

EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary meeting of the Council held

at Knowle, Sidmouth on 26 March 2015

Attendance list at end of document

The meeting started at 2pm and ended at 5.30pm.

***61 Public Speaking**

The Chairman welcomed members of the public to the meeting and invited all those who had indicated their wish to speak to address the Council on matters relating to the proposed amendments to the Local Plan and Community Infrastructure Levy (CIL) Draft Charging Schedule.

David Mortimer spoke of the need to allow 'organic' growth, through mixed development schemes, in the rural villages in order to support existing facilities and services. He supported the Development Management Committee's recommendation to include Dunkeswell as a sustainable village in revised Strategy 27 of the Plan. He asked that Members also consider the inclusion of Chardstock, which had an undersubscribed village school and a number of other facilities/services, and other villages which had the same or more services/facilities.

Cllr David Mason raised concerns about the defined Cranbrook Plan Study Area, which currently encompassed Rockbeare village, and the proposed allocation of an additional 1550 houses to be accommodated within the defined area. He advised that assurances had been made that there would be no coalescence between the surrounding villages and Cranbrook and therefore requested that the Study Area be amended to exclude the agreed Neighbourhood Areas for Rockbeare, Clyst Honiton and Broadclyst.

Lynne Askew spoke of the importance of having a Masterplan for the whole of the West End to allow for cohesive development and avoid sporadic development. She referred to infrastructure concerns, including junctions 29 and 30 being at near capacity, an insufficient bus service and lack of healthcare provision at Cranbrook. The importance of a clear management plan for the River Clyst and provision of community facilities was also highlighted.

Dr Cathy Gardner spoke of profit being the main incentive for developers, whether building one house or hundreds, and the Council being responsible for managing development in order to protect the District's landscapes for future generations. Housing needed to be balanced with adequate services and infrastructure.

Honorary Alderman Vivienne Ash asked that the consultation on the proposed changes be extended or delayed to take into account the election period. She raised concern that parish and town councils would not be able to respond under the current proposed timetable and that an extension to, or delaying the start, would ensure a more meaningful consultation.

***62 Declarations**

Cllr Stuart Hughes – Min no. 63 & 64

Personal interest

Reason: DCC Cabinet Member for Highway Management and Flood Prevention

Cllr Ray Bloxham – Min no. 63 & 64

Personal interest

Reason: Resident of Cranbrook

Cllr Helen Parr – Min no. 63

Personal interest

Reason: Landowner of the Rowan Drive site in Seaton was secretary to the local Conservative Association

Cllr Jim Knight – Min no. 63

Personal interest

Reason: Grazed horses on the Rowan Drive site in Seaton.

***63 Proposed amendments and supporting evidence to the New East Devon Local Plan**

The proposed amendments and supporting evidence to the new East Devon Local Plan had been considered in detail by the Development Management Committee at its special meeting on 23 March 2015. The recommendations of the Committee, which had been circulated to all Members, were considered by Council in reaching its decisions.

The Chairman of the Council invited the Chair of the Development Management Committee, to address the Council. Prior to presenting the recommendations, Cllr Parr briefly set out the background to how the Council had reached the current stage of the Local Plan process.

She advised that the Plan, shaped through extensive public consultation and having evolved over a number of years, set the blueprint for how the Council wished to see East Devon develop over the years ahead. The Plan sought to strike the right balance between development needs and conservation.

The Plan accommodated substantial growth in the West End with far more modest levels of development in the rest of East Devon, which was primarily focused on serving and meeting local needs, as sought by the town and rural communities. Higher levels of growth were proposed in Axminster, reflecting the wishes of the Town Council.

Following the Examination Oral hearing sessions in early 2014, the Inspector had written to the Council asking for further work on aspects of the Plan. This work had unfortunately taken longer than hoped, however was now completed to the point where proposed changes were identified in the Plan. The Committee, at its special meeting, had concentrated its efforts on a series of proposed changes which primarily arose from changes that the Inspector himself identified were relevant.

The Chairman asked the Chief Executive to highlight the key recommended changes to the Plan.

The Chief Executive referred to the four main stages in the production of the Local Plan and numerous stages of consultation. Members were reminded that in his letter to the Council in March 2014, the Inspector had asked for further work on:

- Housing numbers
- 5 year housing land supply and housing distribution
- Plan period
- Provision for gypsy and travellers

The key changes to the Plan, as recommended by the Development Management Committee, were outlined as:

- Amending the Plan to run from 1 April 2013 to 31 March 2031 in line with the SHMA;
- Providing for an Objectively Assessed Housing Need figure of 950 homes per year (17,100 new homes over the 18 year period). In the recommended policy changes it was projected that the Plan would provide for 18,241 new homes across the Plan period – the ability to accommodate an additional 1203 homes above the Objectively Assessed Need Figure provided positive flexibility in terms of future housing provision. The established policy approach of directing development to the Growth Point would be maintained, with limited levels of growth to the towns and development limited in the villages.
- Site specific changes in respect of:
 - Cranbrook (Strategy 12) – Deletion of the ‘indicative location’ house, shown in the Plan submitted for examination, and proposed a defined ‘Cranbrook Plan Study Area’ for an additional 1550 homes for Cranbrook. Consultants had been appointed to produce a masterplan for the Study Area – this process would involve consultation.
 - Tithebarn/Mosshayne Lane – Allocating a further 900 homes on land to the east of the existing permitted site.
 - Winslade Park – Allocation of 150 through the redevelopment and reuse of existing redundant office buildings and some infill development. Provision was also made for 0.7 hectares of B1 employment uses. Members were asked to note that the site boundary had been amended since the Special Development Management Committee meeting to exclude St Mary’s church and 2 houses in separate ownership that were included in the original site boundary in error.
 - Intermodal site – Revised policy wording to enable allocation of a safeguarding area for the rail head at the Intermodal site to ensure the availability of the land for future provision and to resist development that could adversely impact on or prejudice longer term provision. The need for the change arose from uncertainty over the deliverability and demand for the railhead and the need for clarity over what would be required to facilitate delivery of the site. The delivery of the site had a direct impact on housing numbers, which was one of the main concerns of the Inspector.
 - Reserve site at Seaton – Deletion of the reserve site at Seaton due to projected development levels at the town reaching expected levels and therefore the site was no longer required. The mixed-use employment and recreation site remained an allocation in the Plan.
- Villages in East Devon (Strategy 27) - classification of a) villages where the full range of housing needs could be accommodated (to include Dunkeswell) and b) villages where development focused on meeting identified local affordable housing needs would be permitted. Villages wishing to promote development,

other than that which was supported through Strategy 27 and other strategies in the Plan, could do so through the production of a Neighbourhood Plan.

- Cranbrook policy wording – updating policy references and making specific reference to the Cranbrook Plan work and production of a Cranbrook Development Plan Document.
- New policy wording proposed in respect of noise issues arising from Exeter Airport.
- A commitment to working with West Dorset District Council.
- Greater reference to the relevance of habitat regulations and mitigation measures (particular relevance at Exmouth) was included.
- Duplications of text removed and simplifications made.
- New text was added to reflect joint working with the airport on their masterplan for the future development of the airport.

Members also noted that:

- In light of the new SHMA, recent permissions and commencements on site, that the Council could now demonstrate a 5 year housing land supply. Projections showed that the position would be further enhanced upon following adoption of the Plan and could be maintained.
- The draft emerging Gypsy and Traveller identified needs of around 37 pitches, which would be addressed through a separate Development Plan Document.
- The Tree TaFF, which had met the previous day, was recommending production of a Tree Strategy. Additional text had been added to the Plan, since the Special Development Management Committee, to make reference to this work.

Subject to Council's agreement to the proposed changes, the next stage was to seek the agreement from the Inspector in respect of the appropriateness of future consultation. A six week consultation on the proposed changes, the evidence that informed the changes and questions proposed by the Inspector would follow and depending on the responses received, and the availability of the Inspector, oral hearing sessions of examination should restart in 2015 and subject to being found sound, the Plan could be adopted later in the year/early 2016.

The Chairman proposed the recommendations as set out in the Special Development Management Committee minutes and invited Councillors to debate them.

Councillor Ray Bloxham made a proposal, which was seconded, that Strategy 12 be amended to exclude the agreed Neighbourhood Plan Areas for Broadclyst, Clyst Honiton and Rockbeare from the Cranbrook Plan Study Area. He advised the proposed Study Area had raised a number of concerns within the villages surrounding Cranbrook. The proposed Study Area did not reflect the governance review boundary or respect the approved Neighbourhood Plan Areas.

Points raised on the proposal included:

- Neighbourhood Plans had been promoted to villages as a way of achieving controlled development – this process should be respected and not undermined;
- Uncertainty whether the additional 1550 homes allocated to Cranbrook could be accommodated in the area that would remain – the Inspector needed to be aware that although it was the Council's ambition to provide the proposed levels of housing at Cranbrook there were constraints;

- The Council had accepted a policy approach of directing development to the West End. There would be consultation with the surrounding parishes through the masterplan process;
- The surrounding villages' Neighbourhood Plans would need to address the Cranbrook expansion;
- The masterplan would take into account constraints, such as green wedges, noise sensitive areas, and identify the most suitable site/s for the additional housing;
- Include specific reference in the Strategy to consultation with surrounding parishes;
- There would eventually be a need for a second governance review – the parish of Cranbrook could not include the Neighbourhood Plan Areas of other parishes.
- Officers raised concern as to whether 1550 could be accommodated on the land that would remain within the study area once the neighbourhood plan areas had been excluded. Constraints from airport noise in particular engine testing and the landscape impact mean that there is not sufficient evidence to support 1550 homes on the remaining land.

The amendment was voted on and carried. Councillors were invited to continue debate on the recommendations. Points raised included:

- The need for Members to understand the housing and employment evidence;
- The housing and employment figures needed to 'hang together'. Projected housing completions showed high levels of housing being delivered in the early years of the Plan – the key employment sites would be delivered at a steadier rate.
- Risk was identified within the supporting evidence about making an assumption that growth would occur across the whole of the Plan period. Regular reviews of housing and employment delivery were required;
- The Inspector had not made any recommendations in respect of housing numbers – he had asked for evidence;
- Consultants employed to establish housing requirements had only been asked to look at housing need based on highest projected job growth and did not consider requirements based on lower projections of job growth.

Councillor Claire Wright proposed, seconded by Councillor Roger Giles, that the consultants employed to undertake assessment of future job growth and establish housing requirements for the District (Ash Futures and Edge Analytics) be invited to the next Overview and Scrutiny meeting to explain how their conclusions had been reached. Points raised on the proposal included:

- The projected growth was unrealistic, undeliverable and would be damaging to both the District's economy and environment;
- Proposed job growth was over ambitious. Projections needed to be revisited;
- Development Management Committee was the most appropriate committee to question the consultants;
- Inspector would come to his own conclusions on the evidence submitted in respect of housing need and job growth projections;
- The projected housing completions graph showed higher levels of delivery in the earlier years of the Plan period as it included extant permissions;

- Higher levels of projected job growth for East Devon resulted from the District having a growth area.

The proposal was put to the vote and lost.

Councillor Claire Wright proposed (seconded by Councillor Roger Giles) that the consultation on the proposed changes to the Plan and supporting evidence be extended to eight weeks, taking it beyond the election period, to ensure that parish and town councils were in a position to be able to comment. The Chief Executive advised that the consultation would be carried out on behalf of the Inspector and therefore it would only be appropriate to write to the Inspector to ask that the consultation period be extended – the proposal was amended to reflect this advice. The Inspector had been clear that the upcoming elections were not an impediment to the Plan process. The proposal was put to the vote and carried.

Further comments on the recommendations included:

- Developers definition of 'affordable' wasn't achievable on the area's average wage;
- Concern raised about creating urban sprawl between Exmouth and Exeter;
- The need to ensure that infrastructure was delivered at the same rate as the developments. The lack of health care provision was of particular concern;
- House prices reflected the demand for housing in the area;
- Objection to the extension of Dinan Way, due to increased traffic on the A376.

Councillor Andrew Moulding proposed, seconded by Cllr Jim Knight that Chardstock be added to the list of settlements to have a Built Up Area Boundary as it was a thriving community with a number of key services/facilities. Points raised on the amendment included:

- The village was not served by public transport;
- Views of the parish council had not been sought;
- More appropriate for the village to identify appropriate levels of development through a Neighbourhood Plan.

The proposal was put to the vote and carried.

Councillor Geoff Pook, seconded by Councillor Andrew Moulding, proposed that the wording in paragraph 15.2 (Chapter 15 - Smaller Towns, Villages and Countryside) be kept as written in the Plan and not amended to include 'promoting sustainability' as recommended by the Development Management Committee. The proposal was put to the vote and carried.

Councillor Stuart Hughes, seconded by Graham Troman, proposed the removal of the employment allocation to the north of Sidford from the Plan (Strategy 26). He spoke of the unsuitability of the site due to its location and the opportunity for further employment provision on Alexandria Industrial Estate. Points raised on the proposal included:

- Level of employment land proposed for Sidmouth was not justified and would result in over provision;
- Concern about the removal of the reference to 'ancillary' within the Strategy;

- No community support for the allocation;
- More suitable sites for employment identified;
- Alexandria Industrial Estate should be used to its full potential before looking at alternative sites;
- Allocation should be left in the Plan and advisory note sent as recommended by Development Management Committee.

The Chief Executive advised the Council that the Inspector had heard representations in respect of the allocation during the Examination Oral Hearings and had not been identified in the Inspector's letter as an area for further work, therefore Officer advice would be to allow the Inspector to reach his own conclusions in respect of the allocation. He also expressed concerns that the more changes made to the plan the greater the risk of the inspector being concerned that the plan had fundamentally changed and could not progress.

The proposal was put to the vote and carried.

Cllr Ray Bloxham made a proposal, which was seconded, that the text in Policy E7 (Extensions to existing employment sites) be amended to exclude Hill Barton and Greendale Business Parks from the policy as these two sites would be covered by the Villages Development Plan Document. This proposal was put to the vote and carried.

RESOLVED:
that Council:

1. endorses and accepts the draft Schedule of Changes to the East Devon Local Plan, including the following key proposed changes:
 - Amending the Plan period to start on 1 April 2013 to an end date of 31 March 2031;
 - Providing for an Objectively Assessed Housing figure of 950 new homes per year (17,100 new homes over the 18 year period);
 - Notes that the revised Plan projects that 18,303 new homes will be provided for the Plan period (*however with deletion of land at Clyst St Mary and adjustment of housing number at Rowan Drive, Seaton, see below, the figure drops to 18,241*);
 - Including a definition of the Cranbrook Plan Study Area (within which to accommodate an extra 1550 houses) and deletion of the house symbol south-west of the part developed Cranbrook land;
 - Allocation of housing sites at Tithebarn/Mosshayne Lane and Winslade Park (Clyst St Mary);
 - Allocation of a safeguarding area of land at the Intermodal site for a railhead.
 - Deletion of the reserve site in Seaton as an allocation;

together with the series of minor further proposed changes in the addendum report, subject to the following additional amendments (not including minor typographical and consistency amendments):

- a) Chapter 6 – Inclusion of text after paragraph 2.7 summarising projected development and population change and reinstatement of a table showing housing provision at Appendix C/3.

- b) Chapter 10 (Exmouth), Habitat Mitigation in Exmouth – Broaden wording to include strategic developments beyond those within the Masterplan.
- c) Strategy 12, Development at Cranbrook – Reference to health to be included in point 4.
- d) Strategy 12, Development at Cranbrook – text to be amended to read ‘...further expansion/intensification of Cranbrook to accommodate a further 1550 houses and associated job, social, community and education facilities and infrastructure, outside the designated Neighbourhood Areas of Rockbeare, Broadclyst and Clyst Honiton’.
- e) Chapter 15, Smaller Towns, Villages and Countryside: Proposed new policy on the re-development of redundant offices complex at Winslade Park and land adjoining Clyst St Mary – Remove the proposed northerly (Greenfield) land allocation at Clyst St Mary and reduce the total housing allocation figure for Clyst St Mary to 150, on the Brownfield land.
- f) Chapter 15, Smaller Towns, Villages and Countryside: Revised Strategy 27 – Dunkeswell and Chardstock to be included in the list of settlements to receive a Built-up Area Boundary and policy wording for those settlements not listed, to be amended to refer to community led development (for example Community Land Trusts)..
- g) Chapter 16, Thriving Communities, 16.10 – Amend to read ‘...associations of businesses..’
- h) Chapter 16, Thriving Communities, 16.23 – Amend to read ‘Community self build schemes supported by Housing Associations and others, for example Community Land Trusts, can...’
- i) Chapter 17, Climate Change and Renewable Energy, 17.10 – Include reference to the replacement for the Code for Sustainable Homes.
- j) Strategy 25, Development at Seaton – Housing allocation for north of Rowan Drive to be amended to provide 30 new homes.
- k) 6(d) – Sidmouth employment allocation north of Sidford (Site 041A/041B) be removed from the Plan and the relevant inset map be redrawn to exclude the site.
- l) Strategy 34, District Wide Affordable Housing Provision Targets – In the paragraph addressing viability issues include reference to overage clause in respect of future profits and affordable housing provision, where levels provided fall below policy targets.
- m) Chapter 20, Monitoring – Health and social care to be added to the list of key monitoring indicators.
- n) References in the Plan to the 2001 Census to be updated to 2011 Census.

- o) Setting the context – In the paragraph addressing the Village Development Plan Document delete reference to allocations of land and add text after ‘villages’ to read ‘..and for Hill Barton and Greendale Barton Business Parks’.
 - p) Policy E7, Extensions to existing employment sites – text to be amended to exclude Hill Barton and Greendale Business Parks from the policy.
2. endorses and accepts the additional evidence used to inform plan changes and produced as supporting evidence to the Plan;
 3. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
 4. agrees to give delegated authority to the Service Lead – Planning Strategy and Development Management to make changes to the Local Plan prior to a consultation exercise being carried out to correct any typographical mistakes or to ensure consistency throughout;
 5. agrees to write to the Inspector to ask that the public consultation on the proposed changes, the evidence that informs the changes and questions posed by the Inspector, be extended to eight weeks (instead of six), to take the consultation beyond the election period.
 6. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request made to the Inspector to recommence oral hearing sessions as soon as reasonably possible.
 7. agrees that responses received to the consultation be reported back to Development Management Committee.

***64 Amendments to the Community Infrastructure Levy (CIL) Draft Charging Schedule and response to the Inspector’s concerns.**

The draft Charging Schedule for East Devon had been submitted for examination in August 2013 alongside the new Local Plan. Following an examination hearing in March 2014 the Inspector had written to the Council outlining key issues he felt needed to be addressed. Concern had particularly been raised regarding the evidence behind the residential and retail charges proposed for Cranbrook; the report set out a proposed response to these concerns. In addition, the report addressed aligning the Charging Schedule and its supporting evidence with the new allocations proposed in the Local Plan. An early review of the CIL Charging Schedule would be required when the site(s) for the proposed additional 1550 homes at Cranbrook was identified.

The Council considered and accepted the recommendations from the special meeting of the Development Management Committee.

RESOLVED:
that Council:

1. agrees the amendments to the Draft Charging Schedule and maps in order to propose a £0/sqm charge for retail development at Cranbrook;
2. agrees the amendments to the Draft Charging Schedule and maps in order to extend the £80/sqm charge for residential development in the edge of Exeter allocations to apply to the newly proposed allocation of land at Mosshayne;
3. agrees the introduction of a specific review trigger for the Charging Schedule associated with the Cranbrook plan and production of a DPD to allocate additional development at Cranbrook.
4. agrees the proposed additional report (Appendix 1) prepared in response to Inspector's concerns raised in his letters to the Council regarding proposed CIL charges at Cranbrook;
5. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
6. agrees, to undertake a six week public consultation on the Revised Draft Charging Schedule, the evidence that informs the changes and the questions proposed by the Inspector;
7. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request is made to the Inspector to recommence oral hearing sessions in conjunction with the reconvened Local Plan hearings;
8. agrees that responses received to consultation be reported back to Development Management Committee; and adopts the Cranbrook IDP and Sports, Leisure and Recreation at Cranbrook Report for use in assessing and determining planning applications.

Attendance list - Councillors present:

Graham Godbeer, Chairman
Christine Drew, Vice Chairman
Mike Allen
David Atkins
Ray Bloxham
Susie Bond
Peter Bowden
David Chapman
Maddy Chapman
Iain Chubb
David Cox
Deborah Custance Baker
Alan Dent
Paul Diviani
Vivien Duval Steer
Jill Elson
Martin Gammell
Roger Giles
Steve Hall
Peter Halse
Tony Howard
Mike Howe
Stuart Hughes
John Humphreys
Ben Ingham
Stephanie Jones
Sheila Kerridge
David Key
Jim Knight
Andrew Moulding
Frances Newth
Helen Parr
Geoff Pook
Ken Potter
Pauline Stott
Peter Sullivan
Ian Thomas
Graham Troman
Phil Twiss
Mark Williamson
Tim Wood
Claire Wright
Tom Wright

Honorary Aldermen
Vivienne Ash

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Amanda Coombes, Programme Officer
Matt Dickins, Planning Policy Manager
Ed Freeman, Service Lead – Planning Strategy and Development Management
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Tim Spurway, Neighbourhood Planning Officer
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Roger Boote
Peter Burrows
Bob Buxton
Geoff Chamberlain
Trevor Cope
Steve Gazzard
John Jeffery
Chris Wale

Chairman Date.....