

EAST DEVON DISTRICT COUNCIL

Minutes of the consultative meeting of Strategic Planning Committee held Online via the zoom app on 4 October 2022

Attendance list at end of document

The meeting started at 9.31 am and ended at 12.48 pm. The meeting was briefly adjourned at 11.00 am and reconvened at 11.10 am.

36 Public speaking

The following statement was read out on behalf of Paul Smith, a resident of Cranbrook: I would like to draw Committee's attention to paragraph 25 of the Planning Inspectors Final Report relating to the draught Cranbrook Plan, which I believe raises questions in respect of unaddressed environmental and potential legal issues relating to the future development of Cranbrook.

25. The Council produced their Habitats Regulations Assessment (HRA) and Appropriate Assessment Report (AA) in February 2019 [Cran020]. The Plan area is close to the Pebblebed Heaths and Exe Estuary where designations include SSSI; Special Area of Conservation (SAC); SPA; and in the case of the Exe Estuary, RAMSAR sites. The report considers the Cranbrook development and its effects on these European protected sites. Residential development schemes which are in close proximity shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect upon them.

Over a considerable period members of this Committee & Cabinet have repeatedly, highlighted sewage pollutions issues, which at times of extreme weather event have negatively impacted upon the residents of Whimble, Clyst Honiton and Clyst St Mary. Verified reports of raw sewage flooding in village streets at Whimble. Dead fish seen floating in a mixture of sewage and storm water at Clyst Honiton towards the Exe Estuary, before finally arriving at Clyst St Mary. There in addition to street flooding, household toilets have been rendered unusable for up to 2 days duration. The adverse impact upon the Statutory Protected Exe Estuary wetlands, habitats, and wildlife remains unstated.

Latest data from SWW for 2021 indicates 12 occasions when raw sewage was released from the Clyst Honiton pumping station over a duration of 104.93 hours. This data confirms a 30%+ increase on 2020. The Met Office warns of future likelihood of a 7 fold increase in extreme weather events.

SWW acknowledges that climate change leading to more extreme weather events will further increase the sewage pollution problem in the areas mentioned. A resolution is further complicated due to current agricultural and land management practices which account for more than 40% of all pollutants entering the river watercourse. The Company states that without huge infrastructure investment and major disruption, there is no option, but for continued 'storm water release'.

Whilst Cranbrook planners and developers are to be commended for measures already introduced to manage surface water run offs, the situation remains that any additional development, as highlighted by the pending Treasbeare proposal for 1000+ homes will result in substantial daily additional domestic sewage entering a system which SWW has already acknowledged is not fit for purpose.

Further SWW data for 2021 indicates that the main sewage treatment works at Countess Wear, which services Cranbrook and surrounding communities, also released storm water on 72 combined occasions over a period of 230hrs +. An indication of capacity overwhelmed?

Plans for an additional sewage treatment works near to Mosshayne have not been progressed by SWW. Future growth at Cranbrook is indicated to involve some 4000 additional homes. Questions:-

1. Should Councillors recommend approval of the Cranbrook Plan in the light of knowledge that the sewage system to which new homes/businesses will be connected is unfit for purpose and any additional development will only exacerbate neighbouring communities sewage problems?
2. Is there an individual or Corporate liability associated with granting approval of the Plan should it be later confirmed that damaging pollution has occurred to wetlands, habitat and wildlife currently protected by Statutory Instrument.?

37 **Declarations of interest**

Minute 40. Cranbrook Plan Development Plan Document - Inspector's report and proposed plan adoption.

Councillor Kevin Blakey, Affects Non-registerable Interest, As a Cranbrook Town Councillor this could affect the finances of the town council.

Minute 40. Cranbrook Plan Development Plan Document - Inspector's report and proposed plan adoption.

Councillor Sarah Chamberlain, Disclosable Pecuniary Interest, Lives on the border of the expansion zone of the Cranbrook Development Plan. Advised she would leave the meeting for this item and would not take part in discussions or vote.

Minute 40. Cranbrook Plan Development Plan Document – Inspector's report and proposed plan adoption.

Councillor Mike Howe, For information, Ward Member representing Clyst St Mary which is affected by the sewage outflow into the streets from Cranbrook

Non-Committee Member

Minute 40. Cranbrook Plan Development Plan Document - Inspector's report and proposed plan adoption.

Councillor Kim Bloxham, Affects Non-registerable Interest, As a Cranbrook Town Councillor this could affect the finances of the town council.

38 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

40 **Cranbrook Plan Development Plan Document - Inspector's report and proposed plan adoption**

The Committee considered and discussed the report presented by the Service Lead – Planning Strategy and Development Management that updated Members on the viability of the Cranbrook Plan that the Planning Inspector had found sound subject to a number of modifications outlined in the report.

Members noted the legal and procedural considerations for adoption in paragraph 4 detailing the following three options:

- a) To accept the Inspector's recommendations and to adopt the Cranbrook Plan with main modifications incorporated
- b) To accept the Inspector's recommendations and to adopt the Cranbrook Plan with main modifications and additional modifications incorporated;
- c) To withdraw the Cranbrook Plan and not adopt it.

Given this information, the Service Lead – Planning Strategy and Development Management sought Members endorsement of the Cranbrook Plan subject to the modifications and to recommend adoption by Council.

Discussion on the Cranbrook Plan included:

- At the last Strategic Planning Committee meeting there were comments in relation to the expansion of Feniton and Whimple and how this would affect Coleridge Medical Centre which is already full to capacity. As part of Cranbrook is in the catchment area of Ottery St Mary clarification was sought about how the existing infrastructure would support this. The Service Lead – Planning Strategy and Development Management acknowledged there were short time issues and advised there were plans to deliver the health and wellbeing centre and other medical facilities in Cranbrook and officers had set up a working group with the NHS, CCG and other stakeholders to ensure delivery of these facilities;
- Councillor Bloxham, Ward Member for Cranbrook, advised that the Cranbrook Plan had been a long time in development and has been found sound by the Inspector. It might not be perfect, it may not contain everything that we all wanted, but it is a plan which delivers on the key elements which will see the town grow to around 8,000 homes. Cranbrook is central to the delivery of homes in East Devon delivering between 50% – 60% of strategic development in the current local plan and urged Members to recommend to Council that the Cranbrook Plan be adopted;
- There will be implications if the plan is adopted. South West Water need to take responsibility and develop a new pumping station to take the additional load.

During discussions the following motion was proposed by Councillor Mike Allen:

'Recommend approval of the Cranbrook Plan subject to further discussion on infrastructure with South West Water'.

Councillor Mike Howe supported and seconded the motion advising that these issues need to be addressed along with the adoption of the plan. He referred to Mr Smith's statement where he addressed the use of portaloo's and said South West Water are to blame and it needs to be sorted.

The Chair sought legal advice on the outcome if the motion was supported. In response the Service Lead – Planning Strategy and Development Management advised that South West Water had been consulted with throughout the examination process and they had

not raised any objections. He acknowledged the issue did need to get resolved but emphasised delaying the adoption of the Plan would not resolve these issues and highlighted that the planning process could not fund South West Water and suggested that Members move to adoption of the Plan and continue ongoing discussions with South West Water about their infrastructure. The Strategic Lead – Governance and Licensing reiterated the Service Lead – Planning Strategy and Development Management's advice that the Plan had been found sound and that guidance was very clear that Members should move to adoption.

Councillor Allen with the agreement of Councillor Howe withdrew the recommendation. Councillor Allen advised it was not his intention to block the Cranbrook Plan but to acknowledge that South West Water was not doing its job and proposed the following motion with the agreement of Councillor Mike Howe and with assistance from Mr Hunter, Planning Solicitor and Strategic Lead – Governance & Licensing:

'Strategic Planning Committee expresses serious concerns about the issue of South West Water infrastructure and there is a clear expectation that East Devon District Council with Exeter City Council and Teignbridge District Council will work with South West Water to obtain confirmation that any applications coming forward as part of the Cranbrook Plan DPD will be able to deal with waste water from environmental and sustainability grounds.'

Councillor Geoff Jung, Portfolio Holder for Coast, Countryside and Environment advised he had been involved in a lot of discussions with the Service Lead – Planning Strategy and Development Management and South West Water about the issues with sewage and said he agreed with the Service Lead – Planning Strategy and Development Management that South West Water had been a consultee throughout the Cranbrook Plan process and as no objections had been received Members need to endorse the Plan. South West Water are aware of the issues, in particular the pumping station at Countess Weir which cannot expand due to the SSSI and that they have identified a further pumping station would be required to counteract the issues currently being experienced with Teignbridge, Exeter and East Devon.

Councillor Kevin Blakey, seconded by Councillor Olly Davey proposed the recommendations as written in the report and were happy to include the third recommendation proposed by Councillor Allen and seconded by Councillor Howe. The proposer, Councillor Blakey acknowledged that a lot of valid points had been made throughout the meeting and agreed that South West Water's performance was beyond woeful but the council was not in a position to tell them what they needed to do. It was a matter for Members, MPs, and other authorities to lobby South West Water to take responsibility.

Strategic Planning Committee were happy to note the final report of the Planning Inspector on the examination of the Cranbrook Plan.

RECOMMENDATION:

That Strategic Planning Committee expresses serious concerns about the issue of South West Water infrastructure and there is a clear expectation that East Devon District Council with Exeter City Council and Teignbridge District Council will work with South West Water to obtain confirmation that any applications coming forward as part of the Cranbrook DPD will be able to deal with waste water from environmental and sustainability grounds.

RECOMMENDATION TO COUNCIL:

That the Cranbrook Plan incorporating the proposed main modifications, minor additional modifications and the changes to the Cranbrook Plan policies may be adopted by Council.

41 **Housing Monitoring update to year ending 31 March 2022**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report outlining the latest monitoring figures on housing completions and projections to year ending March 2022 and addressed the implications of the declining five year land supply which is now an annual requirement, under the Government’s standard method of 946 homes per year which had a consequence to the council’s supply position.

Members noted the housing net completions summarised in the table on paragraph 2.2 of the report that showed a relatively good supply figure running from 2017/18 to 2021/22 even during the Covid-19. They also noted that the projected housing completions in the table at paragraph 2.4 had dropped in 2025 to 2026 to 745 and 2026 to 2027 to 655 which was significantly below the 946 homes required which shows at present the council cannot show a five year land supply, which already takes into account the 5% buffer. The current position shows a position of 4.68 years.

The Service Lead – Planning Strategy and Development Management addressed the consequences for not having a five year land supply and Members noted in effect it meant that development constraint policies such as built-up area boundaries can no longer carry full weight and that applications that are outside of these areas and are not compliant with the Local Plan should be approved if they constitute sustainable development. This would leave some settlements vulnerable, particularly the western part of the district. Members also noted that the updated NPPF now takes into account the role of the neighbourhood plans which if made two years ago or less could carry significant weight and effectively protect the council’s position for bolstering the supply chain.

Comments during discussion included:

- Well done to the Service Lead – Planning Strategy and Development Management and Team keeping to the housing supply numbers. It has been a challenge.
- Clarification sought on the figures in the projected housing completion table in paragraph 2.4 when they are so far ahead of time. In response the Service Lead – Planning Strategy and Development Management advised the figures were based on what had been granted alongside information from the developers about what is likely to come forward.
- A suggestion was made in relation to the figure for the completion of properties to refer to the Building Regulations Department for the figures. It was advised this would not be a reliable source due to operating in a competitive market with approved inspectors.
- Reference was made to paragraph 7 jobs and employment land monitoring and clarification sought about when this would be delivered. In response the Service Lead – Planning Strategy and Development Management advised that all resources were currently focussed on the Local Plan but when it goes out to consultation officers would commit to producing a employment land monitoring report;

- Clarification was sought about what protection the council would have for not having a five year land supply. The Service Lead – Planning Strategy and Development Management referred Members to paragraph 5 of the report and the presumption in favour of sustainable development.

In conclusion, Members noted the following:

1. The Housing Land supply position and its implications.
2. The residential dwellings completion data and future projections for the district.
3. The Housing Monitoring Update will be published on the Council's website.

42 **Draft Local Plan 2020 - 2040 Consultation Strategy**

The Committee considered the Service Lead – Planning Strategy and Development Management's report outlining how officers envisaged to consult on the draft Local Plan in October 2022. The approach would be to seek engagement with all age groups within the community through a new consultation software called Commonplace. In addition it was envisaged other communication channels would be considered through all social media channels, schools and colleges, newsletters, press releases, EDDC website, posters and billboards and be fully accessible on mobile devices.

Members noted the ideas presented in the report and made further suggestions which included:

- A suggestion was made that each major town should be provided with a copy of the draft Local Plan to comment on. In response the Service Lead – Planning Strategy and Development Management advised that paper copies could be provided to libraries and town halls;
- A suggestion was made for drop in sessions. In response the Service Lead – Planning Strategy and Development Management highlighted the implications of this suggestion and officer resourcing issues. He offered to bring a report to the 1st November meeting setting out these issues and the potential options for face to face engagement on the Local Plan consultation;
- Some younger people prefer face to face which would encourage them to attend and to comment;
- Concerns raised about digitally excluding the older population;
- Hard copies need to be made available at town and parish councils;
- There was a need to be flexible in the way the public comment – not to exclude people;
- Need to be mindful that most towns are not getting development. Focus should go to the settlements with the most development such as Whimple and Feniton;
- Need to be mindful not to overload officers and a suggestion was made for councillor to attend drop in sessions. The Service Lead – Planning Strategy and Development Management advised he was happy to provide large scale maps if members wanted to host with the assistance of a prepared FAQ sheet.

The recommendation as written was proposed by the Chair.

RECOMMENDATION:

That the proposed consultation methods set out in the report form the basis of engagement for the Draft Local Plan Consultation be agreed.

Attendance List

Councillors present:

P Arnott (Chair)
O Davey (Vice-Chair)
M Allen
K Blakey
S Chamberlain
M Howe
B Ingham
R Lawrence
A Moulding
G Pratt
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

K Bloxham
M Chapman
P Faithfull
G Jung
J Kemp
P Millar
J Rowland

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Debbie Meakin, Democratic Services Officer

Councillor apologies:

J Bailey
P Hayward
D Ledger

Chairman

Date: