

EXECUTIVE

30 JULY 2019

Present:

Councillors G Hook (Leader), Dewhurst (Deputy Leader), Connett, J Hook, Jeffries, MacGregor, Taylor and Wrigley

Members in Attendance:

Councillors Bradford, Bullivant, Clarence, Colclough, Daws, Goodman-Bradbury, Haines, Keeling, Mullone, J Petherick, L Petherick and Purser

Officers in Attendance:

Amanda Pujol, Interim Head of Service Delivery and Improvement
Simon Thornley, Business Manager - Spatial Planning
Michelle Luscombe, Principal Policy Planner
Trevor Shaw, Senior Planning Officer
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Sarah Jennings, County Ecologist (Devon County Council)

51. MINUTES

Minutes of the meeting on 1 July 2019 were confirmed and approved and signed as correct record.

52. DECLARATIONS OF INTEREST

Councillor Taylor declared an interest in respect of Minutes no.56 (South Hams Greater Horseshoe Bat SAC – HRA) as a Member of the Campaign to Protect Rural England (CPRE).

53. PUBLIC QUESTIONS

Questions and Responses attached to minutes.

54. ARMED FORCES COVENANT

The Portfolio Holder for Communities & IT in introducing the report stated that the Armed Forces did a tremendous job, across a range of diverse duties, all over the world and at home. The Teignbridge Armed Forces Covenant would support all those who serve or have served in the Armed Forces and their

families and ensure that they are treated fairly. The action plan would support the delivery of the covenant across the authority. The Council had appointed the Chairman of the Council, Councillor Keeling as the Armed Forces Member Champion.

The Chairman of the Council, in his capacity as the Armed Forces Member Champion, commented that the Council had started to put together an action plan and already identified the need for a dedicated Armed Forces web page. Devon Homes Choice had 3.98% (39 out of 979 on register) of veterans on its register and 2.04% (19 out of 930 cases) of homeless applications were from veterans.

The Interim Head of Service Delivery and Improvement advised that an action plan would be brought to the September meeting.

The Portfolio Holder for Communities & IT proposed the recommendation, this was seconded by the Leader.

RESOLVED that a Teignbridge Armed Forces Protocol and action plan be developed.

55. LOCAL PLAN REVIEW – 5 YEAR POSITION STATEMENT

The Portfolio Holder for Planning presented the Five Year Position Statement on the Teignbridge Local Plan 2013-2033. He commented that the housing needs calculations were dictated by a government formula based on affordability which did little to address the needs of those least able to afford to rent or buy a home of their own. The main implications of the review were that the Council would need to update the Local Plan, due to the nationally set formula known as the 'standard method', having to be adopted. This would increase the number of houses to be built per year from 620 to 760 units – a rise of 23%. In other words some 700 or so additional houses in the District over the next five years.

The Leader had written to the previous and new Prime Minister (PM) asking for a more appropriate method to calculate housing need in the Teignbridge Local Plan. It was important that housing being built provided social housing and genuinely affordable housing, promoted development on brownfield sites, redeveloped redundant buildings and brought forward smaller sites.

The Portfolio Holder for Planning advised of a change to 5.1 - Time-scale - to read '*The Government's Housing Need figure of 760 and any subsequent calculation of housing need, will be applied to 5 year housing land supply calculations and Housing Delivery Test from that date*'

Non-Executive Members raised issues regarding the 300,000 homes that the Country required to meet demand; how the windfall sites figures were calculated; need to be forward thinking in development to address the climate change emergency and that the Council should not sign off the housing numbers unconditionally.

The Business Manager - Spatial Planning clarified that the variation in the windfall figures in the first year of the five year period was because they took into account projected windfall completions that had already had planning permission or otherwise counted in the supply. These sites tended to come forward quicker as the infrastructure was usually in place. The Greater Exeter Strategic Plan (GESp) would take a wider view of the housing target for the area as a whole although Government expected Councils to meet the required number.

The Portfolio Holder for Climate Change Emergency and Housing commented that the district had constraints with its landscape and coast line and that these should be taken into consideration when housing numbers were calculated. Policies would be brought forward to support the building of carbon neutral homes.

The Leader read out the response he had received from Central Government to his initial letter.

The Portfolio Holder for Sport, Recreation & Culture commented that consultation had taken place, with the legal advice that was taken when the five year plan was compiled and now the communication with the PM's, with one positive response received.

The Portfolio Holder for Planning proposed the recommendation, this was seconded by the Portfolio Holder for Sport, Recreation & Culture.

RESOLVED that the conclusions of the Five Year Review of the Teignbridge Local Plan attached to this report be approved.

56. SOUTH HAMS GREATER HORSESHOE BAT SAC – HRA

The Portfolio Holder for Planning (Councillor Taylor) declared an interest as a Member of the Campaign to Protect Rural England (CPRE). He did not take part in the discussion or vote.

Prior notification - Member questions and responses attached to minutes.

The Portfolio Holder for Planning presented the report to consider the South Hams Special Area of Conservation (SAC) Habitats Regulations Assessment Guidance. This was important guidance to protect the greater horseshoe bats, one of Britain's rarest bats of which about 30% of the population was found in South Devon.

The Senior Planning Officer advised that the South Hams SAC guidance had been prepared jointly by the five authorities in partnership with Natural England and once approved would become planning guidance supporting the Councils planning policies E9 and E10.

Non-Executive Members raised concerns regarding the lack of advice notes; Abbotskerswell Parish Council and Wolborough Residents' Association were not satisfied that the advice notes were not included with this guidance; the

Landscape Connectivity Zone was inadequately protected; and only Sites of Special Scientific Interest (SSSI) criteria being considered as important was not acceptable.

The Principal Policy Planner clarified that the guidance was a standalone document and would support the submission of a Habitats Regulation Assessment (HRA) to ensure that there was connectivity across the wider landscape.

The Senior Planning Officer stated that the steering group would be discussing the advice notes at its next meeting and that events were on-going across the area to raise awareness of the guidance. Abbotskerswell Parish Council & Wolborough Residents' Association would be advised on the advice notes progress.

The County Ecologist (Devon County Council) clarified that advice notes were not required and the guidance was a standalone document. Development that would impact on the undesignated roosts in the Landscape Connectivity Zone would require a HRA. The connectivity zone was a new area, much wider than the existing narrowly defined "strategic flyways" which would improve the council's ability to ensure that major developments protected the bat's habitats.

The Senior Planning Officer advised that he had received concerns from developers re the tightening of the regulations. In response to comments from Abbotskerswell Parish Council & Wolborough Residents' Association the following amendments to the guidance had been agreed by Executive:-

In Section 1 Introduction, para 1.2.6, amend wording to:

'Links to, or summaries of, best practice information on technical issues such as lighting will be added to the DCC website where the Steering Group agree that this will be helpful. Note however that this HRA guidance is a stand-alone resource which is not reliant on this information'

In Section 3 Flow chart, para 3.1.2, Note b, amend wording to:

'It may be possible for the LPA to screen out likely significant effects relatively quickly where it is considered that, due to factors such as location, site characteristics, size/type of the application, the proposal will not have a likely significant effect on the SAC greater horseshoe bat population.'

The Portfolio Holder for Communities & IT proposed the recommendation, this was seconded by the Leader.

RESOLVED that the:-

- (1) South Hams Special Area of Conservation Habitats Regulations Assessment Guidance be approved with any other minor amendments of detail being delegated to the Business Manager Strategic Place in consultation with the Planning Portfolio Holder; and

- (2) Consultation Summary outlining comments to the consultation process be noted.

57. EXECUTIVE FORWARD PLAN

RESOLVED that the Forward Plan be noted.

The meeting started at 10.00 am and finished at 11.10 am.

Chairman

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Questions from the Public

Question

1. Is it democratic that the Greater Exeter Strategic Plan (GESP), upon which local residents have not been consulted, should override the Local Plan 2020-40 upon which we have been extensively consulted over the years?

Answer- Portfolio Holder for Planning

As you will see from another item on this meeting's agenda, the Teignbridge Local Plan 2013 – 2033 (not 2020 – 2040 as your question suggests) has now passed its 5th birthday. By law, therefore, we are required to consider whether the plan is in need of updating – which the report says that it is. Indeed, the plan itself commits to a review every 5 years (see paragraph 2.12). Therefore it is inevitable that the current version of the local plan will be replaced by new, updated plan or plans which look forward further than 2033 and contain new or revised policies and development allocations. The council has decided that this is best undertaken by separating out the strategy elements and the more local elements into different documents. We can then work much more closely with our neighbours on a mutually more beneficial strategy for this part of Devon. We are required by law to work with our neighbours because of the “duty to cooperate” and a formal joint plan like the Greater Exeter Strategic Plan is the best way of doing this. I want to reassure you that there is no democratic deficit. Both the GESP and the Teignbridge Local Plan Review are at an early stage and will continue to be prepared with public consultation and through the proper legal procedures, over the next 3 – 4 years. Both plans will need to be approved by Teignbridge council during the course of their preparation and finally at their adoption.

Question

2. Will the housing of hundreds of Exeter workers, resulting in thousands of miles of commuting from sea level via a 250 m high moor, not increase the difficulty of fulfilling Teignbridge's promise to be 'carbon neutral' by 2025?

Answer- Portfolio Holder for Planning

This question presupposes a particular strategy of dispersing Exeter “need” to Teignbridge. However, I suggest you have a look at Exeter City Council's recently published Liveable Exeter Vision. This includes proposals for about 11,000 - 12,000 new homes to be built in Exeter in liveable new neighbourhoods previously developed land. On current figures this would more than meet their housing need, allowing for development already planned within the city. A sustainable transport strategy is being prepared to accompany this investment, concentrating on walking and cycling as the main forms of transport within the city. Nevertheless, it seems clear that Teignbridge residents will continue to wish to access the highly paid jobs within the city and I can't see anyone thanking us if we tried to stop them! By working with our Greater Exeter partners we can continue to provide the public transport improvements across the area which are needed to reduce all of our carbon footprints. We have seen a doubling of rail travel in the area over the last 10 years and we will work with our partners to continue the improvements needed to continue and accelerate this change. Having signed the climate emergency declaration I can confirm that this council will be taking account of our ambitions in our future strategies, both in planning and in other parts of the council. I am sure that the public will support us in our aims. Any climate change work which tries to ignore the world outside Teignbridge (and indeed, beyond this country) is bound to fail.

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Agenda item 8 - South Hams Greater Horseshoe Bat SAC – HRA

Question from Councillor Mullone

Regarding the new South Hams Special Area of Conservation – Habitat Regulations Assessment Guidance... Given the detailed reasons put forward by the WRA and APC, we trust that the Executive will elect NOT to adopt the guidance recommended by officers. The HRA guidance lately proposed fails to meet the required standard to meet the principle of no Lasting Significant Effect (LSE).

They represent a clear and deliberate watering-down of essential environmental safeguards, and after all we've heard lately about having to do questionable, ungreen things to satisfy Whitehall, this is something entirely in your court. And you have just declared a climate emergency. If you pass this guidance will you at least do the decent thing and admit that declaring this 'climate emergency' was done purely to appear fashionable

Response from Portfolio for Planning

There has been absolutely no watering down of the Bats' protections. As a European Wildlife Site, protected under international law, the South Hams Special Area of Conservation is afforded the highest level of protection possible. There is nothing we could have done via guidance to reduce the standard of protection, and of course we haven't. We have prepared the new HRA guidance to be more effective because it is based on more up to date knowledge gathered in the last 9 years, to ensure that these iconic South Devon residents will continue to live and thrive here for generations to come.

The new Guidance has been written by a group of ecological experts representing the 5 Local Planning Authorities and Natural England, and has also drawn expert guidance and advice from the University of Exeter, the Bat Conservation Trust, and other specialists in the field. The Guidance is the culmination of this expertise and knowledge plus extensive evidence derived from survey data and detailed studies undertaken. These professional ecologists are hardly going to water down any protection!

The guidance was objected to by various developers, including those promoting the Wolborough development. Clearly they don't think that this waters down protection either.

And the guidance itself is now much more fit for purpose and protective of the Bats' needs:

- It makes sure that full account will be taken of potential harm to the bats' habitat and food sources in a much wider area than previously, compared with the previous guidance which largely only considered a number of defined flyways.

- And of course, because they are in the wider “connectivity zone” or sustenance zones, the current defined flyways themselves are still fully protected.

This clearly demonstrates our commitment to environmental safeguards - in answer to your second question, we would confirm our commitment to the unanimous decision taken by this Council to declare a climate change emergency earlier this year.

But while our Executive will continue to steer what it considers the most effective course towards a zero carbon future - and our target date of 2025 - we do not have a monopoly on good ideas. We therefore ask for the continued support of all members - of all parties and of none - to help us in this ambitious aim.