

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 11 December 2024

Attendance list at end of document

The meeting started at 9.03 am and ended at 3.55 pm

245 Minutes of the previous meetings

The minutes of the previous meetings held on 1 November, 5 November, 22 November and 29 November 2024 were confirmed as true records.

246 Declarations of interest

Minute 249. East Devon Local Plan - approval for Regulation 19 consultation.
Councillor Eleanor Rylance, Affects Non-registerable Interest, Broadclyst Parish Councillor and a resident of Broadclyst.

Minute 249. East Devon Local Plan - approval for Regulation 19 consultation.
Councillor Mike Howe, Affects Non-registerable Interest, Village shop owner.

Minute 249. East Devon Local Plan – approval for Regulation 19 Consultation
In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Kevin Blakey, Bethany Collins, Paula Fernley, Geoff Jung and Eleanor Rylance advised lobbying in respect of Strategic Policy SD07: Development at Broadclyst.

247 Matters of urgency

There were no matters of urgency.

248 Confidential/exempt item(s)

There were no confidential or exempt items.

249 East Devon Local Plan - approval for Regulation 19 consultation

The Chair welcomed everyone to the meeting and invited the public that had registered to speak on chapters 1 to 5 to address the Committee.

Councillor Martin Smith on behalf of Feniton Parish Council referred to the inconsistencies between the Local Plan's vision and Strategy Policy SP01: Spatial Strategy paragraph (e) referring to the removal of any reference to 'meeting local needs' which the parish council believed was to overcome the need for more housing in the tier 4 settlements advising that Feniton had the highest number of housing allocations of any tier 4 settlement and 4.6 hectares of employment use which was unsustainable development.

John Hamill spoke about chapter 4 referring to a specific site allocation in the Ting Tong area which Committee had proposed for site allocation. He explained the reason there had not been any resident representation at the meeting on 3 September was because

the site had been recommended 'not for allocation' and highlighted that now that the site had been allocated it now had the potential for development of over 1,000 houses. Mr Hamill asked the Committee to think carefully about the site allocation as the infrastructure would not be able to cope.

Barbara Whetter spoke about chapter 5 and questioned why there had been so much development proposed in Feniton especially as it was a small rural village, dependent on car usage on unfit and congested roads.

Lesley Oates spoke about chapter 5 and advised that although she acknowledged the need for more affordable housing and more employment opportunities, she felt dismayed about the disproportionately large level of development suggested in certain rural areas as these villages did not have the infrastructure to support this. She referred to Richard Foord MP's speech in the House of Commons on 9 December where he advised that 57% of East Devon was National Landscape which had an unfair burden on the council to achieve housing targets on the remaining 43%. Lesley Oates suggested that the council should be fighting back at government rather than shoehorning developments into ridiculous spaces.

Dr Lorna Mason, speaking on behalf of Jill Murdoch and Bill Martin raised concerns that the amount of development proposed for the area would destroy the village's unique character which local people did not want. Dr Mason questioned the lack of transparency from the closed-door Member Working Group meetings and questioned who would profit from the sale of land in East Devon and whether Committee Members were being influenced by developers with financial incentives.

Dr Mason mentioned for public record that 370 people had commented in the previous consultation that they were unhappy or dissatisfied with development in Broadclyst. She urged Members to pay attention to what Broadclyst residents were saying and pointed out that the Committee had voted to include the most objected to site and now have increased the allocation above what officers and the parish council considered would be detrimental.

The Chair responded to the accusations and advised Dr Mason that all Members were accountable and responsible by law for declaring their own financial interests and if there was evidence that this was not the case it should be brought forward.

Councillor Richard Grainger, representing Ottery St Mary Town Council read out a letter that had been sent to East Devon District Council on 11 November that addressed the town council's concerns about the process of identifying sites for development under the East Devon Local Plan and that the town council fully supported the views expressed by Lympstone Parish Council as they reflected their own concerns about the undue pressure this process has placed on local councils including Ottery St Mary as well as the negative impact it has had on their communities. It also addressed concerns about the poorly managed process and the lack of communications between EDDC and local councils which displayed a lack of empathy, leadership and understanding from EDDC leading to a feeling of frustration and betrayal in smaller communities where the view of residents appear to have been ignored or dismissed.

Thomas Shillitoe raised concerns about the time it has taken East Devon District Council to keep up the administration of the Local Plan with emails not being answered and an out-of-date website that has created confusion and a feeling of being completely in the dark about what is going on. He suggested that the rushed information about the Exmouth sites had contained errors and omissions that had resulted in Members making

a decision based on incorrect information and referred to an incorrect map that did not detail the European Designations of SAC and SPA that had resulted in Members supporting site Exmo_20, a development of 700 homes and questioned how Members could make informed decisions without this important information.

Duncan Cherrett, spoke about chapter 5 and a contradiction between our towns and villages and the Council's aspirations about climate change of protecting the well-being of existing residents. He questioned some decisions made by Members for sites that were close to heritage sites or that did not have sufficient infrastructure highlighting the lack of detail and facts centred on these decisions. He referred to an allocation of 142 houses in a historic village near to Grade I National Trust Listed Buildings and highlighted there was not any factual information about the impact of flood risk or drainage issues and advised that members of the public need to see evidence that this Council has pressed hard to ensure developers present evidence to mitigate these harms.

The Chair reassured members of the public that had spoken this morning that the Council was unquestionably concerned with everything that had been raised and clarified that all these concerns would be looked at through detailed evidence during the planning application stage and gave reassurance that additional steps would also be taken with any planning applications within specific designations around critical flood risk areas or flood zone areas.

The Chair of the Council, Councillor Eleanor Rylance, firstly paid tribute to Members of the Strategic Planning Committee for their attendance and contribution during the very long meetings over the past six months in order to achieve the new government's housing targets. She highlighted that development was needed for our natural population growth with a need to focus on delivering genuine affordable housing in our towns and villages so that the younger population can afford to move out and start their adult life close to their families and without them being 'ghettoized' into certain areas giving Cranbrook as an example. She drew Committee's attention to the infrastructure and asked that Members recognise that this has historically been slow in coming forward and should be delivered contemporaneously with any development.

The Committee considered the report that sought approval of the Regulation 19 consultation of the Local Plan. The Assistant Director – Planning Strategy and Development Management advised it was hoped that 'stage 1' of the consultation would start in January 2025, but this was dependent on the government's imminent changes to the National Planning Policy Framework and its impact on planning policy and housing numbers. The 'stage 2' consultation to consider the new town masterplan would start in May 2025 and both collated consultations would be submitted to the Planning Inspector in the Autumn 2025, followed by the Inspector's Public Hearings in late 2025/early 2026 with the adoption in late 2026/early 2027.

The Committee's attention was drawn to the housing numbers and trajectory graph which helped Members to understand how the Council would get to a five-year housing land supply at the point of the adoption of the Plan.

The Committee's attention was also drawn to the changes that had been made to some local plan chapters as detailed in the report. This was to ensure greater consistency of approach throughout the document and to address matters on potential development allocation sites that had been agreed by Committee at previous meetings.

These sites included:

- Budl_01 – land south of Bedlands Lane and west of Dark Lane, Budleigh Salterton.
- Honi_18 – land at Kings Road, Honiton.
- Otto_02 – land adjacent to the North Star, Otterton

The Chair invited Members to comment on each chapter.

Chapter 1 Introduction

- Update the map to change East Devon AONB to National Landscapes.

Chapter 2 The Vision

- Clarification was sought on the description ‘modest sensitivity’ in paragraph 1.6.

Chapter 3 The Spatial Strategy

- Page 25 – West Hill total housing requirement numbers are incorrect and should be less than 60.
- Page 25 – Feniton numbers are incorrect.
- The Assistant Director – Planning Strategy and Development Management advised that the numbers would be revisited to ensure they were correct.
- The wording for Strategic Policy SP01 (b) does not follow East Devon’s vision. In response the Assistant Director – Planning Strategy and Development Management advised that additional wording could be inserted to make it clearer that it refers to ‘existing settlements’.
- Strategic Policy SP07 – the wording needs to be amended to address how are we going to engage with infrastructure providers to deliver in a timelier manner to avoid the same mistakes as at Cranbrook.

Members attention was drawn to a proposed new policy on phased developments and the Chair invited comments:

- There is a need to be specific about cycleways and multi-use trails with an agreement from Highways about what they should be named.
- Reference was made about ransom strips, and it was questioned whether the wording of the policy would deliver the outcomes the council sought.
- The policy should direct developers from the outset and should hold developers to account. The policy needs to be broken down and reformatted to make it easier to read.
- Clarification was sought about whether the Committee would be able to see the revised wording before it went out for consultation. In response the Committee were advised that it would depend on the government’s publication of the new NPPF and if there was time the revised new policy would be brought back to Committee in the new year before the Regulation 19 went out for consultation.

Chapter 4 Development at the West End

- Strategic Policy WS01 – clarification was sought about why the policy did not detail the different types of affordable housing for the new town. The Assistant Director – Planning Strategy and Development Management advised the mix of tenure types of housing was set out in the policies in the housing chapter.
- It was suggested to set a high target of 70% mixed tenure to achieve our affordable housing needs earlier.
- It was suggested that as the new town may have a different requirement of affordable housing it would be better to change the figure to XX as it is still to be determined. The Assistant Director – Planning Strategy and Development

Management advised he was happy to change to XX and that it would be determined through the second phase of the Regulation 19 consultation.

- Strategic Policy WS02 – clarification was sought about whether the Committee were happy with the proposed density of the new town. In response it was advised the masterplan would set out specific areas of density which would be followed by the planning applications to determine the natural flow of density.
- Population figures are missing from the report.
- A suggestion was proposed to produce a map of the West End to define the area. Committee were advised that clarity of the West End had been provided via text instead of a map as this would create challenges to try and define the boundaries.

Members attention was drawn to a proposed further amendment to Policy WS01, and the Chair invited comments:

- Mistakes have been learned from the experience from Cranbrook. This is a good step moving forward with the new town.
- Although the Stewardship Statement is well worded it does not however go far enough to explain what it will control. Stronger words are needed to ensure that East Devon District Council will control what is built and when it will be built.
- It was suggested that the wording for b) was too restrictive and narrow and should be broadened to include commercial spaces etc. In response the Assistant Director – Planning Strategy and Development Management explained that it was left deliberately broad to include community spaces such as town centre spaces and employment spaces and questioned whether being too precise in the wording would start to exclude these types of spaces but advised that he was happy to look at the wording if the Committee wished.
- Reference was made to the Stewardship Statement and the need to ensure that there is suitable wording to make sure it remains in public ownership and should be managed by the newly formed town council. The Assistant Director – Planning Strategy and Development Management advised that suitable wording could be added to the explanatory text that would explain about the council's aspirations about what model it would like to see.

Chapter 5 Development in the towns and villages

Members considered the following two allocations that officers had raised concerns about:

Budl_01 Land south of Bedlands Land and west of Dark Lane

Committee were reminded that as Budleigh Salterton had taken a disproportionately low number of houses Committee had resolved to allocate up to 50 houses on the north eastern corner of this site with delegated authority to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair to determine the boundary. Following discussions with the developers it has now been proposed for development of 53 houses across 3 portions of the site which officers feel has a disproportionately high landscape impact and would impact the National Landscape and Green Wedge and therefore does not justify development and the recommendation is to not proceed with the site allocation.

RESOLVED:

To not allocate land at Budl_01 for the reasons set out in the report, notwithstanding the previous resolution to make an allocation with the details delegated to the Assistant Director – Planning Strategy and Development Management and the Chair of Strategic Planning Committee.

Otto_02 Land adjacent to the North Star

Committee were reminded that as the site was within a flood zone it would need to go through a stage 2 strategic flood risk assessment which would cost over £10,000 and delay the Local Plan process so the recommendation is to not proceed with the site allocation. Committee were advised that in principle as the site was within the settlement boundary of Otterton it could still come forward as a planning application.

RESOLVED:

To not allocate Otto_02 in light of the need for additional work to demonstrate the nature and extent of flood risk at the site noting that it has already been agreed for inclusion within the settlement boundary.

Comments on chapter 5 included:

- The wording about the location of the school in Strategic Policy SD27 Development at Tipton St John is incorrect. Officers advised the wording would be amended.
- The plan for Strategic Policy SD04 Ottery St Mary and its future development – Otry_09 Land at Thorne Farm is incorrect as still shows shading for just housing development. The plan should show a mixed-use site (education and housing).
- The wording for Strategic Policy SD01 Exmouth and its future development – Exmo_20 Land at St Johns does not mention the Pebblebed Heaths or the 400m exclusion zone which needs to be included. Officers agreed that a sentence would be added so that any allocation would need to comply.
- 0.1 hectare of employment land in Brcl_09 has been removed from Strategy Policy SD07 Development in Broadclyst. Officers advised this was an error and that it would be included.

The Chair welcomed everyone to the afternoon session and invited the public that had registered to speak on chapters 6 to 15 to address the Committee.

Thomas Shillitoe addressed the Committee about the proposed development immediately adjacent to the Pebblebed Heaths which was a SAC and SPA referring to chapter 13 Our Outstanding Biodiversity and Geodiversity. He referred to Policies PB01 Habitats Regulations Assessments Protection of Internationally and Nationally important wildlife sites, PB03 Protection of irreplaceable habitats and important features and PB04 Habitats Regulations Assessment raising concerns that recreational impacts were already having a detrimental impact on ground nesting birds and there was a need to demonstrate that the development proposed cannot be located on alternative sites that would cause less harm or that suitable compensation strategies were put in place.

Councillor Chris Burhop, Ward Member for Newton Poppleford & Harpford reminded Committee of the Strategic Planning Committee meeting on 22 November 2024 where the Newton Poppleford settlement boundary was considered and Committee had resolved to delegate authority to the Assistant Director – Planning Strategy and Development Management and the Chair of Strategic Planning to incorporate more of the western side. Councillor Burhop explained that the village centre and village facilities were all on the eastern side of the village and by incorporating land on the western side he explained that this would not be accessible to the centre of the village as it did not have any safe footpaths. He addressed the possibility of a footpath being created for the proposed allocations Newt_04 and Newt_05 did not have a footpath but emphasised this may or may not happen. Although he concurred with officers' recommendations for the two site allocations, he raised concerns that for any reason these two developments did not go ahead these development sites on this side of the village would be inaccessible

and therefore asked Committee to repropose the original submission to go forward into the Regulation 19 consultation.

During discussions some Members concurred that unless the footpath was installed the western side of the village would be unsafe and there was nothing to confirm at this stage that the footpath would happen. It was suggested that a condition could be imposed to ensure that no development could take place until there was a suitable footpath.

Following legal advice from the Planning Solicitor the Chair explained that the Constitution on page 118, Part 4, paragraph 13.1 states that 'A motion or amendment to rescind a previous decision made at a meeting of the council within the past six months cannot be moved unless the notice of motion is signed by at least 15 Members'.

During discussion it was then questioned whether Part 4, paragraph 13.1 of the Constitution related to Full Council decisions, rather than Strategic Planning Committee. The Planning Solicitor advised that the Rules of Procedure apply to all meetings of Committees as set out at the beginning of Part 4 of the Constitution on page 109 which states that 'Rules 4 to 26 (except where clearly inappropriate – for example Standing Order 18.1) shall apply to meetings of Committees. The word 'Committee' includes Cabinet, the Overview and Scrutiny Committees and all the bodies referred to in Article 8 of this Constitution' which includes Strategic Planning Committee.

The Planning Solicitor also advised in relation to Article 15 of the Constitution that a motion to suspend the Rules of Procedure could not be moved without notice unless at least one half of the whole number of Councillors entitled to attend the Committee were in attendance. As more than half of Committee were present, the Planning Solicitor advised that it would be possible to suspend the Constitution but questioned whether such a suspension would be proportionate taking account of the purposes of the Constitution set out in Article 1.

Having considered the legal advice Councillor Jess Bailey proposed to suspend the constitution, seconded by Councillor Dan Ledger and proposed a motion to rescind the previous resolution and to include the original boundary as proposed by officers to not include Newt_04 and Newt_05 due to road safety issues.

A vote took place and the proposal was not approved by the Committee.

Chapter 6 Mitigating Climate Change

- Why will there not be solar panels on all the roofs of new houses. In response Committee were notified that it was due to viability and following advice from SWEED it was advised to follow the route of being PV ready which would achieve the best outcomes and help achieve zero carbon.

Chapter 7 Adapting to Climate Change

No comments.

Chapter 8 Meeting Housing Needs

- The Council should be much stricter on developers providing affordable housing and to include a mixed tenure.
- 70% of mixed tenure is possible.
- There is a need to increase the number of council owned properties to improve our own housing stock.

- Need to address specific housing needs and the number of bedrooms. It was advised that the local housing needs assessment had shown that 75% of the district was in need of 3-4 bedrooms and therefore the Committee had agreed it was better to have a policy that referred to an appropriate mix of housing based on evidence.
- Why is there a suggestion for less affordable housing in Axminster? It was advised that the viability work had shown that the development values were lower and therefore it would not be viable.

Chapter 9 Supporting the Economy and Town Centres

- Policy SE08 Local shops and services is not a strong policy and does not make sense. It was suggested that the current Local Plan policy E14 was a stronger policy and a positive statement as it protected our villages shops which should be protected.
- Clarification was sought on Policy SE02 Employment development in the countryside and whether this applies to new employment sites. Committee were advised this would not be encouraged as they would be unsustainable.
- Clarification was sought about whether Policy SE02 would want to encourage intensive farming. Committee were advised the policy was aimed at other small businesses in the countryside and not agricultural businesses.
- Clarification was sought about the expansion of an existing rural business and when does it become too big?

Chapter 10 High Quality Design

No comments

Chapter 11 Sustainable Transport and Communications

No comments

Chapter 12 Our Outstanding Landscape

- Policy OL11 Development on High Quality Agricultural Land – this policy is weaker than the current policy and needs to be better.

Councillor Ben Ingham proposed, and Councillor Geoff Jung seconded to extend the Green Wedge for Exmouth to Lympstone Green Wedge down south of Summer Lane towards the Exmouth Estuary which will enable the National Trust land to be in a Green Wedge and up Hulham Road towards the Pebblebed Heaths. Councillor Geoff Jung also proposed to include the playing fields at Courtlands.

A vote took place and the proposal was not approved by the Committee.

Chapter 13 Our Outstanding Biodiversity and Geodiversity

No comments.

Chapter 14 Open Space and Sports and Recreation

No comments

Chapter 15 Our Outstanding Historic Environment

No comments

Chapter 16 Community Facilities

No comments.

RESOLVED:

1. That the publication draft of the Local Plan as appended to this report with the addition of the proposed text to cover stewardship arrangements as part of the Strategic Policy WS01 and the proposed additional policy on phased development be approved with delegated authority for the Assistant Director – Planning Strategy and Development Management in consultation with the Chair of Strategic Planning, to make adjustments to tidy up and refine local plan text wording to ensure consistency of approach through the plan, edit down overlong text and correct typographical errors.
2. That delegated authority be given to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair of Strategic Planning to produce and finalise the Policies Map in accordance with Members resolutions on allocations and designated area boundaries, that will also form part of the consultation, noting policy boundary matters and changes referenced in this report.
3. To consult on the Regulation 19 version of the Local Plan as appended (subjected to amendments agreed under Resolution 1 above) with delegated authority to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair of Strategic Planning to agree when consultation starts having regard to the requirements of the newly published NPPF.

Attendance List

Councillors present:

B Bailey
J Bailey
K Blakey
C Brown
B Collins
P Fernley
M Howe (Vice-Chair)
B Ingham
G Jung
D Ledger
Y Levine
T Olive (Chair)

Councillors also present (for some or all the meeting)

C Burhop
R Collins
P Faithfull
E Rylance

Officers in attendance:

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

Councillor apologies:

O Davey
P Hayward

H Parr

Chairman

Date: