

Report to: **Strategic Planning Committee**



Date of Meeting: 4 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Assessment of potential development sites and plan making update

Report summary:

This report sets out recommendations in respect of potential development sites coming to Committee in the Summer of 2024 in order to establish a commitment for the selected sites to be allocated for development in the Publication draft of the East Devon Local Plan. Making site allocation choices, for inclusion in the plan, will be key to ensuring that the plan will be found sound at Examination and making a timely site selection choice is seen as essential in order to provide clarity and allow other local plan making work to make progress.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That committee endorse the work proposals and timetabling set out in this report.

Reason for recommendation:

To seek agreement of committee to allow for and facilitate future work to progress.

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Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk;

Links to background information

Links to background documents are contained in the body of this report.

Link to Council Plan

Priorities (check which apply)

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

1. Progress to date on development site allocation choices

- 1.1 The [Draft Local Plan Consultation - East Devon](#) under Regulation 18 of [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#) identified a number of potential sites that were proposed as allocation for development. These included sites for housing (some incorporating an element of employment uses) as well as sites for employment uses. Suggested housing allocation sites were classified as 'Preferred' and 'Second' choice. We also highlighted sites that had met basic initial tests for possible allocation but following more detailed assessment were classified as 'Rejected'. We invited comment on all sites in all three-classification categories.
- 1.2 Very significantly, as well, three site options for a second new community were consulted on. In recent months the Strategic Planning committee has endorsed Option 1 as the site choice to accommodate the planned (second) new community.
- 1.3 It is important to note that in the Publication plan, the plan that will be submitted for Examination by a planning inspector, we will not have the 'Preferred', 'Second choice' and 'Rejected' classification ranking (it was a construct to assist with draft plan consultation). In the Publication plan sites will need to be allocated for development or they will not be shown in the plan. The only minor qualifier we would note is that it is possible to show sites that will only be allowed to be developed if other sites are not coming forward or more generally housing numbers are not being met. Such sites are sometimes referred to as 'reserve sites'. This approach is not recommended as it is often difficult to establish a clear trigger for reserve sites to come forward and hard to resist them if developers try and bring them forward sooner given that the plan would need to acknowledge that they are acceptable to justify an allocation.
- 1.4 Through consultation feedback we have gathered further information on potential site choices, and this has been complemented by further and more detailed technical site assessment work undertaken by officers. We also have evidence reports that are coming through that will help inform work – notably the Water Cycle Study that, in particular, will inform sewage capacity considerations.

2. The site selection process going forward

- 2.1 The importance of making site selection choices was discussed at and recognised by the Local Plan Member Working party on 1 May 2024. Following working party consideration, we set out a suggested approach for bringing papers on proposed allocation site choices to committee in the Summer of 2024 (i.e. the coming weeks). It is stressed that making site allocation choices is likely to be contentious and challenging. Just about every site we consulted on came in for some type of criticism – in most cases issues around scale, distribution and principle of development (in the context of individual sites) were challenged as were particular characteristics of sites in respect of suitability for development.
- 2.2 However, it is essential that sites for development are allocated in the plan, they are needed specifically to ensure that housing numbers are met. Without allocations it is highly probable that the plan will not be found to be sound at Examination. Much more importantly there is a need for new housing, people need homes to live in and new homes need to be built.
- 2.3 Following working party debate the following stepped approach to site selection work is proposed:
- a) The District is split into a number of separate Geographical areas (probably around 7 or so), typically based on/around existing towns and including surrounding rural areas (we will aim to align with Ward boundaries).
 - b) Within these areas a succinct report will identify and briefly comment on each site that featured in the draft plan consultation. Reference will also be made to any extra identified possible site options (specifically to include sites in the current Further Regulation 18 consultation). Much more detailed assessment reports will also be available.
 - c) The member working party (noting the meetings will not be open to the public) will consider each area-based report in turn with invitations to these meetings extending to all ward members of the council that fall within the boundary (and any other members can attend as well). It is likely that a number of meetings will be needed, it is suggested lasting on average around ½ day per defined area.
 - d) The working party will not make decisions on which sites will or should be allocated, rather they will debate and consider the sites and options. The Working Party will highlight those sites that they consider will generate potentially the greatest concerns when presented to committee and those that may be less contentious or may have some or greater support. The working party debate may suggest alternative or additional allocations. Notes would be taken of the meetings and appended to a subsequent report to Strategic Planning Committee.

- e) The aim is that the working party meetings will be held in July 2024 (maybe a June 2024 start will be possible) and following their completion a report will be prepared by officers for Strategic Planning that sets out recommendations for site allocations to feature in the Publication Local Plan.

- 2.4 The approach highlighted above will provide scope for members to debate site options in more depth, that officers can reflect upon, before formal recommendations are drawn up for committee. This will mean that in drawing up recommendations officers have a prior understanding of matters that may be raised in subsequent debate and discussion. This process will also allow Members to highlight particular concerns, including around weight of public opinion, local concerns and priorities and technical matters associated with site development that officers in their work may not have been fully aware of or fully taken into account.
- 2.5 Although the working group meetings will take officer time and resource it is considered that using the working group as a sounding board for the site assessment work will reduce the workload of the committee and speed up the overall decision making on site allocations.
- 2.6 We have not, at this stage, defined proposed boundaries for the separate areas, rather and firstly, we would seek in principle support, but suggest (following Working Party discussion) that Sidmouth and surroundings would be a good start. The Sidmouth area might include the town itself (and all wards within) as well as Newton Poppleford, Harpford, Sidford and Sidmouth rural. This is a good starting point as it has relatively few allocated sites in the draft plan and it is an area with significant constraints (notably the East Devon National Landscape).

3. Overarching strategic matters for consideration

- 3.1 In reviewing site development options and drawing conclusions on which sites to ultimately allocate for development members should not consider sites in the absence of local plan strategy and overarching national planning considerations. The list below is not in any sense intended to be a comprehensive and complete set of considerations, however, we highlight some pertinent matters.
 - i. To secure a 'sound plan' sites will need to be allocated for development - there is not a realistic option to not allocate.
 - ii. We have 'a big picture' local plan strategy that through rigorous assessment has classified and established a tiered hierarchy system for accommodating development. This is critical because in the draft plan development has been directed to some sites that in their own right (if assessed in a strategy neutral context) do not perform particularly well, but their allocation makes sense in respect of compliance with plan strategy and seeking to implement plan strategy. Conversely in some other cases better performing sites are not allocated because to do so may lead to an imbalance against the plan strategy.

iii. We are aware of significant environmental constraints in East Devon and these have informed site assessment work and will need to inform final site choices. However (and specifically in Government policy terms) not all constraints are equal. Nationally designated constraints, such as National Landscapes and (nationally) designated wildlife sites are more significant, in government policy terms and many are covered by additional legislation, than local designations, for example Green Wedges or Local Nature Reserves.

3.2 The above considerations should, therefore, be fully taken into account by Members when undertaking work. If, for example, there are particular cases where local designations are seen as very critical, potentially more so than national designations, there will need to be very sound and robust justification for conclusions reached. Members are also encouraged to apply a District wide consistency and logic in their work so that a coherent East Devon wide picture is established and applied.

4. Technical evidence, further evidence gathering and current plan consultation

4.1 Members will be aware that there has been substantive levels of site assessment work already undertaken by officers (see: [Evidence Base and Supporting Documents - Site Selection and Settlement Boundary Setting - East Devon](#)) and we also advise that this work will be complemented by more detailed assessment work that will come to committee alongside site allocations consideration.

4.2 Broadly speaking officer assessment is that most of the sites shown as allocations in the consultation draft plan remain appropriate sites to allocate for development in the Publication plan. Whilst few could be looked upon as ideal development sites, those shown as allocations, especially taking into account plan strategy considerations, are typically deemed to be notably better performing sites than the 'rejected' site options. There may be, however, some draft plan allocated sites that on further assessment and review may be seen through officer work as less favourable to allocate and some of the 'rejected' sites may be worthy of promotion to suggested allocation status. We will highlight these to Committee in future reports.

4.3 It should be noted that there are also the additional site options that are out for comment in the further Reg 18 consultation (May to June 2024). We will aim to provide a prompt turnaround on feedback received on these sites to inform debate. These sites could also form part of the supply, especially so if the large site, around 1,000 dwellings, to the west of the M5 in Broadclyst were to be allocated).

4.4 This report mainly relates to housing numbers and need, though it also has relevance for employment site allocations and choices. In reporting back to members, we will set out housing site considerations in the context of overall housing requirements. As things stand, and especially so if we include sites in the current consultation, we have a housing supply over the plan period that exceeds requirements by a moderate but not large margin and so there is some flexibility around site choices and possible scope for limited site removal.

4.5 We will set out more information on numerical need and supply matters in subsequent reporting and set up a system to record and illustrate the impact of deleting or adding sites. However, we highlight some 'health warnings' in respect of supply/need considerations:

- Allocation supply projections are weighted heavily to delivery in the middle and later years of the local plan (greater numbers of easy to develop sites would help with early years delivery and being able to demonstrate a five-year land supply at the point of plan adoption will be critical but may be challenging to achieve).
- Requirement numbers can change and we may need to extend the plan end date (beyond 2040), thus requiring extra provision.
- Some locations, probably most notably Axminster, have high allocation numbers but there may be market demand limits that will impact on build rates. These could result in not all site allocated houses being built in the lifespan of the plan.
- We would suggest that we should have at least an additional 10% housing buffer in our supply calculations, but through Plan Examination we can reasonably assume some objectors will present a case to the Planning Inspector that we should have a higher buffer.
- There will always be vulnerability to challenges over delivery rates at plan Examination. We can expect, for example, that the start date and development delivery at the new community site will be challenged at plan Examination.

4.6 We would also highlight that some sites we may recommend as allocations at this stage may fail other ongoing assessment work that is still underway. This assessment work will have some site-specific relevance, for example the Level 2 detailed Strategic Flood Risk Assessment, and some work will be more to do with general capacity matters in general localities. For example, highway assessment work is ongoing and it may conclude that in some general locations there are limitations on the capacity of the broader highway network to accommodate growth levels.

5. Other local plan policy work

5.1 A shift in focus for local plan making work, away from chapter redrafting to consideration of site allocations, is seen as beneficial as much of the site choice making work will inform wider plan policy writing. It is, however, also the case that officers can progress with more general policy writing, bringing papers to committee, as the site assessment work is ongoing.

5.2 Subject to agreement of the work set out in the report (or of course a timely and workable alternative) we will bring a revised programme for local plan writing and committee consideration, to the next meeting of Strategic Planning Committee. In order to meet Government deadlines for plan making under the current regime we will set out a programme that sees the proposed Publication plan coming to Committee in

November 2024 with consultation scheduled to run from December 2024 to January 2025.

Financial implications:

There are no direct financial implications raised in the report.

Legal implications:

There are no direct legal implications resulting from the report.