

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 5 November 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 1.04 pm

57 Minutes of the previous meeting

The minutes of the meeting held on 23 October 2024 were confirmed as a correct record.

58 Declarations of interest

None.

59 Public speaking

A statement was read out on behalf of Clem Davies, from the Lypstone Water Quality Group. The Lypstone Water Quality Group, which is coordinating a catchment-based project to assess, protect, and improve the water quality in the Wotton Brook and adjacent Exe Estuary. The statement set out the need for a strategy which embeds water quality into all stages of the planning process, along with flood risk and biodiversity. The lack of any real attention to water quality throughout the Local Plan, including Chapter 7, was concerning considering the following:

1. The fundamental importance of water quality to biodiversity, human health, and the local economy;
2. The widely reported range of pollutants in our natural watercourses from sewage systems, agriculture, roads, and urban developments;
3. The impact of climate change – increasing surface water runoff which carries pollutants and causes flooding;
4. Wide public concern.

Neither the Sustainability Appraisal or the Site Selection Methodology adequately address water quality issues - and the draft Habitats Regulations Assessment has little clarity on this issue. Fundamentally, it needs to ensure that:

1. Water quality is considered early in the planning process - at the site selection, project concept, and design stages.
2. Consideration is given to catchment-based risks and the capacity of the sewage system.
3. Every planning application is supported by a water quality risk assessment.
4. Risk management controls are incorporated into the design, e.g., an effective surface water treatment system to prevent pollution.
5. The controls are maintained in perpetuity.
6. A temporary surface water treatment system is developed before construction work commences to prevent pollution (e.g., from sediment and oil).

Dr Karen Goaman, a Hawkchurch resident, addressed the committee on the lithium ion battery energy storage, covered under Chapter 7 being considered at the meeting. The risk of thermal runaway leading to a fire and explosion in a lithium ion battery energy storage system (BESS) cannot be eliminated. Suppression systems cannot stop an exothermic reaction. She outlined the extensive requirements needed to manage such a risk. No farming or biodiversity is possible on a BESS. She outlined changes needed to

policy C03, including not permitting farming on a BESS site; and that developers should provide robust evidence including insurance cover for loss of life and livelihood; any decommissioning costs should also be met by the developer. She also made reference to substations and requested help to prevent developers taking advantage of rural land, not to industrialise it.

Mr Mo Dobson, representing the parish of Hawkchurch, also outlined the risks with lithium battery energy storage. He welcomed the improvements to the policy but asked for further enhancement by including a clear indication that the Environment Agency would be engaged with any proposals for containment in the event of an incident. He also asked for clear mapping of ground water source protection zones so that developers and officers were aware and clear on their location in relation to any BESS proposals, to avoid significant risks to private residents. Decommissioning guarantees were also needed, and he encouraged the use of storage functions – next to where generated and/or next to use such as high use sites like hospitals – for the energy generated.

60 **Matters of urgency**

None.

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

None.

62 **East Devon Local Plan - redrafting of local plan chapters**

The report set out redrafted chapters of the local plan for proposed inclusion in the Regulation 19 draft of the plan. It was highlighted that at this stage the wording provided is not regarded as necessarily being the final wording that should be included, but it is intended to give a very clear steer on the policies that officers would advise for inclusion in the plan and a draft of wording that should apply.

The chapters considered were:

- Chapter 3 – the spatial strategy
- Chapter 5 – future growth and development on the western side of East Devon
- Chapter 7A – responding to the climate emergency
- Chapter 7B – adaptation and resilience to climate change
- Chapter 13 – protecting and enhancing our outstanding biodiversity and geodiversity

An element of renumbering of chapters would come forward in the proposed Regulation 19 draft plan.

