

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 July 2023

Attendance list at end of document

The meeting started at 10.00 am and ended at 1.00 pm. The meeting was briefly adjourned at 11.35 am and reconvened at 11.47 am.

8 Public speaking

The following question was read out by the Chair on behalf of Nigel Dutt, a member of the public:

Officers have completed an epic task in summarising the feedback received in response to the local plan consultation, but a very significant omission is any sort of quantification of the nature of the responses. This was very usefully done in the previous report on the Issues and Options consultation, where a lot of graphs and pie-charts were included to show how responses were distributed. This is a big part of the value of Commonplace, who make a lot of noise about these features, which are extensively used by almost all of their clients in their own reports.

EDDC made extensive use of requesting feedback ratings in the Commonplace-based consultation, so it does seem like a major omission not to have made any use of them, especially after expensively switching to Commonplace from the system previously used for the Issues and Options consultation. Instead, this report just summarises selected comments without indicating the overall balance of opinion, which would add a lot of value if done, and ought to help the Strategic Planning Committee in their further deliberations. It should also be possible to ascribe sentiment ratings to the non-Commonplace responses, so that shouldn't be used as a reason not to do it.

The question is whether there is any plan to provide quantitative analysis of the responses, especially given that this is so easily obtained from Commonplace?

In response the Assistant Director - Planning Strategy and Development Management accepted this was a fair challenge as the data obtained had either come from Commonplace or via emails and written comments. Although the report did provide the overall comments it did not, as pointed out, provide the sentiment scores. To address this the Assistant Director – Planning Strategy and Development Management advised that if Members were in agreement this could be provided in the final version of the document at the September meeting by an appendix with graphical illustrations detailing the sentiment scores and the additional data received. The Chair and Councillor Ingham agreed it was important to have this information.

The following statement was read out by the Chair on behalf of Councillor Alasdair Bruce, Ward Member for Feniton:

Many of you are new to this committee so for your benefit and the patience of those who are not, I will outline the main points of objection to any further major development in Feniton below.

Let's start with the planning department's designation of Feniton as a service village. This is an error and it should be classified as an unsustainable village.

The reasons are:

Topping the list must be the judgment from the 2014 super inquiry where the planning inspector ruled that Feniton was an unsustainable village with no further capacity for more development. The reasons cited in this judgment are still valid as nothing has changed. In fact it can be argued that things are now worse, with the only development that was allowed lies only half finished and with no end in sight.

The primary school has been full for a while and there is no possibility of it being able to expand. It therefore follows that any increase in children of this age and above must travel outside the parish to find schooling. The public transport is poor so almost all these journeys will have to be made by car. This fails one of the key points in EDDC sustainable planning. There is a Spar shop, no medical facilities and a pub, that's it. Such a description would match most villages in east Devon that gain the status of an unsustainable village.

Much is made of the parkway station as an excuse for increased housing and yet the service is once every two hours making it useless for commuting. There is no funding or plans to create a loop from Network Rail, which might increase the frequency. So it must follow that this must be discounted as an advantage to support more housing. Even now passing trains cause major traffic jams of up to 15 minutes. It is also the only level crossing in the UK located on a cross roads.

Flooding has been an historic problem in Feniton primarily exacerbated by the main railline embankment acting as a dam. Houses have been inundated and lives ruined. The current flood alleviation plan is stalled with an ever changing end date. The most recent update suggesting that the original calculations are wrong in terms of the potential capacity of the system which has given rise to very worrying concern from residents as you can imagine.

Sewage often backs up into peoples houses due to over capacity and low slope angles. This is a totally unacceptable situation with little concern or solution's being provided by SWW. Even with those developments that have been completed, there does not appear to be any accurate records of exactly what the drainage plans are. For example, the partially finished Acland Park development has a road system that, I'm reliably informed, will not be adopted as it is not fit for purpose and adds to the problem of surface water run off, the main flood risk in Feniton. Exactly what lies below ground to sort this out at this location remains a mystery.

With regard to the public consultation I could only find one chart reflecting public responses and that related only to Feniton, and you could be forgiven for thinking that the low numbers who responded reflect a lack of concern. This could not be further from the truth. What is not stated in this report is the very poor composition of this consultation. The questions asked were often restrictive and the widely criticised on line experience was very poor and difficult to navigate. So to say it was flawed is an understatement and should be mentioned in this report. The briefest of mention is given to the public petition raised by Feniton parish where over 500 people responded, but this report excludes the wording of the petition. I have previously raised this major omission with the head of planning and was assured it would be included in more detail later in the process. I cannot see a better place to fully outline it than in the report before you and yet it is still not there. So for clarity and for your records I've included the full wording of the petition at the end of this statement.

Finally, I must draw your attention to some of the comments raised in favour of many of the locations under Feniton. Setting aside the poor level of English grammar in the report for the moment, I have pulled out some examples of comments from developers in

favour of their respective sites, although all of them are poor, irrelevant or downright absurd.

Feni 04

The site has good public transport connections (this is simply not true and is a common phrase trotted out)

The site is closest to the A30 where most traffic will head (true but just adds to lanes already struggling to cope)

Feni 05

A new over 55's development would be great (is that really a planning consideration)

Feni 15

The site feels close to the centre of Feniton (I'm at a loss to understand the value of this statement as this village has an old and new part with open countryside between so exactly where is the centre and is it relevant).

I could go on but, hopefully you've had a chance to compare the well thought out objections with the many comments in favour that either have no bearing or relevance to the actual picture on the ground. In fact you could be forgiven for thinking that many of these developers have never visited Feniton and just conducted a google earth search!

PETITION - THE FUTURE OF FENITON

Consultation on the Draft East Devon Local Plan (7 Nov 2022 - 15 Jan 2023)

We the undersigned object to the inclusion of the five "Second Choice" (Amber) sites identified for housing development at Feniton in the draft East Devon Local Plan.

We do not consider Feniton to be a sustainable location for mass housing development that would result in a 66% growth in the village. Feniton's primary school is already full and it cannot expand, there are very few jobs in the village, there is inadequate public transport for effective commuting, a small convenience store, limited leisure facilities and no medical centre. Additional housing will greatly increase car journeys on the already wholly inadequate country lanes that serve the village. The village is subject to regular flooding from surface water that previous developments have failed to address and there is a genuine expectation that further mass housing will make this worse. The village is bisected by a railway line with a level crossing that causes inconvenience, nuisance and traffic safety issues. Further mass housing will add to these problems. We also object to the loss of open countryside, productive agricultural land and wildlife habitat that could be avoided by developing brownfield sites instead.

We agree that the "Rejected" (Red) sites at Feniton should not be developed.

We agree that as one of the "Tier 4 Service Villages" in the Plan, development should be "modest" and "to meet local needs". This could be achieved by the provision of 42 homes at the "Preferred Location" (Green) in the draft plan; the former Burlands Mead Nursery site.

In 2014 East Devon District Council argued that Feniton is not a place where large scale housing can be achieved in a sustainable way. An independent Planning Inspector agreed. We say that nothing has changed that position.

In response the Assistant Director – Planning Strategy and Development Management noted the concerns raised and advised this would need to be discussed at a future meeting when Members would consider the housing allocations for Feniton.

The minutes of the Strategic Planning Committee held on 9 June 2023 were confirmed as a true record.

10 **Declarations of interest**

There were no declarations of interest.

11 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

13 **Draft East Devon Local Plan 2020-2040 Consultation Feedback**

The Committee considered the draft East Devon Local Plan (2020-2040) Consultation Feedback report presented by the Assistant Director – Planning Strategy and Development Management noting that the final report would be brought to committee at a later date which would incorporate the comments raised by Mr Dutt about the Commonplace data and would also include any further work required as a result of today's meeting.

Members' attention was drawn to paragraph 5.3 in the second recommendation and Members views were sought on the two options.

The two options were:

Option 1

Respond to each point and alongside that produce a recommended next iteration of the plan for Members to review to give a comprehensive overview of all proposed changes at once but would take months of work for officers and then leave the committee with the entire plan to be reviewed all at once.

Option 2

Work through the comments and the plan in sections, chapters or topic areas so that the work can be brought to committee in parts over a number of meetings. This option was officers preferred option as it would make the workload more manageable but could have consequential changes from one section that impacts on another.

