

The influence of the East Devon Business Forum on the Local Plan

The EDBF is unique in that it acts as an influential business lobby at the same time as being part of the District Council.

The EDBF is a forum defined in the District Council constitution as a body of ‘representatives of outside interests’ with whom the council can discuss ‘specific areas of activity.’ According to its current Chairman, the EDBF is considered ‘completely independent of the District Council’, (Sidmouth Herald 5 Oct 2012) and yet it receives funding and material support from the Council.

Moreover, public expressions of concern over the close relationship between the District Council and the EDBF have been raised several times at Council meetings. (See Minutes of: Executive Board 30 Mar 2011, Full Council 25 July 2012, Overview & Scrutiny Committee 27 Sept 2012)

The EDBF is subsidised and housed by the District Council and serviced by Council Officers. Its Minutes are maintained on the District Council website under the title “East Devon District Council – Business Forum”. Its Chairman since 2006 has been a senior District Councillor.

A group of senior District Councillors regularly attend EDBF meetings. (Graham Brown, Chairman 50; Philip Skinner 31; Paul Diviani 27; Graham Godbeer 23; Bob Buxton 21; Peter Halse 18; Malcolm Florey 12; Sara Randall-Johnson 11)

There have been regular attendances by District Council Officers at EDBF meetings. (Corporate Director Karime Hassan attended 17 EDBF meetings 2005-11; Head of Planning Kate Little spoke to the EDBF six times 2011-12)

EDBF expects to be told in advance of important developments. For example, EDBF members expressed concern in Feb 2010 that the Chief Executive had not informed them in advance of his decision to job share with South Somerset District Council and was invited to address them to explain his move, which he carried out in Aug 2010.

On the other hand, there are other models of business forums available. For example, whilst the Business Forum Mid Devon enjoys ‘the full backing of Mid Devon District Council’ with ‘a direct line of communication to influence local policy makers’, the business model for the BFMD means that it is open to all, ‘no matter the type or size of your business’, it has a full executive board and requires an annual membership fee – all of which the East Devon Business Forum lacks.

The aspirations of the EDBF and District Council Planning Officers have increasingly coincided.

Whilst the District Council Chief Executive has said (e-mail 23 Oct 2012) that ‘the Council does not accept for one moment that the EDBF is a lobby group,’ the EDBF itself and other District Council Officers have been very clear about the relationship between the two bodies.

‘Members of the Business Forum often underestimated its influence on policy at EDDC; an example was for the need for more employment land in the District.’ (EDBF Minutes: 11 Dec 2008)

‘The District Council has a new approach and attitude to encouraging development within the district ... If planning policy is a barrier to development, then consideration should be given to changing this policy.’

(Planning Policy Manager Matt Dickins: EDBF Minutes 29 Apr 2011)

A senior District Council Officer voiced that it was easier to engage with groups such as the EDBF, ‘supportive of development’, rather than simply with residents’ groups, who opposed it. He recognised the ‘greater weight given to business since the establishment of the Business Forum’ especially over such issues as ‘the lack of business land.’ (Corporate Director Karime Hassan: EDBF Minutes 3 Feb 2011)

‘The planning system had been taken apart to serve the needs of the customer’ (that is, the applicant) and was moving from a more ‘landscape focus to a more economic one’. (District Council Head of Planning, Kate Little: EDBF Minutes 15 Dec 2009) This has been restated by the District Council Chief Executive (e-mail 23 Oct 2012): ‘the Executive Summary of [the Independent Planning Advisory Service] report confirms that the “Councils’ priorities have shifted in the last few years from one of landscape protection to promoting economic development and the provision of affordable housing.”’

One of the primary purposes of the EDBF has been to influence the District Council in matters of planning policy.

The EDBF has sought to persuade the council to relax planning controls for large developers and to decrease the protection for greenfield and AONB areas. For example, the EDBF complained in 2011 that only 1% of East Devon was developed. (EDBF minutes 13 Oct 2011)

Planning and development issues have dominated the agendas of EDBF meetings (referred to in 34 out of 40 meetings since 2007) with on one occasion the question being raised as to whether other matters such as education and training could be discussed. (EDBF Minutes 10 Apr 2008)

The EDBF is dominated by larger businesses and property developers, with smaller businesses dependent on town centre commerce and quality tourism fearing that excessive expansion of business parks in greenfield sites would damage their interests. For example, the former Chairman of Axminster Chamber of Commerce and Industry has complained that he felt unwelcome at EDBF meetings (Comment 10 at Cllr Claire Wright’s blog: 26 Jul 2012)

The EDBF enjoys a privileged status within the District Council, having been recommended as a planning consultee for the District Council since 2007.

The EDBF has convinced the District Council of the need to reduce planning restrictions generally, as of 2007. Following research by the EDBF, the District Council’s TAFF on Employment Land challenged the conclusions of the independent Atkins Report. The Chairman of the EDBF subsequently led the debate at the Corporate Overview Committee (22 Nov 2007), securing the agreement that planning policy on employment land should be changed forthwith, due to an ‘undersupply’ in East Devon, despite the Atkins Report’s evidence to the contrary.

The consequences of this policy change are clear, in that the Corporate Overview Committee (23 Oct 2008) confirmed the 'urgent need' for more 'employment land', recommending Exeter Airport, Greendale Barton and Hill Barton Business Parks for expansion (all of whom are EDBF members). Moreover, as of 2008, planning applications from EDBF members for large extensions to their industrial estates have been approved.

The EDBF has also persuaded the District Council to increase the amount of 'employment land' specified in the strategic Draft Local Plan: 'Members noted that the work the Business Forum had done on the Atkins Report had made an enormous difference to the final report prepared by the Employment Land Issues TAFF. This had been accepted by the Executive Board. The report was now being used by the Development Control Committee as a base when considering planning applications for employment land.' (EDBF Minutes 31 Jan 2008)

The employment land allocation in the Local Plan has been widely criticised as excessive, if not unsound.

The Senior Planning Officer at Dorset County Council (Response to Draft Local Plan Consultation) said 'we have some serious concerns regarding the sustainability of the employment proposals in the draft plan... We have a particular concern that employment land provision at 180 hectares, so far exceeds the level indicated by the former strategic policy ...and the recommendations of the recent study by Roger Tym and Partners.' (Western Morning News 23 Aug 2012)

Referring to the LDF Employment Land Provision, Devon County Council warned 'current evidence suggests that the scale of provision being advocated within East Devon is likely to result in a significant level of over-provision.'

Sidmouth Chamber of Commerce concluded that the EDBF 'grossly underestimated' the amount of land already available, notably vacant commercial premises. (Response to Draft Local Plan Consultation) 'We conclude that the process by which employment land allocation in Sidmouth has emerged is very seriously unsound.' (Sidmouth Herald 20 Jun 2012)

'The only piece of evidence relied on by the District Council (to justify the employment land figures) is ...a report from EDBF. It therefore seems likely that the views of landowners and developers on EDBF led directly to these proposals.'

(Cllr Claire Wright's blog: 27 Jan 2012)

The report by the Independent Planning Advisory Service (Nov 2009) was presented to the Overview & Scrutiny Committee in Feb 2010: 'The LDF Panel has started to undertake site inspections and receive presentations from landowners on strategic land allocations... However there is a potential danger that a positive steer from the Panel, that there are suitable sites, is leading to the initiation of premature pre-application discussion for sites that would be departures from the current development plan... LDF views appear to be being made without the scenario testing of alternative options, the use of sustainability appraisals...'

The question therefore remains as to whose interests are being furthered in the formation and implementation of planning policy by District Councillors and Officers.

On his retirement as Chair of the EDBF in 2006, Cllr Ron Mudge expressed his wish that the next Chairman should not be a councillor (EDBF Minutes 26 Jan 2006).

Since 2007, the contribution of **Cllr Graham Brown** as both EDBF Chairman and senior District Councillor has been critical, due to his role in formulating District Council planning policy especially in relation to 'employment land'. He runs the planning consultancy Grey Green Planning Ltd and the building company Brown Builders (cf: Register of Interests entry).

Cllr Brown chaired the TAFF on Employment Land in 2007 and led the debate at the Corporate Overview Committee on 22 November 2007 which resulted in the change in District Council policy towards 'employment land'.

Cllr Brown was Chairman of the Local Development Panel 2009-10 during which all meetings were held in private. These minutes have since been released under pressure and, whilst heavily redacted, demonstrate that EDBF members' claims were supported by the Chairman and were subsequently included in the Local Plan. Cllr Brown did not declare an interest in the EDBF and was thus in breach the 2012 Councillors' Code of Conduct, which required him to declare 'personal interests in (the) membership of any body... exercising functions of a public nature...whose principal purposes include the influence of public opinion or policy.'

Since July 2005 the contribution of **Officer Nigel Harrison** as both District Council Economic Development Manager and Honorary Secretary of the EDBF has also been critical. As such he has assisted EDBF members to frame policy and to present the interests of the EDBF to the District Council, all of which seriously risks breaching the Officer Code of Conduct.

Officer Harrison was appointed member of the EDBF sub-committee which researched the availability of employment land in the District (25 Jan 2007) and had the results referred to the District Council TAFF on Employment Land (EDBF Minutes 31 Jan 2008)

He led the EDBF discussion on the Environment and Rural Development on 29 Apr 2010 during which it was suggested that it might be necessary to reconsider the strict protection of the AONB.

Officer Harrison was tasked, together with the Chairman, to draw up the EDBF response to the Draft Local Plan, which included an appeal for more employment land in addition to the 180 hectares allocated in the Plan. (4 Jan 2012)

He intervened in 2008 in an important disciplinary matter between the then-Leader of the Council Cllr Randall-Johnson and the Chairman of the EDBF Cllr Brown, publicly expressing his strong personal support for Cllr Brown. The Leader wished to remove Cllr Brown from his position as District Member Champion for Business because of 'accusations of impropriety involving planning applications within East Devon'. Mr Harrison defended Cllr Brown saying 'he had brought energy and enthusiasm to that task and he had enjoyed

working with him'. (EDBF Minutes 8 May 2008) This contravenes article 4.1 of the Officer Code of Conduct and article 45 of the Protocol covering Councillor-Officer relationships.

Both District Chairman **Cllr Peter Halse** and District Leader **Cllr Paul Diviani** attended Local Plan meetings between 12 Jul 2011 and 20 Mar 2012, but failed to enter their involvement with the EDBF in the District Council members Register of Interest form.

As a founder member of the EDBF in 2004, Cllr Diviani has been closely associated with the EDBF, having attended 27 of its meetings to June 2012. From its inception he has strongly supported the EDBF's privileged status, arguing that it was its aim 'to influence the council to take action and consider various projects in advance of decisions being taken by its members.' (Ref 2-2 of EDBF Minutes 21 Apr 2005)

Cllr Diviani has been a consistent champion of District Council support for the EDBF. For example, in 2005 he promised the District Council was 'committed to providing support for the Business Forum in terms of administration, rooms, refreshments etc. as it regarded the Forum as a core function.' (Ref 2-4 of EDBF Minutes 21 Apr 2005) In 2011 he stated that he was willing to allow the EDBF to use the Communications Officer at the District Council to issue press releases. (Ref 2-5 EDBF Minutes 21 Jul 2011)

Cllr Diviani has regularly attended and contributed to LDF Panel meetings (since 2008), the Overview & Scrutiny Committee (26 Jul 2012) and the Development Management Committee (17 Jul 2012), all without declaring support for the EDBF. This consistent failure to declare an interest is in conflict with the District Council Code of Practice, specifically articles 7.2, 7.6, 8.1 and 8.2.

More specifically, he was present and failed to declare an interest at the Executive Board Meeting (26 Sep 2007) which ordered the review of the Atkins Report in conjunction with the EDBF; and the Corporate Overview Committee meeting (24 Apr 2008) which endorsed a submission by the Chairman of the EDBF that more 'employment land' was urgently needed in the District.

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From data sourced and compiled by Graham Cooper and Tony Green
Acting for the Save Our Sidmouth campaign

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