

Report to: Cabinet



Date of Meeting 30 March 2022

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Exemption applied: None

Review date for release N/A

Response to the Kilmington Neighbourhood Plan Submission

Report summary:

The purpose of the report is to formally agree the response by this Council to the submission consultation for the Kilmington Neighbourhood Plan. Kilmington Parish Council has formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) require the District Council to formally consult on the Plan for a minimum of 6 weeks. As part of this consultation, the District Council has the opportunity to comment on the Neighbourhood Plan. Officer observations are set out at the end of this report and members are asked to endorse these as the formal representation on the plan. The comments of this Council and all other comments received during the consultation will be submitted to an independent Examiner who will inspect the Plan against a series of conditions that must be met in order for it to proceed to a referendum.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- (1) That Cabinet note the formal submission of the Kilmington Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document.
- (2) That Cabinet recommend that the proposed representation set out at paragraph 1.19 in this report is made in response to the consultation.

Reason for recommendation:

To ensure that the view of the District Council is formally recorded and informs the consideration of the Neighbourhood Plan by the independent Examiner.

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Portfolio(s) (check which apply):

- ☒ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets

- ☐ Finance
- ☒ Strategic Planning
- ☒ Sustainable Homes and Communities
- ☒ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. All electors are invited to vote in the referendum.

Climate change Low Impact

Risk: Low Risk; There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the Basic Conditions to which all plans must comply.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2021\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Kilminster Neighbourhood Plan documentation](#).

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ Better homes and communities for all
- ☒ A greener East Devon
- ☒ A resilient economy

Report in full

Background to the Kilminster Neighbourhood Plan

- 1.1 Kilminster Parish Council commenced work on their Neighbourhood Plan following the Neighbourhood Area being designated on 15 January 2016.
- 1.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and other stakeholders to produce a plan which endeavours to reflect the aspirations of the community.
- 1.3 The Kilminster Neighbourhood Plan aims to maintain the “unique and intimate character” of the parish, whilst “enhancing the rural and built environment, by allowing limited incremental development to meet the needs of local people until 2031, in a way that will not compromise future generations and will encourage the maintenance of a sustainable and balanced rural community”. To this end, the Plan contains 25 policies related to: housing development; community facilities; transport and traffic; employment and business; heritage and design; countryside and green spaces, and; small-scale renewable and low carbon energy generation. Significantly, the Plan proposes two allocations for residential development for up to approximately 24 dwellings in total, designed to meet identified local needs, including for affordable homes and homes for older people. In addition, it supports up to a maximum of 10 self-build properties over the plan period.
- 1.4 Prior to submitting the Plan to East Devon District Council, Kilminster Parish Council have held their own public consultation on a draft version of the plan; a step which is also

required by the Neighbourhood Planning (General) Regulations 2012 (Regulation 14). Due to the restrictions related to the Covid-19 pandemic, this ran for an extended period of 10 weeks, from December 2020 through to end February 2021. The comments made during this consultation, including informal comments by District Council officers, have been considered and the plan updated prior to formal submission to East Devon District Council. Further assessment work relating to heritage and landscape impact has also been undertaken and taken account of prior to Submission, following responses made by Historic England and Natural England to our own environmental screening assessment of the Pre-Submission version of the Plan.

Submission of the Kilminster Neighbourhood Plan

- 1.5 The District Council received formal submission of a Neighbourhood Plan from Kilminster Parish Council in January 2022. The Plan and its supporting documents are available to view on the [planning pages](#) of the District Council website.
- 1.6 This is the twenty-fifth neighbourhood plan to progress to submission stage consultation in the District. The Parish Council has received regular support from the District Council and additional financial support from the Ministry for Housing Communities and Local Government.
- 1.7 The statutory regulations require that the District Council organise and undertake a consultation on a plan when a compliant Submission is received. This is commonly referred to as the submission or 'formal' consultation. The public consultation period is running for a total of 7 weeks from 9 February 2022 to 30 March 2022. The Plan proposal was publicised through notices on the District Council website, a press release and social media, email sent to all Members, adjoining authorities and statutory consultees, including Devon County Council, Natural England, Historic England and the Environment Agency, and publicised widely locally through the Parish Council. Hard copies of the Plan are available on request and to view at Honiton and Axminster libraries, as well as local venues in Kilminster.
- 1.8 One of the statutory roles of the District Council is to consider whether the Plan meets the legislative requirements, in production process terms. Cabinet has previously endorsed a protocol for District Council involvement into neighbourhood plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 1.9 Anyone may comment on a neighbourhood plan. It is particularly important that the District Council comments. This is because the plan will eventually (if adopted) form part of the statutory Development Plan for East Devon, and should conform to the strategic policies of the Local Plan. It will also have increased weight as a material consideration in planning decisions, the more advanced it is through the stages of plan preparation. This report provides the recommended representations on the Plan, made by officers of this authority, to be formally submitted to the Examiner undertaking the Plan examination.

Neighbourhood Plan Examination and Referendum

- 1.10 In preparation for the examination that will follow the current consultation period, the District Council is proposing to appoint Deborah McCann as the 'appropriately qualified and independent Examiner'. This selection of preferred examiner has been agreed in liaison with Kilmington Parish Council. Deborah McCann has extensive relevant experience, including of neighbourhood plan examinations, and has recently carried out the examination of the Colyton Parish neighbourhood plan.
- 1.11 All responses from the consultation (including any made by this Council) are forwarded to the Examiner who will consider them, by either written representations or at an oral hearing (if the Examiner decides one is necessary). The District Council is responsible for paying the costs of the examination but can recoup these expenses by claiming funding from Central Government of £20,000.
- 1.12 The Neighbourhood Plan examination is different to a Local Plan examination. The Examiner is only testing whether the plan meets the Basic Conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The Examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies in the development plan for the local area (in this case the adopted East Devon Local Plan 2013-2031);
 - is compatible with human rights requirements;
 - is compatible with any retained EU obligations.
- 1.13 As part of the Development Plan used in future planning decisions, it is in the interests of the District, Town and Parish Councils to produce high quality neighbourhood development plans.
- 1.14 Following the examination, the Examiner's Final Report will set out the extent to which the draft plan proposal meets the Basic Conditions and what modifications (if any) are needed to ensure it meets the Basic Conditions. The Examiner has 3 options for recommendation:
- A. That the Plan proceeds to referendum as submitted.
 - B. The Plan is modified by the District Council to meet Basic Conditions and then the modified version proceeds to referendum.
 - C. That the Plan does not proceed to referendum.

If the Examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the Plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council decide what action to take in response to the recommendations of the Examiner.

- 1.15 Once the Plan has been finalised it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the Plan then it can be brought into legal force.

The Kilmington Neighbourhood Plan Response

- 1.16 As part of the current consultation, the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a statement setting out how the Plan complies with the conditions which the Examiner will assess.
- 1.17 Officers have reviewed the Neighbourhood Plan contents, and recommend that the following representation of East Devon District Council be formally submitted to the examiner. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than other content on the Plan including supporting text or community actions and are made on the basis of:
- Do Kilmington Neighbourhood Plan policies comply with strategic policies in our adopted Local Plan and have appropriate regard to National Planning Policy?
 - Do we have concerns about policy given the wider objectives of the Council?
 - Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and
 - Are they otherwise appropriate or desirable?
- 1.18 Overall it is noted that the District Council comments made at the previous Regulation 14 consultation have been given due consideration by the Parish Council and various amendments to the Plan made accordingly. In terms of the planned replacement of the adopted Local Plan with a new Local Plan for east Devon, this remains at too early a stage for conformity with emerging strategy and policy to be formally assessed. However, Members should be aware that this neighbourhood plan proposes two sites for allocation for housing, both of which are also currently included within the early working draft Local Plan as part of two preferred sites for allocation for residential use. This will need to be re-considered as part of the continued workstream to prepare the Local Plan in due course, further to the outcome of the neighbourhood plan examination and referendum.
- 1.19 East Devon District Council comments on the Regulation 16 Submission Version of the Plan are proposed as follows (a full schedule of the Plan policies is provided in Annex 1 for reference):

Policy HD1: Community Engagement

- To note that this wording is taken from our Statement of Community Involvement, and whilst it would be difficult to refuse an application on this basis alone, it does reflect what we should be requiring of applicants.

Policy HD2: Housing Development within the Built Up Area Boundary

- Suggest title is amended to New Housing Development to reflect that part of the wording relates to clarifying the position of development proposals outside the boundary. For avoidance of doubt, 'within the built up area boundary' should then be added to introduce the list of preferred locations.
- The policy could be strengthened by avoidance of the use of 'preference' and 'preferred' sites which may be difficult to defend, and instead state, "New housing development should be located within the defined Kilmington Built-Up Area Boundary." and "2. Sites should be located".
- Suggest this policy, and the plan generally, should be more explicit in requiring replacement planting where hedgerows/trees are lost. This could be achieved at point 5 of the policy by adding, "Where loss is unavoidable, proposals must provide for appropriate replacement planting using native species, on the site or as close as possible to it, together with a management plan for the ongoing care and maintenance of that".

Policy HD3 Land off George Lane (adjacent to Dares Field)

- For greater clarity, suggest replace 'around 14 dwellings' with up to or around 14 dwellings'. This would reflect examiner input to our Local Plan exception scheme policy which was revised to read that it allows for 'up to or around 15 dwellings'.
- The Council notes that the Plan does not define this site as a Rural Exception Site and agrees with this approach.
- Point 2 is unnecessary duplication of policy HD1 but also contradicts it by weakening the requirement from 'must' to 'should'. Suggest it is deleted from this policy.
- Point 3 – to be more specific about the expectation/requirement, suggest this reads, "A development brief will be prepared by the developer/site owner in partnership with the community and Local Planning Authority and shall be agreed with the LPA prior to the submission of any planning application for the site." Also suggest it would be stronger for the link to the list of criteria to read "development will", rather than development will 'be expected to'.
- Remove 'subject to viability' from criteria (i) as this weakens the policy intent and increases the likelihood a scheme could be given consent which does not meet the community aspirations.
- If the neighbourhood plan does not wish to propose any local variation to the local connection criteria for affordable housing than is set out in our Strategy 35, cross-reference can simply be made to this without repeating the Local Plan wording. Alternatively, the NP could introduce a preference for local connection to the parish, prior to parish group, noting that in respect of First Homes any local criteria will fall away after 3 months of marketing.
- Suggest as criteria (v) regarding nutrient levels in the River Axe is a prerequisite for proposals to be given permission, that this be made a standalone criteria towards the start of the policy.
- Criteria (vi) and (viii) should be combined to read, "viii set built development back into the site from the northern boundary as far as is practically possible and provide (at least) a 10-metre buffer along the northern edge of the site"
- Use of word "consider" in criteria (x) and (xi) will not enable this to be required. Suggest (x) be reworded to "orchard planting on the site be included or the applicant to clearly demonstrate why this is not practical/feasible". Suggest (xi) be deleted and instead criteria (xii) be revised to read, "provide a management plan for the planting

and ongoing care and maintenance of trees and hedgerows on the site, including provision for advance planting wherever practicable”.

- Overall, suggest the final Policy wording ensures the criteria flow in a logical order.

Policy HD4 Land off Whitford Road (north of The Beacon)

- As above, suggest the criteria (viii) regarding nutrient levels in the River Axe be made a standalone criteria towards the start of the policy.
- Affordable housing – although not the main thrust of the policy, for consistency with Local Plan policy and clarity for developers, reference should be made to the requirement for affordable housing, which can then be tailored to local need. Therefore, suggest ‘affordable housing’ be added to the list within criteria (ii).
- Point 3 regarding a development brief should be replaced with wording suggested for Policy HD3 above, and again, suggest (at the opening to Point 4) to use ‘development will’, in place of ‘development will be expected to’ to assist the community in securing the full range of requirements they are seeking.
- Criteria (x) could be strengthened to read, “provide a 10m set-back from Whitford Road and **include** orchard planting in this area between Whitford Road and the proposed building line, with built development **located** to the south of the site as much as possible to minimise impact on the listed buildings to the north.”
- As with Policy HD3, suggest point 2 is deleted as it duplicates and weakens the requirement in Policy HD1. Point 7 could also be deleted as the plan will be read as a whole.
- Final check should be made of comparison between these allocation policies (HD3 and HD4) to ensure consistency between criteria wherever they are applicable to both sites.

Policy HD5 Self-build (and custom build) Housing

- For clarity, the built up area boundary wording in the first criteria should be capitalised and reference included in the policy to Figure 6 which reproduces this boundary.
- Suggest the justification relating to the local connection criteria (clause iii) would benefit from being strengthened and that this could be achieved by reference to the evidence in the Kilminster Housing Needs Assessment (2019). Suggest this should also clarify why this is justified within the Built Up Area Boundary (BUAB), for example, “Self build housing is not required to contribute towards affordable housing (onsite or offsite) through planning obligations, and is also exempt from paying CIL. This lowers the cost of the self-build housing, and justifies a local connection requirement in the policy enabling the community to benefit from that cost reduction, meeting the need for local self-build (where evidence of local need can be demonstrated) and effectively compensates for the loss of CIL and/ or affordable housing contributions.”
- Suggest criteria (iv) is amended for clarity in implementation to read, “the dwelling is to be occupied by the person who builds or commissions it (i.e. the first occupant has had the primary input into the design of the home). They shall occupy it as their main residence for a minimum period of 3 years after completion unless exceptional circumstances preventing this are agreed in writing with the Local Planning Authority”
- Suggest justification is needed in the supporting text for the inclusion of point 2 which, due to embodied carbon, seeks to retain existing habitable buildings or their foundations as a minimum. It is noted that this would align with emerging early work

on the [new Local Plan](#) and the draft text at paragraphs 7.18 and 7.19 of the December 2021 draft could be drawn on for this purpose.

Policy HD7 Retaining Community Facilities, Amenities and Assets

- As previously suggested, would be preferable to refer in the policy to these amenities by name.
- Suggest amend the second sentence for clarity of meaning (particularly in relation to the listed church building and the two commercially run pubs), to, 'Their loss **as a local service or community facility** will not normally be supported'.
- Suggest adding a criteria to ensure adequate marketing for at least 12 months before the loss is accepted

Policy HD9 Education and Learning Facilities

- Suggest this policy and Policy HD8 be merged into one in order to ensure a single, common set of appropriate criteria for considering proposals for new or improved facilities to serve this community.

Policy TT1 Impact on the Local Highway, Cycleway and Footpath Network

- Suggest policy clauses 4 and 5 should also explicitly apply to holiday accommodation and tourism development for clarity.

Policy TT2 Protecting Devon Banks, Hedgerows and Trees from New and Widened Access Points

- Requirement for mitigation for unavoidable loss should be incorporated, requiring hedgerow translocation in the first instance, and, where not possible, creation of replacement hedgerow planting of equivalent or better quality.

Policy TT3 Traffic arising from Major Development

- Amend wording to allow for this to be addressed via a Transport Statement rather than full assessment 'as appropriate and as determined necessary by the LPA'.

Policy TT4 Protecting the Footpath, Bridleway and Cycleway Network

- Insert comma after 'routes' in point 2 for clarity.

Policy EB1 Local Employment in Agriculture and Forestry

- For clarity and implementation of criteria (ii), cross-reference to the identification of the 'locally valued landscapes and views' set out in Policy CGS1 needs to be included.
- Suggest removing 'wherever possible' from criteria (iii) seeking biodiversity net gain to make the starting point of the policy clear.

Policy EB2 Local Tourism and Leisure Opportunities

- The phrase 'tourism facilities and attractions' is considered vague and would benefit from clarification to aid use of the policy. The supporting text suggests "holiday accommodation and tourist attractions" would be more accurate.
- Criteria (i) - suggest make 'landscape setting' simply 'setting' to reflect such facilities could be proposed within a built-up area
- Criteria (ii) – whilst we understand the concern and the reason for inclusion of this criteria, it is considered to be difficult to implement due to lack of justification for the criteria and evidence against which to prove / assess the need for proposals coming forward. As it is unlikely that information of local need for tourism accommodation in Kilmington could be compiled, it is suggested this be deleted. Suggest relying on the other criteria to achieve the intention.
- For clarity and implementation of criteria (v), cross-reference to the identification of the 'locally valued landscapes and views' set out in Policy CGS1 needs to be included.
- Clause 2) prevents 'permanent dwellings of any type' to support holiday accommodation development but the policy is silent about the type of holiday accommodation that is allowed. The supporting text suggests that support is limited to caravans, camping/glamping, yurts, shepherds' huts and small holiday lodges. This should be clarified within the policy wording of Clause 1) to avoid the risk that it could be interpreted as permitting new dwellings, and facilitate applications for new-build holiday accommodation (and follow-up applications to remove the holiday condition). The meaning of the second sentence of Clause 2) should also be clarified, to read, "conversions of existing buildings **for residential use** to support such facilities will be considered on an individual basis".
- The policy as worded would appear to allow such development anywhere in the parish, suggest this is clarified by requiring such development to have safe and good access to local facilities and amenities.

Policy EB3 Change of Use of Agricultural Buildings Development

- Suggest confirming the requirement is a 'positive difference' in criteria (i)
- The policy wording should be clarified to restrict the support to the uses referred to in the justification only i.e. business uses and holiday accommodation. Suggest it should also state that it is only applicable to proposals requiring planning permission in order to manage expectations as to the range of development this could be applied to given there are now broad permitted development rights for barn conversions which mean most will only be subject to the prior approval process.
- We would repeat comment made under EB2 regarding the need for some control to ensure such development is restricted to more accessible and sustainable locations.

Policy EB4 Change of Use from Agricultural to Woodland / Forestry Use

- Suggest amending criteria (i) to increase its effectiveness and reasonableness to read that "**they maintain any pre-existing public access arrangements**, and help to increase opportunities for public access to and education within the countryside, **wherever it is reasonable and practicable to do so.**"

Policy EB5 Telecommunications

- Suggest broadening the requirement at point 1 from landscape only to “landscape and/or built environment” to allow for installations in a variety of settings.

Policy DE1 High Quality Design

- Criteria (i) regarding accessibility standards should be clarified – we believe the intention would be to ensure that all new development at a minimum is designed to be accessible and adaptable’ to meet part M4(2) of the Building Regulations where applicable.
- Criteria (ii) needs amending to improve readability to aid interpretation and therefore implementation. Suggest it may be more appropriate to split the points into two separate criteria, the second requiring that “new residential dwellings provide private rear amenity space (gardens) appropriate to dwelling type and size”.
- Criteria (vi) regarding village gateways prejudices that proposals will have a negative impact. Suggest given the importance the plan attaches to these gateways, this should be more positively worded to help ensure new development avoids impact or enhances where possible.
- Criteria (vii) – parking – suggest given existing Local Plan policy (TC9) does not constitute an adopted parking standard as such, but rather a guide, and that future policy may include a maximum standard, this should be reworded to simply state, “provide adequate off street car parking”, to be implemented via planning judgement, in line with Neighbourhood Plan policy TT1. A minimum expectation could be included in policy TT1, drawing on Local Plan policy if desired, i.e. one parking space for 1 bedroom properties, and a minimum of two spaces for 2 or more bedroom properties.
- Criteria (xii) – energy efficiency – whilst we are supportive of the principle/intention, this exceeds what can be required, without Kilmington-specific evidence. Suggest “meets latest standards as set out in Building Regulations, and exceeds them where feasible”
- Criteria (xvi) – whilst supporting the policy intent, criteria xii covers energy efficiency and a blanket BREEAM Very Good requirement is considered overly onerous without further evidence to justify. It is therefore suggested that reference to BREEAM is removed from this criteria.
- Notwithstanding the large number of criteria already in the policy suggest it would be beneficial to include two additional criteria
 - for development to “be designed to minimise the occurrence of crime, disorder or anti-social behaviour” or similar, and;
 - for “External lighting be kept to an absolute minimum in order to maximise the value of retained and adjacent biodiversity features. Where required, lighting should be designed in order to avoid light spill on non-target areas and avoid glare and in accordance with BCT/ILP guidance note 18/08”.

Policy CGS2 Locally Valued Areas of Biodiversity, Geodiversity and Habitat

- Suggest inserting reference to Figure 20, which shows these areas.

- Suggest wherever possible/practical be removed from the first sentence of part 5 of the policy regarding nesting provision to make clear the expectation, and the expectation for a minimum of one built-in bird box to be for each 'new building' (dwelling or otherwise).

Policy CGS3 Local Green Spaces

- Support the policy intention which gives significant degree of protection to these identified spaces. However, it should be noted that some rationalising of the wording may be required to ensure the policy is not departing from the National Planning Policy Framework and reflects case law that has clarify Local Green Spaces are afforded protection in policy akin to that for green belt land.

Policy CGS4 Protecting the Stream Corridor

- Suggest that the focus of the policy should be more closely related to the policy justification and made more precise to aid its implementation, by revising the wording as follows:
 1. The stream "corridor" is indicated on Figure 23 and will be protected from adverse impact from development which could erode its value to local biodiversity.
 2. Proposals will be expected to be designed so as to avoid any negative impact on phosphate levels, sediment run off and flooding in relation to the stream (as part of the Axe, Yarty and Corry Catchment) and should seek to contribute to achieving improvements in its ecological status, where applicable, feasible and viable.

Policy RLC1 Small Scale Renewable and Low Carbon Energy Generation

- Support the policy but part 1 is difficult to read and is part-duplicated in part 3 of the policy. Scale (large and small) should also be defined in the policy with clearer reference to the explanation in the supporting text, including clarity of the reference made to Figure 25 reproduced from the Blackdown Hills Report, and definition of scale. Therefore, suggest the policy is reworded as follows:
 - "1. In order to protect the quality of Kilminster's and the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty's landscapes, biodiversity, tranquillity and wildlife habitats proposals for renewable or low carbon energy schemes must follow relevant policies, guidance and advice given in:
 - East Devon and Blackdown Hills Landscape Character Assessment and Management Guidelines;
 - the Blackdown Hills Area of Outstanding Natural Beauty Management Plan;
 - the East Devon Area of Outstanding Natural Beauty Management Plan; and,
 - the "Renewable Energy in the Blackdown Hills" Report (2010).
 2. Proposals will be supported where they meet the following criteria in full:
 - are small scale,

- they do not adversely impact upon local amenity, locally valued landscapes and views,
 - are sensitively sited, and
 - they are appropriately landscaped.
3. Large scale renewable and low carbon installations will not normally be supported.

In this policy, small and large scale are defined in accordance with Figure 25 of the Neighbourhood Plan on page 112, reproduced from the Renewable Energy in the Blackdown Hills” Report (2010).”

Other non-policy specific comments:

- Formatting – it would be good practice and assist with referencing in Officer reports for paragraphs to be numbered.
- Plan period - The plan needs to state clearly and consistently state what the plan period is.
- Objectives:
 - Employment and Business objective – suggest this needs minor rewording to articulate the sentiment more accurately, to read, “To support the local economy and enhance employment opportunities, by supporting existing businesses, new enterprises, and premises of an appropriate type, scale, and location”
- Terminology
 - The plan needs to accurately/more fully reflect the national policy definition of affordable homes including NPPF 2021 and the 24 May 2021 Written Ministerial Statement on First Homes. This would require some revision accordingly to text at bottom page 29/30, within policy HD3, and the plan glossary, including avoidance of use of the imprecise phrase “low cost housing” throughout in favour of affordable routes into home ownership and/or affordable housing for rent in line with national policy.
 - Definition of self-build should also be added to the glossary in place of the footnote currently included in Policy HD4 only
- First Homes - As this Plan does not fall within the transition arrangements for First Homes, it should reflect national policy that at least 25% of affordable dwellings should be First Homes, unless there is evidence to demonstrate that there is not a need for 25% of the affordable homes to be First Homes.
- Repetition: Noted that some criteria are repeated in different policies – suggest there is scope for some further rationalisation to avoid unnecessary duplication in the final edit, given that the suite of policies should be read as whole.
- Relationship to new emerging Local Plan –
 - In section 1.1 and 1.3, more accurate reference should be made to the work that is underway by EDDC being for a new Local Plan for East Devon, rather than a review of the existing. It would also seem appropriate to make reference to this in the Monitoring & Review section for clarity. The Local Plan making timetable set out in 1.1 can also be updated.

- Following legal advice, it is suggested that all references (as found in policies HD3, HD4 and HD5) and in plain text to 'equivalent replacement policy' in the emerging Local Plan be removed, to mitigate the risk of this committing the community to accepting as yet unseen local plan policy, especially as the emerging Local Plan is at such an early stage of production. Instead, it is suggested a review and update of the neighbourhood plan be considered in due course as required
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Financial implications:

Central Government funding is available for Neighbourhood plans. This income covers not only examination fees but also all other associated costs such as employment and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years

Legal implications:

The legal implications are fully set out within the report. It is important that EDDC comment on the content of the submitted Kilminster Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure it sits within the strategic requirements of the East Devon District Council's Local Plan.