Members' views were also sought on a previous resolution detailed in paragraphs 5.4 and 5.5 for officers to continue with the background technical work concerning water, sewerage and other environmental matters but that no further discussions or decisions would be made with regard to the sites or their allocation until the Government had delivered the finalised NPPF.

The Assistant Director – Planning Strategy and Development Management updated Members on the Government's progress on the National Planning Policy Framework (NPPF) advising that Michael Gove MP was quoted as saying that the NPPF amendments was likely to now come forward in September (at the earliest). Members noted that there could potentially be a further hold up on this publication as the Government's Levelling up Housing Community Select Committee had recently

proposed various recommendations that the Government should take on board before publishing.

The Assistant Director – Planning Strategy and Development Management invited Members to read this published report which could be found online as it was a helpful report that analysed the proposed changes to the NPPF. In summary the report comments that:

- the Government was not going to meet its requirement of 300,000 homes a year target for house building but that it should be retained for transparency and accountability but recommends that it now includes 90,000 homes target for social rented housing within the 300,000 homes.
- To properly analyse the standard method and give greater flexibility in housing numbers on the delivery of the 300,000 homes a year target prior to the publication to any changes to the NPPF.
- The Government's standard method for assessing housing need is not fit for purpose and should be replaced by a revised formula.
- The 35% uplift in urban areas should be abandoned and a revised standard method should take account of future need to encourage regeneration across the country.

The Chair welcome comments and questions on the feedback report from non-committee Members:

Councillor Rixson made the following statement:

I applaud the work of the planning policy team and the efforts they have made to ensure they have created such a wide-ranging and well-researched document.

I am pleased to see that the climate emergency is being given the prominence it so rightly deserves. Climate change is happening **now**, not some far off date in the future. This means that what we do now will impact future generations and this is especially true when it comes to planning. The importance of this topic should not be underestimated in our fight against the damage that climate change will cause in our communities, as demonstrated only a few weeks ago with the flooding in our district, e.g. at Newton Poppleford.

Only yesterday, on BBC Today a top UK climate scientist, Prof Sir Bob Watson, former head of the UN climate body (IPCC) stated he thought the world would not keep within the 1.5C target. In fact he said he was pessimistic about achieving even 2C, as we are not reducing emissions fast enough, so we have to get on with it, not kick the can down the road.

The climate crisis is at heart a humanitarian crisis. As the draft plan states on Pg 30 "Transition will be difficult and we've no option but to engage fully and precipitate the shift from awareness to responsibility and positive action". This is further emphasised in Chapter 7, points 7.1 and 7.2 with regard to reducing emissions and promoting zero carbon development, stating that "the climate is in crisis".

In 2019, our Government and cabinet declared a climate emergency. In fact the climate emergency is our second priority and should be a key consideration in every strategy, policy and decision we make. The local plan is a key tool in tackling the massive challenge that we all face and I am pleased to see the many positive comments from residents supporting this work and encouraging us to do more, faster. This document covers the main areas of climate concern and identifies the key priorities. I applaud the

vision to go beyond the minimum as demonstrated in several areas including Biodiversity net gain where the target has been raised from 10% to 20%.

There are many aspirational policies in this draft but as ever implementation is the key issue. I will be keeping a keen eye to see what this looks like once it has been translated into processes, targets and deliverables. I hope that robust structures and guidance will be put in place to underpin the plan and ensure that new applications are thoroughly assessed to ensure that they meet the high standards the policy aspires to. For example:

- SP28 - Net Zero Carbon Development – “Carbon Statement” – how will these be assessed? Also Future Proofing/Maximising renewable energy – how will this be quantified?
- SP29 – how will the justification for non-renewable energy generation be assessed?
- SP34 – Embodied Carbon – how will viability and practicality be assessed?

I do have some concerns over various aspects such as the net zero carbon assessment for new developments - who will be assessing this? How will we ensure that the performance gap between the technology installed and how it operates is kept to a minimum? I have severe doubts about 7.6, with 10% of properties being used to assess the effectiveness. These issues are all resolvable but they need to be planned in from the very beginning to ensure they don't undermine the reasoning that sits behind them.