Chapter 3 The Spatial Strategy

Redrafting included:

- Brief explanation of the terms “significant development” at Principal/Main Centres and “local needs” at Local Centres and Service Villages added in the supporting text to Strategic Policy 1, with minor amendments to the policy itself;
- Deleted Strategic Policy 2 – ‘Housing Distribution’ as it is a description of where houses will be built, based upon allocations already in policy elsewhere, rather

than adding any 'new' policy content. The figures in the table would also date very quickly, as the housing monitoring is updated annually;

- The policy on 'Levels of future housing development' (Strategic Policy 3 in the Reg. 18 Draft Local Plan, now SP 02) had been simplified;
- For clarity, the Designated Neighbourhood Area Housing Requirement had been separated into a standalone dedicated strategic policy. This is policy SP 03: Housing Requirement by Designated Neighbourhood Area. This makes it clear that the figures are minimums and what the net (residual) requirement is, if any, to be met by future Neighbourhood Plans. The supporting text explained how this will be monitored and applied, including where there is any shortfall;
- The former Policy 4, now SP04, had been simplified and clarified to establish the approach to supporting economic development of office, industrial, and storage/distribution job sectors across the District, and the allocations that are expected to deliver these uses. The justification now refers to the EDNA assessed level of minimum need and to the Council's Economic Development Strategy as sources of evidence;
- Deleted Strategic Policy 5 – 'Mixed use developments incorporating housing, employment and community facilities' based on concerns of economic viability, whether it would work in practice and whether there is real demand for what may be delivered. Instead, the Local Plan allocates a number of larger developments site as mixed use – to incorporate both housing and employment uses;
- Policy on 'Development inside settlement boundaries' and 'Development beyond settlement boundaries' had minor re-drafting;
- A new strategic policy (SP 07) has been added on the delivery of infrastructure.

Discussion included:

- The optional standard on minimum space/size of homes was raised as an example of where we should not avoid duplicating national policy, however it was highlighted that this was an optional standard hence the need for policy coverage.;
- Site allocation data had only recently been completed and therefore would be added to the plan in due course;
- A co-ordinated approach was still in place with neighbouring authorities to bring about synergy between this and their Local Plans;
- Elements of the Economic Development Strategy were included to show the aspirations to reach the targets in that strategy, appreciating the challenges to deliver that in parts of the District where road, rail and other connections were not as strong as in the west of the District;
- Policies SP05 and SP06 debate on built up area boundaries should be deferred until the next scheduled meeting of the Committee to deal with the issue as a whole;
- Include clarity on SP01 as to what the area referred to as the western side of the district actually refers to;
- Need to examine the wording used to differentiate between Exmouth and the other main centres;
- Reminder to Members that there was help available from officers to local communities wanting to develop their own Neighbourhood Plans;
- Monitoring energy efficiency fell to Building Regulations, not to detail in this policy.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 5 – Future growth and development on the western side of East Devon

The redraft included:

- The new town policy was amended to refer to accommodation of 'meanwhile' uses whilst other more permanent developments come forward, this draws on experience at Cranbrook in promoting such uses;
- Land north of the Science Park, new policy WS04, was allocated for a mixed use development;
- The former policy 12, which allocated employment land north of Sowton village had been deleted, in accordance with past committee determination;
- The former policy 13, now WS05, was redrafted to clarify the development of land matters relate to areas with airport operational boundaries;
- The former policy 14, now WS06 was redrafted to clarify that it applies to newly allocated land (separate from Power Park) that is to accommodate employment generating uses in accordance with an overarching Masterplan;
- New policies were added to the plan allocating additional employment sites for development adjoining Treasbeare (WS07) and at Wares Farm (WS08);
- The Clyst Valley Regional Park policy had been refined to be more specific about provision requirements in association with development, and to refer to the allocation of additional park land, to be defined on the Policies Map (noting some minor changes will be made to the boundary that featured in the draft plan consultation);
- Policy was redrafted in respect of the development north of Topsham. Redrafting includes needs for a Masterplan and coordinated joint working with Exeter City Council;
- Gypsy site allocation was retained in this chapter;
- The chapter concludes with a series of new employment allocation policies.

Discussion on this chapter included:

- Amendment to wording relating to new town employment;
- Explaining the balance between requiring a certain level of residential development to support the development of a town centre;
- Detail on specific elements in the new town would fall to masterplanning, rather than be required to set out in policy.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 7A – Responding to the climate emergency

The redraft included:

- Clarification on the intent to use building regulation Future Homes Standard (FHS) 2025, rather than seeking to set our own bespoke higher/more demanding standards;
- Policies for renewable energy generating schemes had been reviewed to provide greater clarity over what is acceptable and how development proposals will be considered. Three former policies had been combined into a single new policy;

- Energy storage policy has been refined and updated, and specifically refers to fire risk considerations.

Discussion points included:

- Review of CC04 in relation to the explanation of adjacent storage and grid capacity issues. In principle the location is considered on the basis of the least sensitive option and how sustainable that would be;
- Some discussion on requested elements crossed over into other legislation and other consultees, with a level of detail that was too explicit for policy but better suited to planning guidance;
- Topography of much of the district did not lend itself to effective for hydro power; the drafted CC03 did not exclude any other renewable energy options that may come online during the life of the plan;
- Grade of farmland was covered under another section of the plan and therefore not duplicated in this chapter;
- CC04 wording amendments;
- CC05 wording amendments to cover equivalent carbon saving technologies.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 7B – Adaptation and resilience to climate change

The revised chapter included:

- A reworded flooding policy to take account of the Strategic Flood Risk Assessment and consultation responses, particularly from the Environment Agency. The previous policy had been included on an ‘interim’ basis while the evidence work was undertaken;
- The inclusion of a water efficiency policy to require new dwellings to achieve the higher building regulations standard;
- The wording of the policies relating to coastal change were largely unchanged, but there was a significant difference to the area included in the proposed Coastal Change Management Area (CCMA) for Sidmouth. This reflected the work undertaken on the Beach Management Plan so that the area concerned is much smaller to the east of the River Sid and the proposed boundary will largely follow along Cliff Road in line with the 20 – 100 year coastal erosion line shown for the Beach Management Plan (BMP).

Discussion on this chapter included:

- CC02 covered the issue of new homes being able to cope in extreme heat events but was not prescriptive as to how;
- Wording amendments to AR03;
- Design guides would cover any desire for the inclusion of trees into street/road developments for the purpose of reducing radiating heat; should discussions start with Devon County Highways on how this could be made acceptable to them due to potential costs and risks.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 13 – Protecting and enhancing our outstanding biodiversity and geodiversity

The revisions included:

- The former Policy 84 had been split into two in recognition of the difference between international/national designated sites (that sit at the top of the hierarchy (now becoming Policy PB01) and locally important sites (now covered by Policy PB02);
- What was Policy 85 was strengthened and clarified to provide overarching introductory text in respect of the critical importance of protecting irreplaceable habitats and important features (noting that more detail on trees is covered later on in the chapter);
- The role of Habitat Regulation Assessment was strengthened in what now becomes Policy PB04. Specific legal requirements and approach applied in East Devon is set out in the policy. Reference is made to specific strategies for mitigation, noting we highlight, as a new factor, detrimental impacts of vehicle emissions on the Pebblebed Heaths;
- Under what is now Policy PB05 was set out that 20% biodiversity net gain for all major developments – the NPPF defines major as – “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more ...” Under policy 10% applies for schemes under this threshold where delivery can be more challenging and such initiatives as urban infilling may be of great importance. Policy wording has also been extended by providing greater clarity on application and use of policy;
- Removal of two policies, formerly 89 and 90, dealing with Policy – ‘Ecological Impact Assessment’ and ‘Due consideration of protected and notable species’ as these were deemed to be repeating but not adding to national guidance and practice.
- Inclusion of more demanding standards for trees in development, with former Policy 92 now redrafted as PB08 setting out more detail on requirements for tree protection and planting;
- A new policy, PB09, setting out requirements for monitoring of new tree planting;
- Minor refinement of policies around geology and geodiversity.

Discussion on this chapter included:

- A definition exists for “unconfirmed wildlife site”; a request was made to include this to avoid the term being misused;
- Aside from existing Tree Preservation Orders, regard had to be made to biodiversity net gain for planning applications as a means of helping to protect the retention of trees on site, or gaining additional landscaping;
- PB08 made reference to street trees and had previously been picked up for discussion in the previous chapter.

RESOLVED

1. Policies SP05 and SP06 debate on built up area boundaries be deferred until the next scheduled meeting of the Committee to deal with the issue as a whole;
2. that the proposed draft revised chapters in the local plan be endorsed, noting that they will need to be refined in readiness for the proposed Regulation 19 draft of the plan.

Attendance List

Councillors present:

B Bailey
J Bailey
C Brown
B Collins
O Davey
M Howe (Vice-Chair)
B Ingham
G Jung
Y Levine
T Olive (Chair)
H Parr

Councillors also present (for some or all the meeting)

P Arnott
R Collins
P Faithfull
D Mackinder

Officers in attendance:

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

Councillor apologies:

P Fernley

Chair

Date: