

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 6 August 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.05 pm. The meeting was briefly adjourned at 11.15 am and reconvened at 11.25 am.

119 Minutes of the previous meeting

The minutes of the Strategic Planning Committee meeting held on 15 July 2024 were confirmed as a true record.

120 Declarations of interest

Minute 124. Devon Housing Commission Report.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council as the Town Clerk.

Minute 125. Infrastructure Funding Statement.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council as the Town Clerk.

Minute 126. Implications of the proposed reforms to the National Planning Policy Framework on the Local Plan Work Programme.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council as the Town Clerk.

121 Public speaking

Mr Persey, who had previously attended a Strategic Planning Committee meeting in October about the need for affordable rural housing, urged Members to consider whether the 5,109 families on the East Devon District Council housing waiting list could be used to identify the need for rural exception sites without the requirement for parish councils to complete a housing needs survey as only 3 parishes in East Devon had completed this survey in the last two years.

To further highlight this need it was reported that the Devon Housing Commission had emphasised the need for more rural housing and since the general election the new administration has stated 'there must be more affordable housing'.

Mr Persey suggested that East Devon District Council did not want affordable housing and referred to a pre application enquiry for 12 affordable homes in Dulford that had been refused. He emphasised the importance that East Devon needed affordable housing and referred to the Rt Hon Angela Rayner MP's letter dated 30 July sent to all local authorities which stated that it was councils responsibility to deliver affordable and social housing.

The Chair thanked Mr Persey for his comments and advised that rural affordable housing would always be considered if it was in an appropriate location and appropriately evidenced. He advised Committee Members that the rural exception sites policy for the emerging Local Plan would be considered later in the Autumn.

122 **Matters of urgency**

There was one matter of urgency discussed under item 9 on the agenda (Minute 126).

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

There were no confidential/exempt items.

124 **Devon Housing Commission Report**

The report presented to committee drew Members attention to the recently published report of the Devon Housing Commission which addressed the housing crisis in Devon. Members were asked to consider the findings and recommendations on the planning matters contained in the report which would be discussed in detail at a future Cabinet meeting.

The Assistant Director – Planning Strategy and Development Management provided a brief summary of the main findings. These included:

- Recommendation for local authorities be given greater discretion to call in any significant development using permitted rights.
- Recommendation that central government should permit the imposition of a stricter timetable for action where planning consent is granted but development has stalled.
- Recommendation that central government should permit local planning authorities to recover the full cost of processing planning applications from developers.
- Recommendation to explore the opportunities for a county-wide system of appointing and promoting planning staff to assist in the recruitment and retention of planning staff.

Prior to debate Members sought clarification on the following questions:

- In response to a question about whether parish councils would need to complete a Housing Needs Survey it was advised that if parish councils were wanting to achieve rural exception sites then the survey would be required under current policy.
- Clarification was sought on one of the other planning recommendations relating to the viability of land. The Assistant Director – Planning Strategy and Development Management advised that as local authorities do not have control on the price of land they could only make developers aware of the council's requirements from the offset to ensure that the provision of affordable housing is non-negotiable.
- Support was expressed for Recommendation 8.1 and clarification was sought on the staffing position of the Planning Department. The Assistant Director – Planning Strategy and Development Management confirmed the team was currently well resourced which included one apprentice and a planning graduate starting in September via the pathways to planning programme.
- Clarification was sought on the ratio figure for affordable housing and whether this was across the district. The council's planning obligations were intended to be a 70% - 30% split in favour of social rented properties but this has been skewed in recent years by first homes requirements by government. Members were advised that this would be looked at again for the new Local Plan in October.
- Clarification was sought on the difference between the housing list figures and the planning need figures. The Assistant Director – Planning Strategy and

Development Management was not able to provide a full answer to this question but said that he understood that the housing list was simply a record of those currently claiming to be in housing need whereas the planning figures are future projections of overall need.

- With regard to the proposed changes to the NPPF will there be an opportunity to revisit the hierarchy of settlements? It was advised that as this had already been looked at twice and had now been agreed it would not be revisited unless there were marked changes. This was currently being looked into and if required a report would be brought back to Members in October.
- Why is the Devon Wide Development Corporation not featured in this report. The Assistant Director – Planning Strategy and Development Management acknowledged that although this was featured in the Devon Housing Commission Report it was better suited for a wider discussion at Cabinet because it was more about the delivery.

Discussions covered:

- A concern was raised about the recommendation for a county-wide planning system as the good work achieved by East Devon's Planning Department would be lost.
- A concern was raised to the response to Recommendation 8.4. It was suggested that developers should start to pay council tax/business rates after 3 or 5 years if the development has been stalled. Developers should not be allowed to squirrel away planning permissions.
- Support for strategic planning for the whole county to achieve better infrastructure.
- This makes depressing reading for families in private rented accommodation – changes are needed in East Devon and there is a need to consider building upwards.
- More social housing is needed as there are a lot of families in temporary accommodation.
- It was suggested to write to the government and copying in the Devon Housing Commission to address the concerns raised by Members.
- It was suggested for the Devon Housing Commission Report to be published on the council's website to highlight to the public what the challenges are that the council faced.

Councillor Dan Ledger proposed the recommendation which was seconded by Councillor Mike Howe with a request to include the following recommendation in relation to Recommendation 8.4.

'Government should look to make changes to the legislation of council tax/business rates on sites that have made a start and not completed after 3 or 5 years or to allow the developer/landowner to rescind their planning application to avoid these charges and stopping the fallback position.'

In response the Assistant Director – Planning Strategy and Development Management acknowledged the concerns raised but advised it was not a planning matter but a change to the Business Rates Regulations but said he was happy for a letter to be sent to government if this is what members wished. It was highlighted that a report would be going to Cabinet on the wider Commission Report which may include further recommendations to write to government so the Assistant Director – Planning Strategy and Development Management suggested that the Leader should write to government in relation to Recommendation 8.4.

RESOLVED:

That the findings and recommendations of the Devon Housing Commission and officer's comments on them be noted and utilised as evidence for the production of the new Local Plan.

RECOMMENDATION TO CABINET:

That Strategic Planning Committee recommend to Cabinet that they ask the Government to consider making legislative changes to incentivise developers to bring forward sites with planning permission.

125 **Infrastructure Funding Statement**

The Assistant Director – Planning Strategy and Development Management presented the report outlining the annual Community Infrastructure Levy (CIL) and Section 106 income (S106) and expenditure figures for the previous financial year 2022/23. It was explained that due to staff resourcing issues it had not been possible to produce the annual statement to the required timetable and that a more detailed and helpful report would be produced for the next financial year for members consideration.

Questions and discussions included:

- A concern was raised about the £10m unspent CIL and S106 money and the need to get the money out to communities and to start the process as a matter of urgency. In response it was explained that staff resourcing issues had been the main problem which had now been resolved and that the CIL Member Working Group had recently met to discuss the spend process.
- It was suggested that a time limit should be put on successful projects.
- Clarification was sought on the bidding process. The Assistant Director – Planning Strategy and Development Management explained that bids would be invited via a bidding form from the main strategic infrastructure providers in the district which would then be reviewed by the CIL Member Working Party and a final decision of the projects to be funded would be made by Strategic Planning Committee Members by the end of this calendar year.

Councillor Jess Bailey proposed an additional recommendation as follows:

That the Strategic Planning Committee notes that EDDC hold circa £10m in CIL and S106 monies and urges the Cabinet to finalise the bidding process for these funds as soon as possible

The Chair, Councillor Todd Olive, the proposer of the written recommendations sought guidance from the Assistant Director – Planning Strategy and Development Management that he was happy with the additional recommendation. He advised that he was happy but that the CIL Member Working Party would be better suited rather than Cabinet.

Councillor Dan Ledger proposed the following further recommendation to Cabinet:

That any future interest receipts from CIL monies received is ring fenced for the purpose of infrastructure funding and it should not be put in the council's general fund.

Following a suggestion from Councillor Paul Hayward to also include Section 106 monies in the recommendation the proposer, Councillor Todd Olive proposed the following wording.

Recommend that Cabinet examine the case for ring fencing all future interest receipts from CIL and S106 monies to be spent on infrastructure within East Devon.

RESOLVED:

1. That the contents of this report and the requirement to provide an annual Infrastructure Funding Statement be noted.
2. That the publication and submission to government of the 2022/23 annual Infrastructure Funding Statement based on the information detailed in this report be approved.
3. To note that EDDC holds circa £10m CIL and S106 monies and recommends that the CIL Working Party progress the spending as a matter of urgency.

RECOMMENDED TO CABINET:

That Strategic Planning Committee recommend to Cabinet to examine the case for ring fencing all future interest receipts from CIL and S106 monies to be spent on infrastructure within East Devon.

126

Implications of the proposed reforms to the National Planning Policy Framework on the Local Plan Work Programme

The report presented to the committee provided a number of key changes in the government's consultation to the new National Planning Policy Framework (NPPF) which would have a direct impact on the production of East Devon's Local Plan.

These changes would include:

- the change to the calculation of the housing requirement figures which would increase the housing requirement figure for East Devon from 893 homes per annum to 1,146 homes per annum.
- reintroducing a 5% buffer for the purposes of demonstrating a 5-year housing land supply.
- The withdrawal of a 4-year land supply requirement.

The Assistant Director – Planning Strategy and Development Management advised in light of these changes Members had two options to consider with regard to progressing the Local Plan.

1. Seek to publish a publication version of the plan within 1 month of publication of the revised NPPF and ensure that the plan provides for at least 946 homes per annum plus headroom. In these circumstances the plan would be examined against the December 2023 version of the NPPF and not the new version.
1. Pursue a new Local Plan in accordance with the new NPPF and in so doing comply with the new standard method requirement of at least 1,146 homes per annum plus the required 5% buffer and any headroom. Under the consultation the plan would need to be submitted for examination no more than 18 months after the publication of the revised NPPF.

Members noted that officer's preference was for option 1 and to progress with the Local Plan as soon as possible.

Questions and discussion included:

- The Chair sought clarification from the Assistant Director – Planning Strategy and Development Management about whether options 1 and 2 were viable options. In response it was confirmed that option 1 was still an option but that it was very

unlikely that option 2 could be achieved. The Assistant Director – Planning Strategy and Development Management advised that officers were very concerned about the increase in housing numbers and that there would be significant challenges ahead to meet these numbers.

- Clarification was sought on Green Wedges and whether these will be affected with the new NPPF. Members will need to consider allocating numbers in the less sensitive areas which will be a challenge to prevent settlement coalescence.
- Support was expressed for option 1 and to get the Local Plan finished as quickly as possible.
- Clarification was sought on which NPPF the council should follow. It was advised that work should continue in line with the December publication of the NPPF unless and until any proposed reforms had been incorporated into the NPPF. Although, members should be mindful of the proposed reforms.

RESOLVED:

That Strategic Planning Committee agreed to progress plan production under the previously agreed timetable with the intention of publishing a Regulation 19 within 1 month of publication of the new NPPF. The plan to be based on a housing requirement of at least 946 homes per year in order to benefit from the transitional arrangements proposed within the 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' consultation document.

Attendance List

Councillors present:

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

Councillors also present (for some or all the meeting)

I Barlow
R Collins
P Faithfull

Officers in attendance:

Wendy Harris, Democratic Services Officer
Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor

Councillor apologies:

O Davey

B Ingham

Chairman

Date: