractors. Actions being taken to ensure repairs performance were outlined to the Board.

The Tenancy Services Manager highlighted to the Board the ongoing work to improve performance in relation to complaint handling. A new performance team had been established, with a Housing Performance Lead. The process for complaints was being reviewed against the new Housing Ombudsman Complaint Handling Code and a key

focus of the new Housing Performance Lead would be taking learning from complaints and ensuring this shaped future service delivery.

The Board noted the compliance dashboard which covered eight key areas of regulation and legislation requirements:

1. Asbestos
2. Electrical systems
3. Fire risk assessment
4. Fire protection systems
5. Gas safety
6. Lifting equipment
7. Smoke & Carbon monoxide alarms
8. Water management

There were a large number of green areas showing in the report and the Tenancy Services Manager explained the areas in red and the work being done in relation to these areas. It was also noted that the Planned Works and Compliance Service Manager post had been recruited in to.

Following the presentation a number of issues were raised by those present and the officers advised that they would and report on these and discuss individual issues outside of the meeting. Better ways of reporting housing issues to ward councillors were being explored. The Director for Housing, Health and Environment reassured the HRB that the housing team had gone through a lot of change in the last six months, but the service now had the right people in the right post and she was confident that things would improve going forward.

The Portfolio Holder, Sustainable Homes and Communities agreed that performance was moving in the right direction and positive improvements were being made. The amount of work going on was commendable, with 75% of KPIs being in the green. In response to a question it was noted the average re-let time (a property being ready to being occupied) was 23 days (down from 35). In response to another question about the use of garages the Housing Strategy, Enabling and Project Manager reported that a housing delivery and investment plan was being developed to consider all housing assets.

RESOLVED: that the Housing Review Board receives and notes performance at quarter three, 2023/24.

60 **Annual report of the Housing Review Board 2023/24**

The Chair presented the annual report of the Housing Review Board which summarised and highlighted the diverse range of issues covered by the Board over the year. The report gave an overview of the achievements of the Board and celebrated the progress that had been made. The Chair thanked all those involved with housing and the Housing Review Board for their huge efforts in improving the service.

It was noted that tenant satisfaction measures were undertaken annually. Officers were also currently working on tenant satisfaction transactional surveys, using advances in technology to receive live and direct feedback. Tenants were reassured that many communications options would be available. A data analyst had been appointed in the housing performance team and was regularly calling tenants.

RECOMMENDED: that Cabinet and Council note the work that the Housing Review Board has undertaken during the 2023-24 civic year.

Attendance List

Board members present:

Sara Clarke, Independent Community Representative
Rob Robinson, Independent Community Representative
Councillor Sarah Chamberlain (Chair)
Councillor Peter Faithfull
Councillor Tony McCollum
Councillor Helen Parr (Vice-Chair)
Councillor Christopher Burhop

Councillors also present (for some or all the meeting)

B Bailey
I Barlow
C Brown
J Brown
R Collins
D Ledger
S Smith

Officers in attendance:

Tracy Hendren, Director of Housing, Health and Environment
Andrew King, Tenancy Services Manager
Andrew Mitchell, Housing Solutions Service Manager
Liam Reading, Housing Strategy, Enabling and Projects Service Manager
Giles Salter, Solicitor
John Symes, Finance Manager
Alethea Thompson, Democratic Services Officer
Susie Williams, Responsive Repairs and Voids Service Manager

Apologies:

Sue Dawson, Tenants
Councillor Paul Arnott (non-committee member)
Councillor Paul Hayward (non-committee member)

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Poverty Working Panel held at Online via the Zoom app on 18 March 2024****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.23 am

13 Minutes of the previous meeting held on 13 November 2023

The minutes of the previous meeting held on 13 November 2023 were noted as a true and accurate record.

14 Declarations of interest

There were none.

15 Public speaking

No members of the public had registered to speak at the meeting.

16 Devon Communities Together (Voluntary, Community & Social Enterprise) presentation

The Chair welcomed Ms Natalie Campbell, Service Delivery Lead for Devon Communities Together.

Ms Campbell delivered a presentation which detailed the Financial Resilience Project being worked on by Devon Communities Together along with East Devon District Council and other partners. The project is in its early stages and the presentation set out the progress so far, and the plans for future working.

Discussion and clarification included the following points:

- Devon Communities Together are new to this project and are learning about new groups, voluntary organisations and faith groups, as key resources in the community, as well as getting to know the communities around the district.
- Members expressed concern about the number of residents in fuel poverty. Devon Communities Together will be working with community groups to address some of the issues, and the Council could consider in strategic planning what could be done to alleviate the problem.
- It is unclear how food providers can further scale within the district because storage is problematic and if storage capacity is increased, providers risk becoming liable for business rates. The Assistant Director – Revenues and Benefits will explore with the Chair how this might be addressed, moving forward.

The Chair thanked Ms Campbell for an insightful presentation.

17 Household Support Fund update

The Benefits and Financial Resilience Manager introduced this update report which detailed the background to the Housing Support Fund (HSF), set out how the funding is deployed, and outlined future support under the fifth HSF as set out in the 2024 Spring Budget.

In discussion, it was noted that there are a small number of people who are eligible for support under the HSF but decline the support, and others who are difficult to contact. The Council are working closely with the voluntary sector to better understand how to reach people and the reasons why some people turn down the offer of financial assistance.

18 **Pilot project with Financial Resilience and Private Sector Housing - Improving homes for low-income families**

The Benefits and Financial Resilience Manager and the Public Sector Housing Technical Officer delivered a presentation which detailed, with case studies, a pilot project being worked on by the Financial Resilience and Private Sector Housing teams, together with the Climate Change Officer, exploring how the Council can help low-income households to improve their accommodation.

The Chair commended all officers involved in this work which is changing lives and is an excellent example of cross-service working.

Discussion and clarification included the following points:

- Following the doubling of Council Tax on second homes from April 2025, officers will be monitoring the data with a view to understanding what the movement is on second homes and whether this is consistent with the policy aim of bringing properties back into use for people in the community.
- Members expressed concern about properties which are left unoccupied by owners on a long term basis, when they could be lived in or let out. It was noted that where this is the case and properties are falling into disrepair or causing nuisance, then complaints can be raised by emailing the Private Sector Housing team at PSHousing@eastdevon.gov.uk. Empty homes also become subject to higher council tax charges, to discourage homeowners from leaving properties empty. Additionally, the Council has an Empty Homes Strategy, currently under review.
- Private Sector Housing are seeing more complex cases of landlords failing to maintain properties to an acceptable standard, and the team work proactively and reactively with landlords to bring about improvements to properties.
- In instances where households are living in accommodation which is in poor condition and cost of living funding is used to finance improvements, it was confirmed that applications are subject to extensive financial and eligibility checks. Additionally, in the case of rented properties, a clause in the application prohibits landlords from increasing rents based on the works that the Council has carried out. Homeowners who are helped under the scheme also have the charges secured against their property under the Land Registry, ensuring that costs are paid back before any sale of the property completes.

Attendance List **Councillors present:**

M Chapman
M Goodman
J Heath
D Ledger (Chair)
M Martin

M Rixson

Councillors also present (for some or all the meeting)

K Bloxham
C Fitzgerald

Officers in attendance:

Matthew Blythe, Assistant Director Environmental Health
Sharon Church, Benefits Manager
Emma Congerton, Assistant Director Statutory Housing
Shannon Grover, Technical Officer
Jody Harding, Principal Environmental Health Officer
Libby Jarrett, Assistant Director Revenues, Benefits, Corporate Customer Access, Fraud & Compliance
Sarah Jenkins, Democratic Services Officer
Sarah James, Democratic Services Officer
Helen Wharam, Public Health Project Officer

Councillor apologies:

P Arnott
B Collins

Chair:

Date:

Recommendations for Cabinet that will resolve in an action being taken:

Overview Committee held on 21 March 2024

Minute 44 Tree Strategy for East Devon District Council

1. The development of a Tree Strategy for East Devon District Council; and
2. To procure an external resource to draft the Strategy as agreed previously by Council.

Minute 46 East Devon Parking Strategy 2024-2031

1. To adopt the Car Parking Strategy 2024-2031, subject to appropriate amendments reflecting discussions
2. That public consultation on the Strategy is not undertaken, subject to appropriate consultation on any decisions resulting from its adoption; and
3. That a small, politically-balanced Working Group or Portfolio Team be convened to deliver key elements of the Strategy, with relevant Ward Members and Portfolio Holders invited whenever appropriate.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 21 March 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.41 pm

39 Minutes of the previous meeting held on 18 January 2024

The minutes of the previous meeting held on 18 January 2024 were signed as a true and accurate record.

40 Declarations of interest

Minute 44. Tree Strategy for East Devon District Council.
Councillor Vicky Johns, Affects Non-registerable Interest, Member of Ottery Parish Council.

Minute 44. Tree Strategy for East Devon District Council.
Councillor Tim Dumper, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 44. Tree Strategy for East Devon District Council.
Councillor Dan Wilson, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 45. Public Health Strategy 2024-2027.
Councillor Vicky Johns, Affects Non-registerable Interest, Health Strategy Director of Ottery Larder.

Minute 46. East Devon Parking Strategy 2024-2031.
Councillor Jenny Brown, Affects Non-registerable Interest, Member of Honiton Town Council.

Minute 46. East Devon Parking Strategy 2024-2031.
Councillor Brian Bailey, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 46. East Devon Parking Strategy 2024-2031.
Councillor Vicky Johns, Affects Non-registerable Interest, Member of Ottery Parish Council.

Minute 46. East Devon Parking Strategy 2024-2031.
Councillor Tim Dumper, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 46. East Devon Parking Strategy 2024-2031.
Councillor Dan Wilson, Affects Non-registerable Interest, Member of Exmouth Town Council.

Minute 46. East Devon Parking Strategy 2024-2031.

Councillor John Heath, Affects Non-registerable Interest, Member of Beer Parish Council.

Minute 47. Coach Tourism in East Devon - Task and Finish Forum
Councillor Vicky Johns, Affects Non-registerable Interest, Member of Ottery Parish Council.

Minute 47. Coach Tourism in East Devon - Task and Finish Forum
Councillor Jenny Brown, Affects Non-registerable Interest, Member of Honiton Town Council.

41 **Public Speaking**

No members of the public had registered to speak at the meeting.

42 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

44 **Tree Strategy for East Devon District Council**

The Chair introduced Rosie Walker, the Woodland Trust's Regional External Affairs Officer for the South West. Ms Walker delivered a presentation concerning the new Devon Tree Strategy and its relevance to East Devon, outlining the significance of trees, hedgerows and woodlands as an integral part of the environment and summarising some of the challenges involved in growing and protecting them.

The Assistant Director – Countryside and Leisure thanked Ms Walker for the interesting and thought-provoking presentation. He went on to outline the issues specific to East Devon and the proposed creation of a Tree Strategy for EDDC which would help to frame the challenges around growing and protecting trees and woodlands in the district, to enable the Council to make informed decisions according to its resources.

It was noted that the Council agreed a budget to develop a Tree Strategy in 2022/23, but that work on this had been delayed to enable the strategy development work to align with the recently finalised Devon Tree Strategy.

The Overview Committee was asked to consider recommending to Cabinet the development of a Tree Strategy for EDDC and to procure an additional resource to draft the Strategy, as agreed previously with Council.

Discussion and clarification included the following points:

- Members challenged whether it was appropriate to spend £50k on creation of a Tree Strategy for East Devon when there are strategies from outside of the organisation that are freely available, and officers within the Council with expert knowledge. In response,

the Assistant Director – Countryside and Leisure stated that there is very limited resource in-house, with officers wholly focused on planning consultations and Tree Preservation Order (TPO) applications. The proposed Strategy is complex and wide-ranging in scope and it is necessary to bring in specialist advice and knowledge to develop it.

- Some members were disappointed that the Strategy had not been developed earlier. The Assistant Director – Countryside and Leisure explained that it had been appropriate to wait until the Devon Tree Strategy had been developed first in order to ensure alignment between authorities. Moreover, the timing has meant that the requirements placed on the Council through the new Environment Act can be embedded into the Strategy for East Devon.
- One member was concerned that the criteria for TPOs and the enforcement of them should be reviewed to ensure greater consistency, given that TPOs can be overruled by some external bodies and TPO applications have been turned down on occasion.
- The Strategy can be used to ensure that proper thinking goes into the planting of trees to avoid creating problems for the future.
- The Strategy will deal with protection of trees and hedgerows as well as planting.

RECOMMENDED to Cabinet:

1. The development of a Tree Strategy for East Devon District Council
2. To procure an external resource to draft the Strategy as agreed previously by Council.

45 **Public Health Strategy 2024- 2027**

The Public Health Project Officer introduced this item and asked members to consider the Public Health Strategy 2024-2027 and make recommendations, and to recommend it to Council for approval.

Discussion and clarification included the following points:

- The Strategy recognises the importance of partnership working and supporting community groups, and the Council will shortly be recruiting to a Community Engagement Officer post.
- An effective sewerage system is fundamental to the long-term health of the population. South West Water are identified as a partner in the Strategy, and they have an obligation for the health and wellbeing of the communities they serve.
- Healthcare issues such as access to GPs and NHS dentists are outside of the scope of this Council, as are matters which contribute to rural isolation such as the closure of mobile libraries and banks. However, there are many aspects of our services' work that do contribute to the health and wellbeing of our residents. Networking is important. As an example, the Woodbury, Exmouth and Budleigh (WEB) Community Health and Wellbeing Board provides a mechanism for representatives from this Council to collaborate with representatives from within health and social care.
- Once adopted, the Strategy will be published and can be shared with town and parish councils.

RECOMMENDED to Council:

1. To adopt the Public Health Strategy 2023-2027

46 **East Devon Parking Strategy 2024-2031**

The Parking Services Manager introduced this item and asked members to review the guiding principles, objectives and supporting rationale of the draft East Devon Parking Strategy 2024-2031, to determine whether public consultation should be sought and to identify an appropriate decision-making format that could support delivery of key elements of the Strategy.

The Strategy had been produced through internal consultation as well as being the subject of an elected member workshop to which all members were invited.

Discussion and clarification included the following points:

- Workshop-style sessions will take place with a number of towns where the winter offer of a £2.00 all-day charge for parking is causing problems, to consider how the offer can be refined so that it meets its purpose.
- Installation of low-energy light bulbs in car parks has begun and there has been no reduction in brightness.
- Future lining works to car parks will be carried out to a new standard specification, losing 1 in every 24 spaces to make spaces wider and more accessible.
- Work is ongoing to look at renewing car park signage on a town by town basis.
- Upgrade works to electric vehicle charging points have been put back to July and in the interim, the spaces will be opened up for pay and display parking.
- It would be appropriate to consider the installation of ANPR pay-on-exit systems for some of the district's car parks.
- One Member expressed that consideration should be given to parking for trucks and coaches.
- With a view to achieving Net-Zero by 2040, the Council will be open to exploring the value of utilising parking spaces for other uses such as for bike parking lockers or other types of development.
- There is a commitment to working closely with Devon County Council (DCC) to align their tariff policy with that of EDDC; it was noted that DCC intentionally set their tariffs higher than EDDC with a view to incentivising drivers to use EDDC car parks before using DCC on-street parking.

RECOMMENDED to Cabinet:

1. To adopt the Car Parking Strategy 2024-2031, subject to appropriate amendments reflecting discussions;
2. That public consultation on the Strategy is not undertaken, subject to appropriate consultation on any decisions resulting from its adoption; and
3. That a small, politically-balanced Working Group or Portfolio Team be convened to deliver key elements of the Strategy, with relevant Ward Members and Portfolio Holders invited whenever appropriate.

47 Coach Tourism in East Devon - Task and Finish Forum

The Principal Solicitor introduced this item and asked members to consider the scoping document for a proposed Task and Finish Forum to consider the details of a Motion on Notice from Council on 6 December 2023 in respect of Coach Tourism in East Devon.

Cllr Haggerty summarised the benefits of coach tourism for the district, and Cllr Arnott thanked Cllr Haggerty for bringing the Motion to full Council.

RESOLVED

1. That the Overview Committee supports the setting up of a Coach Tourism in East Devon Task and Finish Forum to review the Motion on Notice;
2. That the following members will serve on the Task and Finish Forum: Cllr Vicky Johns, Cllr Jenny Brown, Cllr John Heath, Cllr Tim Dumper, Cllr Del Haggerty; and
3. That the Committee supports the scoping document set out in Appendix A to the report.

48 Work Programme 2023-2024

This item was for Members to consider additions to the Overview Committee's work programme.

Cllr Melanie Martin introduced a proposal which she had submitted regarding the banning of the use of snares and glue traps on council owned land and invited members to add this item to the Committee's work programme, for scoping work to be undertaken.

In discussion, members were broadly supportive of the proposal but were keen that any ban should cover traps used against mammals and reptiles but not those used against insects and moths, which can damage crops. A report should also consider how a ban can be enforced.

RESOLVED

To add Cllr Martin's proposal to the Overview Committee's work programme regarding the banning of the use of snares and glue traps on council owned land, for scoping.

Attendance List

Councillors present:

B Bailey
J Brown
T Dumper
P Fernley
A Hall (Chair)
J Heath
V Johns
M Martin
T Olive
D Wilson (Vice-Chair)

Councillors also present (for some or all the meeting)

I Barlow
C Brown
R Collins
D Haggerty
G Jung
D Ledger
M Rixson
P Arnott
M Goodman
N Hookway

Officers in attendance:

Matthew Blythe, Assistant Director Environmental Health
Simon Davey, Director of Finance
Richard Easthope, Parking Services Manager
Sarah James, Democratic Services Officer
Charles Plowden, Assistant Director Countryside and Leisure
Helen Wharam, Public Health Project Officer
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement

James Chubb, Countryside Team Manager
Will Dommett, District Ecologist
Chris Hariades, Landscape Architect, Development Management
Alistair Jeans, Arboricultural Officer

Councillor apologies:

Y Levine
C Nicholas
H Riddell

Chair:

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 4 April 2024****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.50 pm

81 Minutes of the previous meetings held on 24 January 2024 and 15 February 2024

The minutes of the meetings held on 24 January 2024 and 15 February 2024 were agreed and signed as a correct record.

82 Declarations of interest

It was noted that item 8 at minute 87 affects all Councillors who are members of East Devon Town and Parish Councils which are in receipt of S.106 and CIL monies.

83 Public speaking

One member of the public, Mr Ron Metcalfe, had registered to speak and made the following points with regard to his concerns about EDDC's oversight and management of the assets on Exmouth sea front:

- Residents were asking if the re-routing of the road and construction of Sideshore had caused or contributed to the recent failure of the sea wall.
- There was no evaluation of the impact of development on the sea wall either prior to, or following the failure.
- Vibrations during construction work in 2019 had been felt by residents at some distance and could have impacted the sea wall.
- Lack of rigour in assessing potential risk could have cost the Council and taxpayers in a number of ways, including financially.
- It was recently noted that there are issues of non-compliance with planning permissions on the sea front, including at the small retail units at Sideshore, the amount of square meterage agreed for retail, provision of disabled washrooms and making toilets and changing rooms available to the public. Non-compliance has not been challenged by EDDC.
- Should a TaFF be set up, this should examine the lack of rigour in planning enforcement as well as interrogating previous planning approvals.

One member of the public, Mrs Ann Membery, was unable to attend the meeting and had requested that a statement be read out. The Democratic Services Officer read out the statement which included the following points:

- The member of the public had read the comments by the Leader regarding his awareness of concerns surrounding the previous administration funding a new road and encouraging development so close to the sea wall.
- Planning application 18/0376/MFUL for the development of Sideshore included a flood risk report. The member of the public was of the view that the report should have detected that the sea wall would be vulnerable to collapse due to climate change.
- As EDDC has to meet the cost of repairing the sea wall, as a tax payer, the member of the public was of the opinion that previous officers and Councillors should be scrutinised as to why planning permission was granted and why the flood risk report did not detect a potential failure of the sea wall.
- The member of the public supported the setting up of the TaFF.

The Chair thanked the members of the public for their contributions.

84 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

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

There were no items called in by Members in accordance with the Overview and Scrutiny Procedure Rules.

87 **Interim update on progress with S.106 and CIL resources and processes**

The Assistant Director Planning Strategy and Development Management introduced the report which provided an update on progress with addressing resourcing issues involved in S.106 obligations and CIL administration. The report was further to a report to the Committee on 7 September 2023 and subsequent resolutions from Cabinet on resourcing these key areas of work.

The Assistant Director introduced the newly recruited Planning Obligations Team Leader.

The following points were highlighted:

- The revised S.106 Monitoring Fees charging schedule is now on the Council's website.
- Three of the four vacancies in the new Planning Obligations Team had now been filled. The Planning Obligations Team Leader was now in post with two officers starting at the end of April and beginning of May.
- The remaining S.106/CIL officer post was still unfilled, and recruitment was proving difficult as this is a very specialist area of work. An interim agency CIL officer was currently in post pending permanent recruitment to the vacant post.
- The development of the best practice guidance for Town and Parish Councils would be undertaken by the new Planning Obligations Team in partnership with the Towns and Parishes.
- The Team is transitioning from the interim arrangements and the work programme is under development.

Discussion and responses to Members' questions included the following:

- The number of outstanding historic S.106 cases had reduced from 150 to below 100. Outstanding CIL debt to be recovered was in excess of £400k.
- Future infrastructure needs are shown in the Infrastructure Delivery Plan available on the Council's website. As infrastructure needs to be provided in a co-ordinated manner with the Council's partners, funds are not necessarily spent as they are collected but are saved towards larger projects, resulting, at times, in seemingly large amounts held by the Council.
- Other S.106 monies are for specific purposes and may be unallocated currently.
- The Planning Obligations Team would be introducing new spending and monitoring processes going forward and this needs to be developed with realistic timescales.
- There is no time limit for CIL expenditure.

- The best practice guidance for Town and Parish Councils would provide a simplified procedure which would better enable Towns and Parishes to engage with the system. The new work plan included providing training for Town and Parish Councils on the new process.
- The remaining vacant post in the Planning Obligations Team was currently filled by agency staff. Recruitment of quality staff with the required specialist skills was difficult currently. Advice from the HR Team had been to wait a few months before re-advertising the vacancy in order to reach a new target audience. Succession planning included training junior officers to take on specialist posts going forward.
- There is no legislation which would allow the Council to stop granting planning permission for those developers failing to fulfil planning obligations. However, the Government is aware that some developers do not comply as required. It is very difficult to pursue payment where a developer has gone into administration.

The Chair thanked the Assistant Director Planning Strategy and Development Management and his team for the report and update. The Committee noted the progress that had been made on addressing the resourcing of CIL and S.106 work. A further update report will be brought to the Committee in late summer 2024.

With regard to the S.106 and CIL Resources and Processes Task and Finish Forum (TaFF), it was agreed to request a scoping report to include a timescale and terms of reference. This would be brought back to the next scheduled meeting of the Committee in June, unless officer resources and capacity allowed for an earlier date to be found in May.

88 **Report to Scrutiny on South West Water feedback on the minutes of the meeting held on 1 February 2024**

A report had been circulated which set out the feedback from South West Water (SWW) on the minutes of the virtual consultative meeting held on 1 February 2024.

With regard to concerns relating to a sewage spill in the Cranbrook Country Park, raised under question 11 of the minutes of 1 February 2024 [page 19 of the report], and the subsequent feedback on this issue from SWW, Cllr Kim Bloxham had submitted comments on the SWW response. Cllr Bloxham's comments were read out and highlighted the following points by way of correcting SWW's feedback:

- The sewage spill occurred in the Country Park on the south side of the London Road and the sewers in this part of the Country Park are all adopted by SWW as they preceded the Cranbrook development.
- This leak spilled foul waste from the Rockbeare area carried in a dedicated pipeline to Clyst Honiton and onwards to Countess Wear.
- A new separate sewer system takes foul waste from Cranbrook and does not connect to the pipeline that caused the leak.

Discussion on the feedback from SWW contained in the report included the following:

- The Corporate Lead – Communications, Digital Services and Engagement is currently the single point of contact in EDDC for Member communications with SWW. The forthcoming Members' newsletter would include details of a dedicated contact at SWW.
- With regard to the Water Cycle study, the first draft has been received however, further data is needed, following which the final draft will be circulated to Members. A Member Briefing session with the consultants is currently being arranged with a date to be agreed.

- It was not clear to whom in EDDC the SWW consultation on the Drainage and Wastewater Management Plan (DWMP) had been addressed and whether this had been responded to or not. The Water Cycle study would provide the expert knowledge to enable EDDC to challenge SWW and could lead to changes to the DWMP in the future. SWW had attended a meeting of the Scrutiny Committee in November 2022 and would have been aware of EDDC's concerns at the time the DWMP was being prepared.
- EDDC should be in communication with the Environment Agency as the body responsible for monitoring SWW.
- With regard to the length of time taken to prepare the Water Cycle study, it was noted that consultants are in high demand nationally due to the nationwide issues with sewage spills and that there had also been delays in the consultants obtaining information from SWW.

The feedback from SWW was noted.

89 **Scrutiny Committee Annual Report for the civic year 2023 - 2024**

The Annual Report on the work of the Scrutiny Committee during the civic year 2023 – 24 was agreed for submission to the annual meeting of the Council in May.

90 **Forward Plan**

1 Forward Plan

Discussion on the Forward Plan included the following points:

- It was noted that the Committee previously received reports on coastal monitoring. The Portfolio Holder for Coast, Country and Environment advised that the reports are very technical and need interpretation by engineers. The reports are continually referred to as part of the on-going beach management plan work for Exmouth, Sidmouth and Seaton.
- The Corporate Lead – Communications, Digital Services and Engagement was requested to liaise with SWW regarding a date for the Committee to meet with them again in September.

It was noted that the Democratic Services Manager is currently preparing the Scrutiny Action Plan following the review by the Centre for Governance and Scrutiny (CfGS).

As part of the CfGS review, it had been recommended that the Committee agree specific elements within a Portfolio on which the Portfolio Holder would be asked to report. It was noted that the next Portfolio holder to report would be Cllr Davey, Portfolio Holder for Strategic Planning, reporting on 6 June 2024. Issues to be covered by the report would be agreed by the Committee beforehand.

The Forward Plan was agreed.

2 Resolution from Council on 6 March 2024 regarding Exmouth sea wall

The Committee was asked to consider the resolution referred from Council on 6 March 2024 regarding the reasons relating to the failure of the Exmouth sea wall and the previous approvals that led to businesses and associated infrastructure being built next to it. The Committee considered whether to carry out further investigation and set up a Task and Finish Forum to undertake the work.

Discussion included the following points:

- There is a need to scrutinise why the Council was not aware that the sea wall did not have good foundations and whether moving the road contributed to its failure.

- The reason the sea wall failed is due to recent storms and a lack of foundations. It is unlikely that the facts could be obtained due to the age of the wall, and the Council should concentrate on repairing the wall which is a huge and expensive undertaking.
- It is crucial to agree the right terms of reference and further discussion on scoping is needed.
- Concern was expressed as to what exactly would be scrutinised and whether the Committee could achieve a good outcome and learn anything for the future.
- The sea wall failure was only one part of the issues raised by the public speaker and other items such as planning enforcement matters also need to be considered.
- It would be prudent to understand what information is still available in the Council and to ascertain whether there is sufficient information to make the scrutiny task worthwhile.

The Assistant Director Planning Strategy and Development Management advised that he had made a note of the planning enforcement issues raised by the public speaker and would report back.

It was agreed to request a detailed scoping report for either the June or July meeting to include terms of reference, a timetable for the investigations to be conducted and a date for presenting the outcomes of a TaFF back to the Committee.

The Committee also noted that a separate report on planning enforcement issues would be brought back in due course.

Attendance List

Councillors present:

I Barlow
J Brown
M Chapman
R Collins
M Goodman (Chair)
A Hall
J Heath
V Johns (Vice-Chair)
D Mackinder
A Toye

Councillors also present (for some or all the meeting)

B Bailey
C Brown
P Faithfull
G Jung
T Olive

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement
Sarah Jenkins, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Jonathan Smith, Planning Obligations Team Leader

Councillor apologies:

B Collins

S Smith

J Whibley

Chair

Date:

Recommendations for Cabinet that will resolve in an action being taken:

Leisure Strategy Delivery Forum on 9 April 2024

Minute 49 LED Service Management Fee 2024/25

1. The request from LED to provide a budget allocation of £1,603,162 for the 2024/25 management service fee which includes £53,350 for its outreach payment.
2. To consider the additional request for a further £25,000 to support the work of the outreach service.
3. To agree the new Service Level Agreement framework to be used for the 2025/26 and 2026/27 financial years subject to final agreement and sign off from the Director of Governance and Licensing and Monitoring Officer.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Leisure Strategy Delivery Forum (formerly LED Monitoring Forum) held at Online via Zoom app on 9 April 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 11.11 am

40 Minutes of the previous meeting held on 16 January 2024

The minutes of the previous meeting held on 16 January 2024 were noted as a true and accurate record.

41 Declarations of interest

There were none.

42 Public Speaking

No members of the public had registered to speak at the meeting.

43 Matters of urgency

There were no matters of urgency.

44 Confidential/exempt item(s)

There was one item to be considered in private session (minute 49 refers).

45 LED Facilities and Activities report April 2024

The LED Facilities and Activities report for April 2024 was received and noted.

Discussion and clarification included the following points:

- The number of memberships is growing, and numbers were back up to pre-Covid levels.
- The report set out that there were 24,285 visits to the swimming pools in February 2024. It was understood that this included junior swim activities and swim school, whereas the numbers on the KPI Dashboard related only to people using the pools on a pay-as-you-go basis.
- LED currently employ approximately 700 staff equating to around 300 full-time equivalent employees. Staff numbers have grown since the pandemic.
- The LED CEO provided an explanation of the trading and financial relationship between LED Community Leisure and its trading subsidiary, LED Enterprises Ltd, details of which had been set out previously in a report to this Forum on 11 April 2023.

46 LED KPI Dashboard March 2023 - April 2024

The Forum received and noted key details of the performance of LED Community Leisure for the period March 2023 – April 2024.

47 Leisure and Playing Pitch Requirements

The Chair welcomed Rachel Fowler and Liz Taylor, from Strategic Leisure.

Liz Taylor introduced this report which referred to a background paper considered by Cabinet on 27th March 2024 outlining significant challenges in meeting deadlines, demands and funding requests arising from Leisure Strategy Action Plan, the Playing Pitch Strategy 2024 and other programmes and assessments associated with the Council's leisure work programme.

Cabinet had formally considered the recommendations in the 27th March 2024 report and approved the appointment of Strategic Leisure to carry out a high-level options appraisal of the Leisure & Built Facilities Strategy 2021-2031 with an Implementation Plan, and possible options for delivery to inform decisions on the affordability of the Council's current and future leisure provision.

The Forum was asked to note the report and to oversee and steer the options appraisal work led by Strategic Leisure.

Liz Taylor outlined how Strategic Leisure intended to carry out the options appraisal, this being by way of a series of six workshops spaced 3-4 weeks apart, at the end of which a summary report would be produced reflecting the review, the options discussed and suggested next steps. It was proposed to start the process from the end of April 2024.

Discussion and clarification included the following points:

- Members will be invited to the workshops along with guests, where appropriate.
- The appraisal will be a challenging process requiring members to make difficult decisions about the leisure services they feel the district needs and how this can be facilitated within the confines of the available finance.
- It is not irregular to appoint external consultants such as Strategic Leisure to carry out work of this nature. They are independent and impartial and very well connected nationally with other local authorities facing similar difficult decisions about their leisure provision, and therefore bring a level of expertise which this Council does not have access to in-house.
- Strategic Leisure are familiar with this Council and its leisure provision, having previously been commissioned to facilitate the development of the Leisure Strategy.
- Part of the purpose of the workshops is to help members to understand how different factors interlink, where this may not be obvious. For example, the condition and number of facilities, and the catchment areas they have are inextricably linked to their sustainability, since a smaller catchment area means that fewer people will use a facility and it will therefore be more difficult to generate income. A benchmarking exercise might also be appropriate to understand where East Devon's leisure charges sit, in a wider context.
- The cost for appointing Strategic Leisure for the options appraisal is relatively low, and within the cost allowed for running the Council's leisure facilities for the year.

48 **Cranbrook Leisure Centre**

The Assistant Director – Growth, Development and Prosperity introduced this report and asked the Forum to note the outcome of the Cranbrook town centre community consultation carried out in late 2023 and the progression of the Cranbrook town centre masterplan, and to note the establishment of a project for a Cranbrook Leisure Centre.

Discussion and clarification included the following points:

- The project initiation document is currently being prepared which will confirm membership of the project team and set out the relationship with Sports England, the Sports England local delivery pilots, the local community and the town council.

- The Forum will receive six-monthly updates on this project.

RESOLVED

1. To note the outcome of the Cranbrook town centre community consultation and the progression of the Cranbrook town masterplan.
2. To note the establishment of a project for a Cranbrook Leisure Centre.

The meeting then went into private session.

49 **LED Service Management Fee 2024/25**

The Finance Director introduced this report which set out a final management fee request received from LED and a draft Service Level Agreement framework to be used for the 2025-26 and 2026-27 financial years, for the Forum's consideration.

Discussion and clarification included the following points:

- The additional request for £25,000 to support the work of the outreach service would enable LED to subsidise the up-front costs of setting up new groups with a view to changing behaviours and fostering a long-term love of physical activity. As an example, the funding could cover hall hire, instructor costs, training, equipment and upskilling members of the community, meaning that LED could deliver new groups at only a nominal cost to the user where passing on full costs at the outset would constitute a barrier to participation.
- The benefits of LED's outreach work align with the county council's priorities in social care and community inclusion and have the effect of covering some gaps in NHS services. It was recognised that by funding the outreach work, this Council is plugging a hole which arguably should be plugged by other agencies with a larger overall budget. However, the work also aligns with this Council's Public Health Strategy and delivery of outcomes set out in its Leisure Strategy and it was therefore considered appropriate and good value for money to support the spend.
- It was noted that the new Service Level Agreement framework does not come into effect until 2025 and if appropriate and necessary, it can be amended in the interim, following outcomes of the options appraisal being led by Strategic Leisure.

RECOMMENDED to Cabinet

1. The request from LED to provide a budget allocation of £1,603,162 for the 2024/25 management service fee which includes £53,350 for its outreach payment.
2. To consider the additional request for a further £25,000 to support the work of the outreach service.
3. To agree the new Service Level Agreement framework to be used for the 2025/26 and 2026/27 financial years subject to final agreement and sign off from the Director of Governance and Licensing and Monitoring Officer.

Attendance List

Councillors present:

P Arnott

M Hall

S Hawkins (Chair)

N Hookway (Vice-Chair)

J Loudoun

A Toye

Councillors also present (for some or all the meeting)

I Barlow
C Brown
G Jung
J Brown
R Collins
R Jefferies
M Rixson

Representatives of LED Community Leisure in attendance:

Karen Best, LED Finance Director
Janette Cass, Pavilion Manager
Andrew Dare, LED Fitness and Wellbeing Manager
Lottie Edwards, LED Community Engagement Manager
Peter Gilpin, LED CEO
Richard Purchase, Chairman of LED Board
Matt Wright, LED Director of Delivery

Representatives of Strategic Leisure in attendance:

Rachel Fowler
Liz Taylor

Officers in attendance:

Sarah Jenkins, Democratic Services Officer
Sarah James, Democratic Services Officer
Andrew Wood, Assistant Director Growth Development and Prosperity
Simon Davey, Director of Finance
Tracy Hendren, Director of Housing, Health and Environment

Councillor apologies:

P Hayward
S Smith

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 18 April 2024****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.13 pm

91 Declarations of interest

There were none.

92 Public speaking

No members of the public had registered to speak.

93 Matters of urgency

There were no matters of urgency.

94 Confidential/exempt item(s)

There was one item which officers recommended should be dealt with in this way at minute 97.

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

There was one decision and one recommendation made by Cabinet which has been called in in accordance with paragraph 15 of Part 4.5 of the Overview and Scrutiny procedure rules.

96 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**RESOLVED:**

That under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

97 Call-in request of Cabinet resolution on 27 March 2024 relating to Leisure and Sports Pitches Requirements - Cabinet minute 167 (2) & (5)

The Committee considered a call-in request in respect of the Cabinet resolution on 27 March 2024 relating to Leisure and Sports Pitches requirements. The call-in requested that Minute no. 167 (2) and (5) be re-considered as the Cabinet decision was based on the late submission of the item which prevented proper consideration by Cabinet

members, added to which some Cabinet member comments contained incorrect information which may have affected the decision.

The Democratic Services Manager outlined the call-in.

Cllr Kim Bloxham had submitted written representations which were read out.

Cranbrook ward members, Cllr Kevin Blakey and Cllr Sam Hawkins outlined their views.

The Assistant Director – Growth, Development & Prosperity outlined the background and context to the Cabinet decision of 27 March 2024. He and the Director of Finance provided points of clarification in response to members direct questions.

The members of the Scrutiny Committee outlined their views on the matter. The Chair commented for Cabinet, in their pre-meeting process, to ensure that all relevant facts are presented timely, within reports.

RESOLVED

The Scrutiny Committee agreed that it was content to let the Cabinet decision stand but was concerned that affected ward councillors should be actively engaged in the paper to go to Cabinet in June 2024.

Attendance List

Councillors present:

I Barlow
J Brown
M Chapman
B Collins
R Collins
M Goodman (Chair)
A Hall
J Heath
V Johns (Vice-Chair)
D Mackinder
J Whibley

Councillors also present (for some or all the meeting)

B Bailey
K Blakey
P Faithfull
S Hawkins
R Jefferies
G Jung
N Hookway
T Olive
C Brown

Officers in attendance:

Sarah Jenkins, Democratic Services Officer
Andrew Melhuish, Democratic Services Manager
Sarah James, Democratic Services Officer
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Andrew Wood, Assistant Director Growth Development and Prosperity
Simon Davey, Director of Finance

Councillor apologies:

S Smith
A Toye

Chair:

Date:

Report to: Cabinet



Date of Meeting 1 May 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

New Communities in East Devon

Report summary:

The Council has a track record of bringing forward major strategic developments, particularly in the West End of the District. Since the late 2000s these developments have been set up such that they include some form of enhanced local management regime, notably in the form of an Estate Management Company. Whilst the Council has fulfilled its statutory obligations, it has not adopted public open space or other discretionary facilities. This has inevitably altered the mix and balance of public service delivery, in terms of the funding regime and the role that the District Council plays, relative to more established settlements.

This report seeks to take stock of this approach. This is in the context of the District continuing to grow at a rapid pace and preparations beginning to be made for accommodating a second new community. This will ultimately lead to a scenario whereby around 20% of households in the District will be the subject of these alternative arrangements by 2040. The report sets out the findings of an independent review of the Council's approach to managing this growth which has been undertaken by the Planning Advisory Service.

A particular area of focus is the experience over the past decade in relation to the development of the Cranbrook new community. The report considers how the Council's approach can continue to evolve moving forward including ensuing clear governance and decision-making arrangements. The report seeks to reactivate the Community Governance Review for Cranbrook that was paused in November 2021. This is needed to ensure that to ensure that the options for administrative boundaries are considered alongside the ongoing expansion of the town.

The report considers the Council's own role in delivering assets and services. A strategic review of the current approach is recommended such that different options can be carefully considered including how these can help to strengthen local stewardship, decision making and accountability. This will need to include opportunities for innovation and new models of service delivery which respond to the challenging financial environment. The outcome of this review and associated recommendations will then be reported back to Cabinet. Whilst focused on Cranbrook, these recommendations have a potential bearing on other major strategic developments in the District, both existing and forthcoming.

Finally the report requests that Cabinet recommend to Council that an additional budget of £80k is made available. This is needed to ensure that there is sufficient capacity both to progress the Community Governance Review and the wider strategic review of assets and services concurrently.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

It is recommended that Cabinet;

- 1) Notes the findings of the Planning Advisory Service report and associated recommendations as set out at Appendix B
- 2) Endorses the proposed terms of reference for the Cranbrook Placemaking Group to take forward recommendation 5 from the Planning Advisory Service report
- 3) Endorses the principle of re-activating the Community Governance Review for Cranbrook in consultation with ward members and local communities
- 4) Endorses undertaking a strategic review of the Council's approach to the delivery of assets and services in major new developments to take forward recommendation 9 from the Planning Advisory Service report
- 5) Recommends to Council that a budget of up to £80k is made available from the general fund to ensure that capacity is in place to undertake both the Community Governance Review for Cranbrook and wider strategic review of asset and service delivery in major new developments

Reason for recommendation:

To ensure that new communities in the District continue to be supported by high quality community infrastructure and public services.

To ensure that there are effective governance arrangements in place, both currently and to support the continued expansion of Cranbrook.

Officer: Andy Wood, Assistant Director – Growth, Development & Prosperity, email: adwood@eastdevon.gov.uk tel: 01395 571743 Ed Freeman, Assistant Director – Planning Strategy and Development Management, email: efreeman@eastdevon.gov.uk tel: 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Medium Impact

Risk: Medium Risk; The delivery of major new developments is an important component of the strategy set out in the Local Plan. Ensuring that these are supported by the requisite services and community infrastructure is a complex challenge which needs the engagement and support of many different stakeholders.

Links to background information [Freeholders' estate and service charges \(parliament.uk\)](#) [CMA finds fundamental concerns in housebuilding market - GOV.UK \(www.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ Better homes and communities for all
 - ☒ A greener East Devon
 - ☒ A resilient economy
-

1. Introduction

1.1 The 2021 census data revealed that the District is growing at more than twice the national average in population terms. East Devon is clearly an attractive place to live and the rise in population is in large part a function of new housing being provided in the District. Associated development ranges in size from single homes to the major freestanding new community of Cranbrook.

1.2 The Council took a decision in the 2000s to stop adopting green space, play areas and other related infrastructure in relation to new developments. This decision was driven by financial considerations and particularly whether it was possible to secure sufficient funds to provide for ongoing maintenance over the long term. This was leading to protracted negotiations on a site by site basis with the dilemma of having to either accept a lower amount or refuse planning permission.

1.3 Ultimately this prompted a change in approach whereby the delivery of these services are now normally funded by and through an Estate Rent Charge/Estate Management Company model. This was an attractive model for developers as the costs could be passed on to individual households with the charge being paid in addition to the Council Tax precept. This same approach is now prevalent across the country.

1.4 Given the scale of housing delivery in the District, and with preparations beginning for accommodating a second new town, it is important to reflect on how this approach is working in practice. This is in the context of an emerging scenario that around 20% of households in the District will be the subject of this kind of arrangement by 2040.

1.5 There is a risk that a schism develops between these new communities and older, more established settlements. Put another way there effectively becomes a 'new' East Devon and an 'old' East Devon which are distinguished not just by their very different population characteristics but also by the services they receive from the Council and how these are funded. Used as a positive force for change this can be harnessed to help implement new and more creative and innovative models of service delivery. At worst though this will become a source of lingering resentment within the District.

1.6 This report seeks to take stock of the current position particularly in the context of the development of the Cranbrook new community. The extract from the 2003 report '*Options for Service Provision and Governance: East Devon New Community*' contained at Appendix A highlights that the potential complexities in public service provision and governance structures were recognised at an early stage. The subsequent period of prolonged austerity has only served to reinforce the importance of ensuring that robust arrangements are in place.

2. Stewardship of Assets and Estate Management Companies

2.1 There are over 60 developments in the District that now have some form of estate management regime, particularly for the maintenance of public open space. A report to Cabinet in 2021 set out the relative size of these, in terms of the number of dwellings, as follows;

Size of development	Count
10 – 100	43
100 - 500	16
500 - 1000	2
Total number of sites	61
Total number of homes	7,577

2.2 It can be seen that a substantial number of homes, equating to around 10% of the entire dwelling stock of the District, are now part of some sort of estate management arrangement. The majority of these developments are though relatively small scale in the range 10 – 100 dwellings. The difference for Cranbrook is that it will evolve to become a town of circa 8,000 dwellings and will comprise assets that will also benefit a wider catchment as well as the residents themselves.

2.3 In 2018 Cranbrook Town Council took on responsibility for management of key assets and this rendered the Estate Rent Charge unnecessary. Through agreement between the Town Council and developer Consortium, the relevant assets and services were transferred to the Town Council and funded through an increase in the parish precept. Residents were then able to have their obligations to the Estate Rent Charge removed from their deeds.

2.4 Throughout the initial planning of Cranbrook there was a conscious decision for the Town Council to play a very significant role in relation to the receipt and management of assets. The unique aspect now in relation to other new housing developments in the District is that the costs associated with this have been integrated into the precept thereby removing the distinction that previously existed with an estate rent charge to a private company. The major drawback to funding the maintenance of assets through the precept is the effect that this has on Council Tax bills.

2.5 Whilst Estate Management Companies might be appropriate for smaller scale developments, their lack of accountability is a key concern. The willingness of the Town Council to adopt assets at the local level is to be commended and marked a bold and decisive step towards improved community governance. This has only ever been achieved in one other place in the country. Broadclyst parish is also experiencing major growth and the Parish Council has again demonstrated a willingness to adopt assets, such as allotments, alongside the role of management companies.

2.6 Estate Management Companies have come under increasing scrutiny nationally. Long leaseholders who pay service charges have a statutory right to challenge unreasonable service charges and the standard of work carried out. This is done through an application to a First-Tier Tribunal. Freeholders do not currently have an equivalent statutory right. The King's Speech on 7 November 2023 announced a 'Leasehold and Freehold Bill' will be introduced in the 2023-24 parliamentary session. The accompanying background briefing note states that the Bill will grant freehold homeowners on private and mixed tenure estates the same rights of redress as leaseholders – by extending equivalent rights to transparency over their estate charges, access to support via redress schemes, and to challenge the charges they pay by taking a case to a Tribunal, just like existing leaseholders.

2.7 Preventing the proliferation of private management arrangements on new housing estates was one of the themes in the recent Competitions and Markets Authority report into housebuilding ([Summary of housebuilding final report \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)). In relation to the private management of public amenities on housing developments the report concludes the following;

'We have observed a growing trend towards the private management model and that these arrangements often come with inadequate protection and create significant detriment for consumers. Our recommendations to the UK, Scottish, and Welsh governments are aimed at preventing the proliferation of private management arrangements on new housing estates and providing greater protection to households living under private management arrangements. We

also invite these governments to consider options to support the adoption of public amenities on estates currently under private management arrangements.'

2.8 Overall the experience in relation to major developments in the District over the past two decades raises important considerations in relation to delivery and management of specific community infrastructure. The experience in Cranbrook and Broadclyst parishes suggests an alternative to the part-privatised model when new developments are delivered at scale. This is irrespective of forthcoming legislation.

3. Assessment

3.1 Ensuring that the residents of new developments are supported by a range of high-quality public services and assets is a key ingredient in enabling the development of sustainable communities. Financial pressures have though led to a position whereby the District is seeing an increasing proportion of part-privatised developments where key assets are managed through an Estate Management Company. This raises concerns not just in relation to the quality of service delivery and the affordability to residents but also around long-term accountability.

3.2 There has also been a waterfall effect whereby service delivery has cascaded down to the lowest tier of local government. This has also in part been seen as a threat to established service delivery models as opposed to an opportunity for more creative and innovative models that could have a wider applicability across the District. It has ultimately led to a perception that 'new' East Devon households receive a lesser level of service delivery from the Council than established settlements.

3.3 These are difficult issues to grapple with given their inherent complexity and the need to engage a wide range of stakeholders. The key problem that needs to be solved is how best to deliver a mix and balance of high-quality public services that meets the changing needs of local residents in a cost-effective manner.

PAS review

3.4 The Planning Advisory Service (PAS) were commissioned to undertake a review of how the Council supports the development of new communities. PAS is part of the Local Government Association and provides help, advice, support and training on planning and service delivery to councils in England. Two PAS members visited the District in early October 2023 and met with representatives of the District, County and Town Councils. The review focused on the Cranbrook New Community Team and the wider Planning Strategy and Development Management (PSDM) and Growth, Development & Prosperity (GDP) Services. It sought to assess the resources available across these services, examine how they work together to deliver new communities and understand the governance arrangements for overseeing this.

3.5 The subsequent report is contained at Appendix B. Cranbrook is described as in some ways a victim of its own success – there has been significant provision of affordable housing for families on the waiting list but this has led to concentrations of deprivation and particular pressure on family orientated services. Combined with the Covid pandemic and more recent cost of living crises facing the country, this has left communities like Cranbrook especially vulnerable.

3.6 The report makes a series of recommendations for improvements moving forward. These are set out below;

- 1) Consider a new staffing structure that has clearly defined roles for each officer and team. We would suggest that you need to focus this around three core functions - Planning, Infrastructure and Delivery and Monitoring and Compliance.
- 2) Review your processes in Development Management to make them more efficient and effective and release capacity for other work. For example, the PAS [Development Management Challenge Toolkit](#) provides one model for creating a more efficient and productive service.
- 3) Prioritise the progress of the Local Plan, recognising its clear role in determining the location and scale of any future development as well as setting a strong policy framework for a truly sustainable new community.
- 4) Create and/or communicate proper project management arrangements for the CBRE work across a wider range of staff. This must recognise the interdependency of this work and the local plan.
- 5) Establish a permanent chair for the Strategic Delivery Board and limit the attendance to those people that can make strategic decisions.
- 6) Ensure more operational matters for Cranbrook are addressed by the existing Partnership Board.
- 7) Create a high-level officer working group with responsibility for unblocking, stopping, and progressing issues across all key sites in the district.
- 8) Re-set and improve relationships with Cranbrook Town Council, establishing appropriate codes of conduct for meetings and integrating the Town Council into a wider forum for all parish and town councils in East Devon.
- 9) Work with other Council services to develop a more corporate approach to supporting the development of Cranbrook and the ongoing services that a community like Cranbrook needs as it develops.

3.7 This report specifically seeks to take forward recommendations 5) and 9). Work is also underway to progress the remaining recommendations in conjunction with the portfolio holder for Strategic Planning. This will include a further report to Strategic Planning Committee in relation to the current commission to develop both a masterplan and a business case for a delivery vehicle for the second new community. This relates to recommendations 3) and 4).

Governance

Role of the Cranbrook Strategic Delivery Board

3.8 The Cranbrook Strategic Delivery Board was established in 2020 to improve coordination between the Town, District and County Councils. The purpose of the Board was defined as follows;

- Provide a forum within which the three tiers of local government can promote coordinated and cohesive delivery of assets and services;
- Support the development of Cranbrook as a sustainable community by ensuring that there is a clear plan for the delivery of key community infrastructure, assets and services in the town in step with the growing population;
- Ensure that there is a strategic business case to support the delivery of assets and cost effective services on an ongoing basis.

3.9 Recommendation 5 from the PAS review concerns the chairing arrangements of the Board. These currently rotate on an annual basis between the three Councils with the recommendation that the group should be chaired permanently by an EDDC member going forward.

3.10 The PAS report has now been considered at a meeting of the Cranbrook Strategic Delivery Board. Subsequently a working group including representatives from the three organisations has

met to agree revised Terms of Reference for the group going forward. These are set out in Appendix C and it is a specific recommendation of this report that these are endorsed. They draw substantially on the equivalent terms of reference for the Exmouth Placemaking Group.

Community Governance Review

3.11 The parish of Cranbrook was created in 2014 following a community governance review. This led to the establishment of the Town Council in May 2015. The Cranbrook Plan anticipates the continued expansion of the town beyond the current 3,500 homes that currently have the benefit of planning permission to a total of circa 8,000 homes. This provides a prompt to consider whether the current boundary of the Cranbrook parish needs to be revisited.

3.12 Cabinet first considered this issue in March 2021. The community governance review process was then paused in November 2021 following the outcome of the consultation process. This was to enable the Cranbrook Plan to complete its preparation and adoption process, thereby giving a high degree of certainty as to the future extent of the town.

3.13 The Cranbrook Plan was adopted in October 2022. This forms the basis for determining the planning applications for the expansion of Cranbrook. Given that this framework is now in place this report recommends that the community governance review process is reactivated. Working with local communities and ward members, this will help to ensure that there is clarity as to the local civic/service delivery arrangements going forward.

3.14 Under the terms of the relevant legislation the District Council must aim to ensure that community governance in the area under review:-

- reflects the identities and interests of the community in that area
- is effective and convenient
- takes into account any other arrangements for the purpose of community representation or community engagement

When considering this, the Council should take into account a number of factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of any new local community or parish

3.15 Subsequently the review will need to consider all options for setting administrative boundaries. These range from staying as is (i.e. no change) through to aligning the Cranbrook parish boundary with the Cranbrook Plan boundary with potential hybrid options between. The precise timing of the review will need to be confirmed with the expectation that this will take up to 12 months to complete.

4. Mix and balance of service delivery

4.1 Recommendation 9 of the PAS report provides a prompt to revisit the mix and balance of service delivery including the role of the District Council. This needs to consider whether the Council would take on certain forms of service delivery that have a larger than local benefit going forward in order to bring greater convergence and equivalence with service delivery in established settlements. Clearly there would be potentially very significant financial implications arising from this approach that would not just be limited to Cranbrook but would extend to other major developments, both existing and forthcoming.

4.2 An alternative option would be to help bolster the role of the Town Council. Legal agreements to govern the delivery of infrastructure for the Cranbrook expansion areas are being negotiated currently. These includes the following cascade for the management of a number of assets, including green space, play areas, sports pitches and sports pavilion;

- (i) The relevant Town or Parish Council (depending upon which Authority's jurisdiction the site falls within at the time of transfer)

- (ii) Another public body – such as the District Council
- (iii) A public holding organisation or community interest company
- (iv) A Management Company

4.3 Clearly this hierarchy anticipates the Town/Parish level continuing to perform an enhanced role going forward. There is a significant question of subsidiarity that needs to be considered – effectively what is the optimum at which certain services are best delivered? The existing direction of travel in terms of localism and decentralisation, set for example through the current Public Toilets Review, also needs to be considered.

4.4 It is a specific recommendation of this report that a strategic review of the Council's approach to supporting the delivery of services and community infrastructure in major new developments is undertaken. Careful consideration and assessment of the potential options is required, not least due to the potential financial implications. There is a potential opportunity for further innovation in service delivery which can build on some of the progress that has been made latterly, notably in relation to greater intervention from the Council to secure better outcomes than would be possible from a commercially-led approach alone.

4.5 Cranbrook has been part of national initiatives designed to develop new models of service delivery. This has included the NHS Healthy New Towns initiative and the current Sport England Local Delivery Pilot, aimed at tackling inactivity. This provides a potential platform from which to consider how services can be more closely tailored to meet local needs.

5. Resources

5.1 This report recommends that both the Community Governance Review and the strategic review of the delivery of assets and services are undertaken. In order to move both of the reviews forward concurrently and with the requisite expertise, additional resource is required. The report recommends that a budget of up to £80k is made available. This will be used to ensure that additional administrative and consultancy support is in place to be able to expedite both reviews.

6. Conclusion

6.1 The population of the District is growing rapidly. It is important to ensure that 'new' East Devon communities are supported by resilient and cost-effective service delivery that meets the needs of local residents. This is a complex and challenging area compounded by a prolonged period of austerity in relation to public finances. The Council faces a difficult balancing act in allocating limited resources across the entire district. There are also important considerations around subsidiarity and engagement with wider stakeholders.

6.2 This report takes stock of the current mix and balance of service delivery and the role played by the District Council. It also makes recommendations regarding future governance and administrative arrangement. The PAS report emphasises the importance of looking forward, working collaboratively and finding creative solutions. The recommendations in this report are intended to help provide a platform to achieve this.

Financial implications:

This is a direct request for an additional budget of £80k, because of the nature of the budget request being a one off amount and that it is in part to deliver financial options for funding local services going forward it is suggested that this sum is met from the Transformation Fund subject to Council approval of the budget. Although this is the direct financial implication the report does consider extremely important financial implications and how services can be funded particularly against a background of significantly reduced funding for Councils which is being flagged as a position that is likely to become more severe.

Legal implications:

There are no substantive legal issues to be added to this report.

Appendix A

Extract from 'Options for Service Provision and Governance', Andrews, L. & Smith, W.R.
(December 2003)

Overview

'We are committed to thriving, vibrant, sustainable communities. The Sustainable Communities Plan ... is about people, helping them to live where they want with pride in their community' (ODPM website – statement to mark the launch of the Sustainable Communities Plan). This is the Government's policy aspiration for new communities like the one proposed for East Devon.

At the local level, these major new development are brought forward by developers in response to new building requirements set out in local and regional government planning guidance. These developer led proposals are likely to be site contained, will seek to minimise risk and are likely to be brought forward on terms which just comply with existing building and other legal or regulatory frameworks. Moreover, the holding of land ownership by a developer consortium weights the balance of power in their favour.

Local authorities have a broader perspective and remit and are likely to want to see new developments that are integrated into a wider socio economic context and geographical area and where all aspects of the development process reflect current best practice. This latter ambition is likely to mean standards and amenities that exceed current minimum requirements. Local authorities and other public service providers are likely to have a relatively poor appreciation of the risks involved in the development process and of the impact which effective risk management can have on the deliverability of an overall scheme and specific elements within it.

These differences in perspective are likely to be manifest in many aspects of the proposals for major development. They may have a disproportionately big impact on proposals for public service provision and governance structures. Public service provision requires major capital investment and in the present public policy framework this is likely to mean putting together relatively complex public-private partnership funding deals and partnering arrangements for project delivery and subsequent management. These are often time consuming and expensive processes which require a level of expertise and resourcing that is unlikely to be available to most local authorities.

At the same time developers, planners and public service providers have a strong interest in bringing to market a new community which is attractive to purchasers and renters in different income and age groups and which quickly acquires a positive reputation as a place to live, as a service focus for people living in the surrounding area and as a place to visit.

This shared interest means that there is the potential to bring developments forward in a way that meets the expectations of the different parties. This is however, likely to mean compromises all round. It also requires a public service strategic partnership capable of developing a strong business case for specific scheme elements and including within that firm commitments for ongoing income generation. It will also mean thinking creatively about how public service provision can be brought forward.



East Devon District Council Governance and Resource Review Feedback Report: 6 December 2023

1. INTRODUCTION AND AIMS

1.1 East Devon District Council has a track record of bringing forward large-scale housing and economic development, the majority of which has been focused on the west of the district in an area known as the West End. As well as the new community of Cranbrook, the West End is the focus for several strategic employment sites and the Local Plan states that it will accommodate 40% of the district's strategic housing requirement with the potential for a second new community to enable continued growth.

1.2 Taken together, the Local Plan and the Council's ambition for the West End are key elements of delivering the Council Plan and its strategic priorities for:

- Better homes and communities for all
- A greener East Devon
- A resilient economy

1.3 Working within this strategic context, the aim of this review is to help the Council ensure that it is set up, structured, and resourced to support the delivery of further new communities into the future. Challenging the Council in a constructive and enabling way, this review focused on the Cranbrook New Community Team and the wider Planning Strategy and Development Management (PSDM) service as well as Growth, Development and Prosperity (GDP) Services. It sought to assess the resources available across these services, examine how they work together to deliver new communities and understand the governance arrangements for overseeing this.

1.4 The review was undertaken by Anna Rose and Garreth Bruff of the Planning Advisory Service (PAS). PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils in England. The PAS team reviewed a range of background information from the Council and spent two days in East Devon meeting Council officers, senior elected members, town councillors and a range of other key stakeholders. The recommendations are based on what we heard in these sessions and our analysis of the evidence provided. All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback.

2. CONTEXT AND KEY MESSAGES

2.1 The successful development of Cranbrook as a new settlement is something that the Council should be proud of – it has delivered new homes at scale for local people, including most of the district’s new affordable homes. The town has a unique age profile for the district, attracting younger people and families with many on lower-than-average incomes. There have also been massive achievements regarding the site’s school, country park and rail provision and Cranbrook fulfils a strategically important need for East Devon as a whole. However, any development of this scale has a legacy which is both good and bad, with lessons learned as well as areas for improvement for the Council. In the long-term delivery of a new community, there will always be triumphs and disappointments; the key is learning and moving on.

2.2 Yet, PAS saw and heard a consistent theme of making up for lost time and a distinct tendency to focus on the negatives of the past – delays to developing the town centre, a “painful” S106 process, poor relationships between district and the town council, a lack of planning enforcement, the problem of on-street parking and the struggle to fund amenities like public toilets and open space provision, etc.

2.3 Organisations and professionals learn from experience, but we are keen to emphasise the importance of looking ahead - we can’t change the past, so looking forward with the benefits of past experience is the only way to progress. Based on our review, we want to highlight a few key messages to help ensure that work continues to develop, and the Council continues to look forward positively to the next new settlement. These are:

- Some excellent people are investing their time and energy into Cranbrook; they are motivated by the need for better outcomes and working together despite the sub-optimal conditions. This should be starting point for any new proposals.
- There is a sense of people defending their positions in the delivery of Cranbrook, ie officers and councillors defending their role with regards to the historical development of Cranbrook, justifying actions in light of the recent history or in response to the behaviour of others. This leads to poor behaviours being displayed. It is affecting morale across the board and needs to be addressed.
- There needs to be more clarity around roles and responsibilities across the PSDM and GDP Services. Whilst we encourage flexibility and ambition, this must come with a foundation and vision for what the structure and roles are designed to achieve. This means that when changes are required, you know why and how you will implement them. A blurring of functions has created a system based on individual preferences and emerging needs rather than the agreed priorities, and this has happened organically over time.

- Related to the above point, there is a tendency towards mission creep as officers get drawn into work outside their immediate role. The Council has clear service plans which set out expectations and direct resources, these need to be applied more rigorously to avoid mission creep and reduce the risk of raising expectations with local communities that cannot be met by the Council.

3. STRUCTURES: EXISTING AND TRAJECTORY TOWARDS A NEW COMMUNITY

3.1 The focus and priorities for Cranbrook are set out in the Cranbrook Plan and the associated Infrastructure Delivery Plan. Although the plan arrived relatively late in the development of Cranbrook, it is a major piece of work and strong basis for the future. There is the passion, commitment and ambition to deliver these plans and they should become the focal point for all Council services.

3.2 There are also strong relationships between the statutory layers of governance and their planning services, with both Devon County Council and East Devon District Council prioritising Cranbrook and wider growth ambitions in the West End. Within East Devon, we found that the relationships of officers in different council services are also working well with a shared commitment to the new settlement. For example, the Cranbrook New Community team in PSDM work very closely with the Delivery Team in GDP Services and there is a strong professional rapport between senior managers for both service areas.

3.3 Overall, therefore, we feel that the Council is adequately resourced and has an impressive range of skills to deliver their agenda for growth and a new settlement. However, there are challenges, and we feel that current arrangements could be improved to make better use of the capacity available for new settlements in the future.

3.4 The clarity of roles and responsibilities isn't always straightforward. The blurring of roles and responsibilities is seen most starkly between the Cranbrook New Community team in PSDM and the economic development and planning parts of the GDP Services. It is most likely that this has happened over time and fits with the skill sets of the current role holders. PAS was not convinced that this situation fitted the planning service's requirements or the delivery function. Of most significant concern was the tendency of planning to be the poor relation of delivery in decision making, with the focus on delivery sometimes overriding other planning matters. Planning officers always need to understand their role in helping to deliver development, but there needs to be clear distinctions between the development management responsibilities of the New Community team and the desire to deliver schemes in Cranbrook to avoid officers being placed in a compromising position.

3.5 There is a clear intention to "go above and beyond" their current role for many individual officers. This is laudable but needs to be better aligned with operational priorities and the

strategic plan of the Council to avoid to avoid the risk of activity falling outside of an agreed position. We were provided with Service Plans for both PDSM and GDP Services after the review took place. These need to be applied more rigorously by senior managers to ensure that the work of officers does not go beyond the scope of the plans. It is for the Council to decide on priorities and for sufficient resources and delegation to deliver them. We detected a need for clear direction to set good practices in place.

3.6 Whilst the two key services are adequately resourced, they are only sometimes in the right places and current structures appear to allow too much flexibility around some roles rather than focus on the needs of the Council to deliver on priorities. More widely, there is also a need for greater focus on the importance of infrastructure and infrastructure funding across all areas East Devon, but especially in the West End. At the time of the review, there was no dedicated team working on these issues and the most significant gaps appear to be in maximising the use of developer contributions through Community Infrastructure Levy or Section 106 funding as well as ensuring compliance and enforcement across Cranbrook and East Devon as a whole.

3.7 To service this and other current priorities, as well as address wider issues raised in this report, it may be necessary to consider where the Council can move resources in the existing structure to match such priorities, setting clearer objectives for teams and lines of accountability to their managers.

4. GOVERNANCE: EXISTING AND TRAJECTORY FOR A NEW COMMUNITY

4.1 We saw a real commitment from the political leadership of East Devon District Council to deliver Cranbrook and develop a further new community should the local plan determine that this is the most appropriate strategy. In this, the Council Leader and Portfolio Holder for planning clearly stated the need to maximise democratic engagement, and there was real ambition around a new delivery vehicle to enable development at pace and of real quality.

4.2 Learning from the experience of a developer-led approach to Cranbrook, the administration would like to see East Devon District Council take a much more active role in any new community coming forward. Although there was much criticism of the current Strategic Delivery Board, we were told that the absence of this level of meeting previously was a much worse situation and to be mindful of not returning to this.

4.3 Although there was clear political support for Cranbrook and the teams working on it, identifying a lead politician at either the County Council or the District Council was challenging. This needs remedying and a political champion for Cranbrook and further new communities needs to be agreed by the Council at Cabinet level. Building on this, we also feel that there is a lack of strategic discussion and response to Cranbrook at the current time. Although the Council's Cabinet has ultimate responsibility for decisions on new settlements, this was not always clear in the meetings we held and we did not

always know where the higher level, strategic discussions were being made prior to Cabinet decisions. The Strategic Delivery Board is not a decision-making body, and from recent agendas, it appears to be dealing with operational rather than strategic matters. This overlaps with a partnership board that is set up to deal with operational issues, e.g., highway maintenance, enforcement, local services, and there is a lack of a strategic overview for the continued development of the settlement.

4.4 Working relationships between the District Council, County Council and Town Council could also be better. The Strategic Delivery Board that brings these parties together is mainly valued by County Council officers. Officers of East Devon DC and members and officers of the Town Council describe a hostile atmosphere with little constructive discussion and an environment they can find negative or confrontational. Clearly this cannot continue and there is a need to preserve the positive elements of the Delivery Board and ensure it is a constructive environment for all participants.

4.5 For example, Cranbrook Town Council describe themselves as operating as the other town councils in the district but without the same level of service or investment from the District Council. In some ways this is an understandable position, as the management and maintenance of infrastructure and key local amenities like public toilets, community centres and open space are expected to be funded by developer contributions or an estate rent charge rather than East Devon District Council. Although this arrangement was established several years ago and is not unusual for new settlements, there is a feeling within the Town Council that priority is given to the more established coastal areas and that the decision of the District Council “to stop funding” the stewardship and provision of infrastructure on new developments has disproportionately affected the residents of Cranbrook.

4.6 In some ways Cranbrook is a victim of its own success, and this is driving some of these frustrations by the Town Council. The success of the new community in providing affordable housing for families on the waiting list has led to relatively high levels of deprivation concentrated in this area. Combined with the Covid pandemic and more recent cost of living crises facing the country, this has left communities like Cranbrook especially vulnerable. East Devon’s decision to stop funding stewardship and infrastructure in new developments, while understandably motivated by budget limitations, has nevertheless compounded the challenges faced by this neighbourhood. The provision of affordable housing and community infrastructure received a lot of discussion during the preparation of the Cranbrook plan; although the actual proportion of affordable housing being delivered in Cranbrook through planning is now reduced there is an ongoing issue about the long-term maintenance of community infrastructure and other support services. This appears as a conflict area in planning, yet it is a wider issue regarding the council's broader role to support those most in need and so needs to be addressed by the Council corporately rather than just the planning service.

4.7 Moving forward, the council faces a difficult balancing act in allocating limited resources across the entire district. With open communication and creative solutions, the council and community can hopefully find common ground and collaborate on a path forward.

5.0 MAKING IMPROVEMENTS

5.1 Based on our analysis, and the points made above, we believe that several improvements could be made by the Council in supporting arrangements for new communities in the future. Based on the brief we were given; these improvements are focused on the structure of the Council's services and local governance arrangements. We also feel that we need to extend our scope a little to look at how the Council is currently employing consultants to support their growth ambitions. These points are set out below.

Staffing structures

5.2 The PSDM service and GDP Services need to be restructured to meet the Council's current needs and priorities to deliver new communities. We suggest you need to create this new structure around three clear functions –Planning; Infrastructure and Delivery; and Monitoring and Compliance which could form the basic building blocks for the future. Any teams focused around these three functions will clearly need to work closely, but each should have a distinct and complementary role in delivering new communities as well as the wider economic and planning ambitions of the Council.

5.3 The new local plan is critical to any future decision about development in East Devon and particularly for the West End area. Although its production and adoption are being prioritised by the Council, it still needs to be brought more centrally into the current thinking on new communities and to do so in a way that officers and stakeholders can understand. The new local plan will provide the vision and policy framework for a new settlement as well as ensure that the problems of Cranbrook are not repeated. For example, the local plan can set out the strategic role of a new settlement, the infrastructure it will require and a basis for delivering this through developer contributions. As the plan progresses, it will also be a critical vehicle for engaging existing communities and other key stakeholders, building a consensus for the approach as well as articulating this through policies on design, environmental standards, active travel, public transport and all the other ingredients that are needed to create a truly sustainable community.

5.4 To achieve this, though, will require focus, investment and a primacy of position for the local plan amongst both the political and officer leadership of the Council as a whole. We recommend that rather than focusing on making up for the past; you put your energy into creating a means of using your learning for the future, channelling this through the new local plan. Evaluation, monitoring, clear plans, and priorities will be a significant step forward.

5.5 We were also told that some of the wider development management processes in the Council are inefficient or could be improved. Several examples of this were sent to us whilst we were on site. For example, there is a need for a simplified process for managers to sign off officer reports (including conditions and Non-Material Amendment letters), utilising the Uniform software system rather than emails outside of this so that decisions can be easily tracked and recorded more accurately.

5.6 Similarly, lead in times for Chair's delegation and planning committee reports could also be improved. For a minor application, officers must be ready to make a recommendation on week three or four of the process to ensure it is determined on time by the planning committee. For decisions delegated to the Chair, officers need to be ready to recommend early as the report must be reviewed by managers before going to ward members for three working days and then to the Chair. The current scheme of delegation can also lead to a high proportion of applications being called into committee, increasing workloads for officers, and creating long planning committee meetings.

5.7 Although these may seem minor issues in the wider context of new communities, we believe that some quick wins would drive efficiencies in the service, releasing capacity for improving performance and meeting the broader council priorities.

Use of consultants

5.8 As part of the background documents, PAS was given the original September 2021 brief for a consultant to produce a business case for a delivery vehicle to support large scale delivery. We understand that this contract has been let to CBRE.

5.9 This is a critical piece of work for the Council, which will produce some significant pieces of evidence and enable key decisions on a new settlement that have wide implications for the planning service. However, the progress and outputs from the work seems to be poorly understood by many of the officers we met. Local teams know that consultants are working on a delivery vehicle but do not understand the scope of this work and when they could expect to hear about any findings. This, we suggest, could make it difficult to maximise the benefits of the work and, importantly, may compromise progress on the local plan.

5.10 Annex 1 summarises the key elements of the consultant brief. Much of the work outlined will be central to the content of the local plan – for example, the first four stages of the work summarised in Box 1 would be necessary evidence for any Local Plan. We don't know the details of the CBRE contract with East Devon District Council, but would emphasise the need for this work and the work on the local plan to remain very closely aligned to support their interdependency. For example, the planning policy team can play a more central role in shaping and responding to the work in order to ensure it meets their needs for the local plan.

Governance

5.11 The Strategic Delivery Board needs to be discussing strategic issues. If it continues to be operational, it duplicates the Partnership Board and risks mixed messages and confusion between parties. If this board were also chaired and led by East Devon District Council, through the Leader or Chief Executive, this would create a greater sense of ownership by the Council and enable the Board to be properly focused on the long term needs of Cranbrook. In the short to medium term, we suggest limiting the membership of this group to senior officers and elected members to address current working practices, creating a more constructive dialogue between partners and properly focused programme of work. The partnership board appears to be valued and working well, so is more ideally placed to discuss and resolve operational issues as they arise.

5.12 Looking within East Devon District Council, we suggest a dedicated and high-level officer working group for district and county council officers is established. This should take on a programme management role, being used to unblock problems, stop unnecessary work, and focus efforts on progressing key sites across the whole of the West End area. Cranbrook is the most significant development, yet there are other schemes the Council is responsible for delivering. A six weekly meeting that addresses the issues, improves overall performance, and drives better working practices and consistency will benefit all of these.

5.13 Despite efforts to improve on both sides, East Devon District Council's relationship with Cranbrook Town Council has broken down. We heard about worrying behaviours and conduct from both East Devon officers and Town Council officials; this is inappropriate and needs addressing as a matter of urgency. This issue goes beyond the remit of this review and should be considered through the forthcoming Corporate Peer Challenge for East Devon District Council.

5.14 In the immediate future, though, we suggest that East Devon seeks to re-set and improve the way that Cranbrook Town Council is considered by officers and elected members. As noted above, the governance of Cranbrook can be revised so that the strategic and the operational bodies have clear roles and responsibilities. Senior officers should become the contact point for the Town Council and an appropriate code of conduct agreed for all meetings between the parties. More widely, Cranbrook Town Council needs to be treated alongside other town and parish councils in the district, part of a local town and parish forum or group which East Devon District Council meets on a timetabled basis to discuss significant planning schemes and other relevant development issues.

7.0 RECOMMENDATIONS

- 1) Consider a new staffing structure that has clearly defined roles for each officer and team. We would suggest that you need to focus this around three core functions - Planning, Infrastructure and Delivery and Monitoring and Compliance.
- 2) Review your processes in Development Management to make them more efficient and effective and release capacity for other work. For example, the PAS [Development Management Challenge Toolkit](#) provides one model for creating a more efficient and productive service.
- 3) Prioritise the progress of the Local Plan, recognising its clear role in determining the location and scale of any future development as well as setting a strong policy framework for a truly sustainable new community.
- 4) Create and/or communicate proper project management arrangements for the CBRE work across a wider range of staff. This must recognise the interdependency of this work and the local plan.
- 5) Establish a permanent chair for the Strategic Delivery Board and limit the attendance to those people that can make strategic decisions.
- 6) Ensure more operational matters for Cranbrook are addressed by the existing Partnership Board.
- 7) Create a high-level officer working group with responsibility for unblocking, stopping, and progressing issues across all key sites in the district.
- 8) Re-set and improve relationships with Cranbrook Town Council, establishing appropriate codes of conduct for meetings and integrating the Town Council into a wider forum for all parish and town councils in East Devon.
- 9) Work with other Council services to develop a more corporate approach to supporting the development of Cranbrook and the ongoing services that a community like Cranbrook needs as it develops.

Annex One

Box 1: Excerpt taken from tender brief dated September 2021

The Council is looking to commission a multi-disciplinary team of consultants to help set an ambitious vision for such proposals and to ingrain high quality place making outcomes from the outset of the process. This includes focusing on the delivery issues and infrastructure requirements associated with each proposal which, due to the scale and extent of the proposals, is considered to require more detailed assessment. Subject to the progression of the Local Plan review it is expected that this will ultimately culminate in a business plan for the establishment of a delivery vehicle (up to and including the formation of a Development Corporation) to support such development.

It is anticipated that the following stages will be part of the commission:

- 1) Review of options for the choice, form, and location of new community proposals – a number of large-scale proposals have been promoted through the initial call for sites process. The commission will help to ensure that there is a robust evidence base to inform the selection of development proposals in terms of the ability to secure key outcomes in line with the NPPF considerations.

- A full understanding of what infrastructure is needed, and the associated costs will be required to assess the viability and deliverability of each option. The review will also need to consider the parties involved in each option and the governance arrangements and delivery vehicles they propose.
- 2) Vision– to work with Council officers and members to develop a 30-year vision for a new community in the district which sets out the Council's requirements in the form of a set of criteria against which the options and their proposed delivery vehicles can be assessed.

- 3) Initial Options Appraisal – to use the vision and criteria developed at stage 2 to assess the major development options and make an initial recommendation to be considered alongside a draft Local Plan for consultation.

- 4) Masterplan – Following consultation on the draft Local Plan and consideration of responses to each of the options a proposed site for allocation will be identified and the consultant team will then be expected to undertake a master planning exercise for this site in consultation with key consultees and through a process of community engagement.

- 5) Preferred delivery option/model – this will include all necessary stakeholder engagement to help define the preferred option for the delivery vehicle to bring forward the preferred new community option.

- 6) Business case – to include final modelling of infrastructure costs, indicative viability assessment and long-term stewardship and legacy arrangements.

Terms of Reference for the Cranbrook Placemaking Group (hereafter referred to as the 'Group')

Purpose

To provide oversight of the development of Cranbrook on strategic matters that impact on the delivery of the town as a whole and to work to co-ordinate responses and unlock issues affecting delivery that are of concern to all three tiers of local government.

Objectives

- To provide a reference group of County, District and Town Councillors with officer support to inform the ongoing growth and development of Cranbrook so as to achieve the aims and objectives of the Cranbrook Plan
- To liaise with and share information between the three tiers of local government and with relevant Stakeholder groups as appropriate
- To make recommendations to East Devon District Council's Cabinet on the development and management of place making in Cranbrook
- To receive briefings and reports from officers and to act as a point of reference for the successful delivery of place making in Cranbrook
- To monitor progress on achieving the delivery of the Cranbrook Plan and the masterplan for Cranbrook town centre
- To advise on and input to external expert and professional consultancy
- To support further engagement of public and stakeholders
- To promote best practice, help overcome barriers and promote optimal outcomes for the benefit of place making in Cranbrook recognising the commercially driven delivery model and the enhanced role for the Town Council
- To provide a forum for engaging with developers to address specific delivery challenges
- To promote continuous improvement, actively learning lessons from previous experience

The Group has been established to support the coordinated development of Cranbrook as a new community. It will act in an advisory capacity and will provide advice to each tier of local government. Executive decision making and financial decisions will remain the remit of each individual

Authority, but any views expressed by the Board will carry weight as a material consideration in any decisions taken by the respective authority.

Membership:

From Cranbrook Town Council

Chair

From Devon County Council

Ward members

From East Devon District Council;

Ward Members, Portfolio Holder for Strategic Planning

Support officers;

Clerk of Cranbrook Town Council

Assistant Director - Planning Strategy and Development Management, EDDC

Assistant Director – Growth, Development & Prosperity, EDDC

Senior Planning Manager, DCC

Chair: The Chair will be an elected member from East Devon District Council

Meetings: A minimum of six times per year

Venue: Meetings will be held at a venue in Cranbrook.

External Partners

Attendance will normally be limited to members of the Board from the three authorities. Other parties may be invited to join the meeting as

appropriate where the Board agrees that their involvement is beneficial. Agendas will be timetabled to facilitate this process.

Administrative Support

The secretariat for the Board will be provided by East Devon District Council. The secretariat will minute all meetings and record any actions arising therefrom.

Agendas will include a standard item requiring declarations of interests to be made. Members with a disclosable financial or personal interest in respect of a particular matter being considered by the Board should act in accordance with the Councillor's Code of Conduct of the relevant organisation that they represent.

Meetings of the Group will be open to the public (Part A) but may have a private part to the meeting (Part B) to discuss confidential and sensitive matters.

To ensure that there is public awareness of the Group's activities, discussions and project progress, notes of meetings will be publicly available and published as part of the District Council's Cabinet agendas.

Decision making: Decision around advice will, as far as it possible, be by consensus. In the event that this is not possible areas of disagreement and the position of individual organisations will be recorded and recognised in the subsequent advice/recommendations.

Review: The group's terms of reference will be reviewed every two years.



Report to: Cabinet

Date of Meeting 1 May 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Response to the Clyst Honiton Neighbourhood Plan Submission

Report summary:

The purpose of the report is to formally agree the response by this Council to the submission consultation for the Clyst Honiton Neighbourhood Plan. Clyst Honiton Parish Council has formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) require the District Council to formally consult on the Plan for a minimum of 6 weeks. As part of this consultation, the District Council has the opportunity to comment on the Neighbourhood Plan. Officer observations are set out at the end of this report and members are asked to endorse these as the formal representation on the plan. The comments of this Council and all other comments received during the consultation are submitted to an independent Examiner who will inspect the Plan against a series of conditions that must be met in order for it to proceed to a referendum.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Cabinet note the formal submission of the Clyst Honiton Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment throughout the process.
- (2) That Cabinet recommend that the proposed representation set out at paragraph 1.21 in this report is made in response to the consultation.
- (3) That Cabinet give delegated authority to the Assistant Director - Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning to consider and make a decision on the examiners findings and, if considered appropriate, to proceed to the next stage of the plan making process as set out in the Regulations, without further need to seek agreement from Cabinet, in line with paragraph 1.15 of this report.

Reason for recommendation:

To ensure that the view of the District Council is formally recorded and informs the consideration of the Neighbourhood Plan by the independent Examiner, and to help ensure that subsequent to the examination, a decision can be made on the Examiner's findings within the 5-week timescale set out in the Regulations.

Officer: Angela King, Neighbourhood Planning Officer. Email: aking@eastdevon.gov.uk Phone: (01395) 571740

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. All electors are invited to vote in the referendum.

Climate change Low Impact

Risk: Low Risk; There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the Basic Conditions to which all plans must comply.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2023\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Clyst Honiton Neighbourhood Plan documentation](#).

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

Background to the Clyst Honiton Neighbourhood Plan

- 1.1 Clyst Honiton Parish Council commenced work on their Neighbourhood Plan in 2014 following the approval on 2 April 2014 of their Neighbourhood Area comprising the rural parts of Clyst Honiton parish, including the village of Clyst Honiton. The final Neighbourhood Area approved by EDDC excluded the strategic /major development areas that lie in the parish and the 'west end' of the district, including the airport, Skypark, Exeter Business Park, the now Lidl distribution centre and Cranbrook expansion areas.
- 1.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and other stakeholders to produce a plan which endeavours to reflect the aspirations of the community. The community have also received significant technical support package via a grant from Locality and engaged an independent examiner to undertake a 'health check' on the draft plan as an additional step in the process.
- 1.3 The Clyst Honiton Neighbourhood Plan aims to further Clyst Honiton as an attractive, friendly, safe place to live, with enhanced spaces for residents to help to provide a strong

community and business focus, harness community spirit and encourage the community to value its river and rural landscape. To this end, the Plan includes a set of 24 policies covering a wide range of land use planning topics from community facilities, design and sustainability, local economy and employment, housing, parking and accessibility, and natural environment. The plan proposes the allocation of a village gateway site for up to 9 homes, and designation of 4 proposed areas of Local Green Spaces for formal protection. Amongst other things, the Plan seeks to safeguard land close to Clyst Honiton village for a public amenity space and 'green corridor'; whilst supporting proposals for various kinds of development including related to business and tourism development, community facilities, self-build, live-work units, small business space, and public realm. There is also an emphasis on sustainable design and active travel.

- 1.4 Prior to submitting the Plan to East Devon District Council, Clyst Honiton Parish Council have held their own public consultation on a draft version of the plan; a step which is also required by the Neighbourhood Planning (General) Regulations 2012 (Regulation 14). This ran for an extended period of 9 weeks from 9th June 2023 to 11th August 2023. The comments made during this consultation, including informal comments by District Council officers, have been considered and the plan updated prior to formal submission to East Devon District Council. Significantly, proposals for a new community building and employment use with enabling residential development on land adjacent to the Clyst Honiton bypass are removed as a proposed allocation from the Plan. These are expected to be pursued separately via a Neighbourhood Development Order. It is also of note, that successful lobbying by the community, borne out of the community engagement undertaken for early stages of the plan preparation, was instrumental in securing the closure of the through-road in the village which has brought benefits to quality of life for residents. This is not to dismiss the impact that continues to be felt, as articulated in the plan, from a combination of the loss of a number of community facilities and the significant surrounding strategic development that has arisen from the implementation of the strategy of the adopted local plan.

Submission of the Clyst Honiton Neighbourhood Plan

- 1.5 The District Council accepted formal submission of the Neighbourhood Plan from Clyst Honiton Parish Council in January/February 2024. The Plan and its supporting documents are available to view on the [planning pages](#) of the District Council website.
- 1.6 This is the twenty-eighth neighbourhood plan to progress to submission stage consultation in the district. The Parish Council has received support from the District Council and additional financial and funded technical support from the Department for Levelling Up, Housing and Communities.
- 1.7 The statutory regulations require that the District Council organise and undertake a minimum 6-week consultation on a plan when a compliant Submission is received. This is commonly referred to as the submission or 'formal' consultation. The public consultation period is running for just over 6 weeks from 28 February 2024 to 12 April 2024. Due to Committee cycles, comments from EDDC have been provided to the Examiner as informal Officer views, subject to the outcome of member discussion and decision following which a final formal response will be supplied.
- 1.8 The Plan proposal has been publicised through notice on the District Council website, a press release, emails sent to all Members, adjoining authorities and statutory consultees,

including Devon County Council, Natural England, Historic England and the Environment Agency, and in liaison with the Parish Council, promotion in the local area to raise awareness of the further opportunity to comment. Hard copies of the Plan are available on request and to view at EDDC Honiton office, Exeter library, and local venues in Clyst Honiton.

- 1.9 One of the statutory roles of the District Council is to consider whether the Plan meets the legislative requirements, in production process terms. Cabinet has previously endorsed a protocol for District Council involvement into neighbourhood plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 1.10 Anyone may comment on a neighbourhood plan. It is particularly important that the District Council comments. This is because the plan will eventually (if adopted) form part of the statutory Development Plan for East Devon and should conform to the strategic policies of the Local Plan. It will also have increased weight as a material consideration in planning decisions, the more advanced it is through the stages of plan preparation. This report provides the recommended representations on the Plan, made by officers of this authority, to be formally submitted to the Examiner undertaking the Plan examination.

Neighbourhood Plan Examination and Referendum

- 1.11 In preparation for the examination, the District Council is appointing an ‘appropriately qualified and independent examiner’ in consultation with Clyst Honiton Parish Council.
- 1.12 All responses from the consultation (including any made by this Council) are forwarded to the Examiner who will consider them, by either written representations or at an oral hearing (if the Examiner decides one is necessary). The District Council is responsible for paying the costs of the examination but can recoup these expenses by claiming funding from Central Government of £20,000 once a date has been set up for referendum, following a successful examination.
- 1.13 The Neighbourhood Plan examination is different to a Local Plan examination. The Examiner is only testing whether the plan meets the Basic Conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The Examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies in the development plan for the local area (in this case the adopted East Devon Local Plan 2013-2031);
 - is compatible with human rights requirements;
 - is compatible with any retained EU obligations.

- 1.14 As part of the Development Plan used in future planning decisions, it is in the interests of the District, Town and Parish Councils to produce high quality neighbourhood development plans.
- 1.15 Following the examination, the Examiner's Final Report will set out the extent to which the draft plan proposal meets the Basic Conditions and what modifications (if any) are needed to ensure it meets the Basic Conditions. The Examiner has 3 options for recommendation:
- A. That the Plan proceeds to referendum as submitted.
 - B. The Plan is modified by the District Council to meet Basic Conditions and then the modified version proceeds to referendum.
 - C. That the Plan does not proceed to referendum.