I have concerns too that the consultation could water down and weaken some of the suggestions contained within this report - I would hate for that to be the case as I believe this is an excellent starting point. But this is a foundation for building upon to achieve greater environmental improvements. The speed of decarbonisation is crucial - every fraction of a degree matters and buildings that are constructed now will likely have a lifespan of 100 years or more and especially if we start taking embodied carbon seriously then the prerogative is to retain buildings rather than replace them. We know that houses built at today's building standards will require more work in order to meet minimum energy standards, so maintaining current standards is not an option.

I would strongly suggest that we do not back down from the policy recommendations in the draft policy, as they would seem to be the **minimum** expected. I know that vested interests will always try to pass on the cost to protect profits but we must resist this, as it will hamper the progress we can make to the carbon footprint of the district which is around 800,000 metric tonnes of CO₂. Any transition period should be kept as short as possible. I would like to see any weasel words disregarded should they seek to change and diminish the meaning of a statement, e.g. by proposing that recommendations should be turned into “suggestions” rather than being a “requirement”.

The Devon carbon plan identifies the shortfall in renewable energy and we all understand the challenges with grid connection capacity with the District network operator (DNO), the National Grid. We must factor these aspects into the plan, as otherwise factors outside our control may hamper these worthy aspirations.

We know that multiple ideas can sit alongside each other such as solar panels being installed in flood risk zones where natural methods of flood control might be used, in fact the Environment Agency supports this approach.

I am pleased by the creativity and vision that this report shows. Whilst I completely understand the desire to protect areas and their visual amenity, the effects of climate

change will have a far greater impact on how our countryside looks, so whilst the right development in the right place is essential, as is community buy in, we must be focused on the need to transform our energy supply network. However, to my mind installing solar panels on farmland should be the absolute last option and I would prefer to see solar panels installed on car parks, houses, shops and warehouses before open farmland, leading to the loss of future food production and food security.

If we can overcome the challenges in making this a realistic and deliverable local plan that carries the weight it deserves then this will be very good for the district and I would like to thank the officers behind this who have worked so hard to get us to this stage.

Councillor Barlow sought clarification on whether the council had completed a housing review survey as it would help understand what was required locally rather than just relying on what the Government tells us what we should have. The Assistant Director – Planning Strategy and Development Management confirmed that the council did have a Local Housing Needs Assessment which was published on the website.

Committee Members general comments and questions on the feedback report included:

- Concerns raised about the overall approach the council was taking on the draft local plan. It needs to be more structured with shorter reports on how the local plan is progressing. Members are getting bogged down with too much information and losing the strategic oversight; In response to all the comments received about the need for a more strategic approach the Assistant Director – Planning Strategy and Development Management advised he was happy to bring a detailed project plan to committee on a regular basis;
- Information on Green Wedges is still missing. There is a need to look at Green Wedges and development together case by case.
- Our website detailing the draft local plan needs updating and made simple;
- The committee needs to think in a more strategic and forward thinking way. It needs to consider what housing development we want to see in our area, the demographic we want to target to maintain sustainable communities and to focus on social, economic and climate issues;
- Members supported option 2 in bite size chunks;
- Our approach has been far too linear for example at the beginning the committee failed to start off at chapter 1 instead we started at chapter 7 which was policies;
- Clarification sought about the removal of the 35% urban uplift and what affect it would have on the housing numbers in East Devon;
- The two options in paragraph 5.3 were two ends of an extreme scale and it was suggested there could be a third option to cover the strategic approach - a hybrid of both options involving a Task & Finish Forum (TaFF) to include officers and members of Strategic Planning Committee;
- It was suggested to have a series of workshops with officers to help make the right decisions
- There is a need to recommence work on the site allocations;
- Acknowledgement was expressed for the massive amount of work officers had already completed and a thank you to officers for their incredible effort;
- Reference to paragraphs 5.3, 5.4 and 5.5 and it was suggested that the committee should continue with the previous resolution to allow officers to continue their background work but site allocations cannot continue until the NPPF amendments have been published; The Assistant Director – Planning Strategy and Development Management advised that as the NPPF was a fluid document and as it would be constantly updated it would not be possible to wait for the changes;

- New committee members requested an overview of what had been done to date and what the council was trying to do. In response the Assistant Director advised to help members get up to speed he would send out a updated document summarising discussions regarding the local plan to date which would also include hyperlinks to the relevant agendas
- Negative responses indicates that members of the public do not like what we had done previously so it is important to not make the same mistakes. There is a need to be flexible to help build the right houses and the right infrastructure;
- Reference was made to paragraph 3.1 where it showed that most people commenting on the plan were unhappy with the amount of development and clarification was sought on how the council would engage with the communities that did not want development.
- It was suggested to revisit chapter 2 – Vision and objectives. The Assistant Director welcomed the suggestion to revisit page 11 of the draft local plan advising he had not happy with the vision as it did not set out what East Devon wants to achieve by 2040. He advised it would also help members refocus about what the council wants to achieve in terms of the geography and environment of the district;
- The majority of Members supported the suggestion that work should recommence on sites and site allocations;

The Chair sought Members views on the recommendations detailed in the report. The general feeling obtained from earlier discussions indicated that in the second recommendation paragraph 5.3 Members preferred option 2 and were happy to go through the comments and the plan in sections.

The Chair welcomed comments from Members about how they would like to work through the sections and whether they would like to focus on the vision chapter.

Comments received included:

- Support expressed for a topic based approach with the vision being the first topic;
- It was suggested to have a less formal workshops/TaFFs to review where we have been and the effects of the NPPF;
- TaFFs are too regimented and require a lot of officer time but an informal workshop is a good starting point. The
- Chapters could be grouped together and theme based with a suggestion to do chapters 6 and 7 separately;
- Not in favour of having a lot of different meetings as Members can come to any Strategic Planning Committee meetings to make their representations. In response the Chair suggested having a workshop on the overall vision to help take the direction of specific areas we want to focus on as a committee;
- The vision needs to be coherent and holistic;
- If there is going to be a workshop ahead of every topic then there is a need to avoid public perception of predetermination;
- Clarification sought about what is disconnected in the vision. In response the Assistant Director -
- A workshop would bring the new committee members up to speed;
- It was suggested there was a need to find out what other councils have done in terms of their vision.
- Clarification sought on the meaning of disconnect

The Assistant Director thanked Members for their comments and noted that Members wanted to see a PowerPoint introduction from officers about good practice in terms of the

vision, what makes a good vision, what should be included and also set some context for discussions. The workshop session would then focus on what Members would want the vision to be and say. This would then be followed by a report to this committee to make a decision on the vision.

Clarification was sought on what happens to the current draft local plan if Members wanted to relook and radically change the vision. Would this make a mockery of the consultation as the local plan starts at the vision, then develops a draft local plan and then goes out for consultation? The Assistant Director – Planning Strategy and Development Management did not have any concerns about unpicking the overall plan but he did have concerns about the slight disconnect between the vision and the plan which needed to be married up. The current vision was too generic and needed to be geographically specific. He reminded Members that the current local plan was now out of date and there was a need to work on the draft local plan quickly to keep within the deadline as the council did not have a five year land supply.

RESOLVED:

1. That members noted the draft Local Plan consultation feedback report and agreed to bring a further report to a future Strategic Planning Committee which incorporates the Commonplace quantitative data for their consideration.
2. As regards paragraph 5.3 of the Report, that members agreed to work through the comments and the Local Plan in sections, chapters or topic areas so that the work can be brought to the committee in parts over a number of meetings to be reconciled at the end of the process with a further iteration of the Local Plan produced for oversight of how each section fits into the Local Plan as a whole starting with a workshop to consider the Local Plan Vision and set out a direction of travel/work stream as to how members would like to work through the remainder of the Local Plan.
3. As regards paragraph 5.4 and 5.5 of the Report, that officers continue to work on all aspects of the draft Local Plan including the sites and preferred allocations without waiting for the Government to deliver the update to the National Planning Policy Framework (NPPF).

Attendance List

Councillors present:

B Bailey
J Bailey
K Blakey
B Collins
O Davey (Chair)
P Fernley
C Fitzgerald
M Hartnell
M Howe (Vice-Chair)
B Ingham
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

I Barlow
M Rixson

Officers in attendance:

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

Councillor apologies:

P Hayward
D Ledger

Chairman

Date: