

Report to: **Strategic Planning Committee**



Date of Meeting: Friday 21st July 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon Local Plan 2020-2040 Consultation Draft – Consultation feedback

Report summary:

This report seeks to set the scene for the appended full feedback report on the draft local plan consultation. The report highlights the numbers of comments received and the main issues raised. The report does not attempt to respond to the comments received and make recommendations about how the plan should be amended as this will need to be considered in detail at future meetings of the committee. The views of the committee are however sought on how they would wish to progress with considering the comments and responding with options set out within the main body of the report.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Members note the draft local plan consultation feedback report;
2. Members views are sought on the issues highlighted in paragraphs 5.3, 5.4 and 5.5 of the report so that officers can develop a revised timetable for plan production and understand how Members wish to receive reports on changes to the plan.

Reason for recommendation:

To highlight to members key themes raised in feedback on the draft local plan consultation.

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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

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Climate change Low Impact

Risk: Low Risk;

Links to background information

The consultation draft local plan from November 2022 and other local plan papers can be viewed at:

[Draft Local Plan Consultation - East Devon](#)

[Initial feedback report on consultation on the Draft East Devon Local Plan, SPC, 7 March 2023](#)

Links to other background documents are contained in the body of this report.

Link to Council Plan

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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1. Introduction

- 1.1 Strategic Planning Committee will be aware that we consulted on a draft East Devon Local Plan starting on 7 November 2022 and ending on 15 January 2023. This committee report provides summary details on the consultation. The consultation feedback report is appended to this report.
- 1.2 It is stressed that the feedback report does not seek to comment on every matter raised in all responses, to do so would result in a much longer report (even with summaries it's still very long). But the feedback report does go into some detail on matters raised and in so doing it seeks to provide a measure of the nature and scale of responses and some of the technical detail that respondents raised.
- 1.3 The consultation feedback does not provide officer commentary on or suggested responses to comments made nor do we provide any recommendations in respect to how Committee could react or respond or future actions that we (as officers) suggest committee may wish to take. These will however need to be debated by the committee in future meetings.

2. How consultation was undertaken

- 2.1 The consultation was based around a draft version of what (with some omissions) a final local plan could look like. At this stage we are at the Regulation 18 – Preparation

of a local plan – stage of plan making and the regulations we work to [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk) are quite open-ended in respect of the consultation that is undertaken and the shape and form that it may take. The regulations are also open-ended in respect of the number of events that may be held. It was, however, considered desirable to consult on a document at this stage that was close to being a full plan and one that was set out in a format that a final plan, as may be submitted for Examination, could take.

- 2.2 It should be noted that at this stage of work, and bearing in mind that it was a consultation draft, the plan can be amended and adjusted in the light of responses received in any way that committee see fit. Albeit Committee must be aware of legislative, regulatory and procedural requirements that exist, that will need to be complied with in order to receive a report from the planning inspectorate that advises that the plan can be formally adopted. In this context taking into account Government policy will also be critical.
- 2.3 The draft plan was available on-line allowing for the direct submission of comments. The Council used a software platform called Commonplace that was utilised for local plan consultation and the plan was also available in pdf format for people to comment in letters and emails. We held nine public exhibitions at various venues across East Devon to support the consultation. These were well attended with around 200-300 people attending most events. At the exhibitions people were able to submit written comments on slips of paper – these are summarised in the feedback report.
- 2.4 There were responses from around 2,500 respondents through the Commonplace on-line software and around 1,000 separate emails or letters were received and there were also a number of petitions that were received (as opposed to stand alone letters or emails) signatories to petitions are not counted in these numbers (they would therefore be an addition).
- 2.5 There were a number of concerns expressed about the Commonplace software, its accessibility, cookie consent etc. though it is considered that the fact that 2,500 responses were received through commonplace speaks for itself. It is worth noting that it appears that our Local Plan consultation was the biggest and most complex consultation hosted by the platform up till now and there are certainly lessons to be learnt from this experience. The comments received on the software have been passed to its providers who are constantly working to improve the system. It is considered that it was the best platform for the purposes of the consultation being run but with future consultations under regulation 18 likely to be more focused and the regulation 19 being quite different in terms of the requirements of the legislation it will be appropriate to review whether it would be the most appropriate platform for hosting future consultations. It is proposed to do this at the time of those consultations with Members asked to consider a consultation strategy alongside the consultation materials as they were asked to do with the draft plan consultation.
- 2.6 In terms of the issue of cookie consent Members may recall that there was some concern that consent was not requested as part of the consultation pages. It is understood that the regulations are slightly ambiguous as to whether consent should

have been required in the circumstances of this consultation. The issue was however raised with the Information Commissioner (ICO) and the advice was that no data breach had occurred. The data that was collected through cookies was very limited and anonymised and not accessible to us. It is understood that the default setting for EDDC consultations on commonplace will now be that cookie consent is requested to avoid concerns being raised with any future consultations through the platform.

2.7 We have not kept a formal log of time taken to undertake the consultation work but would stress that it is time intensive. Since the beginning of 2023 (i.e. after the main consultation events, including when exhibitions were concluded) it is estimated, however, that officers of the Council have spent around 300 working days logging, recording, summarising and processing representations on the draft plan and allied tasks.

3. Overarching nature of consultation responses

3.1 Most people commenting on the plan were unhappy about one or more aspects of the plan, though there were some (limited) statements of outright or more typically qualified support (at least from some on specific aspects or policies). For comments submitted via Commonplace, policies on the environment, built heritage, and recreation saw most support. There was a general pattern of unhappiness for all sites, whether shown as preferred allocations, second choice, or rejected. Some sites received just 1 or 2 responses, whilst site Brcl_12 in Broadclyst has the most responses at 403.

3.2 Proposed land allocations for development came in for the greatest level of criticism with nearly all sites proposed as allocations coming in for at least some objections. There were very large numbers of objections to some of the proposed allocations, in some cases with organised campaigns established to coordinate responses.

3.3 Larger sites tended to see larger levels of objection with the principle of a proposed new town east of Exeter being a specific case where objection numbers were particularly high. The plan consulted on three possible site options for a new town and there were matters also raised in objections to each separate option. It should be noted, however, that there were some respondents, specifically including from members of the public, that favoured new town development (though it is presumed that few (or less) of those in support live in close proximity to the site options).

3.4 Whilst responses from the public out-numbered responses from those promoting land for development there was feedback from land owners and specifically agents acting for them. These included qualified support from those favouring development at proposed allocation sites and also objection where the plan did not allocate specific land or sites for development. As well as more general comments agents typically made a number of technical observations (often cross-referencing to Government policy) around policy detail and wording.

3.5 We also had feedback from a range of amenity and environmental groups and bodies (and the like) and from a wide range of public sector bodies and organisations as well

as from service and infrastructure provider companies and bodies. These organisations include Devon County Council, the Environment Agency, South West Water, NHS and many town/parish councils. Many of these related to technical issues and matters as well as to infrastructure capacity considerations.

- 3.6 Generally we have not specified in the feedback report who has made particular comments or observations (this is particularly so in respect of comments from the general public). However, we do give an indication in many cases of the nature of respondents and in some cases, especially so for public sector bodies and infrastructure or service providers, we do highlight who specifically has made some comments. This is seen as especially relevant where a body may have a legal duty or responsibility for or over a matter that they are making comment about.
- 3.7 We highlight, as well, that the feedback report covers the broad themes of feedback received, and some aspects of detail, but it should not be regarded as being the final Council review and concluding assessment of comments. We would envisaged that some responses will need to be revisited and assessed in greater detail as plan making progresses. This may be so where particular technical points of detail are raised in comments and these may be explored further and commented on and inform greater detail in future technical assessments and evidence documents.

4. Where to view consultation responses in full

- 4.1 As highlighted in this committee report, and in the full feedback report, we give a summary only, and one that is officer interpretation, of key themes emerging. It is stressed that to get a complete picture of all matters raised all comments should be read in their entirety.

Where people or organisations made contact via the Commonplace consultation portal their comments can be seen on the software platform at:

<https://eastdevonlocalplan.commonplace.is/>

The responses that came in, outside of Commonplace, i.e. that were sent in as emails or as paper copies or letters or petitions in the post and in respect of documents that were uploaded on to Commonplace (as opposed to be posted directly on the portal) can be viewed at:

<https://eastdevon.gov.uk/planning/planning-policy/emerging-local-plan/comments-made-during-the-draft-local-plan-consultation/>

- 4.2 It is also stressed that this consultation is just one, albeit a very large one, that has and may be undertaken under Regulation 18 of the plan making regulations. For a complete picture all other consultations and responses received should be reviewed.
- 4.3 It is stressed that we, as officers, have read every submission that we have recorded as received and, as officers, have sought to record and capture themes raised in responses in a balanced manner. Though clearly it is not possible to include in the

feedback report all actual words used in all submissions. In bringing any subsequent report or reports to committee there will be a time gap in which if anyone feels that we have unreasonably or inaccurately recorded feedback they can draw it to our attention and we can consider the case for making amendments (though we would stress that we are not suggesting any formal notification or consultation to undertake this work).

5. What happens next

- 5.1 Members of Strategic Planning Committee will need to resolve how they wish to see plan making progress and therefore in what manner they wish to see the consultation and feedback received from the draft plan consultation used to inform future plan making and local plan content.
- 5.2 We do, however, draw to committees attention that alongside the plan that is submitted (to the Planning Inspectorate) for Examination we also need to submit details of consultation undertaken (at this Regulation 18 stage of work), along with key matters raised and the Council response to these matters. Bearing this in mind we would envisage using the feedback report, and specifically the bullet pointed items, as a record of key matters raised. These bullet pointed items or more likely groups of bullet pointed items or a refined summary of main themes, will feature in a future report to committee. Against each bullet point or grouping there will be a need to establish how the plan should be changed or has been changed in response (or reason for not making changes) will be set out.
- 5.3 In terms of progressing work on the plan there are various options about how this could be done:
- One option would be to take the feedback report and respond to each point and alongside that produce a recommended next iteration of the plan for Members to review. This would give Members a comprehensive overview of all proposed changes at once but would take months of work for officers and then leave the committee with the entire plan to be reviewed all at once.
 - An alternative would be to work through the comments and the plan in sections, chapters or topic areas so that the work can be brought to the committee in parts over a number of meetings. This is likely to be more manageable in terms of workload for both officers and members but clearly there could be consequential changes from one section that impacts on another which could make it difficult to keep track of changes and lead to some flipping back and forth between sections. This could however be reconciled at the end of the process with a further iteration of the plan produced for oversight of how each section fits into the plan as a whole.

Members' views on these options are sought.

- 5.4 A further issue to consider is that Members had previously resolved:

“That Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to

enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF.”

- 5.5 There is no sign of the revisions to the NPPF being published despite indications that this would happen in the spring (at the time of drafting this report we note a press reference to revision not happening until September at the earliest). With work on reporting on the consultation responses now complete work now needs to move forward on amending the plan in response to the feedback including the work on site allocations. Members will note that site allocation is a very controversial element of the plan based on the comments received. In developing a timetable and programme for progressing the plan it is important to understand whether the previously agreed pause on discussions on sites and allocations should continue in the absence of the updated NPPF.

Financial implications:

There are no direct financial implication contained in this report at this stage.

Legal implications:

There are no legal implications requiring comment.