If the Examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the Plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council to decide what action to take in response to the recommendations of the Examiner.

- 1.16 Once the Plan has been finalised it will be subject to a referendum where everyone on the electoral roll (for the defined neighbourhood area) will have a right to vote for or against it. If at least half of votes cast support the Plan, then it can be brought into legal force.

The Clyst Honiton Neighbourhood Plan Response

- 1.17 As part of the current consultation, the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a statement setting out how the Plan complies with the conditions which the Examiner will assess.
- 1.18 Officers have reviewed the Neighbourhood Plan contents and recommend that the following representation of East Devon District Council be formally submitted to the examiner. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than other content on the Plan including supporting text or community actions and are made on the basis of:
- Do Clyst Honiton Neighbourhood Plan policies comply with strategic policies in our adopted Local Plan and have appropriate regard to National Planning Policy?
 - Do we have concerns about policy given the wider objectives of the Council?
 - Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and
 - Are they otherwise appropriate or desirable?
- 1.19 Overall, it is noted that the extensive District Council comments made on draft policies at the previous Regulation 14 consultation in particular, have been given detailed consideration by the Parish Council and numerous amendments made to the Plan as a result. In endeavouring to support the Plan as a community-led document, comments focus on highlighting key areas that we would wish to see considered further through the examination, where policy wording is likely to be difficult to implement, constructive

comments to seek to add value to the ability of the plan to achieve its aims, and matters of fact and accuracy.

- 1.20 In terms of the planned replacement of the adopted Local Plan with a new Local Plan for east Devon, this remains at too early a stage for conformity with emerging strategy and policy to be formally assessed. However, the Parish Council have highlighted links with the emerging Local Plan (at Regulation 18 draft) in their submission and there is therefore an awareness of the relationship. Depending on the final content of the new Local Plan, its adoption may trigger an early review of the neighbourhood plan, to be determined in due course.
- 1.21 East Devon District Council comments on the Regulation 16 Submission Version of the Plan are proposed as follows (a full schedule of the Plan policies is provided in Annex 1 for reference):

Policy Comments

General Observations on Policy

- i. The reduced number of policies compared to the Regulation 14 version, and the removal of the bypass site development allocation to which Officers had raised concerns about scale, sustainability and relationship with the airport, is welcomed. The district council will welcome liaison on the latter as it is understood the proposal will continue to be pursued via an NDO.
- ii. The Plan remains lengthy and 24 policies for a largely rural area could be seen as excessive, but overall the Plan is considered to be well written and presented, with a good range and depth of supporting evidence and good effort to draw on this in policy justification.
- iii. Notwithstanding the observation above, a number of the policies continue to lend support to certain types of development (e.g. live-work units, holiday accommodation) in the more unsustainable locations in the Plan Area, including the hamlet of Holbrook which the plan identifies as comprising only 6 dwellings and accessed by single track lanes, and the wider largely agricultural area south of the A30 (referred to as Zone B). Indeed, notwithstanding the surrounding strategic developments, the whole of the Plan area is classed as open countryside in the adopted Local Plan, and the Plan itself acknowledges in several places the high degree of reliance on the private car for residents and businesses. Given development should be focused and encouraged where it can be accessed by sustainable means of travel to reduce emissions and close to existing services and facilities, and that the Plan includes objectives relating to sustainable development and tackling the climate emergency, there seems to be some conflict within the overall plan strategy we would ask the Examiner to give consideration to.

Policy-specific Comments (in order as they appear in the Plan):

• C1 Community Facilities and Services

- Overall, it should be noted that there is already a policy protection of this nature in the adopted Local Plan (Strategy 32). Notwithstanding this possible duplication, the policy is not dissimilar to those in other neighbourhood plans.
- However, there appears to be some potential conflict and risk of confusion between the requirements in the first and second parts of the policy, in terms of the difference between 'redevelopment' and 'loss' is unclear. Potentially this could be resolved if the first part was clarified to relate to support for proposals which would further their continued and/or enhanced use/role as key community facilities.
- We note the addition of the parish field further to our comments at the previous stage, and to add to this, we would suggest that now that the allotment site is no longer a proposed allocation, this may be a further facility worthy of explicit reference in this policy for protection and completeness.
- In terms of the sub-clause relating to public houses, it should be clear about how long it should be marketed for and ideally how it should be marketed, in order to strengthen application of the policy, and reduce the ability for lip service to be paid to it.

• C2 New Community Building:

- Given concerns raised by EDDC as Local Planning Authority at Regulation 14 stage to the scale of the proposals, we consider it important for the policy support for residential enabling development to be caveated as 'in principle' support and to be for 'the minimum necessary' to deliver a community building that meets the needs of the community, and also to have clear demonstrable support of the community. Without this, there is a risk of the policy lending support to a residential-led scheme where community engagement activity only can be evidenced. We would also like to see specific reference to engagement with the LPA in point 2.
- To ensure the first sentence/paragraph reads as a policy rather than an aim, suggest replacing, 'To support' at the beginning, with 'will be supported' at the end.

• C3 Additional New Community Facilities and Services:

- Suggest some re-phrasing of the first clause of this policy is required to remove potential for it to be misinterpreted to be supporting development of facilities in the form of buildings on the River Clyst Park site (which is entirely in flood zone 2/3), or to remove this clause as this is addressed specifically in Policy NE3. If retaining for completeness, suggest the River Clyst park reference is moved to form the last bullet of the policy and phrased as being in principle support for proposals to bring forward the River Clyst Park as a new public open space, in line with the requirements of Policy NE3.
- Question whether the need to prove that all proposals would extend the leisure / recreation experience could be too restrictive if proposals for other more functional facilities came forward, e.g. a community shop etc.

- To assist with meeting gaps in provision that the plan identifies it may be beneficial to add a clause to support/encourage use of shared / multi-use spaces/facilities.
- Given the policy theoretically supports proposals anywhere in the Plan Area, we would wish to see greater locational control to avoid it lending support to proposals in the most unsustainable locations. In line with the policy justification, suggest 'in the Neighbourhood Plan Area' is replaced with 'in or adjacent to the village of Clyst Honiton'.
- Suggest consideration could also be given to amalgamating C2 and C3 as the envisaged new community building would be an additional new community facility, and we would suggest the list of requirements in C3 would also be relevant to that proposal.
- **DS1 High Quality Design –**
 - to strengthen the role of the Design Code, the policy could require adherence to it in the opening sentence.
 - Clause 3 relating to heritage assets does not need to require the application of national policy, as this will be considered and applied as a matter of course. If reference to national policy is retained, suggest (here and elsewhere), that the date of the NPPF is not cited within the policy wording as the 2023 version will inevitably be superseded at some point, rendering the policy outdated unnecessarily. Also, strictly speaking to align to national policy this clause should refer to 'the significance of'.
 - Clause 4 – consider this clause is slightly muddled in trying to address both crime and safety elements as well as climate change. Suggest that the requirement relating to climate change resilience can be removed as it is covered in clauses 5 and 8.
 - Clause 9 – flood risk – to avoid potential conflict with national policy (in essence which prescribes that development be located in areas of least flood risk and only allowed in areas at greater risk following a sequential, and if necessary, exception test), suggest this clause is deleted. Suggest the policy focusses on design and does not say anything about flooding in favour of relying on the implementation of national and strategic policy.
 - Clause 10 – suggest 'where necessary' rather than 'where appropriate' for clarity.
- **DS2 Sustainable Design and Construction –** As above, suggest 'where necessary' rather than 'where appropriate' in the final paragraph related to noise mitigation.
- **DS3 Communications Infrastructure –** No comments, but we would observe that notwithstanding this is similar to other policies in made neighbourhood plans, it may be difficult to enforce.
- **DS4 Sustainable Drainage –** Unclear if the policy is referring to all run off. Suggest it would be more reasonable for this to relate to additional surface run-off related to the proposal and this could be clarified by amending the first sentence of the policy to read "will be required to accommodate additional surface water run off within the site".
- **DS5 Flood Risk Management –** We would wish to see the policy prioritise support first for natural flood management (over engineered solutions) and for stronger wording regarding avoidance of biodiversity impacts.
- **DS6 Storage Spaces –**

- suggest would be more appropriate to ensure the minimum requirement is for storage of at least 2 bikes, rather than seemingly limiting the requirement to only the minimum space to store 2 bikes per dwelling. Also, they may wish to consider requirements for cycle storage or parking facilities for developments other than residential.
- Suggest 'no obstruction' rather than 'minimum obstruction' to pedestrians and vehicular access would be the appropriate requirement.
- **DS7 Charging Points –**
 - suggest replacing 'NPPF (2023)' with 'latest Government requirements' as this is an area of fast-moving technology.
- **DS8 Renewable Energy –**
 - The requirement in the 1st sentence and the second bullet appear to duplicate Policy DS2. The clause (1) relating to heritage assets could be added to DS2 and this policy removed.
- **DS9 Community led renewable energy production –**
 - Second part of policy needs some wording amendments for flow and legibility including to remove repetition of 'to ensure the following'. Similarly, the wording of the first bullet is unclear/incomplete.
 - Given the climate emergency and the nature of the potential installations, consideration should be given to whether the requirements to be 'in keeping' with all the various visual considerations are too restrictive.
- **E1 Supporting a Rural Economy –**
 - as raised previously through informal Officer comments at Regulation 14 stage and since, and notwithstanding the restriction to brownfield sites and the fact that all the criteria must be met, we consider this policy remains too open to opportunities for new build business accommodation and holiday let spaces in a rural area, which could also be a backdoor to dwellings in the open countryside.
 - Criteria 2 appears incomplete – the existing scale and form of what?
 - Criteria 3 - being located close to 'a' building may be sufficient for accommodation restricted to holiday use as long as that building will be managing/servicing it (as it reduces the need for a manager to travel to it each day by car) but is considered insufficient to justify E(c) uses - (i) Financial services; (ii) Professional services (other than health or medical services), or (iii) Other appropriate services in a commercial, business or service locality or E(g)(i) Offices to carry out any operational or administrative functions. These E uses are often undertaken at a small scale from a home office but as stand-alone businesses, it suggests that workers and customers will need to travel by car to access them. There is no indication of scale, and there is no obvious need for them to be located in the rural area.
 - At the least, the criteria should restrict this to locations with opportunity for access by sustainable and active means of travel.
 - To be aware also that the latest Economic Development Needs Assessment (EDNA) concludes that we can meet our office space need, so policy provision for this use would be in addition to EDNA requirements and further suggests this could appropriately be limited to conversions and extensions to support home based businesses and working from home, with new build limited to sites in or adjacent to the main Clyst Honiton village and within the established employment areas of Hill Barton and Axe Hayes business parks, in so far as strategic policy would permit.
- **E2 Live Work Units –**

- Similar to comments above, we consider this policy to risk supporting new residential development in the open countryside ‘by the back door’, in unsustainable locations. It is considered it would be very difficult to monitor / control the use to ensure that the commercial element is/remains the dominant use of space.
- Related to this, the proportion of the workspace element to the live element is key in terms of proportion of floorspace, and this should be how live work units are defined.
- To support this policy we would wish to see it required that the residential element is subordinate to the commercial space, and given that it relates only to ‘Zone B’, that only conversions, rather than new builds, can be supported.
- **E3 Business Development in ‘Zone A’ –**
 - Suggest that ‘non-village locations’ as used to define part B of the policy could more accurately be entitled ‘Edge of Village Locations’
 - For greater clarity and control, suggest ‘adjacent to the village’ in the opening sentence of Part B be amended to read, “immediately adjacent to the existing built form of the village”
 - As the emergence of the NDO is potentially subject to change, and there is no site allocated for the future community building, we consider it unlikely we can implement criteria ‘v’ of the policy. The risks of the currently preferred ‘bypass site’ being lost to speculative development for other uses is considered low for the reasons set out in our Regulation 14 comments and there is positive policy support for the new community building in the Community Facilities chapter of the neighbourhood plan. The policy could potentially say this policy will not apply to the bypass site (would need a map to show location and extent) unless there is evidence of clear and demonstrable support from the community, including through a Neighbourhood Development Order.
 - Cross-checking required to ensure no conflict between the clauses a) to h) and those in Policy DS1 Design, e.g., with respect to the Character Assessment and Design Code? (the latter is not mentioned, and unclear when the former might not be applicable?) Suggest airport safety as well as noise is referred to given that Home Farm site falls inside the airport public safety zone.
- Noted that apart from office and holiday accommodation the plan is silent on proposals for other uses that could come forward at existing business park locations that fall within the plan area (namely Axe Hayes / Yeo Business Park, and Hill Barton (part of) and in the absence of any specific policy related to these, Local Plan policy will apply to proposals in these locations. Regarding Hill Barton, for clarity to note the defined boundaries for this Business Park within the Parish will be as set in the Local Plan (currently in the adopted Villages Plan).
- **SA1 Slate and Tile Site –**
 - Proposals resulting in the loss of sites currently in employment use are generally resisted through Strategic Policy 32 of the adopted Local Plan. In this instance some issues regarding residential amenity and environmental quality are identified, together with some evidence of housing need and a shortage of alternative sites to meet this for residents who wish to remain in Clyst Honiton, together with indications of support for the change of use by local residents. There is also evidence the site would be suitable and viable for the intended allocated use for small (1-2 bed) homes, subject to mitigation

for flood risk, and it is accepted that other alternative employment land is available in the vicinity. It is also acknowledged that the loss of the employment use is not an issue that has been raised previously as a priority concern in the development of the Plan, where the focus had been on the significant and controversial 'bypass site' proposals (now being pursued outside the plan). On balance, whilst the loss of employment sites remains a priority for the Council, in this instance it is not proposed to object to the principle.

- the requirement about mitigating noise impacts at clause 2 will be important. This should be worded more precisely to ensure that proposals incorporate measures that mitigate noise impacts from the surrounding soundscape including road, commercial and airport noise to ensure a good level of amenity for residents, to achieve the 'desirable level' for internal noise levels as detailed within BS8233 (2014) and to detail how external spaces will provide a good level of amenity having regard to the standards set out in BS8233 (2014).
- if the intention is that an affordable housing element is secured on-site then it will be necessary to specify the requirements in the policy as we will not be able to require it as standard on a scheme of up to 9 homes under the Local Plan policy
- it may be advisable to add including "and meet national space standards." To point 1 requiring "Housing to be 1 and 2 bed properties" to avoid risk of a scheme coming forward for small 1 and 2 bed properties that have single bedrooms only.
- **H1 Self-Build and Custom-Build –**
 - Concerned that the first part of this policy will be exploited and lead to residential development in unsustainable locations. As written, it would allow a new house to be built either side of a single existing isolated dwelling, as separate 'single' plots. We do not agree with the assertion at paragraph 6 that this would comply / be compatible with Strategy 7 of the adopted EDLP, given it would allow new housing anywhere, providing it was next to an existing house.
 - We would also express concern about the suitability for retention and conversion of some of the examples of structures that have come forward in the evidence gathering for the Plan which are described in paragraph 7 of the supporting text as including a piggery, lambing pens and corrugated iron sheds. We would take a different view to the community about these being suitable for development. We would not want to encourage development of poorly constructed agricultural buildings and PD rights would already allow for conversion of appropriate agricultural buildings, even where they've been split from the farm. From the description, lambing pens, piggeries and tin sheds are likely to need replacement rather than conversion so these are effectively new houses in the countryside with very little justification. Given the rural nature of the wider plan area, we would suggest the policy be revised to allow this development where it relates to houses within Clyst Honiton village rather than throughout the plan area. This would be similar to the policy approach supported in the Broadclyst Neighbourhood Plan (made July 2023). In making these comments, we would advise that custom/self-build development

does not by definition constitute sustainable development, and sustainability of location is a key consideration.

- The policies of the adopted strategic plan would not allow residential developments of 30 or more, the neighbourhood plan does not make allocations for such, and, the policy expressly states the requirement would not apply to the NDO scheme (although we would question why this is?), and therefore the clause related to this scale of development seems unnecessary. However, if retained, the policy wording should be amended to ‘encourage’ rather than ‘require’ this, to bring it in line with adopted Local Plan policy (H2).
- **NE1 Landscape and Biodiversity** – no comments.
- **NE2 Green Landscaped Corridor** – consider this policy will assist with maintaining the landscape setting of the village and will also help to provide a landscape buffer between the village and the Clyst Valley Regional Park. Suggest the policy could be strengthened to actively seek to enhance and strengthen the landscape corridor and setting of the village. This could then be a potential BNG opportunity.
- **NE3 River Clyst Park** –
 - EDDC support this policy – the securing of this space as a public open space with a wildflower meadow to the north of Honiton Road/York Terrace is being progressed through the planning permission for the Logistics Park via an existing s.106 legal agreement. Officer would be open to a discussion with the Parish Council about the delivery of this space, agreeing access areas and considering other opportunities such as tree planting, BNG etc.
 - missing word or words in last sentence – Clyst Honiton Parish Council to advise.
- **NE4 Local Green Spaces** - no comments.
- **AC1 Parking Provision** – Regarding policy support for further on-site parking spaces on existing commercial sites, in order promote further sustainable development priorities, we would suggest that as this places no limitation on number of spaces as written, it should be requiring additional spaces to be justified to meet operational requirements of the business that cannot be met through measures to promote sustainable travel such as travel plan.
- **AC2 Public Realm Improvements** – suggest this includes an additional bullet to support ‘measures that facilitate walking and cycling infrastructure and connectivity’. This is on the basis that at present the existing street forms an important link to the Clyst Valley Trail – and will remain an important route for people cycling to the airport and nearby destinations, as well as Bishop’s Court Lane.
- **AC3 Active Travel** –
 - The opening part of the policy needs rewording for clarity on the requirement/expectation in relation to development proposals and the routes listed e.g. ‘...active travel, particularly those routes listed below, will be supported.’
 - Suggest specifically naming the Clyst Valley Trail, and referring to the emerging LCWIP. It would also be preferable to reference links to the east – Cranbrook, Airport etc. in Figure 55 (an annotated map can be provided to illustrate)
 - to avoid risk of supporting developments that might be less than desirable in other aspects but will provide these links, suggest caveating the support given in the opening sentence by adding, “subject to being otherwise acceptable’.

- Suggest strengthening by amending the clause, “Development proposals should provide appropriate and safe access and should link up with existing networks” to read, “Development proposals **must** provide appropriate and safe access and should link up with existing networks, **wherever practicable.**”

Other non-policy specific comments:

- Aims and Objectives:
 - Generally support the overall aims and objectives of the plan. However, as noted elsewhere, we consider that the various policies enabling development in the rural area away from services and facilities and likely to encourage travel by car, seem somewhat at odds with the sustainable development and climate change objectives;
 - Suggest the Natural Environment Aim relating to ‘Local Green Spaces’ does not mean to refer to NPPF formally designed LGS, but rather more generally to green spaces in the locality and to re-phrase accordingly.
 - Similarly on associated objectives for LGS and the green corridor, replace ‘allocate’ with ‘designate’ for accuracy.
- Map of businesses in the plan area (page 69) would benefit from annotation/key of the locations and addition of the plan area boundary.
- Economic policy evidence – Noted that some of the published evidence cited to support the economic policies is now quite dated. We would advise as follows:
 - The Shared Economic Strategy quoted ran to 2020, and there is a new EDDC economic strategy which is due to be adopted in the very near future, so this could be acknowledged via modifications.
 - Non-EDDC reports – we are not aware of more recent evidence to replace these so suggest the text could just acknowledge the position and say that, whilst the reports are dated, their content is still considered to be relevant.
- Unsubstantiated or misleading comments – it would be helpful in a number of places to provide some further explanation or reference to evidence to justify comments stated as facts, including:
 - Paragraph 2.41, page 21 – to justify the assertion that the Honiton Road (C832) has returned C832 to maximum capacity levels – is there traffic data supporting this?
 - Paragraph 2.42, page 21 – suggest this cannot be said to apply “all country lanes” and to say many would be more accurate, unless evidence is provided.
 - Paragraph 4, bottom page 58 – this quote is taken directly from page 1 (not p.20) of the minutes and is a factual record of the statement read to Strategic Planning Committee at the meeting on 4th Oct 2022 in the agenda item for public speaking. It should be attributed as recorded in those minutes to being a statement read out on behalf of Paul Smith, a resident of Cranbrook, and not as the NP a statement of EDDC. Suggest if retained a link is provided to the minutes for reference.
 - Regarding the sister NDO /bypass land proposals for community facility and enabling development, would question the light in which this is referred to in some places in the plan, which could be unhelpful now it is being developed outside the Plan – for example on plan page 26, it states (without reference to

any associated evidence) that an NDO was the 'only viable way forward' and on page 41, that there is community agreement on the 'number of houses and economic units required to deliver the community building' when this is a technical matter relating to viability work, rather than public opinion.

- Notwithstanding the acknowledged and very real loss of community facilities the community have experienced, it is inaccurate to say, as stated top page 43, that it has a lost a 'full range of valuable assets', when there remains a parish field, 2 public houses, allotments, bus service (now enhanced).
- Paragraph 3, page 64: to explain why "in the Plan Area the nature of the rural countryside limits the options for low and zero carbon energy production..."
- Paragraph 2, page 73 – "It is important that the Plan Area continues to attract businesses in the area..."
- Paragraph 4, page 73 – "The traffic created by such businesses [said to be office use and service provision to members of the public] is well suited to the road network..." Whereas previously (p. xx) the road network of single track lanes with no passing places was raised as being an issue...
- Paragraph 4, page 78 – "... Clyst Honiton is perfectly positioned to capitalise on the recent resurgence and popularity of locally produced speciality foods and drinks and for the location of a much-needed gym and nursery to service the wider area,"
- Paragraph 6, page 67 – "non village locations within Zone A" – are there any that can be said to be not at/adjacent to the village?
- Paragraph 3, page 83 – "The locals were fully aware that in order to get a free community building that the number of houses required to fund such a facility was always going to be high" – funded or provided at no cost might be a more appropriate term than 'free' and also the amount of enabling development would be proportionate the facility required which is our view on the proposals as they stood at Reg 14 was excessive.
- Bullet (i), bottom page 84 – "There are two local factors specific to Clyst Honiton, namely its location relative to likely employment growth and the need to accommodate likely housing allocations lost from the Cranbrook masterplan due to the noise levels at bordering Exeter Airport, which indicate a higher level of projection may be required" – this is not factually correct and the Cranbrook Plan (adopted 2022) allocated enough housing sites to meet the objectives of the Local Plan for the town and so there is no under provision that Clyst Honiton need to pick up, beyond the allocations we have already made in the parish.
- Paragraph 4, page 95 – reference to 'shops in the Tithebarn development' – as these are not yet completed or occupied, this should be 'future' or forthcoming.
- Bottom page 97 – "there is support for the NP policies to be written to cover any development of housing coming forward in the future both within and outside the Clyst Honiton village" – given Local plan policy would not support new housing anywhere in the Plan area (notwithstanding the possible future new community under the new emerging local plan), this support needs qualifying as presumably coming from the local community?
- Formatting and Referencing:

- Paragraph numbering - it would be good practice and assist with referencing by applicants and in Officer reports for paragraphs to be numbered throughout in continuous sequential order.
 - Welcome the referencing update for submission to the 2023 version of the NPPF, but to note there remain several references to the 2021 version (e.g. on plan page 42) which should be updated.
 - Minor corrections – there are a small number of grammar and typographical errors in the Plan document that should be corrected before the plan goes to referendum.
-

Financial implications:

No direct financial implications have been identified.

Legal implications:

The legal implications are fully set out within the report. It is important that EDDC comments on the content of the submitted Clyst Honiton Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) and that it makes a decision on the examiner's findings within the prescribed timeframes to ensure that it sits within the strategic requirements of the East Devon District Council's Local Plan.

Annex 1 Policy Schedule Clyst Honiton Neighbourhood Plan – Submission Version Policy Extract

(Dated January 2024)

This is not intended as a substitute for the full set of documentation as submitted by Clyst Honiton Parish Council which is available at: [Neighbourhood Plans being produced in East Devon - Clyst Honiton - East Devon](#)

Plan vision:

“Clyst Honiton is a happy and healthy community which is inspired by positive change for those living and working in the Plan Area.

The wellbeing of our rural and village communities is enhanced by spaces which provide a strong community and business focus which harness community spirit.

Clyst Honiton aspires to be an attractive, friendly, safe place, encouraging a diverse community to set down their roots and value their river and rural landscape.”

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
	Community Facilities	<p>Aims: To protect, enhance and develop new community facilities, and services.</p> <p>Objectives: To support the retention and/or enhancement of Clyst Honiton Village’s existing community facilities. To support provision of new or re-development of existing community facilities. To support the development of a new community building.</p>
Policy C1	Community Facilities & Services	<p>The Neighbourhood Plan identifies the following community facilities which make an important contribution to creating a cohesive and inclusive local community:</p> <ol style="list-style-type: none"> 1. St Michaels and All Angels Church. 2. The Duke of York Public House. 3. The Exeter Inn Public House. 4. The Parish Field. <p>Proposals for the redevelopment of these existing facilities will be supported where they are replaced by equivalent or better community provision.</p> <p>The loss of all or part of community facility including, but not limited to those identified above, will not be supported unless:</p> <ul style="list-style-type: none"> • the proposal involves an alternative community facility that would provide equal or greater benefits to the local community, and is no less accessible to the community and where possible, offer greater levels of accessibility; or • it can be demonstrated that the community facility is no longer viable (in the case of public houses, they should provide marketing information and viability studies that evidence that the current use or an alternative use of similar value to the community is not viable).
Policy C2	New Community Building	<p>To support the provision of a new community facility comprising a community building in or near the village where it can be accessed by Clyst Honiton residents through active travel and, where appropriate, with additional provision of an outdoor community space and parking.</p> <p>A residential development scheme will be supported as part of the delivery of the community building where;</p> <ol style="list-style-type: none"> a) this is needed to make the development of the community building viable

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		<p>b) the residential development addresses identified local housing need.</p> <p>Such a scheme must be supported by the community through,</p> <ol style="list-style-type: none"> 1) A Neighbourhood Development Order, or 2) Submission of a community engagement statement detailing the pre-application engagement activity with the community and wider stakeholders.
Policy C3	Additional New Community Facilities and Services	<p>Proposals to bring forward new community facilities at the River Clyst Park (Policy NE3) will be supported.</p> <p>In addition, proposals for other new community facilities in the Neighbourhood Plan Area will be supported where:</p> <ul style="list-style-type: none"> • they are of a scale and design that would be in keeping with the character of their location; • there would be no significant adverse impact on the amenity of surrounding residential properties; • they are designed to minimize their environmental impacts, including where necessary and appropriate, controlled hours of working; • where there is proven need for development to extend the existing leisure and or recreation experience for the community; • they include where appropriate the provision of sufficient and safe parking provision within the development site; and • the access arrangements enable and encourage active travel for pedestrians and cyclists and safe vehicular access.
	Design	<p>Aims:</p> <p>To support zero carbon energy use, and the production of renewable energy. To encourage energy efficient and sustainable development. For development to include designs and structures that provide effective flood management and minimize flood risk. To support the development of residential and businesses of high-quality design. To improve access to high-speed communication services.</p> <p>Objectives:</p> <p>To support Passivhaus dwellings and the construction of other energy efficient low carbon buildings. To support provision of renewable energy generation on new and existing buildings. To support community led renewable energy schemes in the Plan Area. For new build to include provision of electric charging points. To support new flood management schemes. To support flood defence schemes especially those that produce renewable energy. For all development to include sustainable drainage measures to minimize surface water run-off. To provide design guidance on sustainable drainage. For new and existing developments in the village to adhere to the Clyst Honiton Character Area high quality design specifications and Design Codes. For adequate storage areas to be designed in new builds for recycling and active travel vehicles. For new developments outside the village to protect and enhance the rural landscape setting and outlook. To retain and enhance the semi-rural, non-urban character of the Clyst Honiton village. To provide guidance and support for development of outdoor residential storage to support recycling and sustainable travel options To provide all residents and businesses in the Plan Area with high-speed communication services.</p>
Policy DS1	Development of high-quality design	<p>Proposals in the Plan Area should have regard to the Clyst Honiton Village Character Assessment (2015) and the Clyst Honiton Design Code (2020).</p> <p>New development across the NP Area will be designed to:</p>

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		<ol style="list-style-type: none"> 1. Recognise and reinforce local character in relation to the height, scale, layout, orientation and spacing of buildings, and draw inspiration from the best and most locally distinct buildings. Proposals that seek to introduce designs which deviate from the character of the local context will only be supported where a robust design rationale is presented, and it is demonstrated that the development would be of exceptional design quality. (Design Code 1-4) 2. Utilise materials that recognise and respond positively to the local character. The use of locally sourced materials is encouraged to recognise and reinforce local character in relation to property boundary treatments. The use of local stone, castellated walls and native planted hedgerows/hedge banks is encouraged. (Design Code 5) 3. Conserve and enhance designated and non-designated heritage assets and their setting. Proposals that affect the significance of heritage assets or their setting will be determined in line with national policy set out in the NPPF (2023). 4. Create well-defined, attractive and secure streets and spaces benefiting from good levels of natural surveillance. To design out crime through environmental design principles to provide safety and climate change resilience. (Design Code 2-4) 5. Retain mature or important trees of good arboricultural and/or amenity value, and where possible, integrate other existing green and natural features such as trees, hedgerows, wildflower verges and green corridors into the proposal. To use native and or climate resilient planting of green corridors and hedgerows. 6. Link into and enhance the existing pedestrian and cycle network and facilitate future connectivity and sustainable transport options. (Design Code 7) 7. Minimise the visual impact of parking on the built landscape and rural landscape, and for parking areas to have maximum surface permeability. 8. Create attractive climate resilient planted frontages and gardens to maximise removing carbon dioxide from the air, storing carbon in the plants and soil, and releasing oxygen into the atmosphere. (Design code 2 and 4) 9. Take into account the location in relation to the flood zone and to be sensitive to any increase in fluvial flood risk posed by the effects of climate change. 10. Provide where appropriate an acceptable environment and amenity with regard to the noise impact of the airport and to address all airport safeguarding requirements.
Policy DS2	Sustainable design and construction of buildings	<p>Any new development and conversion/extension schemes will be required to meet a high level of sustainable design and construction (see supporting text), be designed to maximise energy efficiency and be compatible with a net-zero carbon future. This means that as appropriate to their scale, nature and location proposals should:</p> <ul style="list-style-type: none"> • minimise energy demand through optimising site layout and building orientation; • maximise energy efficiency through taking a fabric first approach to construction and using high quality, thermally efficient building materials; • incorporate non fossil fuel-based heating systems; • minimising water usage; • incorporate on-site renewable or low carbon energy sources. <p>Where appropriate, any new development and conversion/extension schemes will be required to meet high level design and construction to mitigate for air and noise pollution that arise from the proximity to Exeter Airport and/or the nearby road network.</p>
Policy DS3	Communications Infrastructure	<p>All new residential, community, educational and business premises will be required to make provision for the latest high-speed telecommunication networks including broadband.</p> <p>Physical structures relating to communications infrastructure, such as masts, should be designed and positioned to minimise their visual impact on the village and local landscape. Overly prominent, visually intrusive telecommunications proposals will not be supported.</p>
Policy DS4	Sustainable Drainage	<p>To avoid adverse impacts of development upon the drainage regime of the River Clyst, reduce incidents of localised sewage levels and release, mitigate flood risk and pollution and to maximise water storage, all development involving new build, extensions or additions, will be required to accommodate surface water run off within the site</p>

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		<p>All development to maximise use of natural flood management and artificial SuDS and water recycling features as appropriate, with reference to the latest guidance from DCC25 including those listed below:</p> <ol style="list-style-type: none"> 1. permeable paving for driveways and parking areas; 2. water harvesting and water storage features; 3. green roofs; 4. swales; 5. soakaways; 6. retention ponds *; 7. filter strips; and/or 8. detention basins. <p>All development proposals should seek to minimise the amount of green space lost to hard surfacing.</p> <p>Appropriate to the scale and nature of proposals, SuDS measures should also be designed to enhance the local river environment and seek to provide additional benefits including:</p> <ul style="list-style-type: none"> • water treatment and the removal of pollutants; • infiltration and groundwater replenishment; • recreation and amenity space provision; and/or • biodiversity and habitat creation. <p>*The use of retention ponds will be limited by airport safeguarding legislation</p>
Policy DS5	Flood Risk Management	<p>Proposals for new flood risk management schemes that will help to improve river water quality and management and reduce flooding in the Plan Area will be supported.</p> <p>Flood management and/or flood defence proposals should seek opportunities for natural biodiversity enhancement and habitat creation and mitigate against damage to the river environment. Any biodiversity enhancement and habitat creation to be made acceptable from an airport safeguarding perspective.</p> <p>The combination of a river flow regulation structure on the River Clyst with a micro – hydro renewable energy scheme, is supported if it is acceptable regarding impacts to habitats, biodiversity, geomorphological processes, water quality and flood risk by the specialist bodies (Environment Agency and Flood Risk Authority).</p>
Policy DS6	Storage Spaces	<p>All new development shall be designed to facilitate occupants to recycle and use modes of low carbon active travel by providing the following dedicated storage spaces readily accessible at ground level for:</p> <ol style="list-style-type: none"> 1. waste and recycling containers, and 2. secure and dry storage to accommodate bicycles, scooters and/or mobility aids. <p>Design of such storage facilities are to ensure that there is:</p> <ul style="list-style-type: none"> • Minimal visual impact on the public realm, • Minimum obstruction to pedestrians and vehicular access and, • Minimum space for the storage of 2 bikes per dwelling. • Minimum space to accommodate containers provided by the district council for waste and recycling.
Policy DS7	Provision of charging points	<p>In addition to providing vehicle charging points in line with the NPPF (2023), all new housing development proposals are required to provide appropriately located charging points for electric bicycles.</p>

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		All new employment, commercial, leisure and retail development, in which cycle/scooter parking is provided, are required to include secure covered cycle parking with charging points.
Policy DS8	Provision and use of renewable energy	<p>New development proposals will be expected to utilise available opportunities to incorporate on-site renewable energy technology subject to overall energy demand being first minimised in line with Policy DS2 of this plan.</p> <p>For existing buildings (residential and commercial) where planning permission is required there is support for proposals that include:</p> <ol style="list-style-type: none"> 1. The retrofitting of heritage assets through measures that result in the overall reduction in overall energy demand and through the incorporation of on-site renewable or low carbon energy technologies, providing the proposal does not harm the significance of the asset and stakeholder engagement takes place with relevant organisations. 2. Refurbishment and extensions that result in an overall reduction in the energy demand of a building, through the incorporation of measures set out in Policy DS2 and through the installation of on-site renewable energy or low carbon technology.
Policy DS9	Community led renewable energy production	<p>Development proposals for renewable energy schemes which are community led or are promoted in partnership with a community organisation and a developer (commercial or non-profit) will be supported.</p> <p>Development proposals for such schemes should be designed to ensure the following:</p> <ol style="list-style-type: none"> 1. To be in keeping with the scale, form and character and or countryside setting; 2. To ensure that the following : including noise, vibration, views and vistas, shadow flicker, water pollution, emissions, do not have an unacceptable impact on the amenities of local residents and the road network; 3. That there is not an unacceptable impact on local biodiversity; 4. Where appropriate, provide natural screening perimeters and new wildlife habitats; 5. That there is no impact on airport safety and operations. 6. Where appropriate, for livestock farming to continue on the land. <p>As technology evolves the renewable energy developments that are no longer in use are to be removed and the site reinstated.</p>
	Economy: Business and Jobs	<p>Aims: To provide new businesses and employment within the Plan Area. In order to expand local employment opportunities. To support new rural businesses in Zone B. To support the regeneration of existing buildings and/or existing business sites.</p> <p>Objectives: To support economic development in the Plan Area. To support a rural economy in the provision of: holiday accommodation, office space and live-work units. To support regeneration of three economic sites within the village. To support regeneration of existing buildings and agricultural buildings in Zone B.</p>
Policy E1	Supporting a rural economy	<p>Proposals for holiday accommodation and businesses classes (E(c) and E(g)(i) in Zone B (Fig 6), excluding Hill Barton Business Park, will be supported where they:</p> <ol style="list-style-type: none"> 1. Are proposed on previously developed land or through the conversion of existing redundant buildings. 2. Are in keeping with the existing scale and form. 3. Are physically located adjacent to or well related to an existing buildings/ dwellings.

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		<p>4. Are consistent with the existing countryside landscape setting; and</p> <p>5. Do not result in adverse impacts to residential amenity, biodiversity or highway safety.</p> <p>Where proposals involve the conversion of existing buildings, this should not entail disproportionate extensions.</p>
Policy E2	Rural economy: live-work units	<p>Developments of live-work units in Zone B (Fig 6) excluding Hill Barton Business Park, will be supported when:</p> <ol style="list-style-type: none"> 1. A live-work unit conforms to the following requirement: The residential element can only be occupied in conjunction with the operation of the dedicated working space. 2. Proposals involve the change of use of an existing building and/or on a brownfield site. 3. Proposals for demolition and/or conversion of existing buildings should not entail substantial building beyond the existing footprint, or disproportionate extensions. <p>Proposals are to meet the following site-specific requirements:</p> <ul style="list-style-type: none"> • To be in keeping with the existing scale, form and their countryside setting. • To be physically located adjacent to, or well related to, existing dwellings, or clusters of dwellings such as Holbrook. • To be of high-quality design to enhance the existing landscape setting, and • Will not result in adverse impacts to residential amenity or highway safety. <p>Proposals for live-work units on greenfield sites are not supported in Zone B.</p>
Policy E3	Opportunities for new and/or improved business development in Zone A (Fig 6)	<p>Development proposals for new businesses and new and/or improved business development will be supported at the following locations:</p> <p>A. Clyst Honiton village locations</p> <ol style="list-style-type: none"> 1. Home Farm Business Park (Site 1 in Figure 26): 2. Exeter Inn Car Par (Site 2 in Figure 26): 3. Old School Business Park (Site 3 in Figure 26): <p>Proposals should:</p> <ol style="list-style-type: none"> a) be in keeping with the scale and form of their setting; b) where applicable, be designed to be in conformity with the existing village character as identified in the Clyst Honiton Village Character Assessment; c) ensure that residential amenity is not adversely impacted; d) provide adequate off-street parking to avoid businesses using on-street parking; e) be designed so that the village road remains a cul-de-sac; f) be designed so that the level and flow of traffic generated does not adversely impact on the safety and operation of the village road and/ or the highway network; g) incorporate mitigation features where necessary to address aircraft related noise and flood risk. h) provide a detailed assessment of flood risk and incorporation of mitigation measures having appropriate regard to flood zones. i) Development proposals for Old School Business Park should seek to retain and reuse the original school building and incorporate this structure's design features into the wider scheme. <p>B. Non village locations</p> <p>Development proposals for new businesses and new and/or improved business development will, in principle, be supported adjacent to the village where:</p> <ol style="list-style-type: none"> i. the proposal is consistent with Strategy 7 in the Local Plan (or its future equivalent); ii. the proposal does not impact the cul-de-sac status of the village road;

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		<ul style="list-style-type: none"> iii. a safe highway access is in place and the local highway network is capable of accommodating the forecast increase in traffic, established by a Traffic Assessment; iv. criteria c, d, f, g and h (above) where appropriate, is met; and v. the development is either: <ul style="list-style-type: none"> o being brought forward in line with the emerging Neighbourhood Development Order or o the proposal is on previously developed land and the proposal would not prejudice the delivery of a future community-meeting space (including the community-meeting space being sought via the emerging Neighbourhood Development Order).
	Housing	<p>Aims: To provide new housing in Clyst Honiton village. To support the provision of affordable houses to meet the local affordable housing need. To enable a more balanced housing stock to enable local people to stay in the parish throughout their lifetime. To support appropriate development outside of the village (Zone B) which supports the rural economy and local needs.</p> <p>Objectives: To allocate one site for up to 9 houses in Clyst Honiton Village. To support development of self-build/custom build houses. To support a 10% self-build and/or custom-build houses on developments bringing forward 30 or more dwellings. To support the provision of the local affordable housing need on-site in Policy SA1 To provide 1 and 2-bed properties for those elderly villagers wishing to downsize and/or for the those needing their first home. To support development of work-live units in Zone B. To support self-build and custom-build houses in Zone B.</p>
Policy SA1	Slate and Tile Site, York Terrace	<p>Land fronting onto York Terrace identified in Figure 39 is allocated for a small development of up to nine dwellings with support for the provision of on-site local affordable housing.</p> <p>Proposals to meet the following site-specific requirements:</p> <ol style="list-style-type: none"> 1. Housing to be 1 and 2 bed properties. 2. Development proposals should incorporate measures that mitigate noise impacts from the road and Exeter Airport to ensure a high level of amenity for residents. 3. A detailed assessment of flood risk and incorporation of mitigation measures having appropriate regard to the proximity of the River Clyst. 4. To be designed to acknowledge the site's key gateway location (Design Code 4). Innovative proposals that deviate from the scale and design of the North Clyst Honiton Character Area will be supported. 5. The provision of "off street location" parking. 6. The provision of safe vehicular, pedestrian and cycle access.
Policy H1	Self – Build and Custom Build Houses.	<p>Development of self and custom-build dwellings will be supported in the following locations:</p> <ol style="list-style-type: none"> 1. On single plots where the dwelling is a conversion of an existing building, and 2. On single plots in which the new build is in scale with surrounding properties and is located within the plot and/or adjoining an existing dwelling. <p>Provision of 10% self-build and custom build dwellings will be required on all residential schemes of 30 houses or more as follows, unless superseded by Local or National requirements: Such provision could be provided through: Serviced plots for self-build and custom build, either on an individual basis or for a duly constituted self-build group (to include a community group)</p>

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		This policy will not apply to Hill Barton Business Park or the emerging Clyst Honiton Neighbourhood Development Order Site.
	Natural Environment	<p>Aims: To protect, develop and extend Local Green Spaces to promote increased activity levels and outdoor opportunities for residents. To retain and enhance the semi-rural, non-urban character of the Clyst Honiton village. To protect and enhance landscape character and biodiversity.</p> <p>Objectives: Safeguard a local space identified in NE3 for public amenity use. To allocate 4 areas in Clyst Honiton Village as Local Green Spaces and to consider new areas. To allocate a green landscaped corridor. For the Parish Field to remain as a space to allow large numbers to gather for community events and field games. To ensure that new development responds positively to Clyst Honiton's existing landscape setting. To ensure that new developments protect and enhance local wildlife habitats. To protect and increase the Plan Area's habitats and wildlife corridors. To ensure a minimum 10% net gain in biodiversity is provided on development plots. For new developments outside of the village to preserve and enhance the rural landscape setting and outlook.</p>
Policy NE1	Landscape and biodiversity	<p>As appropriate to their scale, nature and location development proposals should contribute to a high quality and biodiversity-rich natural environment by demonstrating how the following are addressed:</p> <ol style="list-style-type: none"> 1. Retaining and integrating existing landscape features including hedgerows and banks, trees, watercourses and ponds, which contribute to the visual richness of the landscape and provide important habitat for wildlife. Where the loss of such features is unavoidable, replacement landscaping of at least equal habitat and visual amenity value should be provided. 2. Requiring biodiversity gains of at least 10% on all development (unless exceeded by Local or National policy) and a requirement that developers use the current DEFRA biodiversity net gain metric to calculate the impact of their proposals. Biodiversity gain to extend where appropriate to a gain rather than a loss of woodland canopy. 3. Using locally distinctive landscape and boundary treatments. Preference should be given to native plants species, and where this is not feasible, non-native species of demonstrable biodiversity and habitat value should be used. Use of Devon banks, treed boundaries are supported as the preferred boundary treatments to be in keeping with Zone B and/ or the Clyst Honiton Character Assessment and the Clyst Honiton Design Codes (Appendix 7B). 4. Creating new habitats and enhancing wildlife connectivity. Existing wildlife corridors shall be retained and enhanced, and new wildlife corridors created. The introduction of artificial nesting and roosting sites, such as bird boxes, insect bricks and bat boxes, shall be provided in line with the latest best practice, including BS 42021:20221, and/or as specified in the latest legislation. Habitat creation is to provide permeability for wildlife at ground level within boundary features. New biodiversity enhancements and habitat creation are to be made acceptable to airport safety and operations where appropriate. 5. Responding positively to the surrounding landscape setting, through sensitive design, siting and landscaping. In this regard development proposals located along the village edges, or within the surrounding rural countryside should carefully consider and respond positively to, the unique qualities and characteristics of their immediate landscape setting, as set out within the East Devon and Blackdown Hills 'Landscape Character Assessment' (2019) and the Clyst Lowland Farmlands Devon Landscape Character Area. <p>All major development proposals* should provide details of a landscaping scheme that demonstrates how the scheme responds to the above considerations.</p> <p>* As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015</p>

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
Policy NE2	Green Landscaped Corridor	<p>The land denoted in Figure 47 is safeguarded as a green landscape corridor in order to maintain the landscape setting of Clyst Honiton village, maintain a wildlife corridor and mitigate traffic noise from the A30 carriageway.</p> <p>Other than development requirements associated with maintaining the strategic road network, only minor proposals associated with managing and improving the wildlife corridor will be supported.</p>
Policy NE3	River Clyst Park	<p>The land denoted in Figure 48, is safeguarded as a public amenity space.</p> <p>Proposals relating to the enhancement of the River Clyst Park will be supported, where they provide appropriate:</p> <ol style="list-style-type: none"> 1. Access infrastructures for those walking and using appropriate terrain mobility vehicles. 2. Interpretation/ information boards. 3. Litter bins. 4. Cycle racking. <p>Proposals will need to take into consideration the seasonal community use of this area and the water management role of the flood plain area. Development proposals for will not be supported in the Clyst Valley Regional Park, unless it conforms with Local Plan Policy relating to development in the designated area.</p>
Policy NE4	Local Green Spaces	<p>The following accessible community green spaces in Figure 50, have been demonstrated to be of particular importance to the local community. These sites which are all in Clyst Honiton village have been designated as Local Green Spaces (in accordance with paragraphs 100 and 101 of the NPPF (2021) in Appendix 17:</p> <ol style="list-style-type: none"> 1. The churchyard, adjacent to St Michaels and All Angels Church. 2. The green spaces <ul style="list-style-type: none"> • adjacent to noticeboard and village seat on St Michaels Hill, and • beside the Southwest Water pumping Station. 3. The Parish Field off Village Road. 4. The green verges at the entrance to the village and on both sides of the B3174 in Clyst Honiton village. <p>Inappropriate forms of development within any area of LGS will not be permitted unless justified by very special circumstances.</p>
	Parking and Access	<p>Aims:</p> <p>To improve parking provision for existing and new residents. To improve the public realm of Clyst Honiton Village Road and its junctions. To develop new footpaths, cycle paths and mobility networks for health, leisure and work purposes across the Plan Area.</p> <p>Objectives:</p> <p>To improve parking provision for existing and new residents in Clyst Honiton Village. To support improvements to parking provision provided by the existing businesses in Clyst Honiton Village. To provide specific parking guidelines for the design and development of new businesses in the NP Area. To support the development of active travel charging facilities for all new residential and business developments. To support the develop of infrastructures to change the layout, use and safety of the Village Road for residents. To integrate old and new residential areas in the village with multi-user routes. To support the development of new pedestrian paths/trails within the Plan area. To support and extend the number of multi-user routes linking the NP Area to wider active travel routes.</p>

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
Policy AC1	Parking provision	<p>New non-residential development proposals shall deliver parking arrangements which address the following matters:</p> <ol style="list-style-type: none"> 1. The type and mix of the development. 2. Parking areas are to provide maximum surface permeability. 3. The accessibility of the location. 4. Projected staff and visitor numbers. 5. Off-road space for turning and dropping off by service and delivery vehicles. 6. Disabled parking provision. 7. A covered and secure area for bike storage. 8. A mix of rapid, fast or trickle electric charge points appropriate to the type of development. 9. Identification of likely peak visiting times and associated parking requirements during this period. 10. Conforms to designing out crime in order to provide safe parking whilst not undermining the security of the wider development. <p>Development proposals on existing commercial sites which enable the provision of the following are supported:</p> <ul style="list-style-type: none"> • further onsite parking spaces, and • charging facilities (see 7 above) <p>All residential development proposals to providing parking on surfaces with maximum surface permeability.</p> <p>Opportunities for new development to provide additional off-street parking improvements for Clyst Honiton village residents in locations close to or adjacent to housing will be encouraged and supported where they do not have an unacceptable impact on:</p> <ol style="list-style-type: none"> a) the Village Character Area in which the parking is located, b) residential amenity, c) pedestrian and road safety, and d) flood risk (including local surface water flooding).
Policy AC2	Public realm improvements to Clyst Honiton village road and its road junctions	<p>The following intervention measures along Clyst Honiton village road will be supported where they improve the public realm and/or road safety.</p> <ol style="list-style-type: none"> 1. Safe pedestrian zones. 2. Street furniture and seating areas. 3. Cycle racking. 4. Infrastructure for planting to include trees. 5. Infrastructure to ensure safe vehicular access to and from Ship Lane.
Policy AC3	Active Travel Provision	<p>Development proposals which would provide new and/or would extend and/or improve existing routes for active travel will be supported,</p> <ol style="list-style-type: none"> 1. New Routes (Figures 49 and 55) 2. Clyst Park route No 3 3. NDO site route No 7 4. Orange Meadow route No 9 <p>as well as those linking to:</p> <ol style="list-style-type: none"> 5. Sky Park Fitness Trail 6. Clyst Valley Trail 7. WW2 Fighter Pen 8. Clyst Valley Regional Park

Plan Ref	Topic/ Policy Title	Plan/Policy Wording
		<p>Development proposals that contribute to the creation of new links for non-motorised users to the following network of cycle paths and key destinations in the wider region will be particularly welcome:</p> <ul style="list-style-type: none"> • National Cycle Network Route 2 and Route 34 (Exe Estuary Trail) • Killerton Trail and Ashclyst Forest • Crealy Theme Park and Resort <p>Development proposals should provide appropriate and safe access and should link up with existing networks.</p> <p>Development proposals should be designed to create natural surveillance of routes, and such routes should include sufficient lighting provided by renewable energy to make users feel safe and secure.</p> <p>Development proposals are to consider future opportunities to enhance connectivity to neighbouring sites and should be designed in a manner that facilitates future connections.</p> <p>Development proposals for the provision of cycle and E bike racking will be supported.</p> <p>The loss of existing routes will be resisted unless an appropriate replacement route is provided as part of the development.</p>

Report to: Cabinet



Date of Meeting 1 May 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Exemption to Contract Standing Orders - Strategic Flood Risk Assessment (SFRA) – commissioning Level 2 work

Report summary:

This report advises of appointment of consultants, as an Exemption to Standing Orders, to undertake a Level 2 Strategic Flood Risk Assessment to support the emerging Local Plan. The exemption has been formally signed by the Assistant Director for Planning Strategy and Development Management, Strategic Lead – Finance and Strategic Lead – Governance and Licensing

In response to a brief issued in 2022 the Council appointed JBA Consulting to undertake a Strategic Flood Risk Assessment (SFRA). SFRA's are needed to support local plan production and in the first instance the appointment was at what is defined as being for Level 1 work. At this first level the assessment work gives a broad overview of flooding concerns but does not consider site specific considerations where/if there may be more nuanced concerns.

Site specific matters become relevant, if through a local plan, we are considering the allocation of sites for development where there may be flooding concerns. We are at this position and as such there is the need for Level 2 work. This Level 2 work will inform on the acceptability, or otherwise, of such allocations and any relevant mitigation needed. The brief for the Level 1 work touched on the potential, subject to outputs, of the possible need for commissioning Level 2 work.

The consultants that have completed the Level 1 work have been very competent and have produced high quality work in a timely manner. They have built up a substantial body of understanding and evidence about relevant flooding matters and the sites that need investigating. We do not believe that any other company could compete financially with the Level 1 consultants. We have trust in the quality of their work and they can progress now without time delays. Appointment was therefore made as an Exemption to Standing Orders and this report notifies of the fact.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet notes that Exemption to Standing Orders have been approved in accordance with the Council's Contract Standing Orders Rule 3.2 in respect of the appointment of JBA Consulting to undertake a Level 2 Strategic Flood Risk Assessment.

Reason for recommendation:

To notify Cabinet that an Exemption to Contract Standing Orders has been granted.

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change High Impact

Risk: Medium Risk;

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Financial implications:

The request is within existing budget approval.

Legal implications:

There are no legal implications requiring comment.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

Document is Restricted