

Complaints from Councillors and residents about the current processes in the Local Plan consultation

1. The Assessment of Need for housing and industrial land: HELAAA procedure guidance was not followed:

The assessment needs to be undertaken and regularly reviewed working with other local planning authorities in the relevant housing market area or functional economic market area, in line with the [duty to cooperate](#) and need to maintain statements of common ground.

It is also important to involve land owners and promoters; local property agents; developers; local communities; Local Enterprise Partnerships; businesses and their local representative organisations; parish and town councils and neighbourhood forums preparing [neighbourhood plans](#).

NPPF Paragraph: 007 Reference ID: 3-007-20190722

Revision date: 22 07 2019

From the evidence base published by EDDC the attendees of the various HELAAA panels were mainly Officers and Developers where, apart from key Cabinet Members, other Councillors from EDDC, Town and Parish Councillors and members of the public were not involved. This resulted in further problems where representations to the subsequent Strategic Planning Committee had inadequate representations from those legal entities and failed to involve AONB representation (covering 2/3 of the area) or Environment Agency, Devon CC or other Partner comments, In particular the Health, education and road junction capacity problems of the area were not taken into account, as surfaced from many comments in the Consultation

Neighbourhood Plans

Councils have been involved for many years drawing up detailed Neighbourhood Plans which appear to have been sidelined in the allocation of land. Neighbourhood Plans are proposed to have status for 5 years, not 2 years stated before. After all their hard work this glancing reference found in the proposed document did not clarify where deviations from these Neighbourhood Plans was intended,

Missing evidence in the Consultation

The allocations of new housing and industrial land, and the policies in the plan were put forward although there was:

1. a pending economic needs assessment (EDNA),
2. a pending water cycle study,
3. inadequate assessment of infrastructure needed
4. no transport policy update and
5. no environmental impact reports

Evidence of type of housing type needed was inadequately included

In the ORS study commissioned in 2020-21 by the EDDC there was considerable work done to define the householder characteristics and needs which particularly affected young buyers and those with health issues.

The Government's reform of Health and Adult Social Care is underpinned by a principle of sustaining people at home for as long as possible. This was reflected in the changes to building regulations relating to adaptations and wheelchair accessible homes that were published in the Building Regulations 2010 Approved Document Part M: Access to and use of buildings. 33. Three standards are covered:

M4(1) Category 1: Visitable dwellings – Mandatory, broadly about accessibility to ALL properties

M4(2) Category 2: Accessible and adaptable dwellings – Optional, similar to Lifetime Homes

M4(3) Category 3: Wheelchair user dwellings – Optional, equivalent to wheelchair accessible standard.

Based on need identified in 2020 and their household projections, ORS recommended the future need for adapted housing (M4[2] and M4[3]) based on the projected household growth and the changing demographics of the area. An additional 12,959 households either needing adaptations to their existing housing or suitable new housing needed to be provided by 2040.

However, not all households would want to move to new housing – some will adapt their current homes and others will move to another dwelling in the existing stock.

Based on the housing mix in East Devon, ORS stated that it is likely that around 76% will live in dwellings that could be converted to meet the M4(1) standard. On this basis, they suggested that at least 30% of the need for adapted housing could not be met by adaptation of existing homes; a total of 5,119 households but the proposed plan did not include any such recommendations thus rendering it in breach of Government guidelines for sustainable homes suitable for the population

2 Inadequate design criteria

Despite repeated attempts by members of the Strategic Planning Committee the design of housing was not specified in an adequate way to ensure that conformity with the NPPF and government's intent for "**Building beautiful and refusing ugliness**" by requiring every local planning authority to create an area design code in order to set "clear minimum standards on development".

3 Housing need and a new town

The NPPF changes proposed by the Secretary of State mean that the 20% extra contingency amount, or buffer, built into housing numbers will no longer need to be adhered to. If this was the case, and with no other factors, the proposed identified target of 940 homes per year would be greatly decreased and the need for an extra town be eliminated. In view of the £million cost of assessing such a development required by the Strategic Planning team it would be sensible to await clarification on this issue before further progress is made.

4 Inadequate aspects of the Consultation processes

4.1 Software system The EDDC put great store in the use of a software system to be used on a website to gather consultation feedback. A report accompanies this submission showing that this system was deficient in two ways, Usability was cumbersome and obtuse and secondly the questions posed were restrictive and for example there was no option to reject the concept of the new town suggested.

4.2 Town meetings The people of East Devon were reluctantly consulted by town meetings after pressure at the Strategic Planning Committee but feedback from those meetings showed that Officer responses to questions was varied and staffed inadequately at some meetings where attendance was in hundreds. Feedback collected at those meetings was via slips of paper which did not attribute comments to any one individual because the paperwork did not call for it and such small slips of paper did not allow extensive input. Attendees were told that Officers were unsure how this feedback would be processed.

4.3 Availability of evidence The consultation respondents were expected to look through hundreds of pages of evidence online or to crowd around the one or two copies provided in paper form at these Town meetings. Some Ward Members became so concerned at the inadequacy of these official meetings that they supported other meetings with community groups who organised independent meetings.

The Leader of Council stated that he was pleased with an unsurpassed transparent process for this council on the draft Local Plan. He mentioned the need for feedback. We need to take the brickbats and the arguments for and against. "That is democracy. As I have done publicly on many occasions now, I urge people to respond"

Councillor Gardner has opposed the Chair of Scrutiny convening a meeting to examine the Consultation process.

Proposals on Local Plan Procedures Scrutiny 2nd February 2017

The Service Lead for Planning Strategy and Development Management updated the committee on discussions held with the Planning Advisory Service (PAS) on their availability to undertake a review of the production process of the Local Plan. A review of the production process has been on the forward plan of the committee for some time. The proposal from PAS for undertaking the review gave an opportunity for an independent body with experience in this line of work to report back to the committee for comment and recommendations to Cabinet. The broad outline of the proposal was set out in the report, covering 10 days work at £600 per day, plus expenses and VAT. An exemption to standing orders request will have to be submitted for the work, as there is no allocation in the budget. The committee was asked to provide detailed instructions of any specific issues in respect of the review that they would like PAS to consider if they felt this course of action should proceed. In discussion,

the committee debated:

- An opportunity for an independent body to review the process and provide recommendations on future plan production;
- The PAS was a respected body and had undertaken such work before for another authority – although with differences in local plans, those recommendations would not necessarily apply to the Council directly;
- The recommendations that may result from the review could relate in part to the Greater Exeter Strategic Plan (GESP) but as this was now a different model of plan, it was possible that the recommendations by the PAS would not be relevant to the GESP; Scrutiny Committee 02 February 2017 26

- The governance arrangements for the GESP were set out and were recommended by the Strategic Planning Committee at their meeting on the 17 January 2017;
- Suggestions were put forward for specific detail for the PAS to consider relating to the Strategic Housing Land Availability Assessment (SHLAA) being communicated to land owners; and how errors in calculations were handled in the process;
- No current budget provision made for this work; a suggestion was made to start on staff travel cost review which would provide adequate budget to cover this work;
- A number of changes had occurred since the production of the plan, including the GESP and the change from SHLAA to Housing and Employment Land Availability Assessment (HELAA); and clearer guidance had evolved on the legislation;
- There was a risk that undertaking the review would produce recommendations that could not be used because of the change of how such plans were produced in the future;
- The cost was a relatively small amount and would help to clarify a number of issues. The Chairman proposed that the review of the Local Plan production process be undertaken by PAS. The proposal was put to the vote and lost.

Representation over Sidford Scrutiny July 6th 2016

Inclusion of land at Sidford Comments were made briefly on the inclusion and Cllr Rixson outlined, as at previous meetings, her dismay at the inclusion in the Plan. The Vice Chairman reminded the committee that the Plan was now adopted following independent examination by the Inspector and there were no options open to the committee to pursue it further.

RECOMMENDED to Cabinet 1. that consideration be given to refreshing the Exmouth Masterplan, with a view to a proposal for that work being put before them in the autumn of 2016;

2. that consideration be given, for the purposes of greater transparency, to the Exmouth Regeneration Board being constituted in a similar format to the current Asset Management Forum, whereby the Board meetings are held in public with a private session for dealing with confidential/commercially sensitive information as required; and that new Regeneration Boards be constituted in the same format;

3. that consideration be given to the issue of press statements on the meetings of the Exmouth Regeneration Board for circulation to appropriate bodies such as Exmouth Town Council;

4. that consideration be given to the creation of a consultation policy to replace the existing guide;

5. that planned service and/or fees and charges changes must include relevant Ward members and town and parish councils at the earliest opportunity. RESOLVED that no further action be taken by the committee on the consultation undertaken on the Local Plan, specifically in relation to the site allocation at Sidford.

Boundary changes reviewed at Scrutiny February 2016

Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB) Representatives of Chardstock Parish

Council had previously asked members to undertake a review of the decision to include Chardstock and Dunkeswell in the list of settlements (within the Local Plan) with a BUAB. The Committee had

agreed that this review would take place when the Local Plan had been adopted. The matter was now brought back for the Committee to consider the scope of the proposed review. The Chairman and Principal Solicitor reminded Members that the review was about the process and not the decision itself or the content of the Local Plan. A draft scope had been included within the agenda papers, together with relevant support details as background, for consideration by the Committee. Councillor Dean Barrow, Vice Chairman of the Audit and Governance Committee advised that SWAP (internal audit – South West Audit Partnership) was to undertake a 20-day review of the Local Plan process – its report would include lessons learnt. He wondered if the Scrutiny Committee’s review of the decision process in respect of Dunkeswell and Chardstock would be a duplication and suggested the Committee delay the review until the SWAP report was made available. However, the Committee felt that they were committed to undertaking the review without further delay. The scope of the review would help to ensure that mistakes were not repeated in the future; this was an important role of the Scrutiny Committee. RESOLVED: that the proposed review scope be agreed subject to: – the background paper timeline including the date of the public hearing when the Inspector heard the contributions from Chardstock and Councillor Ben Ingham, – the consultees be increased to include the former Dunkeswell ward member, Bob Buxton, Councillor Andrew Moulding (who addressed Council on the issue).

Consultation issues debated Scrutiny Committee 10 December 2015

Whilst some members of the committee were keen to discuss the seafront development, including particular aspects of the application that had changed to include residential development, they were again reminded that the committee had no remit to pursue discussions of that nature. Once a detailed planning application was out for consultation, views could be expressed through that mechanism as per the planning process. In conclusion of the debate, ***the committee were minded to instruct a scoping exercise for how public consultation is conducted***, in light of how they felt previous decisions had been made on a consultation process in relation to Exmouth seafront which received a low response rate. The committee were advised that any scoping exercise was likely to show that under the constitution, this would be likely to fall within the remit of the Overview committee. The committee wanted to explore if the implementation of existing policy was in place.

Democratic services advice preceding 2019 changes

15th April 2003 Scrutiny

Para 44 **Scrutiny forward plan** Cllr Roger Giles as vice-chairman circulated a letter sent to him relating to the development of Exmouth seafront, to ask the committee of their view towards the request for the committee to look into the matter. The committee were advised by the Democratic Services Officer that:

- Planning applications cannot be reviewed by the committee as the Overview and Scrutiny (England) Order 2012 prevents it;
- Reviewing any public consultation conducted back in 2012 on a masterplan that had now changed would not be relevant work for the committee to undertake some three years later;
- Questions relating to the issue have already been submitted to full Council on 16 December on the topic and would be answered there. The Principal Solicitor advised the committee that:
- Litigation relating to the area concerned in the letter was still sub judice, and therefore could not be discussed;
- The constitution prevents the committee from considering planning applications;

- The issue referred to in the letter related to a decision already made by Cabinet and Council;
- Questions relating to the issue had already been submitted to Council on 16 December 2015.