

Agenda for Strategic Planning Committee

Tuesday, 26 June 2018, 10am



[Members of the Strategic Planning Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: Tabitha Whitcombe, 01395 517542 (or group number 01395 517546): Issued 15 June 2018

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

- 1 [Public speaking](#)
- 2 Minutes of the Strategic Planning Committee meeting held on 24 April 2018 (pages 3-7)
- 3 Apologies
- 4 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Matters for Debate

- 7 **East Devon Villages Plan – Inspector’s Report and Proposed Plan Adoption** (pages 8-86)
This report provides an outline of the Inspector’s report into the East Devon Villages Plan, which concludes that the plan is ‘sound’ and legally compliant subject to modification
- 8 **New Local Development Scheme for East Devon** (pages 87-104)
This report introduces the new Local Development Scheme, summarises key content and provides more information on plan production considerations.
- 9 **Updated Statement of Community Involvement (SCI)** (pages 105-124)
This report outlines the requirements to update the Statement of Community Involvement and propose that consultation be undertaken to commence this process.
- 10 **Planning Appeals Status Reports** (pages 125-131)
This report provides an update on the current situation regarding planning appeal decisions and gives an overview of the results of planning appeals for the year from 1st April 2017 to 31st March 2018.

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 24 April 2018

Attendance list at end of document

The meeting started at 2:00pm and ended at 4.37pm.

***37 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public present who wished to address the Committee.

***38 Minutes**

The minutes of the Strategic Planning Committee meeting held on 20 March 2018 were confirmed and signed as a true record.

***39 Declarations of interest**

Councillor Geoff Pook – minute 40, 41 and 43 – personal interest – involved in the construction industry

***40 Consultation on Proposed Changes to the National Planning Policy Framework**

The report presented to the committee outlined a proposed response, by this Council, to the consultation document: National Planning Policy Framework: consultation proposals. A response has been drafted for each of the consultation questions, as set out in the on-line form. The consultation closes on Thursday 10 May 2018. There have been an array of changes proposed to the National planning Policy. Key points for the Council to consider were:

- Encouragement of partnerships in planning and the creation of joint strategic plans;
- A greater emphasis on viability testing of sites at allocation stage through plan making to minimise issues at application stage and the introduction of greater public transparency of viability assessments at the application stage;
- Determining housing needs through a standard methodology calculated by government with a requirement on Council's to set out the size, type and tenure of homes required to meet the identified need in the local plan, as well as designating levels of housing growth in neighbourhood plan areas;
- To set a minimum affordable housing requirement on any given major development site at a minimum of 10% of homes to be available for affordable home ownership, as well as a change in the definition of affordable housing including starter homes and rent to buy products;
- Bringing in Vacant Building Credit into formal policy. This will give it greater weight than at present, which subsequently requires local planning authorities to apply the Vacant Building Credit to all land where vacant buildings are being reused or redeveloped.
- Changes to the housing delivery test which sets out the proportion of housing the district need to provide under the national calculator; with at least 20% of these sites being designated as small sites to encourage smaller building companies;
- The relaxation of the term sustainable development in rural areas;
- The push for increasingly efficient use of land in town centres with the introduction of higher densities than in existing development.

Discussion covered:

- The welcomed change to statutory and non-statutory consultees; there is still a need to engage with the NHS and CCG in future planning;
- Issue of affordable housing and building balanced communities; 10% of affordable housing on any given development needs to be the minimum value; alterations to the definition of affordable housing with regard to their sale value compared to market value;
- Lack of supportive housing;
- Concerns around the increase in community density and high rise building; the need to be numerically specific regarding density per hectare; although some members raised the need for higher densities to support vibrant high streets and towns;
- Issues with housing delivery as it is beyond the control of the Council; developers need to be held accountable when they do not build schemes out;
- The welcomed relaxation to sustainable development in rural areas;
- The consideration of land value in the pre-application stage;
- Concerns over the joint assessment of housing needs between the four neighbouring districts; members highlighted the possible negative impact on this Council and the need for individual assessments;
- Concerns over the weighting of Neighbourhood Plans in planning decisions. In response, the committee were advised that Neighbourhood Plans do hold a material consideration;
- Issue of time taken for Parish and Town Councils to produce Neighbourhood Plans due to the lengthy process; to consider changing the revision date for Neighbourhood Plans from two years to five years with only amendments;
- Concerns of whether Areas of Outstanding Natural Beauty (AONB) will still be covered within the NPPF. In response, the committee were advised that AONB sites are still covered within the NPPF, as well as in the Local Plan;
- Concerns of whether the evidence for the Greater Exeter Strategic Plan (GESP) will be out of date before it is submitted. In response, the committee were advised that before the GESP is submitted the older evidence and reports will undergo a refresh where necessary. This is common practice;
- Members sought a clarification of the definition of a Major Development. In response, the committee were advised that Major Developments are those that had 10 dwellings or more, or covered 1000 square metres;
- Issue of sequential tests of Cranbrook Town Centre and the distance to larger retail parks on the outskirts of Exeter. In response, the committee were advised that the requirements in the NPPF for sequential and impact tests are not limited by administrative boundaries and so developers in Exeter must still consider sites in East Devon when undertaking their assessments ;

RESOLVED: that the submission of the proposed response to the Government consultation on the National Planning Policy Framework: consultation proposals be endorsed.

***41 Consultation on Proposed Government Reform to Developers Contributions**

The report outlined a proposed response, by this Council, to the consultation document: Supporting housing delivery through developer contributions – Reforming developer contributions to affordable housing and infrastructure. A response has been drafted for each of the consultation questions, as set out in the on-line form.

Key points were highlighted as:

- Simplifying the CIL contributions process by relaxing the evidence and engagement requirements;
- The removal of S106 pooling restrictions which will allow developers to deliver infrastructure tied to specific developments;
- Allowing CIL to be set based on the existing use of land which will allow the capture of value uplift from granted planning permission;
- Removes the requirement of the Regulation 123 list and makes it more about infrastructure funding statements which enables greater flexibility in how money is spent;
- Introduction of the Strategic Infrastructure Tariff which enables cross boundary CIL use. This could be utilised through the GESP and the delivery of infrastructure.

Discussion covered:

- Clarification on the changes in CIL to allow developments such as Cranbrook to come out of CIL and be dealt with under Section 106 agreements. In response, the committee were advised that the changes mean that rather than key infrastructure such as schools being delivered by this Council using CIL; the developer, at key trigger points, would deliver the school during the development. Delivering infrastructure this way is more cost effective, efficient and ensures developments are not stalled waiting for us to deliver infrastructure.;
- The provision of medical facilities should be within S106 agreements;
- Clarification on where capital can be spent depending on whether it comes from CIL or S106 agreements. In response, the committee were advised that capital from CIL can be spent on infrastructure anywhere in the district whereas capital from S106 agreements can only be spent on infrastructure for that specific development;

RESOLVED: that the submission of the proposed response to the Government consultation on 'reform to developer's contribution' as set out in this report be endorsed.

***42 Update on Timetable to Produce the Greater Exeter Strategic Plan**

The report provided the committee with an update on the timetable for production of the Greater Exeter Strategic Plan. The consultation on the draft plan is now scheduled for June 2019, with the adoption of the plan to be expected in December 2021.

In discussion, debate included:

- Concern that the advisory reference forum has not met for nearly a year with very little information since. In response, the committee were advised that the GESP is still in its infancy and there is a need to first understand the capacities of the four local authorities involved with regards to housing, transport, employment, health and other infrastructures.
- Issue of waiting for the revision of this Council's Local Plan to incorporate the GESP. In response, the committee were advised that the Local Plan had not been adopted until 2016 which gives a revision date of 2021. This is in keeping with the adoption of the GESP. The Planning Teams have anticipated this and

are currently working on evidence gathering and tracking issues with the current Local Plan. Before the Local Plan is updated, the Council needs clarity of the GESP.

- Concern over member involvement in the GESP. In response, the committee were advised that the Chief Executive has been pushing for member involvement in robust debate at the Principal Officers Group; with the outcome of consideration being given to engaging with members and communities of all four local authorities as part of production of the project plan.
- This Council agreed to staff the GESP and with the delay comes the need for their contractual extension.

RESOLVED: that the revised timetable for production of the Greater Exeter Strategic Plan be noted.

***43 Housing Optional Technical Standards**

The report presented to the committee outlined the national system of optional technical housing standards introduced by the Government relating to accessibility and adaptability, water use and internal space. The accompanying briefing paper contextualised and identified issues in East Devon relating to these standards, and options for addressing them.

It was highlighted that following concerns from Councillors and a recommendation from Cabinet, the costing and timing of introducing internal space standards has been assessed. An analysis of the size of new homes (based on total floor area only) in 12 developments permitted over the last few years has been undertaken within Cranbrook and the wider district. Of the dwellings assessed at Cranbrook, 26% were of a size that met the nationally described standards. Elsewhere in East Devon, 35% of new dwellings met the national standards. Furthermore, of those houses that have been built, a proportion are of a size that is significantly above the national standard however, there is a proportion that are below the national standard by up to 25%.

Discussion covered:

- Issue over the lack of concern for water efficiency standards by this Council and other relevant organisations; with the changing climate comes hotter summers and water shortages. Members highlighted that East Devon has a 'moderate' stress on water supply. However, grey water reuse can be implemented in houses but it comes down to occupier behaviour which is not something planning policy can cover;
- Issue with the current lack of garden space in newer developments;
- There is a fine balance between housing needs and housing numbers;
- The need to have high design standards of houses;
- The need for accessible and adaptable homes for an ageing population in East Devon; Strategy 36 in the Local Plan needs to be examined with regards to its wording to make it more robust. In response, the committee were advised that the inspector changed the wording of Strategy 36 from 'must' to 'should' to show how the strategy is intended to be applied, which is a more discretionary.
- The inspection of housing quality and the need for an independent inspectorate.

RESOLVED:

- 1. that the accompanying briefing paper relating to Housing: Optional Technical Standards be considered;**

2. that further work is undertaken to consider including the nationally described space standard in the Cranbrook Plan Development Plan Document, including collecting further evidence on need and viability be agreed;
3. that the nationally described space standard can only be applied in the rest of East Devon (outside Cranbrook) through a revision of the Local Plan or through the Greater Exeter Strategic plan be noted.
4. that officers are encouraged to pay special regard to Strategy 36 and to seek to ensure its application wherever possible.

Attendance list

Committee Members:

Councillors:

Phil Twiss - Chairman

Graham Godbeer – Vice Chairman

Mike Allen

Colin Brown

Mike Howe

Philip Skinner

Mark Williamson

Jill Elson

Rob Longhurst

Geoff Jung

Geoff Pook

Brenda Taylor

Ian Hall

Susie Bond

Also present (present for all or part of the meeting):

Councillors:

David Barratt

Paul Diviani

Ian Thomas

Peter Faithfull

Alan Dent

Roger Giles

Brian Bailey

Officers present (present for all or part of the meeting):

Mark Williams, Chief Executive

Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services

Ed Freeman, Service Lead – Planning Strategy and Development Management

Chris Rose, Development Manager

Tabitha Whitcombe, Democratic Services Officer

Apologies:

Councillors

Andrew Moulding

John Dyson

Chairman Date.....

Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 26 June 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **East Devon Villages Plan – Inspector’s Report and Proposed Plan Adoption**

Purpose of report: To report on the receipt of the Inspector’s report into the East Devon Villages Plan, which concludes that the plan is ‘sound’ and legally compliant subject to modification. Adoption of a local plan requires confirmation by a full meeting of the Local Planning Authority and so it is recommended that this Committee note receipt of the report and recommend that Full Council adopt the Villages Plan at its next meeting.

Recommendation:

- 1 That the receipt of the final report from the Planning Inspector is noted;**
- 2 That this Committee recommend to Full Council that all of the proposed main modifications be incorporated into the Villages Plan;**
- 3 That this Committee recommend to Full Council that the minor changes to detailed wording of the Sidbury Chapter and the Greendale inset map be incorporated into the Villages Plan; and**
- 4 That this Committee recommend to the next Full Council meeting on 25th July 2018 that the Villages Plan be adopted on 26th July 2018.**

Reason for recommendation: To ensure that the development plan is kept up-to-date.

Officer: Linda Renshaw, Senior Planning Policy Officer

Email: lrenshaw@eastdevon.gov.uk

Tel: 01395 571683

Financial implications: There are no apparent direct financial implications identified in this report

Legal implications: The legal position is set out in the report. The Council cannot adopt the plan unless all of the main modifications are incorporated. To not adopt the plan will place the Council in a very difficult position and the clear advice from officers is that the East Devon Villages Plan (with main modifications) should be adopted for all reasons set out in the report.

Equalities impact: Low Impact

Adoption of the Villages Plan will not have specific equalities impacts and plan preparation has been supported by an Equalities Impact Assessment.

Risk: Low Risk

There is a risk that the adoption of the Villages Plan, in part or full, could be subject to legal challenge.

Links to background information:

- All documents relating to the Examination can be viewed at [Villages plan examination - East Devon](#)
- The version of the plan that was inspected may be viewed at <https://eastdevon.gov.uk/media/2049500/villages-plan-publication-version.pdf>
- The Inspector's report is appended to this report and is also available at <https://eastdevon.gov.uk/media/2497100/east-devon-villages-plan-report-final.pdf>
- The Inspector's schedule of main modifications is appended to this report and is also available at <https://eastdevon.gov.uk/media/2497094/appendix-schedule-of-mms-final.pdf>
- The version of the plan is proposed for adoption and incorporates the Inspector's modifications, together with the minor wording change to the Sidbury chapter and Greendale Inset Map is included as an appendix to this report.
- National Planning Guidance [Local Plans - GOV.UK](#)
- [The Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#)

Link to Council Plan: Encouraging communities to be outstanding;

Report in full

1. Background and Summary of Inspector's Report

- 1.1 The Council has received the Inspector's final report into the East Devon Villages Plan (EDVP). This concludes that, with the 'main modifications' (MM) set out in an Appendix to the report, the plan meets the legal requirements and is 'sound'.
- 1.2 The Villages Plan has been prepared in line with the East Devon Local Plan, which set out that it would define development boundaries around certain villages, include any policies that may be applicable for villages and prepare inset maps for Greendale and Hill Barton Business Parks.
- 1.3 Since the adoption of the Local Plan several rounds of consultation have been undertaken to guide the development of the Villages Plan and it was formally submitted for consideration by the Secretary of State on 28th June 2017. Formal hearing sessions were held by the Inspector in November 2017 and a consultation on proposed modifications ended on 2nd February 2018.
- 1.4 The Inspector's report and appendix setting out the main modifications are attached to this report, together with a version of the plan that highlights the changes.
- 1.5 The key conclusions of the Inspector as highlighted in her report are:
 - a) The East Devon Local Plan (EDLP) will remain in place so the Villages Plan examination is not required to consider the overall development strategy, location of

employment growth or the objectively assessed housing or employment needs for East Devon (Paragraph 15);

- b) In order for the plan to be legally compliant it is necessary for there to be a specific policy relating to Built-up Area Boundaries (BUAB) and linking back to the policies of the EDLP (Paragraph 17);
- c) The principle of defining BUAB's in the EDVP and the specific settlements chosen for this approach was established through the EDVP and there have been no changes in circumstance that would justify a different approach (Paragraph 20);
- d) The principle of defining BUAB's for the villages is consistent with the development strategy of the EDLP (Paragraph 22)
- e) The approach taken to defining BUAB's is justified and consistent with the development strategy of the EDLP (Paragraph 22);
- f) The approach to defining BUAB's is consistent with the vision for the villages set out in the EDLP and the criteria used to define the extent of the BUAB's are effective in delivering the objectives for the villages set out in the EDLP (Paragraph 24);
- g) The process of using a standard methodology to defining BUAB's has provided a consistent and transparent approach (Paragraph 25);
- h) The BUAB's are defined robustly in accordance with the criteria set and having regard to the reasonable alternatives set out in the Sustainability Appraisal (Paragraph 26);
- i) There is no evidence to suggest that there is a need to provide future employment development in locations other than those identified through the EDLP (Paragraph 32);
- j) Any perceived problems with the employment allocations should be addressed through a review of the EDLP and/or the Greater Exeter Strategic Plan (GESp) (Paragraph 33);
- k) The approach not to provide for further expansion of Greendale Business Park and Hill Barton Business Park, other than that which is already authorised, is justified and consistent with the development strategy of the EDLP (Paragraph 34);
- l) To provide clarity and ensure that the plan is legally compliant, additional policies are needed to connect the business parks to the policies of the EDLP, particularly Strategy 7 which relates to development in the countryside (Paragraph 34);
- m) The specific reference to Strategy 7 in the business parks policies is necessary for clarity (Paragraph 36);
- n) The approach to the business parks is justified and consistent with the development strategy of the EDVP and is capable of effective implementation; and
- o) The policies for Beer and Colyton, as set out in the MM's will be justified, effective and consistent with national policy (Paragraph 42).

2. Legal and Procedural Considerations for Adoption

2.1 Under planning legislation the Council has two options:

- a) To accept the Inspector's recommendations and to adopt the Villages Plan with main modifications incorporated (Section 23 of the Planning and**

- Compulsory Purchase Act 2004 as amended by Section 112 of the Localism Act); or**
b) To withdraw the Villages Plan (Section 22 of the Planning and Compulsory Purchase Act 2004 as amended by Section 112 of the Localism Act).

2.2 The National Planning Guidance ([Local Plans - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/326611/Local_Plans_-_GOV.UK.pdf)) advises that *“the responsibility for producing the Plan, and then deciding whether or not to adopt it, lies solely with the local planning authority. In other words, it is for them to decide how they wish to proceed after the Inspector produces his/her report into the Examination. The adoption of a Local Plan can only be overturned by a successful challenge in the High Court on a point of law”*.

2.3 In her report at paragraph 52 the Inspector advises:

“The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.”

2.4 This appears to be a ‘standard’ sentence in these circumstances and it is important to note that it is common practice for Inspector’s to recommend main modifications before a plan is found to be sound. In the case of the Villages Plan only 11 main modifications were found to be necessary and none of these related to major changes in the content of the plan.

2.5 The law requires that, where main modifications are required to make a plan sound, it can only be adopted with all of the main modifications incorporated. [Regulation 4\(1\) and \(3\) of the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#) require a confirmation of adoption by a full meeting of the Local Planning Authority. It is recommended that the Villages Plan is adopted with the main modifications on 26th July 2018 following the Full Council meeting on 25th July. On adoption the Villages Plan will carry its full statutory weight and will form part of the Development Plan for East Devon. The National Planning Guidance [Local Plans - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/326611/Local_Plans_-_GOV.UK.pdf) advises that:

“While the local planning authority is not legally required to adopt its Local Plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.”

2.6 Upon adoption, the plan, an adoption statement and the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) must be made available at the main Council offices and online and notification sent to certain bodies and all who asked for notification.

2.7 There is a period of six weeks following the adoption of the plan in which a legal challenge can be made.

3. Sustainability Appraisal and Strategic Environmental Assessment

3.1 Production of the plan has been informed by a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). The work has been ongoing through plan

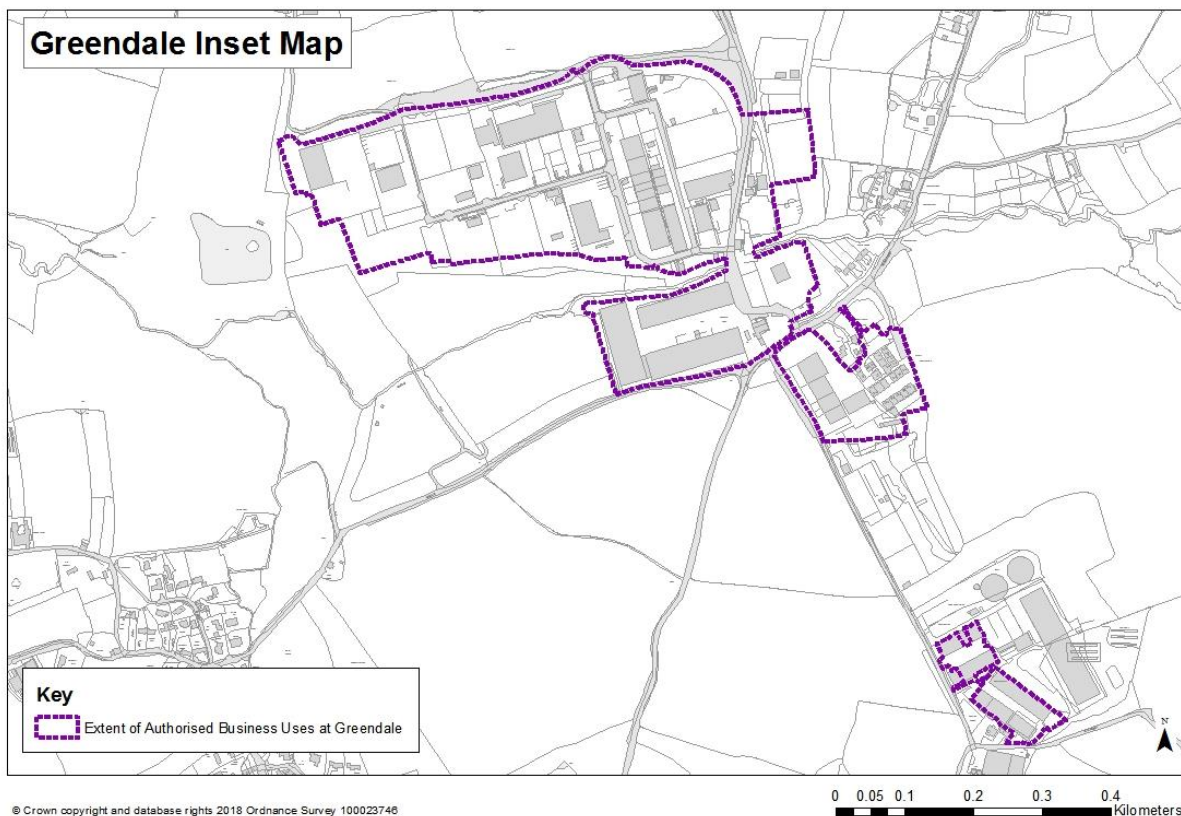
preparation and the final SA/SEA is available at https://eastdevon.gov.uk/media/2300762/villages-plan-sa-report_inc-mms.pdf.

4. Minor Changes

4.1 Whilst significant changes to the plan can only be made through the formal 'main modifications' procedure, it is possible for the Local Planning Authority to make 'additional modifications' of a more minor nature [Local Plans - GOV.UK](https://www.gov.uk/government/publications/local-plans).

4.2 The Villages Plan has been through several rounds of consultation and the plan text has been refined to reflect comments made so it is not considered appropriate to make minor changes at this stage. However, during the last consultation (on the proposed main modifications), the Councillor for Sidbury requested that the words 'almost urban' be removed from the Sidbury chapter in order to 'avoid possible association with high population density' <https://eastdevon.gov.uk/media/2365284/7612-cllr-d-barratt.pdf>. This very minor change is considered to be acceptable and it is recommended that the words 'almost urban' are removed from paragraph 12.1 of the plan.

4.3 As part of the consultation on the Main Modifications a plan showing an amended boundary for Greendale Business Park to reflect the extent of land with planning permission for industrial development was included. This change is not referred to in the Inspector's report or table of main modifications and so should be incorporated as an 'additional' change: the amended boundary is shown on the plan below as proposed for adoption.



East Devon Villages Plan

Proposed for Adoption 26th July 2018

To be read in conjunction with the East Devon
Local Plan and any 'made' Neighbourhood Plan.



NB. This version of the plan shows 'main modifications' and 'additional' changes shown with new text underlined and deleted text ~~struck through~~ and should be read in conjunction with the Schedule of Main Modification and the report to Strategic Planning Committee on 26/06/18.



To request this information in an alternative format or language please call 01395 516551 or email csc@eastdevon.gov.uk

We consider requests on an individual basis

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1 Introduction

- 1.1 The East Devon Villages Plan forms part of a series of documents that set out policies and proposals for land use planning in East Devon. Taken together these documents comprise the 'development plan', which guides where development will go and how planning applications will be determined. All of the documents in the development plan must be broadly in line with the Government's planning policies, which are set out in the National Planning Policy Framework (available at [Policy | Planning Practice Guidance](#)). Further Government advice on planning is contained in the Planning Practice Guidance (available at [Guidance | Planning Practice Guidance](#)).
- 1.2 The main document that sets out planning strategy for East Devon is the East Devon Local Plan 2013 to 2031, which was adopted on 28th January 2016 and is available at [Local Plan 2013-2031 - East Devon](#) (referred to in this document as 'The Local Plan'). This sets out planning policies for the whole of East Devon and includes detailed policies for the main towns and rural areas. Strategy 6 of the Local Plan effectively says that development will be allowed within defined 'Built-up Area Boundaries' (BUAB's), subject to certain criteria. Strategy 7 sets out the over-arching policy of constraint for development outside boundaries. The full text of Strategy 6 and Strategy 7 is shown in **Appendix 1**. The Local Plan defines BUAB's for the main towns of Axminster, Budleigh Salterton, Exmouth, Honiton, Ottery St. Mary, Seaton and Sidmouth. It goes on to state that, through the Villages Plan, BUAB's will be defined on maps around the other settlements of East Devon that are appropriate to accommodate growth and development. These settlements are listed in Strategy 27 of the local plan as Beer; Broadclyst; Clyst St. Mary; Colyton; East Budleigh; Feniton; Kilmington; Lymington; Musbury; Newton Poppleford; Sidbury; Uplyme; West Hill; Whimble and Woodbury.
- 1.3 Strategy 27 states that the settlements listed will have a BUAB designated in the Villages Plan but will not have land specifically allocated for development, although additional development may be promoted through a Neighbourhood

Plan or community led development. The full text of Strategy 27 is shown in **Appendix 2.**

1.4 In addition to the plans produced by East Devon District Council, many local communities are producing their own 'neighbourhood plans'. When a neighbourhood plan is finalised or 'made', it also forms part of the development plan (which guides developments and planning applications). Lympstone has a made neighbourhood plan that defines the BUAB and other neighbourhood plans may be produced which define BUAB's. The plans included in this document are correct as of February 2017, but it is important to recognise that they may be superseded by a neighbourhood plan being made. In order to view the appropriate BUAB it will be necessary to check both this plan and any made neighbourhood plan for the settlement concerned. The inset maps in this document only show boundaries considered through the Villages Plan. Other policies/designations may also be relevant to development proposals and these are indicated on the proposals maps of the East Devon Local Plan, which is available (including in interactive form) at [Local Plan 2013-2031 - East Devon](#).

1.5 The East Devon Local Plan refers to the intention to prepare inset maps for Greendale Business Park and Hill Barton Business Park in the East Devon Villages Plan. Chapters 17 and 18 of this Plan include inset maps and policies for these business parks.

1.6 The production of this plan has been informed by several rounds of consultation with local communities, statutory authorities and other interested parties and a consultation statement has been produced to summarise this process. In addition the work has been informed throughout its production by a Sustainability Appraisal/Strategic Environmental Assessment, and a screening report in respect of Habitats Regulation considerations. Further supporting documents include an Equalities Impact Assessment, 'Site by Site' assessments of each settlement, an Assessment of Potential Appropriateness and Suitability of Greendale and Hill Barton Business Parks for Further Expansion, a monitoring statement and vitality survey work for the centres of

Beer and Colyton. All these documents are available at the Council Offices in Sidmouth and online at [Villages plan 2017 - East Devon](#).

1.7 The relationship between the policies of other parts of the development plan and the Built-up Area Boundaries defined in this East Devon Villages Plan is set out in Policy VP01.

Policy VP01 – Built-up Area Boundaries

In accordance with Strategy 27 of the East Devon Local Plan 2013-2031, Built-up Area Boundaries are shown on the Policies Map for the settlements of:

- Beer;
- Broadclyst;
- Clyst St Mary;
- Colyton;
- East Budleigh;
- Feniton;
- Kilminster;
- Musbury;
- Newton Poppleford;
- Sidbury;
- Uplyme;
- West Hill;
- Whimble; and
- Woodbury.

Lympstone is specifically excluded from this list of settlements because, at the time of 'publication' of this plan, there was a made neighbourhood plan for the village that included a BUAB.

Development proposals relating to the Built-up Area Boundary will be considered in accordance with the strategic policies set out in Strategy 6 and Strategy 7 of

the East Devon Local Plan, which are the relevant strategic policies relating to the BUAB status of land.

The policies of Neighbourhood Plans, which also form part of the development plan, may also refer to the Built-up Area Boundaries defined in this plan.

For the purposes of the East Devon Local Plan policies, land that is not specifically allocated for development or falls outside of the Built-up Area Boundaries defined in either this Villages Plan or the East Devon Local Plan constitutes 'countryside' where more restrictive policies on the development and use of land apply than within the defined Built-up Area Boundaries.

2. Beer

- 2.1 Beer is located on the Jurassic Coast two kilometres to the west of Seaton. Much of the village falls within the East Devon Area of Outstanding Natural Beauty, whilst the cliffs and foreshore form part of the UNESCO World Heritage Coast as well as being designated a Site of Special Scientific Interest.
- 2.2 There is a large Conservation Area which contains around 40 listed buildings.
- 2.3 The village has a population of around 1600 people and 750 houses, although about 20% of these are second or holiday homes. Beer village centre contains a mix of uses which include shops and other businesses that meet the everyday needs of local residents as well as businesses which serve the tourist and visitor market. The village centre also provides holiday accommodation in the form of hotels, guest houses and short term holiday lets, as well as some residential accommodation.
- 2.4 Tourism is the main economic activity and the high number of homes rented as short-term visitor accommodation (as opposed to second homes) is one of the main reasons the village centre has such a good range of facilities. The village centre is largely confined to Fore Street and has commercial premises throughout its length. These are mainly retail premises but there are also several cafes, restaurants, pubs and takeaways. Although there are clusters of dwellings and holiday lets in certain parts of Fore Street, there is generally a balanced spread of uses throughout the street. Change of use of attractions to higher value uses, e.g. residential, would reduce tourist activity and, whilst it might mean that some houses are brought back into private occupation, it is likely that the local economy would suffer and shops and facilities would close. Policy Beer 01 will help to protect the diversity and vitality of the village centre.

Policy VP02 Beer 04 - Village Centre Vitality

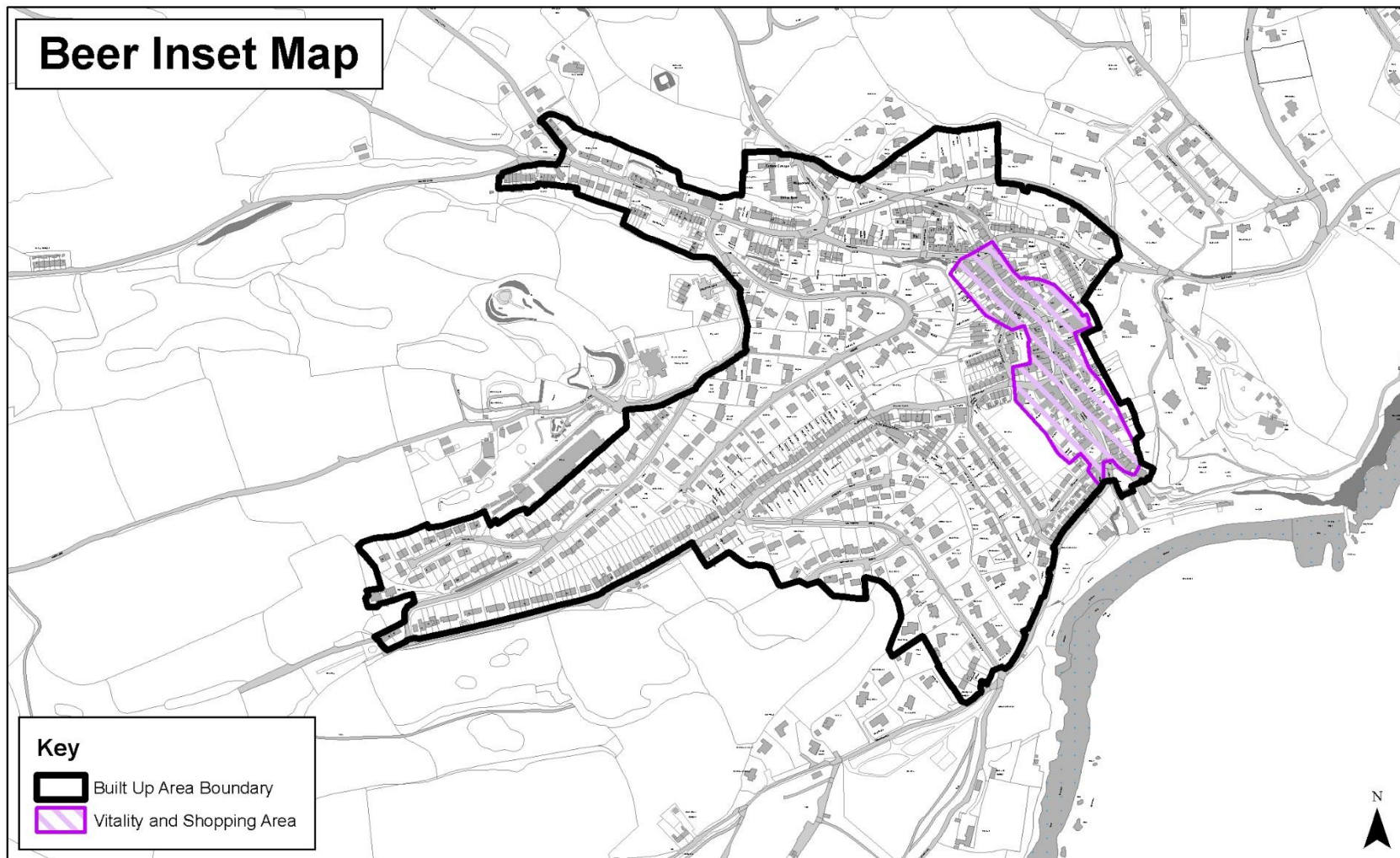
Within the Beer vitality and shopping area defined on the Beer inset map, proposals for main town centre uses (as defined in the National Planning Policy Framework) will be permitted provided the use would:

1. maintain or enhance the character and diversity of such uses in the village centre; and
2. maintain or enhance the vitality and viability of the village centre.

Proposals for other uses will not be permitted unless it has been clearly demonstrated that the site has been marketed without interest for all appropriate main town centre uses at a realistic price for at least 12 months (and up to two years depending on market conditions) and offered to the local community for their acquisition/operation.

Permission will be subject to the retention of the shopfront.

The establishment of new main town centre uses which are within the defined BUAB but outside of the defined vitality and shopping area will not be permitted if they would harm the convenience, vitality or viability of the centre.

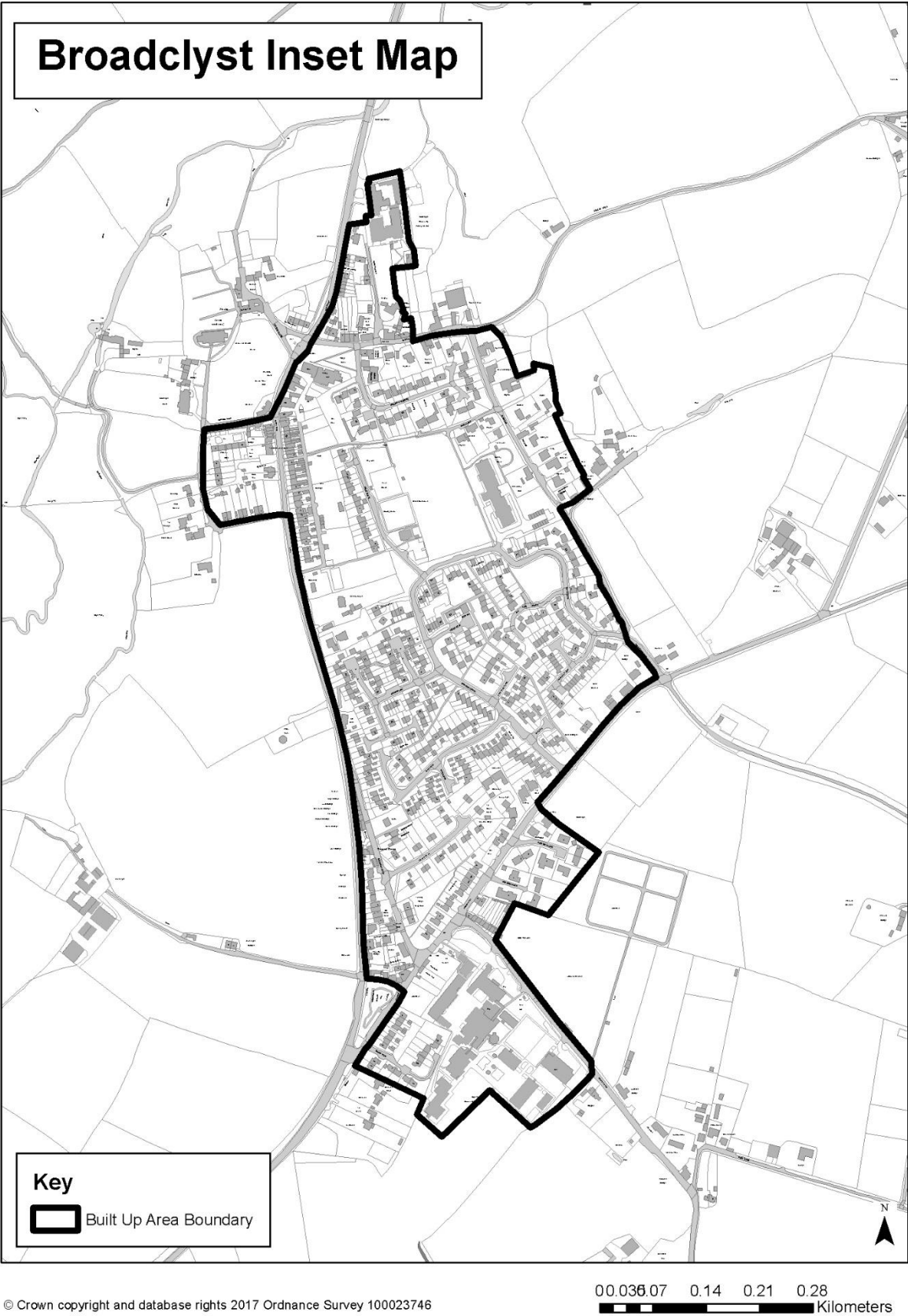


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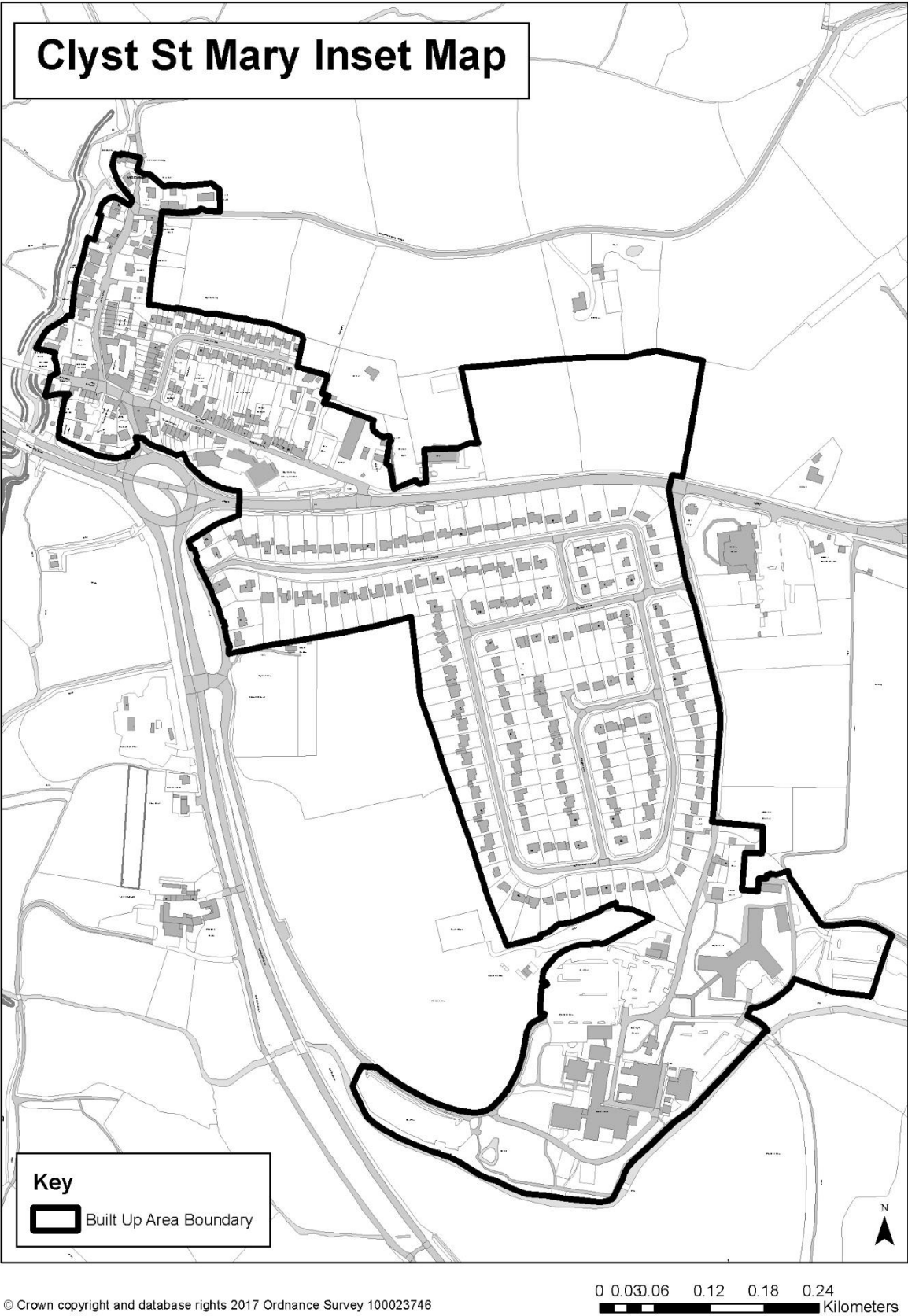
3 Broadclyst

- 3.1 Broadclyst is located around 3km (1.5 miles) to the north east of Exeter. It has a wide range of services and facilities, including a secondary school. It is one of the best preserved of the large Devon estate villages and much of the land surrounding the village is owned by the National Trust. There is a conservation area in the northern part of the village and a number of listed and other historic buildings in the village.
- 3.2 Whilst the main shops, primary school, doctor's surgery, church and social/recreational facilities are located towards the north of the village, the secondary school is on the southern periphery. However, there are good footpaths linking the village north to south and the distances involved are less than 1250m with no substantial barriers to walking and cycling across the village.



4 Clyst St Mary

- 4.1 Clyst St Mary is located east of Exeter, and within one kilometre (0.5 miles) of Junction 30 of the M5. The village centre is sited to the north and east of the large roundabout junction of the A376 and A3052. The older part of the village is located to the north of the A3052 with a late 20th Century housing estate to the south. To the south of this is a large office complex (Winslade Park) set in attractive parkland. Just to the east of the village is the County Showground and Westpoint Arena.
- 4.2 There is good public transport, access to employment opportunities and a range of services and facilities, but some of the village is at flood risk. Clyst St Mary is also very close to the city of Exeter which offers further facilities and employment.
- 4.3 The Winslade Park Office complex is vacant and has been allocated for a mixed use development to accommodate 150 dwellings and 0.7 hectares of employment land in the adopted Local Plan.



5 Colyton

5.1 Colyton has a good range of services and facilities that serve a wide rural area. It benefits from employment opportunities both in the town centre and the wider town. It is an historic settlement with a large conservation area and numerous listed buildings (around 60 Listed Buildings in the Conservation Area).

5.2 Colyton has a small but diverse town centre which meets many of the day to day needs of local residents and the wider rural population. Such provision within the town is an incentive for local residents to support their local economy, build a thriving community and reduces the need to travel to other shopping centres by car. A healthy and vibrant local shopping centre helps to contribute towards the objectives of sustainable development.

5.3 The majority of the business premises are located around the Market Place although there are a small number elsewhere in the town centre. The main risk to the vitality of the area is the loss of business premises to residential uses and any erosion of shops and services would undermine the viability of the town centre and its functional importance as a meeting place and draw for tourism. Policy Colyton 01 – Town Centre Vitality will help to protect the diversity and vitality of the village centre.

5.4 The BUAB encompasses a variety of uses, including valued employment sites such as the former Ceramtec buildings. The Local Plan includes policies that are relevant to the redevelopment of such areas, particularly Strategy 32 – Resisting Loss of Employment, Retail and Community Sites and Buildings (Appendix 3).

Policy VP03 Colyton 04 – Town Centre Vitality

Within the Colyton vitality and shopping area defined on the Colyton inset map, proposals for main town centre uses (as defined in the National Planning Policy Framework) will be permitted provided the use would:

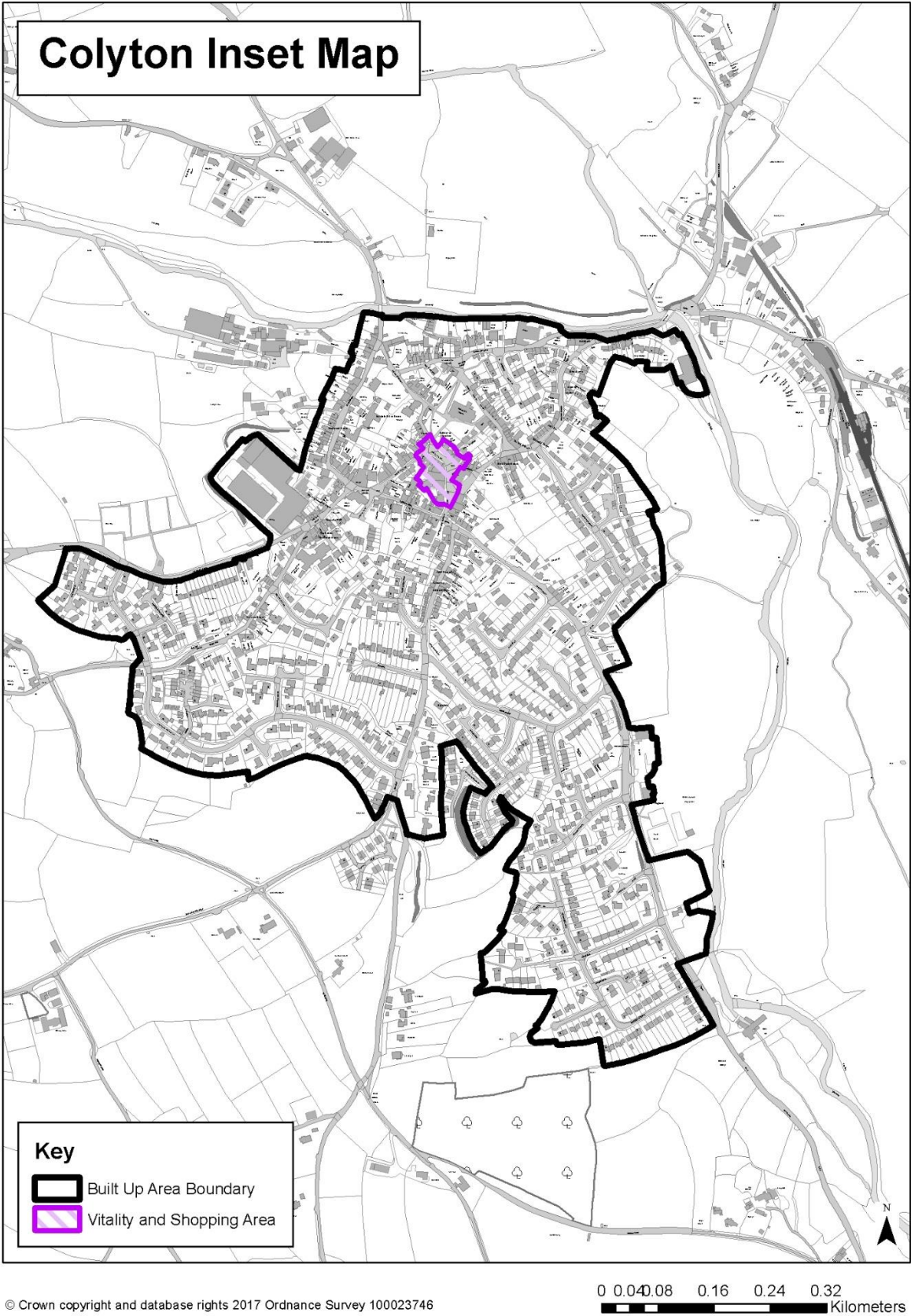
1. maintain or enhance the character and diversity of such uses in the town centre; and
2. maintain or enhance the vitality and viability of the town centre.

Proposals for other uses will not be permitted unless it has been clearly demonstrated that the site has been marketed without interest for all appropriate main town centre uses at a realistic price for at least 12 months (and up to two years depending on market conditions) and offered to the local community for their acquisition/operation.

Permission will be subject to the retention of the shopfront.

The establishment of new main town centre uses which are within the defined BUAB but outside of the defined vitality and shopping area will not be permitted if they would harm the convenience, vitality or viability of the centre.

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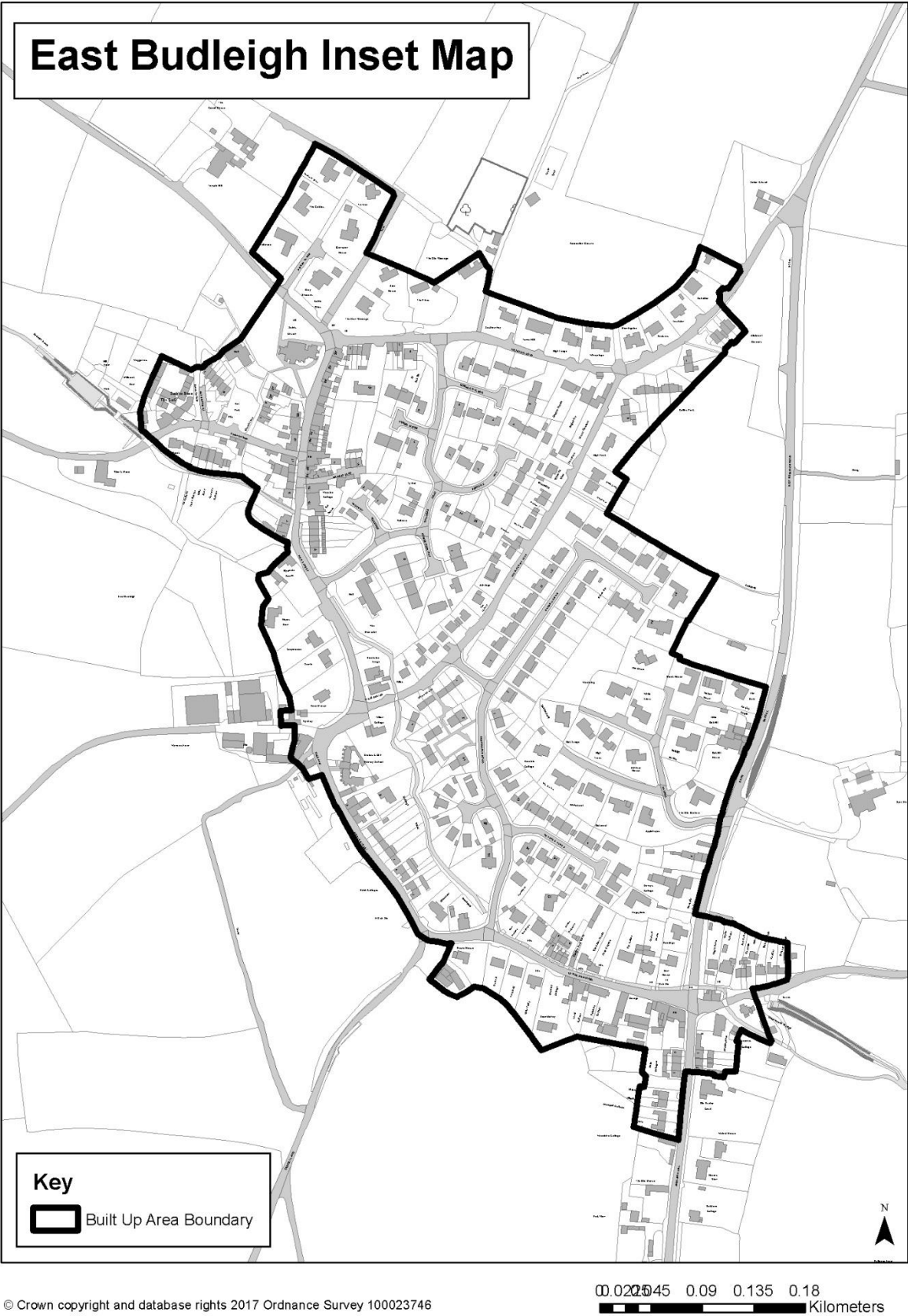
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6 East Budleigh

- 6.1 East Budleigh is an attractive village containing many cob and thatched cottages. It lies within the East Devon AONB. The Conservation Area is relatively small in relation to the village as a whole and is mainly concentrated around High Street and the Parish Church.
- 6.2 The B3178 is a busy main road which bisects the village, creating a perception of separation between the main village and the small group of houses to the east.

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7 Feniton

- 7.1 Feniton comprises two distinct separate parts. The original old Feniton lies to the east; it is small in size, centred around a small number of community facilities and many of its buildings are of historic interest.
- 7.2 The construction of the Exeter Waterloo railway line led to the creation of new Feniton around 1 kilometre to the west of the original old village. In its early Victorian days new Feniton was comprised of a small number of properties associated with the railway. It was, however, in the later part of the 20th century that the village expanded considerably to accommodate a larger number of new homes.
- 7.3 An ongoing concern in new Feniton had been flooding and ability of the drainage infrastructure to cope with surface water run-off; current and programmed works should, however, address problems.
- 7.4 New Feniton has sufficient facilities to warrant having a Built-up Area Boundary, though for its size it has few businesses and fulfils something of a dormitory function. Old Feniton also has some facilities but pedestrian access from the new village to the old is poor. Most of new Feniton lies beyond a one kilometre walk to the old village and it requires use of narrow lanes and which lack pedestrian footways, have only a few passing places for cars and some lengths run in narrow cliff edged cuttings.

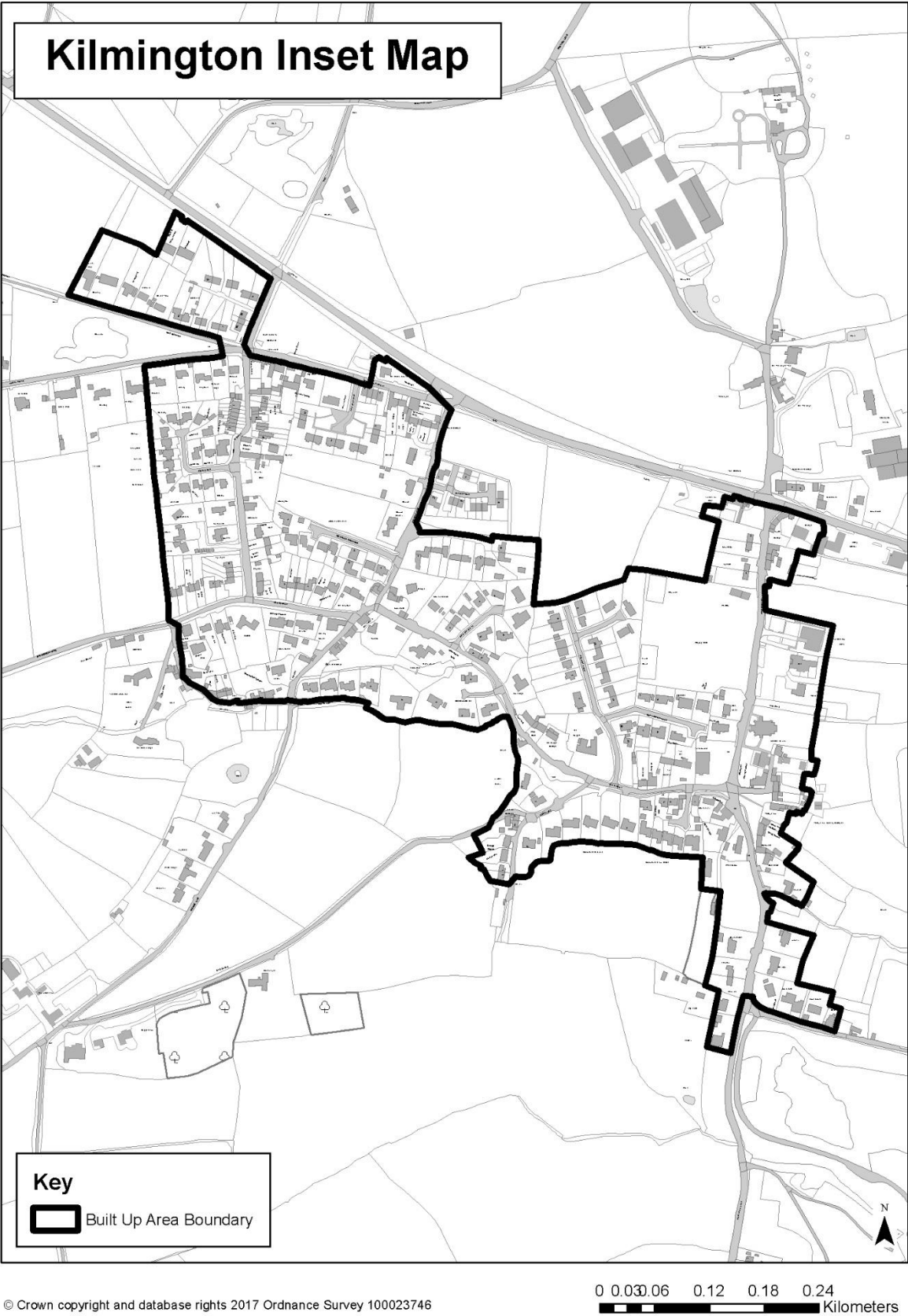


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0 0.06 0.12 0.18 0.24 Kilometers

8 Kilmington

- 8.1 Kilmington is situated on the western side of the Axe Valley, some two miles from the market town of Axminster.
- 8.2 The conservation area in relation to the village as a whole is small and centred on the eastern half of The Street. There are 9 listed buildings within the conservation area but more are spread throughout the village, indicating that it was once several small clusters of development which have joined through infilling.
- 8.3 Within the village centre there are several modern housing estates with street lighting and pavements but otherwise the lanes tend to be narrow and this increases to the south of the village where passing places are limited.
- 8.4 A paddock to the south east of the village (north of Ravenscroft) that was excluded from the BUAB defined in the previously adopted Local Plan has now been included. The inclusion of this land inside the BUAB does not mean that the land is now less important from a heritage perspective as it could be that the land provides a valuable landscape setting to the significance and setting of listed historic buildings and the character and appearance of conservation area.



9 Lympstone

- 9.1 No proposals are put forward for Lympstone as there is a made neighbourhood plan that includes a Built-up Area Boundary. The Lympstone Neighbourhood Plan that shows the BUAB for Lympstone may be viewed at <http://eastdevon.gov.uk/media/1091870/lnp-final-referendum.pdf>

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10 Musbury

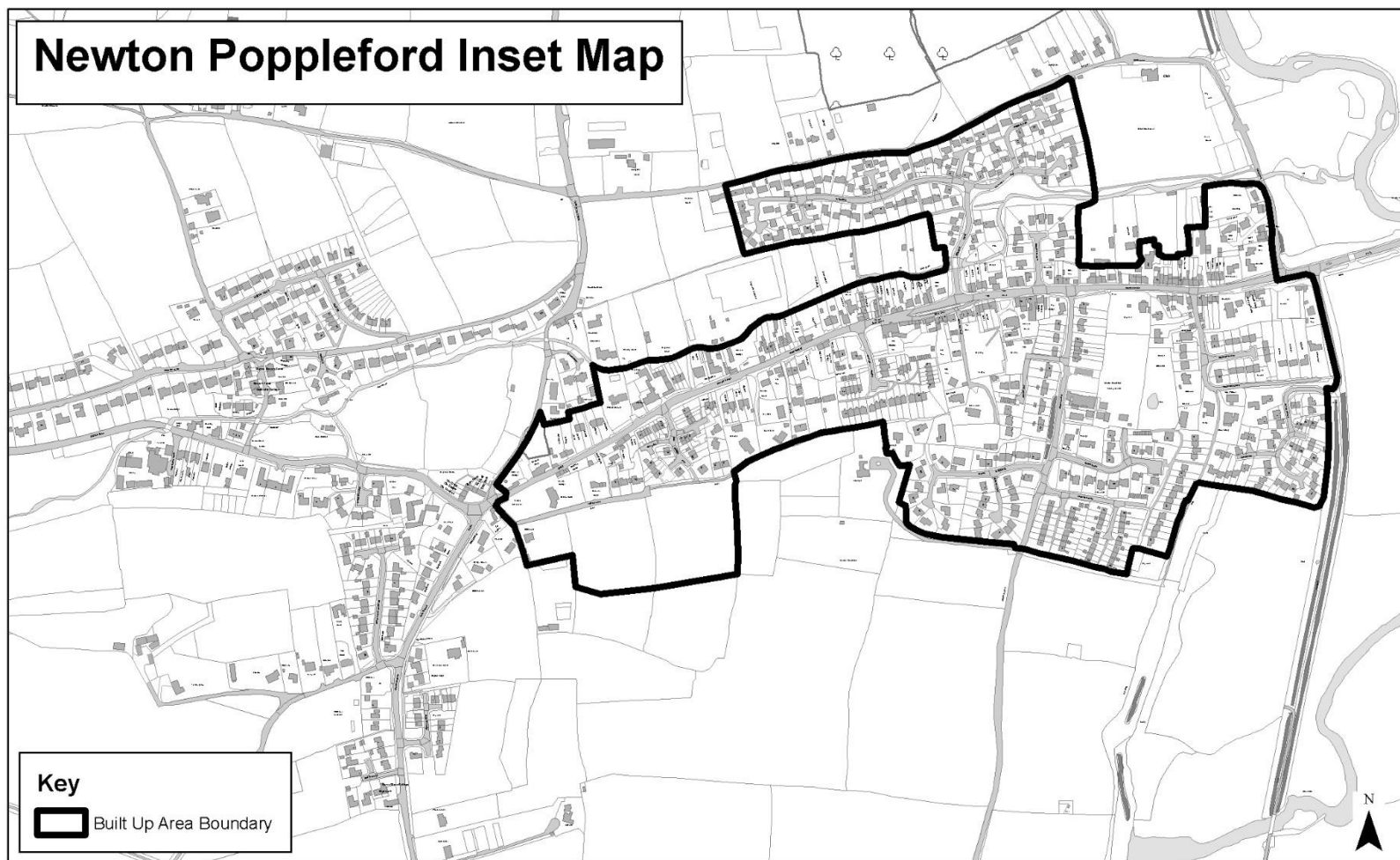
10.1 Musbury is the smallest settlement to have a built-up area boundary defined in the Villages Plan. It lies within the Axe Valley and is wholly within the East Devon AONB. A conservation area covers the historic core of the village.

10.2 There is a farm complex adjoining the village centre that has been supported locally for redevelopment for residential use. The site has been included within the BUAB, but is not allocated for development, although a development brief will be produced to inform any development proposals that may be put forward. Within the centre of the village is an area that was excluded from the BUAB defined in the previously adopted Local Plan, adjacent to the Mountfield grade II listed building. Whilst this has now been included in the BUAB, it lies at the heart of the conservation area and close to a number of listed buildings. The relationship of this land to these heritage assets, coupled with the open nature of this the land, coupled with its topography and tree cover and relationship with neighbouring listed buildings makes it unlikely that it will would be suitable for development unless, in except in exceptional circumstances, development would minimise harm in all respects upon the historic environment and secure the future of Mountfield, a heritage asset at risk.

0 0.02 0.04 0.08 0.12 0.16 Kilometers

11 Newton Poppleford

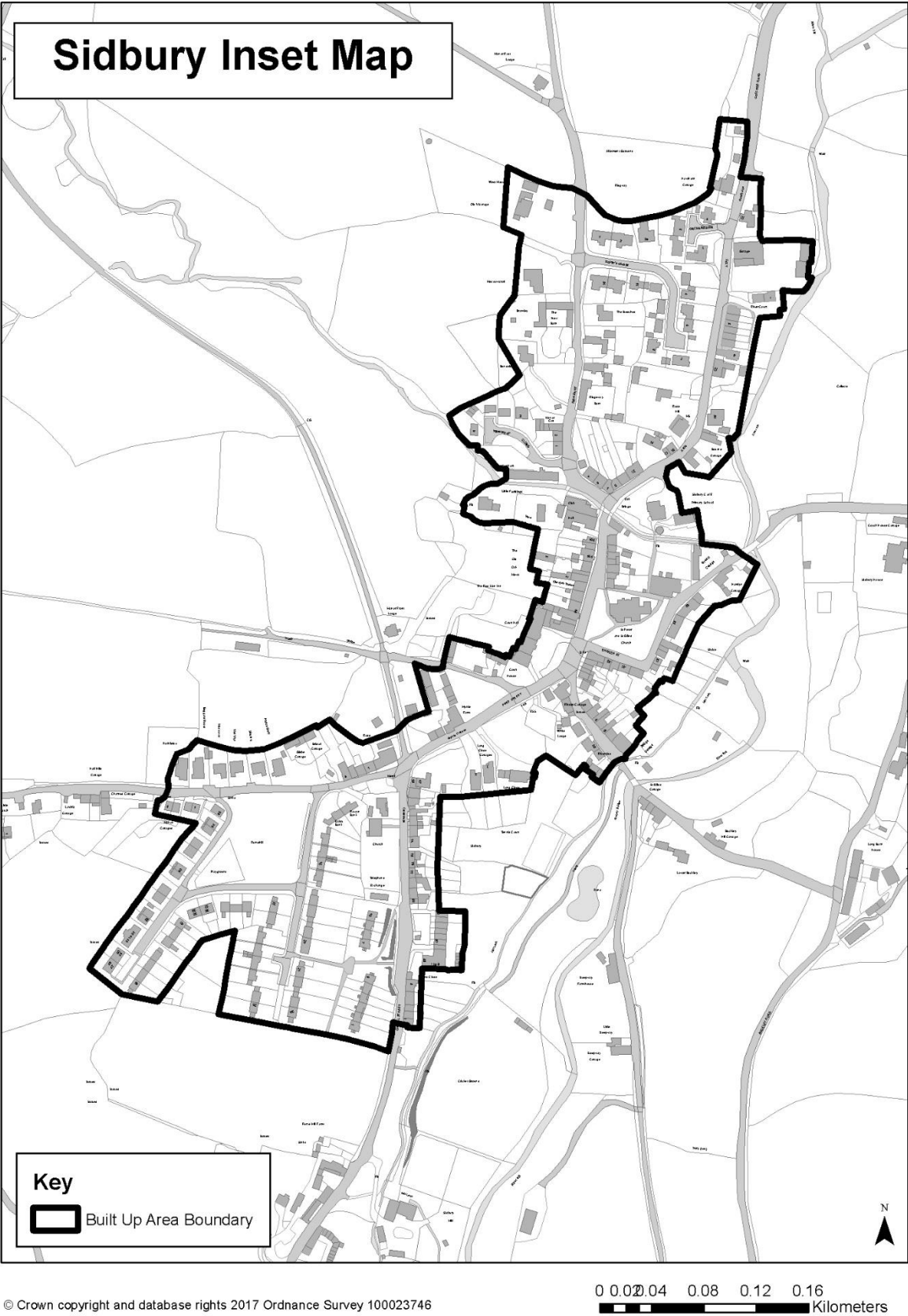
- 11.1 Newton Poppleford is located around 2 miles to the west of Sidmouth on the A3052 to Exeter. The whole of the village is within the East Devon AONB. The B3178 from Budleigh Salterton meets the A3052 in the west of the village at a small roundabout. To the east of this junction the heavily trafficked A3052 is narrow and lacking in pavements. Other roads in the village tend to be narrow and often have hedge banks to the side. There is an extensive network of footpaths within the village, but most lack lighting and paved surfaces.
- 11.2 The village extends for around 1.8 km (1.1 miles) from east to west and the majority of services and facilities are located in the east. The lack of footways on the A3052 near its junction with the B3178 and the limited alternatives for pedestrian access from that part of the village to the west of this point limit the appeal and safety to pedestrians of accessing the facilities on foot.



12 Sidbury

12.1 Sidbury is a fairly large village with a close-knit ~~almost urban~~ quality. It is particularly characterised by the extent and uniformity of cottages in thatch and rendered cob or stone, mainly white painted with a black tar band. Sidbury is completely within the East Devon AONB and is constrained by flood zones particularly along its Eastern boundary. The settlement has an extensive Conservation Area.

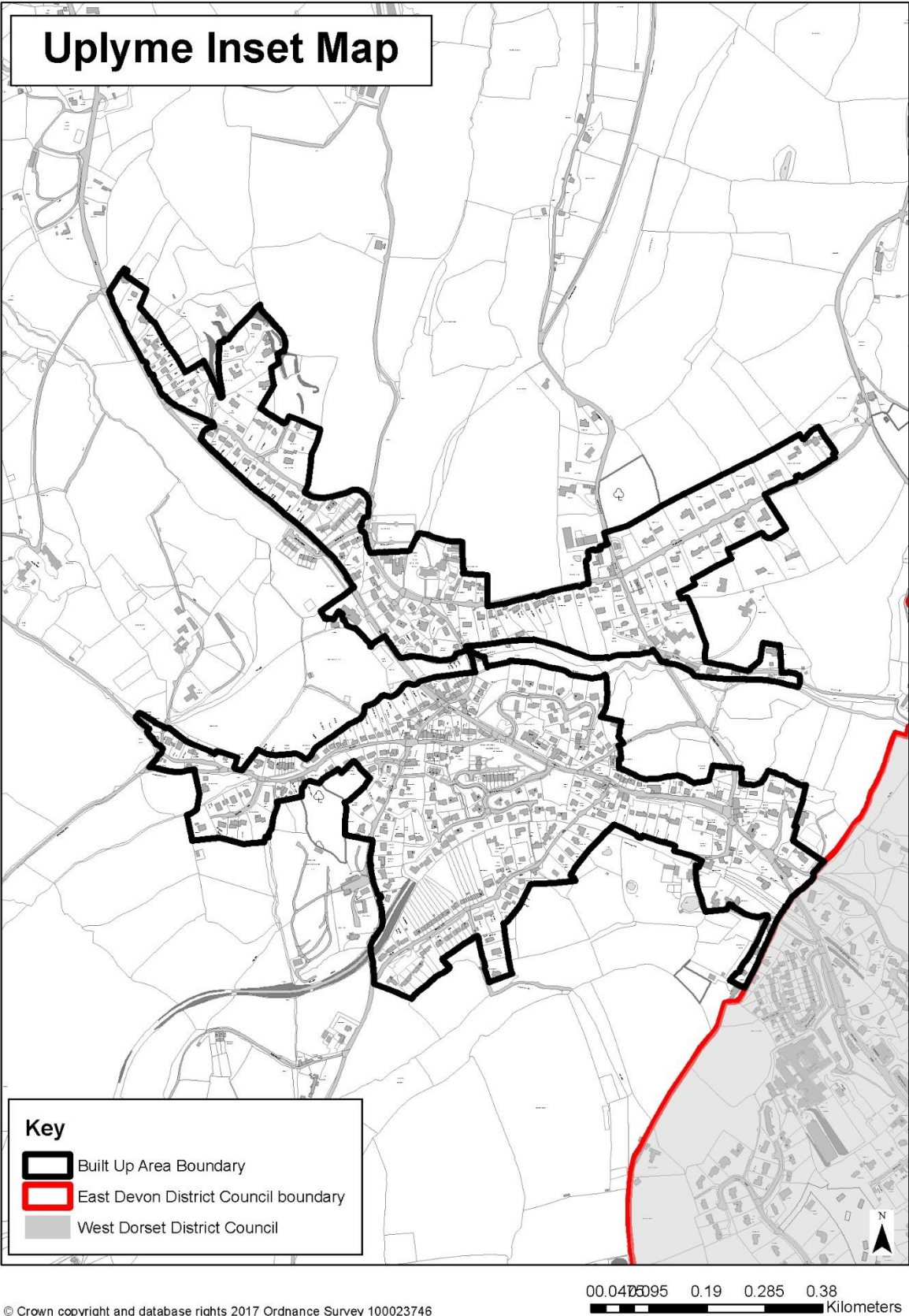
12.2 The A375 is a busy main road which runs through the centre of the village. There is a persistent lack of dedicated pedestrian footways throughout the village which make it challenging for pedestrians, particularly along the A375 where it can be dangerous in places.



13 Uplyme

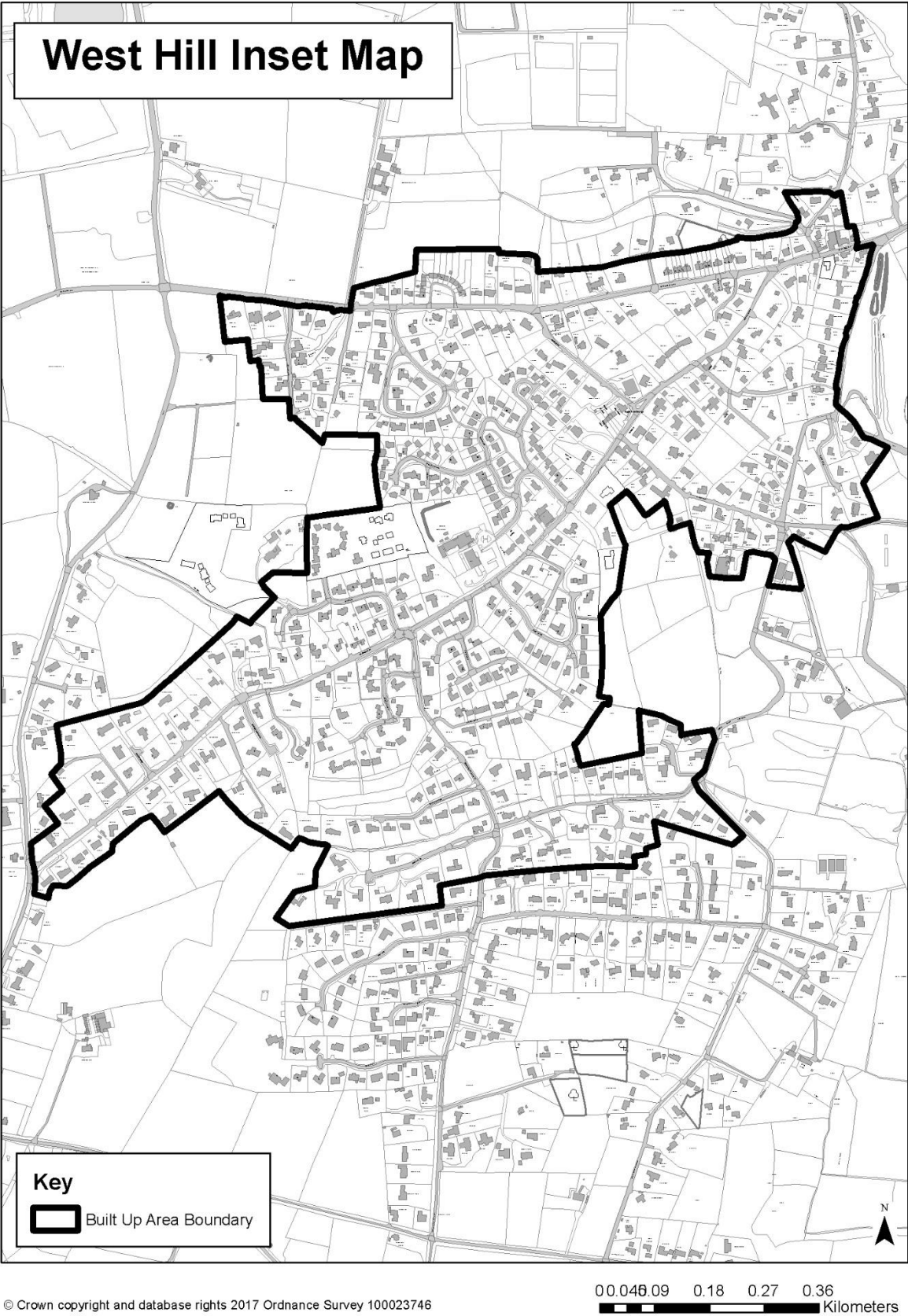
- 13.1 Uplyme is a fairly dispersed village having spread up the immediate valley sides and along the valley above the floodplain. It lies within the East Devon AONB.
- 13.2 The village is set within steep valleys with access to core services and facilities at the base. Residential development is often set on a rising gradient, which can make accessing services and facilities on foot a challenge. The village of Uplyme abuts the Dorset town of Lyme Regis which supports a wider range of services and facilities.

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14 West Hill

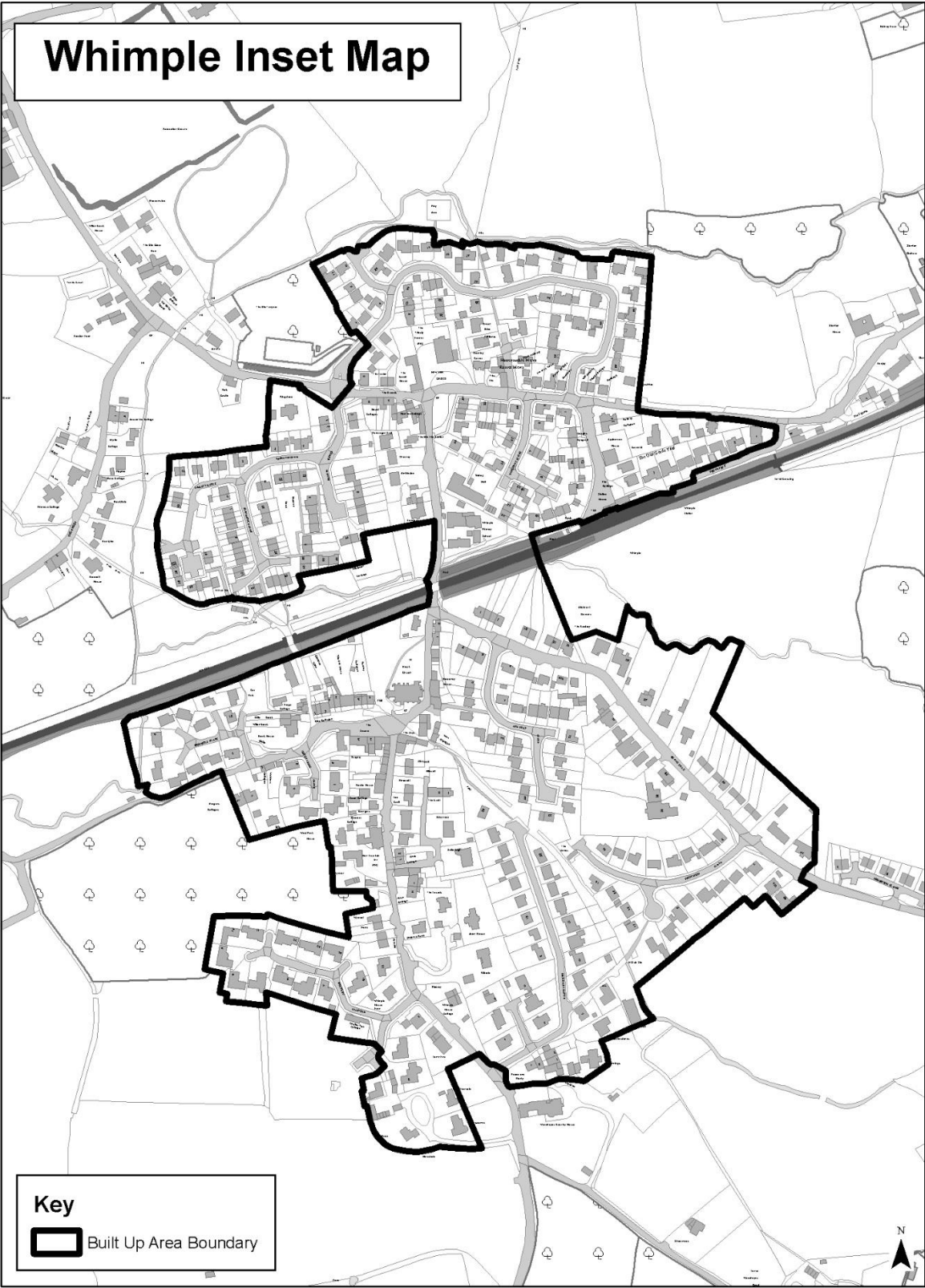
- 14.1 West Hill occupies a woodland setting with many fine individual trees and groups of trees. The village comprises predominantly of detached dwellings with a great many in large gardens.
- 14.2 Over recent years West Hill has seen comparatively high levels of infill village development as people have subdivided large gardens to accommodate additional new dwellings. There has, more recently, been outward expansion of the village to accommodate new houses.
- 14.3 West Hill extends in a straight line north-south distance of over 2 kilometres and east-west of around 1.5 kilometres. A number of busier roads cut through the village but there are also quieter lanes and suburban streets. Many roads, however, do not have footpaths and walking distances in and through West Hill, especially from the southern parts to facilities in the north, can be lengthy with routes being quite steep.



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15 Whimble

- 15.1 Whimble has a largely rural setting in gently undulating pasture, crossed by the London to Exeter railway.
- 15.2 The Conservation Area mainly comprises the nucleus set around The Square and Church Road to the south.
- 15.3 The village is divided into two halves by the narrowing of the road under the railway bridge which can cause congestion and danger to pedestrians/cyclists. Pedestrian access throughout the village is variable, with modern estate roads tending to be well lit with pavements, whilst other parts of the village are accessed via narrow lanes.



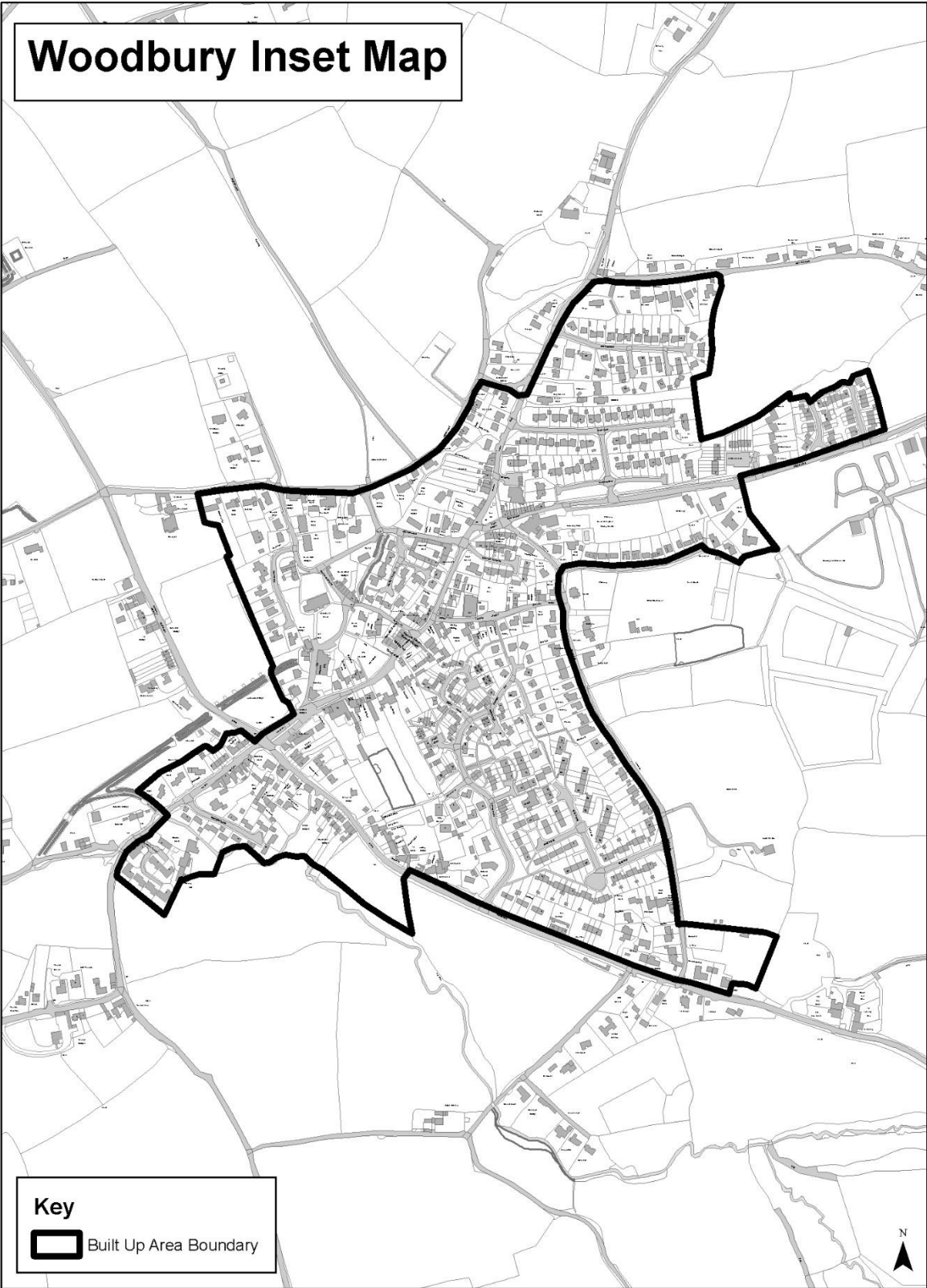
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0.02 0.045 0.09 0.135 0.18 Kilometers

16 Woodbury

- 16.1 Woodbury is quite a large village that is set in a small hollow on rising ground. The B3179 runs through the south of the village and is well used by vehicles, including HGV's. There is a conservation area covering the historic core of Woodbury, which is the focus for numerous listed buildings.
- 16.2 Several Greenfield sites on the edge of the settlement have been developed since the start of the plan period and the BUAB has generally been extended to include these.

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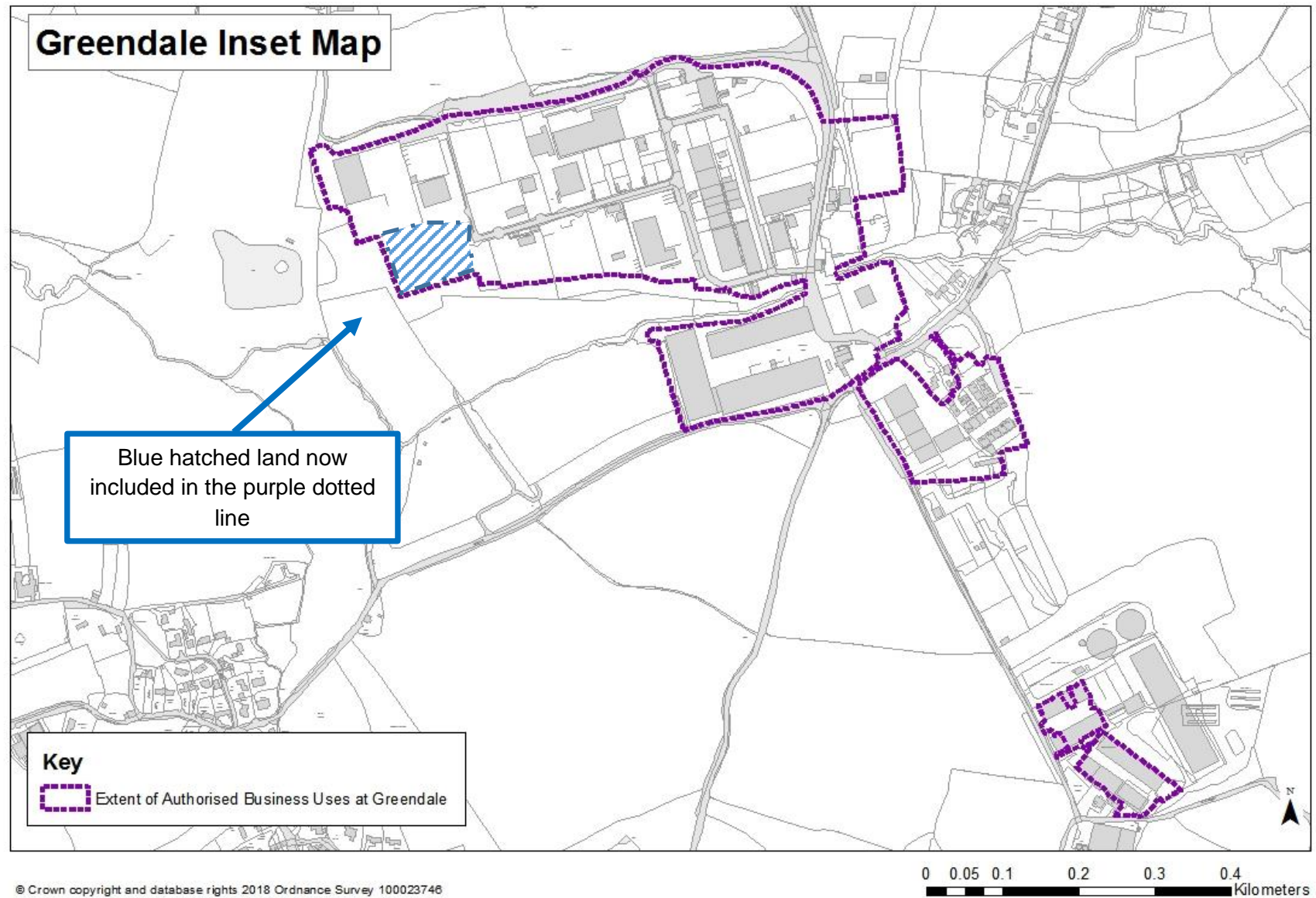


17 Land at and around Greendale Business Park

- 17.1 Greendale Business park lies to the south of the A3052, the primary access is from this road. The business park dates back to the turn of the 20th/21st century and over the past 20 years has expanded from a small base, historically with limited buildings in agricultural use, to a substantial business park extending to over 20 hectares. Part of the business park lies on land that has been subject to landfill waste disposal and there are substantial current waste management activities (with Devon County Council as waste planning authority) undertaken at the site.
- 17.2 The site is home to a number of businesses, occupying a range of premises that employ a substantial number of people.
- 17.3 The East Devon Local Plan refers to the intention to prepare inset maps for Greendale Business Park in the East Devon Villages Plan. There are no specific policies for Greendale Business Park in the Villages Plan though there is a line on the inset map showing the full extent of the land authorised for business uses at Greendale Business Park, this is provided to assist plan users. Policies of the adopted Local Plan will be used to determine planning applications at Greendale Business Park which is within the open countryside and the subject of countryside protection policies including Strategy 7 – Development in the Countryside. Policy VP04 sets out the relationship between the policies of the development plan and Greendale Business Park.

Policy VP04 – Greendale Business Park

Inset maps are included in this plan that show the extent of authorised uses at the Greendale Business Park for information purposes only. Development of Greendale Business Park as indicated on the inset map will be considered in accordance with the relevant policies of the development plan, in particular Strategy 7 of the East Devon Local Plan (Development in the Countryside).

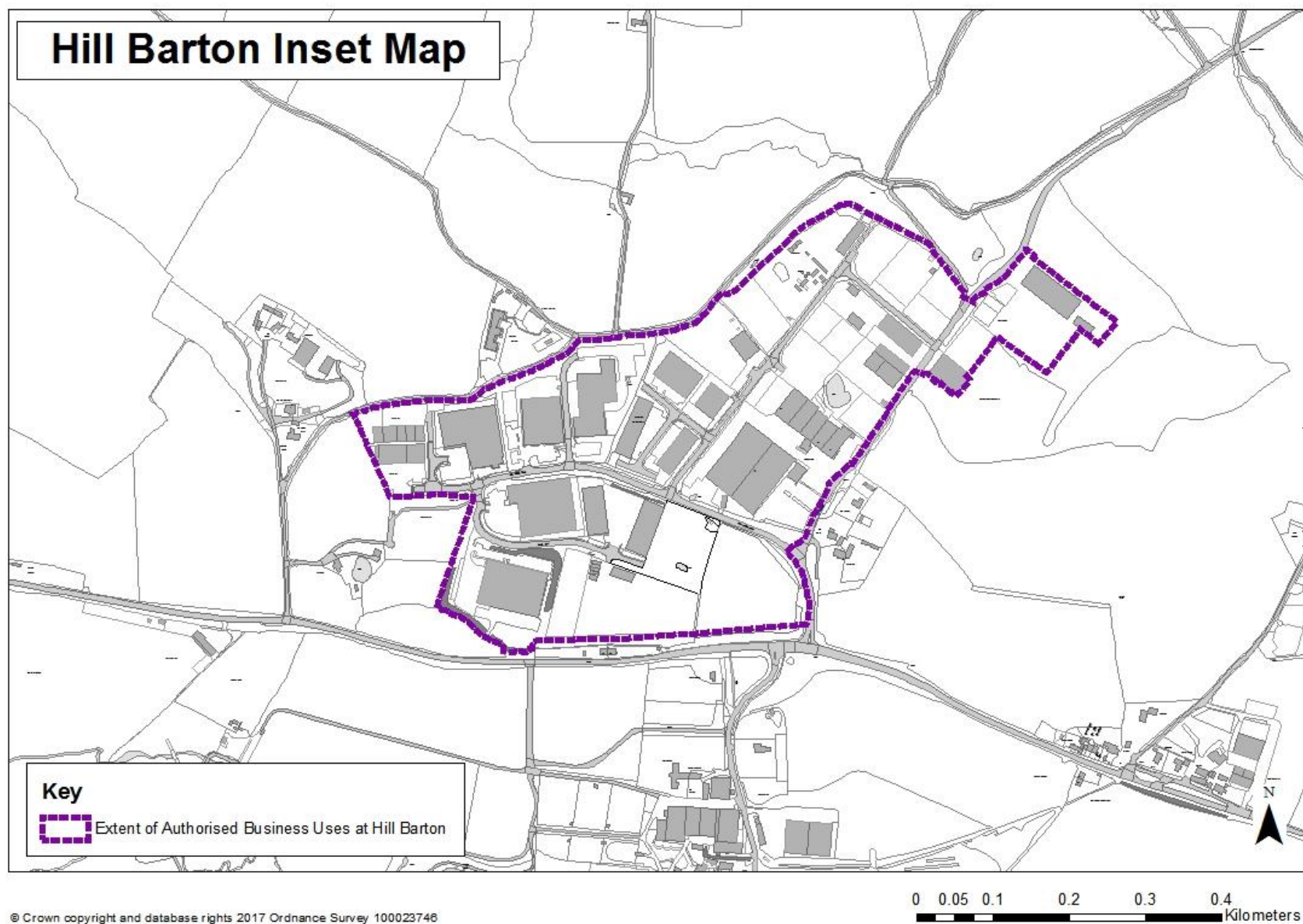


18 Land at and around Hill Barton Business Park

- 18.1 Hill Barton Business Park lies to the north of and is accessed from the A3052. The business park dates back to the 1990s and over the past 30 years has expanded from a small base, historically with buildings in agricultural use, to a substantial business park extending to over 20 hectares. Part of the business park includes land in waste management and minerals use (Devon County Council are the waste and minerals planning authority).
- 18.2 The business park is home to a number of businesses, occupying a range of premises that employ a substantial number of people.
- 18.3 The East Devon Local Plan refers to the intention to prepare inset maps for the Hill Barton Business Park in the East Devon Villages Plan. There is no specific policy for Hill Barton Business Park in the village plan though there is a line on the inset map showing the full extent of the land authorised for business uses at Hill Barton Business Park, this is provided to assist plan users. When considering development proposals for which the District Council is the determining authority the policies of the adopted Local Plan will be used to determine assess planning applications at Hill Barton Business Park, which is within the open countryside and the subject of countryside protection policies including Local Plan Strategy 7 – Development in the Countryside. Policy VP05 sets out the relationship between the policies of the development plan and Hill Barton Business Park.

Policy VP05 – Hill Barton Business Park

Inset maps are included in this plan that show the extent of authorised uses at the Hill Barton Business Park for information purposes only. Development of Hill Barton Business Park as indicated on the inset map will be considered in accordance with the relevant policies of the development plan, in particular Strategy 7 of the East Devon Local Plan (Development in the Countryside).



Monitoring Table

<u>Vision/Objective/Aspiration</u>	<u>Key Policy or Strategy</u>	<u>Indicators</u>	<u>Target</u>
<u>Provide the resources to teach and develop skills</u>		<u>Number of state primary schools opened or closed in settlements with a BUAB defined in the EDVP</u>	<u>No loss of state primary schools in villages</u>
<u>Balanced communities</u>	<u>Strategy 32</u>	<u>Number of planning permissions granted that result in a net loss of cultural, social or leisure provision in settlements with a BUAB</u>	<u>No net loss of cultural/ social/ leisure provision in any one settlement</u>
<u>Conserve and enhance the historic environment of East Devon</u>	<u>Strategy 49</u>	<u>Net change in number of heritage assets on the Heritage at Risk Register for settlements in the EDVP</u>	<u>Reduce number of heritage assets at risk</u>
<u>Maintain and enhance town centres</u>	<u>Beer 01 Colyton 01</u>	<u>Any change of use from commercial main town centre uses to residential use within vitality and shopping areas</u>	<u>No net loss of commercial main town centre uses units in vitality and shopping areas</u>

<u>Vision/Objective/Aspiration</u>	<u>Key Policy or Strategy</u>	<u>Indicators</u>	<u>Target</u>
<u>Vision for smaller towns and villages (Page 89 of the Local Plan).</u>	<u>Strategy 27 and VP01</u>	<u>Number of new homes built annually at each settlement (inside and outside of BUAB)</u>	<u>Net increase in number of homes in each settlement</u>
<u>To ensure everybody has the opportunity to live in a decent house</u>	<u>Strategy 34</u>	<u>Number and percentage of new homes built that are affordable</u>	<u>Affordable housing provided to meet any need established in housing needs assessments in either individual or grouped parishes (as set out in Strategy 34)</u>
<u>To ensure that all groups of the population have access to community services</u>	<u>Strategy 6</u>	<u>Number of residential completions in Strategy 27 settlements outside of the BUAB and number of new homes built within walking distance of basic village facilities</u>	<u>More residential completions within BUAB than outside of BUAB</u>
<u>To promote and encourage non-car based modes of transport and reduce journey lengths</u>	<u>Strategy 5B</u>	<u>Levels and frequency of bus services in the District's Strategy 27 settlements</u>	<u>No net loss of level or frequency of bus services</u>

Appendix 1 - Extract from East Devon Local Plan 2013 – 2031 (Strategies 6 and 7)

Strategy 6 - Development within Built-Up Area Boundaries

Built-up Area Boundaries are defined on the Proposals Map around the settlements of East Devon that are considered appropriate through strategic policy to accommodate growth and development. Within the boundaries development will be permitted if:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

For the main Local Plan the boundaries relate to the Towns of East Devon. For our Villages they will be defined in the Villages Development Plan Document.

Where a local community prepare a Neighbourhood Plan they may specifically allocate sites and/or include criteria based or other policies for promoting development/land uses beyond the boundary. Such 'outside of boundaries' policy provision would supersede relevant constraint considerations set out in 'Strategy 7 - Development in the Countryside' and also other relevant constraint policies.

Strategy 7 - Development in the Countryside

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Appendix 2 - Extract from East Devon Local Plan 2013 - 2031

(Strategy 27)

Strategy 27 - Development at the Small Towns and Larger Villages

The following settlements vary in size and character but all offer a range of accessible services and facilities to meet many of the everyday needs of local residents and they have reasonable public transport. They will have a Built-up Area Boundary that will be designated in the East Devon Villages DPD though they will not have land specifically allocated for development.

- Beer
- Broadclyst
- Clyst St Mary
- Colyton
- East Budleigh
- Feniton
- Kilminster
- Lypstone
- Musbury
- Newton Poppleford
- Sidbury
- Uplyme
- West Hill
- Whimble
- Woodbury

If communities wish to promote development other than that which is supported through this strategy and other strategies in the Plan (at the settlements listed above or any other settlement) they will need to produce a Neighbourhood Plan or promote community led development (for example Community Land Trusts) justifying how and why, in a local context, the development will promote the objectives of sustainable development.

Appendix 3 - Extract from East Devon Local Plan 2013 - 2031 (Strategy 32)

Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings

In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or
3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or
4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.

Employment uses include those falling into Class B of the Use Classes Order or similar uses classified under planning legislation as 'Sui Generis' uses. Redundant petrol filling stations and associated garage facilities will fall within the scope of this policy as do public and community uses and main town centre uses and other uses that directly provide jobs or employment, community meeting space or serve a community or social function.



Report to East Devon District Council

by **Beverley Doward BSc BTP MRTPI**

an Inspector appointed by the Secretary of State

Date: 17 May 2018

Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

REPORT ON THE EXAMINATION OF THE EAST DEVON VILLAGES PLAN

The Plan was submitted for examination on 28 June 2017

The examination hearings were held between 7 and 8 November 2017

File Ref: PINS/U1105/429/7

Abbreviations used in this report

BUAB	Built-up Area Boundary
DtC	Duty to Co-operate
EDLP	East Devon Local Plan
EDVP	East Devon Villages Plan
Framework	National Planning Policy Framework
LDS	Local Development Scheme
MM	Main Modification
NP	Neighbourhood Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement

Non-Technical Summary

This report concludes that the East Devon Villages Plan provides an appropriate basis for the planning of the East Devon District provided that a number of main modifications (MMs) are made to it. East Devon District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The Council's Strategic Planning Committee formally considered the MMs on 14 December 2017. It resolved to consult upon the MMs and updated sustainability appraisal but also to submit a request during the consultation period for an amendment to two of the MMs which relate to Greendale Business Park and Hill Barton Business Park. I considered this submission along with all the other representations made in response to the consultation on the MMs.

The MMs were subject to public consultation for a period of seven weeks from 18 December 2017 until 2 February 2018. After considering all the representations made in response to the consultation on the MMs I have recommended their inclusion in the Plan. I have made an amendment to the detailed wording of one of the MMs for clarity and have corrected a typographical error to another.

In summary the Main Modifications:

- Provide a policy relating to the Built-up Area Boundaries that makes the relevant connection to the policies of the East Devon Local Plan.
- Ensure the scope of the Plan with regard to Greendale Business Park and Hill Barton Business Park is made clear and provide policies relating to the business parks that make the relevant connection to the policies of the East Devon Local Plan.
- Ensure that the historic environment within the villages of Kilmington and Musbury is properly considered in accordance with the advice in the National Planning Policy Framework.
- Amend the policies relating to Beer Village Centre Vitality and Colyton Town Centre Vitality to provide clarity and certainty as to how proposals for main town centre uses which are within the defined Built-up Area Boundaries but outside of the defined vitality and shopping areas will be considered.
- Include a monitoring framework.

Introduction

1. This report contains my assessment of the East Devon Villages Plan (EDVP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework) (paragraph 182) makes it clear that in order to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The EDVP¹, submitted in June 2017, is the basis for my examination. It is the same document that was published for consultation in March 2017.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM01**, **MM02**, **MM03** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The Council's Strategic Planning Committee formally considered the MMs on 14 December 2017. It resolved to consult upon the MMs and updated sustainability appraisal but also to submit a request during the consultation period for an amendment to two of the MMs which relate to Greendale Business Park and Hill Barton Business Park. I considered this submission along with all the other representations made in response to the consultation on the MMs.
5. The MMs were subject to public consultation for a period of seven weeks from 18 December 2017 until 2 February 2018. I have taken account of the consultation responses in coming to my conclusions in this report. I have made an amendment to the detailed wording of one of the MMs for clarity and have corrected a typographical error to another. These amendments do not significantly alter the content of the modifications as published for consultation or undermine the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies

¹ Submission and Evidence Base Document Ref: VP01

map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Built-up Area Boundaries (BUABs) and the Greendale Business Park and Hill Barton Business Park inset maps as set out in the submitted EDVP.

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. Where any consequential changes or corrections are required to the Policies Map these were published for consultation alongside the MMs.

Assessment of the Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. In relation to the DtC, the EDVP is not a strategic planning document and does not make provision for development that could be regarded as a strategic matter as defined in the 2004 Act. The East Devon Local Plan 2013-2031 (EDLP), adopted in January 2016, sets the strategic context for the EDVP. Accordingly, within this context I consider that there are no strategic matters included in the EDVP.
10. The East Devon Villages Plan Consultation Statement² indicates that with the exception of Uplyme, the EDVP covers settlements that are not located close to the boundaries of East Devon and that in the case of Uplyme, which is on the boundary with the neighbouring local planning authority of West Dorset, the development outlined in the EDVP would not have a significant impact.
11. In view of the above considerations, overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background: the scope of the East Devon Villages Plan

12. The scope of the EDVP is derived from the EDLP and the Local Development Scheme (LDS). The EDLP indicates that a Village Development Plan Document will be produced separately from the main local plan document and that it will be concerned with development boundaries around villages, allocations of land for development at these villages and other policies that may be applicable at, or for villages. It includes a policy (Strategy 6) which states that BUABs will be defined in the Villages Development Plan Document and lists, in a policy (Strategy 27), the settlements for which BUABs will be defined. The EDLP also refers to the intention to prepare inset maps for the villages and the Greendale and Hill Barton Business Parks which will form part of the Village Development Plan.

² Submission and Evidence Base Document Ref: VP07A

13. The LDS July 2017³ indicates that the Villages Plan will be specifically concerned with development issues in and around key villages of East Devon and the town of Colyton and that it will also address Greendale and Hill Barton Business Parks.
14. In order to ensure the EDVP is positively prepared and effective it is recommended that text is included in the introduction of the Plan to ensure its scope with regard to Greendale and Hill Barton Business Parks is made clear at the outset (**MM01**).
15. A number of the representations received on the submitted EDVP relate to matters that are beyond its scope. My examination of the soundness of the EDVP is limited to whether it will be effective, positively prepared, justified and consistent with national policy in achieving its purpose having regard to its limited scope. It is not for me to re-examine issues that were covered in the examination of the EDLP which will remain extant, and there is no requirement, as part of this examination to consider the overall development strategy for East Devon, objectively assessed housing and employment need, the location of employment growth or specific allocations identified in the EDLP. These matters are beyond the scope of this Examination.

Main Issues

16. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and legal compliance rather than responding to every point raised by representors.

Issue 1 - Whether or not the approach adopted in the EDVP, in conjunction with the EDLP, in relation to the BUABs is capable of effective implementation.

17. The EDVP seeks to provide a spatial element to policies contained in the EDLP by defining the BUABs of specific settlements. However, as submitted the Plan does not contain any specific policies relating to the BUABs. Whilst it is not unusual for the development plan of an area to comprise of several different documents and for decision makers to be required to look at the composite nature of the various development plan documents, the defined BUABs indicated on the inset maps in the EDVP are intended to provide a geographical illustration of policy as required by Regulation 9 (1) of the 2012 Regulations. In order to do so there must be a relevant policy in the plan being examined, in this case the EDVP, in order for it to comply with the Regulations and be legally compliant. If the Plan is not legally compliant it is not capable of effective implementation. Accordingly, it is necessary to include within the EDVP a new policy and supporting text (**MM02** and **MM03**) which relate to the BUABs and make the relevant connection to the policies of the EDLP.

³ Submission and Evidence Base Document Ref: VP31

Issue 2 - Whether the principle of defining BUABs for the villages is consistent with the development strategy of the EDLP and whether the approach taken to defining the BUABs is justified and consistent with the development strategy of the EDLP.

18. The development strategy of the EDLP focuses major growth in East Devon's West End. It also indicates that the seven main towns will act as focal points to serve their own needs and the needs of the surrounding rural areas and that development in the smaller towns, villages and rural areas will be geared to meeting local needs.
19. The EDLP indicates that BUABs are a fundamental policy tool for determining areas and locations that are appropriate, suitable and acceptable for development. It also indicates that the BUABs serve three primary functions by setting limits for the outward expansion of settlements and in so doing controlling the overall scale and location of development that occurs in order to ensure implementation of the plan strategy; preventing unregulated development across the countryside and open areas; and defining (within the boundary) locations where development, in principle, will be acceptable.
20. The principle of defining BUABs for the villages within the EDVP and the specific settlements for which BUABs would be defined were established through the EDLP. Strategy 6 of the adopted EDLP indicates that BUABs will be defined in the Villages Development Plan Document and Strategy 27 lists the settlements for which BUABs will be defined and specifically states that the BUABs for the small towns and larger villages will not have land specifically allocated for development. With the exception of Lympstone, the BUAB for which is defined in the Lympstone Neighbourhood Plan, the EDVP takes forward the commitments expressed in Strategy 6 and Strategy 27 of the EDLP. There is nothing in the evidence submitted to the examination of this Plan that leads me to conclude that there has been any change in circumstances since the adoption of the EDLP that would either justify the inclusion of any additional settlements to those indicated in Strategy 27 of the EDLP or the exclusion of any of those listed.
21. The general approach taken to defining the BUABs in the EDVP is based upon an assessment of sites against a set of criteria, developed and refined following consultation, and then a further assessment to take account of accessibility to local services and facilities other than by the use of a private car. The criteria were informed by the approach set out in Strategy 27 of the EDLP which indicates that the settlements will have BUABs but will not have land specifically allocated for development within them rather any such development should come forward through a Neighbourhood Plan (NP). The further assessment to take account of accessibility to local services and facilities is consistent with and justified by the evidence base that informed the identification of the settlements in Strategy 27 of the EDLP.
22. Having regard to all of the above therefore, I am satisfied that the principle of defining the BUABs for the villages is consistent with the development strategy of the EDLP and also that the approach taken to defining the BUABs is justified and consistent with the development strategy of the EDLP.

Issue 3 - Whether the criteria used to define the extent of the BUABs are effective so as to deliver the objectives for the villages as set out in the EDLP and whether the boundaries for the specific settlements are identified robustly in accordance with the criteria and having regard to the reasonable alternatives referenced in the Sustainability Appraisal (SA).

23. The vision for the villages is set out in the EDLP. It indicates that, along with the smaller towns and countryside, they should accommodate modest development and their objective, as set out in Strategy 1 of the EDLP, is that they should help to meet local needs. Whilst the EDLP indicates that BUABs are a fundamental policy tool for determining areas and locations that are appropriate, suitable and acceptable for development it also indicates, as detailed above, that the small towns and larger villages will not have land specifically allocated for development. The intention is that the provision of new housing in the villages should be left to the NP process thereby reflecting the Government's agenda to give neighbourhoods more ability to determine the shape of the places in which their inhabitants live. The criteria used to define the extent of the BUABs were informed by this approach and address the objectives of the EDLP by defining the core built-up areas of the villages where local services can be reached on foot.
24. I note the concerns expressed that the approach adopted in the EDVP is not consistent with the vision for the villages as set out in the EDLP which states that they should accommodate modest development and that it will not provide for the delivery of the housing numbers set out in the EDLP. However, I also note that in considering the approach advocated in Strategy 27 of the EDLP the examining Inspector found that given the number of dwellings allocated to small towns and villages that had already been built, were under construction or had planning permission, the number remaining to be delivered through Strategy 27 was relatively small compared with the overall target and that lack of delivery did not pose a significant threat to meeting the overall target for new housing in these settlements⁴. The evidence submitted to this examination indicates that this remains so. Furthermore, Strategies 6 and 7 of the EDLP provide local communities the flexibility to allocate land outside the BUABs through the NP process. Such an approach is entirely consistent with the Government's Localism agenda. Accordingly, I am satisfied that the approach taken to defining the BUABs in the EDVP is consistent with the vision for the villages set out in the EDLP and that the criteria used to define the extent of the BUABs are effective so as to deliver the objectives for the villages as set out in the EDLP.
25. The set of criteria used to guide the assessment of individual sites was developed and refined following consultation at the very start of the preparation of the EDVP in 2015. This was followed by initial site by site assessments which were the subject of consultation in 2016 and then further revised to take account of the consultation responses received and any change in circumstances. The revised site by site assessments⁵ provide details of the individual sites within each of the villages that were considered against the

⁴ Submission and Evidence Base Document Ref: VP28

⁵ Submission and Evidence Base Documents Ref: VP13 – VP26

criteria and the further assessment undertaken to take account of accessibility to local services and facilities. This process using a standard methodology has provided a consistent and transparent approach for defining the BUABs of the specific settlements.

26. Some concerns have been expressed that the BUABs for some of the settlements do not accord with the criteria and that the boundary should be amended to include specific sites. There is inevitably an element of subjectivity in considering individual sites against some of the criteria. However, after considering the representations made and having regard to the discussions at the Hearing session regarding the Council's assessment of specific sites, particularly in relation to the BUABs at Broadclyst, Clyst St Mary, Colyton, Feniton, Kilminster, Musbury, Newton Poppleford, Sidbury, Uplyme, West Hill and Woodbury I am satisfied that the BUABs for all of the specific settlements within the EDVP are identified robustly in accordance with the criteria and having regard to the reasonable alternatives in the SA.
27. In relation to the villages of Kilminster and Musbury, the inclusion of some specific sites within the BUABs, whilst according with the criteria, if developed, as noted in the SA, have the potential to impact upon the historic environment. Any such proposals will fall to be considered against the relevant policies of the EDLP. However, for clarity and in order to ensure that the historic environment within these two villages is properly considered in accordance with the advice in the Framework **MM06 and MM07** which relate respectively to Kilminster and Musbury are necessary.

Issue 4 - Whether the approach adopted in the EDVP to Greendale Business Park and Hill Barton Business Park is justified and consistent with the development strategy of the EDLP and is capable of effective implementation.

28. The development strategy of the EDLP, as indicated above, seeks to focus major growth, both residential and employment development, in East Devon's West End. In addition the seven main towns are intended to act as focal points to serve their own needs and those of the surrounding rural areas with the smaller towns, villages and rural areas geared to meeting local needs.
29. Greendale Business Park and Hill Barton Business Park do not fall within the 'West End' of the district or any of the seven main towns. They are not within the BUABs of any of the villages identified within the EDVP and are not the subject of site specific allocations in the EDLP. Rather, by virtue of the definition set out in Strategy 7 of the EDLP, the business parks lie within the countryside where development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development.
30. There is some dispute between the Council and others regarding the intent behind the main modification to policy E7 of the EDLP. This main modification resulted in the policy, which provides for the extension of established employment sites in urban and rural areas, specifically excluding its application to Greendale Business Park and Hill Barton Business Park. Some representors suggest that the business parks were excluded on the assumption that they would be specifically addressed by a policy in the EDVP.

However, the Council indicates that it was as a result of its concerns regarding the expansion of these two business parks in the countryside⁶. The Inspector's report on the examination of the EDLP⁷ does not comment specifically on this aspect of the main modification. Nevertheless, I note that the adopted EDLP includes no specific reference or intent to change, adjust or refine policy in respect of these two business parks. It indicates only that they will have their own inset maps which will form part of the Village Development Plan Document.

31. Greendale Business Park and Hill Barton Business Park have clearly made an important contribution to the supply of employment land within the district and provide valuable employment opportunities. However, I am also mindful that the Inspector examining the EDLP found that adequate provision was made in the Plan to meet the employment needs in the district. The EDLP provides the basis to support future employment development within East Devon. There is nothing in the evidence that has been submitted to the examination of this Plan that leads me to conclude that there is currently a need to provide for future employment development in locations other than those which have been tested and found sound through the examination of the EDLP.
32. The inclusion within the EDVP of a policy providing for future growth at Greendale Business Park and Hill Barton Business Park, whilst considered as a 'reasonable alternative' in the SA, is not supported by it and instead the option of not providing for further expansion of the business parks is identified as the preferred option. In addition the site by site assessment of land around the business parks⁸ indicates that there would be limited viable or desirable site choices to accommodate expansion due to their countryside setting and the landscape surrounding them.
33. I note the suggestions that the continuing demand for employment land at both Greendale Business Park and Hill Barton Business Park serves as an indicator that there are problems with the employment allocations in the EDLP. However, it seems to me that this is a matter that would be more appropriately addressed through a future review of the EDLP and/or the Greater Exeter Strategic Plan rather than providing for the expansion of these business parks in this Plan contrary to the strategic intentions of the EDLP.
34. Having regard to all of the above therefore, I am satisfied that the approach not to provide for the further expansion of Greendale Business Park and Hill Barton Business Park in the EDVP beyond that which is already authorised is justified and consistent with the development strategy of the EDLP. However, in order to provide clarity, it is necessary to include within the EDVP policies and supporting text which relate to the business parks and make the relevant connection to the policies of the EDLP, particularly Strategy 7 which relates to development in the countryside (**MM08, MM09, MM10 and MM11**). These main modifications would also ensure that the Plan is legally compliant and capable of effective implementation in so far as the inset maps that illustrate

⁶ Submission and Evidence Base Document Ref: VP32

⁷ Submission and Evidence Base Document Ref: VP28

⁸ Submission and Evidence Base Document Ref: VP12

the extent of the land authorised for business uses at Greendale Business Park and Hill Barton Business Park are to be included on the policies map.

35. I note that the inset map for Hill Barton Business Park does not include the land occupied by the wood gasification plant, this having been excluded by the Council as it considers it is not a mainstream employment use. Nevertheless, I am satisfied that it shows an appropriate and reasonable depiction of the extent of authorised business uses at the business park.
36. I have considered the Council's request that was made following the meeting of its Strategic Planning Committee on 14 December 2017 for an amendment to the two MMs which provide policies for Greendale Business Park and Hill Barton Business Park. Whilst I appreciate that all the relevant policies of the EDLP would apply to development proposals at the business parks, I consider that in the interests of clarity it would be beneficial to retain within these MMs the specific reference to Strategy 7 of the EDLP which relates to development in the countryside.
37. To conclude on this issue therefore, subject to **MM08, MM09, MM10** and **MM11** the approach adopted in the EDVP to Greendale Business Park and Hill Barton Business Park is justified and consistent with the development strategy of the EDLP and is capable of effective implementation.

Issue 5 – Whether the policies relating to Beer village centre and Colyton town centre (Beer01 and Colyton01) are justified, effective and consistent with national policy.

38. Beer village centre contains a mix of uses which serve both the everyday needs of local residents as well as the tourist and visitor market. A key characteristic of the centre is the interspersing of retail premises and food and drink outlets with residential uses. The vitality assessment⁹ recognises that the visitor economy helps to maintain a higher level of shops and services than the resident population alone could support and also that the liveliness of the town centre attracts visitors to Beer.
39. The main threat to the vitality of Beer village centre is the potential for the loss of main town centre uses to residential uses. Whilst it is likely that this would be in the form of holiday accommodation which would contribute to the local economy, it would nevertheless undermine the attractiveness of the village as a shopping centre and tourist destination and potentially contribute to a decline in overall footfall.
40. Colyton town centre essentially serves the day to day needs of local residents and the wider rural population thereby reducing the need to travel to larger shopping centres. As with Beer village centre the main threat to the vitality and viability of the town centre is the loss of main town centre uses to residential uses which would undermine its functional importance.
41. Policies Beer01 and Colyton01 seek to protect the character, diversity, vitality and viability of the defined Beer village centre and Colyton town centre by

⁹ Submission and Evidence Base Document Ref: VP11

encouraging main town centre uses and resisting proposals for other uses unless certain circumstances exist. Such an approach is justified and consistent with the Framework which encourages local planning authorities to define the extent of town centres and pursue policies to support their viability and vitality. The Framework further promotes an approach which reflects the individuality of town centres and policies Beer01 and Colyton01 seek to achieve this by allowing flexibility in the range of permitted uses, having regard to the particular characteristics of the town or village centre. However, given that the stated intention of the policies is to protect the vitality and viability of the two centres, **MM04 and MM05** are necessary to provide clarity and certainty as to how proposals for new main town centre uses which are within the defined BUAB but outside of the defined vitality and shopping areas would be considered. The renumbering of the policies relating to Beer village centre and Colyton town centre in MM04 and MM05 is as a consequence of MM03.

42. For the reasons given above, subject to the main modifications referred to, the policies relating to Beer village centre and Colyton town centre will be justified, effective and consistent with national policy.

Issue 6 – Whether specific monitoring indicators relevant to the EDVP should be included in addition to those which will be addressed through the monitoring framework for the EDLP in order to provide a comprehensive assessment of the effectiveness of the EDVP and having regard to the SA.

43. The submitted EDVP does not include any monitoring indicators or targets for assessing its effectiveness. Whilst the EDLP identifies a number of key monitoring indicators that are relevant to the EDVP these do not address all the relevant monitoring indicators set out in the SA for the EDVP. **MM12** introduces a monitoring framework which incorporates those relevant monitoring indicators and targets set out in the SA that are not addressed through the key monitoring indicators for the EDLP and cross references them to the relevant Key Policy or Strategy. Subject to this main modification a comprehensive assessment of the effectiveness of the EDVP having regard to the SA will be provided.

Public Sector Equality Duty

44. The Public Sector Equality Duty is set out in Section 149 of the Equality Act 2010. The EDVP was subject to an Equalities Statement Screening Report¹⁰ in respect of the Equalities Act 2010 which concluded that a full Equality Impact Assessment was not required. I see no reason to take an alternative view.

Assessment of Legal Compliance

45. My examination of the legal compliance of the Plan is summarised below.
46. The LDS has been updated since 2012 to take account of delays in producing the EDLP. The latest update of the LDS was in July 2017 and sets out an

¹⁰ Submission and Evidence Base Document Ref: VP09

expected adoption date for the EDVP of February 2018. Notwithstanding some slight slippage in the timetable of the EDVP, its content and timing are broadly in accordance with the LDS.

47. The Council's Statement of Community Involvement (SCI) was adopted in 2013. The consultation on the EDVP and the MMs was carried out in compliance with the SCI.
48. Sustainability Appraisal has been carried out and is adequate.
49. The Habitats Regulations Assessment Screening Report February 2017¹¹ sets out why an Appropriate Assessment is not necessary.
50. Having regard to the scope and content of the EDVP, the extent to which Section 19 (1A) of the 2004 Act has a bearing on it is limited. The legal requirement relates to the development plan documents as a whole and the EDLP includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Accordingly, I am satisfied that the development plan taken as a whole, achieves the statutory objective.
51. As indicated above **MM02, MM03, MM08, MM09, MM10** and **MM11** are necessary to ensure that the EDVP is legally compliant. Accordingly, subject to these recommended main modifications the EDVP complies with all the relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

52. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
53. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the East Devon Villages Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

Beverley Doward

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

¹¹ Submission and Evidence Base Document Ref: VP06

Appendix

East Devon Villages Plan Examination

Schedule of Main Modifications

Proposed new text shown underlined. Text proposed for deletion shown ~~struck through~~.

The paragraph numbers refer to the submission Plan, and do not take account of the deletion or addition of text.

Ref.	Para.	Main Modification
MM01	New para after 1.4	<p>Insert new paragraph after paragraph 1.4</p> <p><u>The East Devon Local Plan refers to the intention to prepare inset maps for Greendale Business Park and Hill Barton Business Park in the East Devon Villages Plan. Chapters 17 and 18 of this Plan include inset maps and policies for these business parks.</u></p>
MM02	New para after 1.5	<p>Insert new paragraph after paragraph 1.5 as supporting text to new policy VP01</p> <p><u>The relationship between the policies of other parts of the development plan and the Built-up Area Boundaries defined in this East Devon Villages Plan is set out in Policy VP01.</u></p>
MM03	New policy VP01	<p>Insert new policy</p> <p><u>Policy VP01 – Built-up Area Boundaries (BUABs)</u></p> <p><u>In accordance with Strategy 27 of the East Devon Local Plan 2013-2031, Built-up Area Boundaries are shown on the Policies Map for the settlements of:</u></p> <ul style="list-style-type: none"> • <u>Beer;</u> • <u>Broadclyst;</u> • <u>Clyst St Mary;</u> • <u>Colyton;</u> • <u>East Budleigh;</u>

Ref.	Para.	Main Modification
		<ul style="list-style-type: none"> • <u>Feniton;</u> • <u>Kilmington;</u> • <u>Musbury;</u> • <u>Newton Poppleford;</u> • <u>Sidbury;</u> • <u>Uplyme;</u> • <u>West Hill;</u> • <u>Whimble; and</u> • <u>Woodbury.</u> <p><u>Lympstone is specifically excluded from this list of settlements because, at the time of 'publication' of this plan, there was a made neighbourhood plan for the village that included a BUAB.</u></p> <p><u>Development proposals at the above settlements will be considered in accordance with the strategic policies set out in Strategy 6 and Strategy 7 of the East Devon Local Plan, which are the relevant strategic policies relating to the BUAB status of land.</u></p> <p><u>The policies of Neighbourhood Plans, which also form part of the development plan, may also refer to the Built-up Area Boundaries defined in this plan.</u></p> <p><u>For the purposes of the East Devon Local Plan policies, land that is not specifically allocated for development or falls outside of the Built-up Area Boundaries defined in either this Villages Plan or the East Devon Local Plan constitutes 'countryside' where more restrictive policies on the development and use of land apply than within the defined Built-up Area Boundaries.</u></p>
MM04	Amend policy number and insert new policy text	<p>Amend policy number and insert new policy text</p> <p>Policy <u>VP02</u> Beer 01 - Village Centre Vitality</p> <p>Within the Beer vitality and shopping area defined on the Beer inset map, proposals for main town centre uses (as defined in the National Planning Policy Framework) will be permitted provided the use would:</p>

Ref.	Para.	Main Modification
		<ol style="list-style-type: none"> 1. maintain or enhance the character and diversity of such uses in the village centre; and 2. maintain or enhance the vitality and viability of the village centre. <p>Proposals for other uses will not be permitted unless it has been clearly demonstrated that the site has been marketed without interest for all appropriate main town centre uses at a realistic price for at least 12 months (and up to two years depending on market conditions) and offered to the local community for their acquisition/operation.</p> <p>Permission will be subject to the retention of the shopfront.</p> <p><u>The establishment of new main town centre uses which are within the defined BUAB but outside of the defined vitality and shopping area will not be permitted if they would harm the convenience, vitality or viability of the centre.</u></p>
MM05	Amend policy number and insert new policy text	<p>Amend policy number and insert new policy text</p> <p>Policy <u>VP03</u> Colyton 01 - Town Centre Vitality</p> <p>Within the Colyton vitality and shopping area defined on the Colyton inset map, proposals for main town centre uses (as defined in the National Planning Policy Framework) will be permitted provided the use would:</p> <ol style="list-style-type: none"> 1. maintain or enhance the character and diversity of such uses in the town centre; and 2. maintain or enhance the vitality and viability of the town centre. <p>Proposals for other uses will not be permitted unless it has been clearly demonstrated that the site has been marketed without interest for all appropriate main town centre uses at a realistic price for at least 12 months (and up to two years depending on market conditions) and offered to the local community for their acquisition/operation.</p> <p>Permission will be subject to the retention of the shopfront.</p> <p><u>The establishment of new main town centre uses which are within the defined BUAB but outside of the defined vitality and shopping area will not be permitted if they would harm the</u></p>

Ref.	Para.	Main Modification
		<u>convenience, vitality or viability of the centre.</u>
MM06	New para after 8.3	<p>Insert new paragraph after paragraph 8.3</p> <p><u>A paddock to the south east of the village (north of Ravenscroft) that was excluded from the BUAB defined in the previously adopted Local Plan has now been included. The inclusion of this land inside the BUAB does not mean that the land is now less important from a heritage perspective as it could be that the land provides a valuable landscape setting to the significance and setting of listed historic buildings and the character and appearance of the conservation area.</u></p>
MM07	Amend para 10.2	<p>Amend text of paragraph 10.2</p> <p>10.2 There is a farm complex adjoining the village centre that has been supported locally for redevelopment for residential use. The site has been included within the BUAB, but is not allocated for development, although a development brief will be produced to inform any development proposals that may be put forward. Within the centre of the village is an area that was excluded from the BUAB defined in the previously adopted Local Plan, <u>adjacent to the Mountfield grade II listed building.</u> Whilst this has now been included in the BUAB, <u>it lies at the heart of the conservation area and close to a number of listed buildings. The relationship of this land to these heritage assets, coupled with the open nature of this the land, coupled with its topography and tree cover and relationship with neighbouring listed buildings makes it unlikely that it will would be suitable for development unless, in except in exceptional circumstances, development would minimise harm in all respects upon the historic environment and secure the future of Mountfield, a heritage asset at risk.</u></p>
MM08	Amend para 17.3	<p>Amend text of paragraph 17.3 to provide supporting text to new policy VP04</p> <p>17.3 <u>The East Devon Local Plan refers to the intention to prepare inset maps for Greendale Business Park in the East Devon Villages Plan. There are no specific policies for Greendale</u></p>

Ref.	Para.	Main Modification
		Business Park in the Villages Plan though there is a line on the inset map showing the full extent of the land authorised for business uses <u>at Greendale Business Park, this is provided to assist plan users.</u> Policies of the adopted Local Plan will be used to determine planning applications at Greendale Business Park which is within the open countryside and the subject of countryside protection policies including Strategy 7 – Development in the Countryside. <u>Policy VP04 sets out the relationship between the policies of the development plan and Greendale Business Park.</u>
MM09	New policy VP04	<p>Insert new policy</p> <p><u>Policy VP04 – Greendale Business Park</u></p> <p><u>Inset maps are included in this plan that show the extent of authorised uses at the Greendale Business Park for information purposes only. Development proposals at Greendale Business Park will be considered in accordance with the relevant policies of the development plan, in particular Strategy 7 of the East Devon Local Plan (Development in the Countryside).</u></p>
MM10	Amend paras 18.1 and 18.3	<p>Amend text of paragraphs 18.1 and 18.3 to provide supporting text to new policy VP05</p> <p>18.1 Hill Barton Business Park lies to the north of and is accessed from the A3052. The business park dates back to the 1990s and over the past 30 years has expanded from a small base, historically with buildings in agricultural use, to a substantial business park extending to over 20 hectares. Part of the business park includes land in waste management and minerals use (Devon County Council are the waste and minerals planning authority).</p> <p>18.3 <u>The East Devon Local Plan refers to the intention to prepare inset maps for the Hill Barton Business Park in the East Devon Villages Plan. There is no specific policy for Hill Barton Business Park in the village plan though there is a</u> The line on the inset map showing the full extent of the land authorised for business uses <u>at Hill Barton Business Park, this is provided to assist plan users.</u> When considering development proposals for which the District Council is the determining authority the P-policies of the adopted Local Plan will be used to assess planning applications at Hill Barton Business Park, which is within the open</p>

Ref.	Para.	Main Modification			
		countryside and the subject of countryside protection policies including Local Plan Strategy 7 – Development in the Countryside. <u>Policy VP05 sets out the relationship between the policies of the development plan and Hill Barton Business Park.</u>			
MM11	New policy	Insert new policy <u>Policy VP05 – Hill Barton Business Park</u> <u>Inset maps are included in this plan that show the extent of authorised uses at the Hill Barton Business Park for information purposes only. Development proposals at Hill Barton Business Park will be considered in accordance with the relevant policies of the development plan, in particular Strategy 7 of the East Devon Local Plan (Development in the Countryside).</u>			
MM12	Insert monitoring table	Insert monitoring table at end of Plan			
		<u>Vision Objective</u>	<u>Key Policy or Strategy</u>	<u>Indicators</u>	<u>Target</u>
		<u>Provide the resources to teach and develop skills</u>		<u>Number of state primary schools opened or closed in settlements with a BUAB defined in the EDVP</u>	<u>No loss of state primary schools in villages</u>
		<u>Balanced communities</u>	<u>Strategy 32</u>	<u>Number of planning permissions granted that result in a net loss of cultural, social or leisure</u>	<u>No net loss of cultural/ social/ leisure provision in any one settlement</u>

Ref.	Para.	Main Modification			
				provision in settlements with a BUAB	
		<u>Conserve and enhance the historic environment of East Devon</u>	<u>Strategy 49</u>	<u>Net change in number of heritage assets on the Heritage at Risk Register for settlements in the EDVP</u>	<u>Reduce number of heritage assets at risk</u>
		<u>Maintain and enhance town centres</u>	<u>VP02 Beer and VP03 Colyton</u>	<u>Any change of use from commercial main town centre uses to residential use within vitality and shopping areas</u>	<u>No net loss of main town centre uses in vitality and shopping areas</u>
		<u>Vision for smaller towns and villages (Page 89 of the Local Plan).</u>	<u>Strategy 27 and VP01</u>	<u>Number of new homes built annually at each settlement (inside and outside of BUAB)</u>	<u>Net increase in number of homes in each settlement</u>
		<u>To ensure everybody</u>	<u>Strategy 34</u>	<u>Number and percentage of</u>	<u>Affordable housing provided to meet any need established in housing needs assessments in</u>

Ref.	Para.	Main Modification			
		<u>has the opportunity to live in a decent house</u>		<u>new homes built that are affordable</u>	<u>either individual or grouped parishes (as set out in Strategy 34)</u>
		<u>To ensure that all groups of the population have access to community services</u>	<u>Strategy 6</u>	<u>Number of residential completions in Strategy 27 settlements outside of the BUAB and number of new homes built within walking distance of basic village facilities</u>	<u>More residential completions within BUAB than outside of BUAB</u>
		<u>To promote and encourage non-car based modes of transport and reduce journey lengths</u>	<u>Strategy 5B</u>	<u>Levels and frequency of bus services in the District's Strategy 27 settlements</u>	<u>No net loss of level or frequency of bus services</u>

Report to: **Strategic Planning Committee**

Date of Meeting: 26 June 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 8

Subject: **New Local Development Scheme for East Devon**

Purpose of report: The Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents. The previous LDS dates from July 2017 and requires an update. This report introduces the new LDS, summarises key content and provides more information on plan production considerations.

Recommendation: **That committee approve the new Local Development Scheme to take effect from 2 July 2018.**

Reason for recommendation: To ensure the Council has an up to date Local Development Scheme.

Officer: Ed Freeman, Service Lead, Planning Strategy and Development Management

Financial implications: There are no apparent direct financial implications identified in this report.

Legal implications: The Council is legally required to maintain and update a Local Development Scheme (LDS). Adoption of the enclosed revised LDS will ensure compliance with our legal obligations. Other legal implications are covered in the report.

Equalities impact: Low Impact
There are low impacts associated with reporting on the LDS.

Risk: Low Risk
The risk considerations associated with this report are low.

Links to background information:

- The proposed new Local Development Scheme (LDS) is appended to this report and has web links within it. The LDS from July 2017 can be viewed via the web page accessed through the link below and the intent is that on agreement the new LDS will replace it on the same page :
<http://eastdevon.gov.uk/planning/planning-policy/policy-work-whats-new/work-programme-and-consultations/local-development-scheme/>

Link to Council Plan: The LDS identifies policy documents that link to all Council priorities.

1 Introduction

- 1.1 There is a requirement for planning authorities to have an up to date Local Development Scheme (LDS).
- 1.2 The new proposed LDS forms a work programme and is appended to this committee report. The new LDS lists key policy documents that are being produced by the Planning Policy team or in which the policy team is partnering in production. The LDS also provides an overview of and advises on relevant planning policy work undertaken by partners, to include Devon County Council in respect of waste and minerals plans and local communities in respect of Neighbourhood Plan making. It should be noted that there has not been engagement with local communities in production of this LDS, and it is not proposed, but looking forward there will be a need for public engagement to take place on future LDS production.

2 Development Plan Documents

- 2.1 The LDS advises of production of four Development Plan Documents (DPDs). These are:
- a) **Villages Plan** – this plan is near completion with a recommendation proposed to go to Full Council on 25 July 2018 for plan adoption.
 - b) **Cranbrook Plan** – this plan will allocate development sites and establish policy to enable the new town of Cranbrook to expand to provide around 8,000 homes and associated social, community, employment and environmental facilities. The intent is that the plan the Council intend to submit for Examination will be considered by Council in autumn 2018, followed by submission for Examination and adoption in 2019.
 - c) **Gypsy and Traveller Plan** – there is an outstanding need to provide sites for gypsy and travellers and the approach currently being pursued, and which has been for some time, is to seek to secure sites without the need for a specific DPD. However, if it does not prove possible or viable to secure sites without a DPD then this Gypsy and Traveller plan will identify the permanent and transit housing needs of the gypsy and traveller community, allocate sites to meet this need and provide policy guidance on site development. It is envisaged that plan adoption, assuming need to progress is identified, would be in 2020.
 - d) **Greater Exeter Strategic Plan** – the following planning authorities:
 - East Devon District Council;
 - Exeter City Council;
 - Mid Devon District Council; and
 - Teignbridge District Council.Partnering with Devon County Council have agreed to produce this strategic level plan for the greater Exeter area that will set out the broad approach to accommodate development and allocate strategic scale sites for development. A draft plan for consultation is scheduled for consultation in Summer 2019 and this

would lead on to a publication plan for consultation in Autumn 2020 and examination and adoption in 2021.

Work on a review of the East Devon Local Plan will commence once there is greater certainty regarding the GESP and potential strategic allocations. In the meantime preparatory work is starting in order to enable a prompt start on the plan review next year. As work cannot commence in earnest on the Local Plan Review until then it has not been included in the LDS at this time although a reference is included in section 2.

3 Supplementary Planning Documents and Other Strategy and Policy Documents

- 3.1 The table on the following pages provides summary information on key policy and strategy documents that are identified for production by the Planning Policy team, in a number of cases partnering with other teams, in 2018 and running into 2019 (and in some case beyond).
- 3.2 The tables does not include reference to DPDs nor to Neighbourhood Plans or other wider policy work, such as monitoring and land supply assessments. For each document a rough estimate is made of staff days, across 2018 and 2019, to undertake identified work and any expectation of specialist consultancy costs.
- 3.3 Members of the committee are encouraged to comment on and set out where priorities for document production should lie though it is suggested that of key importance are:
 - a) CIL review work;
 - b) Design guide;
 - c) Affordable housing Supplementary Planning Document;
 - d) Green infrastructure strategy production.

Whilst the above are of importance some will take some time to complete and therefore other work areas may come forward sooner.

Supplementary Planning Policy Documents and Other Policy Documents Proposed for Production in 2018 and 2019

Document Title/ Subject Matter	Summary of content and Reason For Production	Timetable for Production	Staff Work Days and Costs
Green Infrastructure Strategy for East Devon Towns	This SPD (or series of SPDs) will set out how we will support and encourage provision and use of links into and through green spaces in and around our towns. It should be noted that production work will need to be long term. Having strategies in place will assist with decision making and implementation work and should make green spaces more accessible to and user friendly for the public whilst enhancing environmental value.	This work may start in 2018 (though 2019 is more likely) and should be looked at as a lengthy process stretching over a number of years.	To cover all eight East Devon towns, including Colyton but excluding Cranbrook (which falls in the existing Growth Point area strategy) may take a number of years to complete. An estimate of around 30 officer days for each town might be expected, though larger towns could take longer and smaller towns potentially fewer days.
Beer Quarry Bats Guidance	This SPD will outline our approach to dealing with planning applications that could adversely impact on the protected bat colony at Beer and related habitats. It is being produced jointly with the East Devon AONB team. This guidance will negate the need for (many) planning applications to be subject to detailed bat related assessment work and will inform future policy and development proposals.	Much of the technical work on production of this SPD has already been undertaken and it should be completed in 2018/19.	An estimated additional 10 days of policy officer time is needed to complete this work with specialist consultancy work also being undertaken at an estimated cost of around £3,000.
East Devon Design Guide	This SPD will set out the types of processes that should be followed by applicants and developers to ensure that the proposals they submit will be of a high design standard and quality. This guide should not only encourage and support applicants to incorporate high quality design in their work from the outset it should enhance and speed up officer time on reviewing design considerations in proposals.	This SPD should be completed in 2019.	It will take an estimated 40 days of officer time to produce this guidance.

Document Title/ Subject Matter	Summary of content and Reason For Production	Timetable for Production	Staff Work Days and Costs
Site Specific Design Guidance and Development Briefs	Where sensitive, complex or challenging sites are identified for development we will consider producing specific SPDs or guidance to guide appropriate forms of and approaches to development. Guidance should promote high quality development proposals and save time when determining planning applications. The East Devon Villages Plan proposes production of a development brief for land in Musbury and Masterplanning work at Axminster, for land to the north and east of the town, is underway.	Once a need for an SPD or guidance document is identified it should (particularly on simpler sites) take nine to twelve months to complete production.	Simpler SPDs may take around 20 days of policy officer time to complete, more complex sites would take longer.
Self-Build	This SPD will guide, inform and support policy for self and custom build development in East Devon.	This SPD should be completed in 2019.	It will take an estimated 30 days of officer time to produce this guidance.
Affordable Housing SPD	This SPD will elaborate on policy to secure affordable housing provision in East Devon.	This SPD should be completed in 2019.	It will take an estimated 45 days of officer time to produce this guidance.
East Devon Heritage Strategy	This strategy will set out our approach to protecting and enhancing our built heritage assets. Much of the early work on strategy production has already been completed.	This strategy should be completed in 2018.	It will take an estimated 15 days of officer time to complete this strategy. There will, after this, be time demands on implementing the strategy, potentially including actions relating to local lists, Conservation Area reviews, the buildings at risk register, promotion of the strategy, partnership working and facilitating training for communities. Some of the tasks, identified for 2018/19, are addressed elsewhere in this schedule.
East Devon Local List	This guidance will set out processes we will follow to establish, working with local communities, lists of buildings and features that although not of national importance are of recognised local value and are worthy of protection. Completion should inform how subsequent lists are managed and what features should be included on them.	Much of the background work has already been undertaken and work should be completed in early 2019.	An estimated 15 days of officer time may be needed to complete the guidance. Once the guidance is adopted there would be a draw on officer time to undertake list assessment and updating.

Document Title/ Subject Matter	Summary of content and Reason For Production	Timetable for Production	Staff Work Days and Costs
Landscape Character Assessment update	Consultants are already undertaking updating work for the Council that involves reviewing and where appropriate amending past landscape assessment work.	This work should be completed in 2018 (or early 2019).	The bulk of the work is being undertaken by Consultants with joint funding from the two AONB partnerships and Devon County Council. Consultancy costs to East Devon District Council should be under £5,000.
Conservation Area Review	This work will involve setting up procedures and approaches for undertaking Conservation Areas reviews and thereafter we will undertake actual designated area reviews and potential new area designation.	Procedural guidance should be completed in 2018. Thereafter Conservation Area reviews can take place.	Production of the procedural guidance should take an estimated 15 days. Most Conservation Area review could take, on average, around 10 to 15 days to complete.
Areas of Special Control for Advertisement Reviews	This work will review and redefine areas in East Devon where particular constraints apply for advertisements.	This work should be completed in 2018 (or early 2019).	This work should take an estimated 20 days of officer time.
Coastal Change Management Area policy development	This work, drawing on existing Shoreline Management Plans and coastal erosion assessment, will define areas and zones where limitations on scope for development will be defined to reflect potential losses of land to the sea. This work will be a joint project with the engineering service at the Council.	This work is expected to run into 2019.	This work should take an estimated 30 days of planning policy officer time.
Community Infrastructure Levy Charging Schedule	The current charging schedule was adopted in 2016. Updating is required to reflect latest evidence, changing Government requirements and to align with the Cranbrook Plan.	This work is expected to run into 2019.	This work should take an estimated 80 days of officer time (noting this could reduce to around 60 days if Government proposals to simplify charging schedule preparation process is confirmed). Ongoing consultancy advice has already been commissioned to support this work.

East Devon Local Development Scheme

Future Work Programme for Planning Policy
Production – July 2018

Draft for Consideration by the Strategic
Planning Committee of East Devon District
Council on the 26 June 2018

Contact details

Planning Policy Team
East Devon District Council
Knowle, Sidmouth, EX10 8HL

Phone: 01395 516551
Email: planningpolicy@eastdevon.gov.uk

<http://eastdevon.gov.uk/planning/planning-policy/>

To request this information in an
alternative format or language
please phone 01395 516551 or
email csc@eastdevon.gov.uk

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1 Introduction

- 1.1 This East Devon District Council - Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents.
- 1.2 East Devon District Council has resolved that this new LDS should take effect from 2 July 2018 *(for draft document production processes it is assumed this will be agreed and this text will be removed from the final adopted LDS text)*. This LDS covers the time period from mid-2018 through to 2021, it is envisaged, however, that it will be revised and superseded before this end date.
- 1.3 For full details of consultation arrangements for both Planning Policy work and Development Management (specifically in respect of processing and determination of planning applications) please see the Council's Statement of Community Involvement (SCI):
<http://eastdevon.gov.uk/planning/planning-policy/policy-work-whats-new/work-programme-and-consultations/statement-of-community-involvement/#article-content>
It should be noted that this SCI refers to policy documents that cover parts or all of East Devon only.
- 1.4 A separate SCI, shared by East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council, and which therefore goes beyond the Council's boundaries, has also to be approved, it is specifically concerned with production of the Greater Exeter Strategic Plan (GESP) - see:
<https://www.gesp.org.uk/>

2 The Adopted and Future East Devon Local Plan

- 2.1 The current East Devon Local Plan, covering most policy matters across the District, was adopted on the 28 January 2016. It runs for the 18 year period from 1 April 2013 to 31 March 2031, it will though be progressively and completely superseded by new policy documents before this end date.

Policy documents in this LDS will be written within the context of the policy of the adopted East Devon Local Plan though specifically noting that there is the intent to produce the GESP.

- 2.2 Once the GESP has made more progress, probably after a draft plan has been issued for consultation (scheduled for July 2019), supporting and evidence documents will be produced and published in respect of review of a new local plan. Dates for production of a new local plan are not set out in this LDS but in the coming months a programme for future work will be defined.

3 The Stages in Development Plan Document Preparation

- 3.1 Development Plan Documents (DPDs) sit at the top of the hierarchy of District Council planning policy documents, on adoption they form part of what is defined as the Development Plan. The term 'local plan' is often used interchangeably with DPD; although the Council has an adopted plan (which is a DPD) called the 'East Devon Local Plan' the use of the wording 'local plan' should generally also be taken to include all other DPDs as well.
- 3.2 DPDs are of fundamental importance in respect of informing prospective developers of the types of development and locations for development that are likely to be appropriate and they are the key policy documents used in determining planning applications. There are specific legally defined procedural steps that need to be complied with in order to produce a DPD, some of these are referred to in this LDS, however for a more complete picture see: The Town and Country Planning (Local Planning) (England) Regulations 2012, at:
http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf
Noting that there may be additional current or future amendments to procedures and legislation made by government.
- 3.3 In this LDS we set out dates for undertaking key stages in production of DPDs; the stages we report on are summarised below:

Issues Consultation – this is the starting point where comments on general issues and plan scope are sought.

Draft plan – this is where a draft version of the plan or some other consultation document or documents are produced and feedback is sought. Although we use this draft plan terminology (and typically we will produce and consult on a draft of the proposed plan) there are different approaches to this stage of work that we could undertake. In this LDS we highlight the date at which a draft of the plan is envisaged to be consulted on.

Publication – this is the plan that the Council (or in respect of GESP the Councils) intends to submit for examination. The plan is made publically available and formal objections and other responses are sought from the public at this stage.

Submission – the plan, the evidence supporting the plan and the formal responses to the publication plan are submitted to the government who appoint an independent inspector to consider the soundness of the plan.

Inspector's Hearings – sitting days of the examination are typically held at which the Inspector leads discussions on the contents of the plan, and this helps the Inspector prepare his or her report.

Adoption – the Council receive a report from the inspector and can then, assuming earlier tasks do not need to be revisited, adopt the plan.

- 3.4 It is stressed that the above stages are a much simplified version of plan making, they do though form key milestones that are reported on in this LDS to give an overview of plan preparation timelines. Government plan making regulations and legislation (and other guidance) should be reviewed for a complete picture of legislative processes that are followed and variations that can occur on the above.

4 Future Development Plan Documents in East Devon

- 4.1 This LDS sets out that there will, from 2018 to 2021, be four extra DPDs that may be produced, summary details of these documents with dates set against key stages, are set out below. It should be noted that the dates (months) provided are based on what we currently know or best estimates.
- a) **Villages Plan** – this plan will be specifically concerned with development issues and boundaries in and around larger villages of East Devon and the town of Colyton, it will also address Greendale and Hill Barton Business Parks. For more information see: <http://eastdevon.gov.uk/planning/planning-policy/villages-plan/>
The inspectors report on the villages plan has now been received and as noted below adopted is envisaged in July 2018.
 - Issues Consultation – this stage has already been completed.
 - Draft plan – this stage has already been completed.
 - Publication – this stage has already been completed.
 - Submission – this stage has already been completed.
 - Inspector's Hearings – this stage has already been completed (it is assumed further hearing sessions will not be needed).
 - Adoption – July 2018.
 - b) **Cranbrook Development Plan** – this plan will allocate development sites and establish policy to enable the new town of Cranbrook to expand to provide around 8,000 homes and associated social, community, employment and environmental facilities. For more information see: <http://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/>
 - Issues Consultation – this stage has already been completed.
 - Draft plan – this stage has already been completed.
 - Publication – November 2018
 - Submission – January 2018
 - Inspector's Hearings – April 2019
 - Adoption – October 2019
 - c) **Gypsy and Traveller Development Plan** – there is an outstanding need to provide sites for gypsy and travellers and the approach

currently being pursued is to seek to secure sites without the need for a specific DPD. However, if it does not prove possible or viable to secure sites without a DPD then this Gypsy and Traveller plan will identify the permanent and transit housing needs of the gypsy and traveller community, allocate sites to meet this need and provide policy guidance on site development. This plan will not be produced if sufficient and appropriate gypsy and traveller sites come forward through other plans or are otherwise provided or developed. For more information on the plan see:

<http://eastdevon.gov.uk/planning/planning-policy/gypsy-and-traveller-plan/>

- Issues Consultation – September 2018
- Draft plan – July 2019
- Publication – December 2019
- Submission – April 2020
- Inspector's Hearings – June 2020
- Adoption – October 2020

d) **Greater Exeter Strategic Plan** – the following planning authorities:

- East Devon District Council;
- Exeter City Council;
- Mid Devon District Council; and
- Teignbridge District Council.

have agreed to produce a strategic level plan for the greater Exeter area and Devon County Council are a partner in the work. GESp, amongst other matters, is expected to set out over-arching policy for the scale and distribution of development and will include large scale strategic allocations. Greater detail on more localised policy will be set out in separate, East Devon specific, planning policy documents. In due course, but not detailed in this LDS, is the expectation of a new District wide local plan that will follow on after GESp production. The GESp timetable is:

- Issues Consultation – February 2017 – this stage has already been completed.
- Draft plan – June 2019
- Publication – September 2020
- Submission – March 2021
- Inspector's Hearings – May 2021
- Adoption – December 2021

- 4.2 It should be noted that for any given DPD (or other policy document) the Council may produce more detailed and bespoke individual plan making timetables.

5 Other Policy Documents Identified for Production

- 5.1 In addition to DPDs the Council also produce a number of extra policy documents. Of greatest importance in respect of determining planning applications are Supplementary Planning Documents (SPDs). SPDs are intended to provide more detail on the use and implementation on policies in DPDs. Procedures for producing SPDs are set out in legislation and regulations and the Council has a protocol for SPD production, see: <http://eastdevon.gov.uk/media/2443645/spd-protocol-adopted-by-spc-20-march-18.pdf>.
- 5.2 SPDs need to go through two stages of consultation but they are not subject to examination and therefore their preparation is shorter and simpler than DPDs; but they do not carry the same weight in decision making.
- 5.3 Whilst it's not intended to be a definitive list of all SPDS that may come forward we do plan to produce (or make substantive progress on) SPDs addressing the issues identified below in 2018 and running into 2019:
- 1) **Green Infrastructure Strategy for East Devon Towns** – this SPD (or more likely series of SPDs for each town) will set out how we will support and encourage provision and use of links into and through green spaces in and around our towns. It should be noted that production for this or these SPDs is a long term project.
 - 2) **Beer Quarry Bats Guidance** – this SPD will outline our approach to dealing with planning applications that could adversely impact on the protected bat colony at Beer and related habitats, it is being produced jointly with the East Devon AONB team.

- 3) **East Devon Design Guide** – this SPD will set out the processes that should be followed by applicants and developers to ensure that the proposals they submit will be of a high design standard and quality.
- 4) **Site Specific Design Guidance and Development Briefs** – where sensitive, complex or challenging sites are identified for development we will consider producing specific SPDs to guide appropriate forms of and approaches to development.
- 5) **Self-Build** - this SPD will guide, inform and support policy for self and custom build development in East Devon.
- 6) **Affordable Housing SPD** – this SPD will elaborate on policy to secure affordable housing provision in East Devon.

5.4 The Planning Policy team of the Council may produce further guidance and advice to support and promote development. Such guidance will not have the formal status of an SPD but we will often look to follow similar processes in document production.

5.5 The additional guidance that the planning policy team, partnering with other services, may produce in 2018 and running into 2019 includes:

- i. **East Devon Heritage Strategy** – this strategy will set out our approach to protecting and enhancing our built heritage assets.
- ii. **East Devon Local List** – this guidance will set out processes we will follow to establish, working with local communities, lists of buildings and features that although not of national importance are of recognised value and are worthy of protection.
- iii. **Landscape Character Assessment update** – consultants are already undertaking update work for the Council that involves reviewing and where appropriate amending past landscape assessment work.

- iv. **Conservation Area Review** – this work will involve setting up procedures and approaches for undertaking Conservation Area reviews and thereafter we will put into place actual designated area reviews and potentially new area designations.
- v. **Areas of Special Control for Advertisement Reviews** – this work will review and redefine areas in East Devon where particular constraints apply in respect of size and form of adverts.
- vi. **Coastal Change Management Area policy development** – this work, drawing on existing Shoreline Management Plans and coastal erosion assessment, will define areas and zones where limitations on scope for development will be defined to reflect potential losses of land to the sea.

6 Community Infrastructure Levy Charging Schedule

- 6.1 In East Devon a financial charge, called a Community Infrastructure Levy (CIL), is placed on certain types of new development (most notably new housing) and monies raised are used to help pay for infrastructure that is needed to support development.
- 6.2 In order to be able to charge the CIL the Council had to produce a charging schedule that was supported by financial viability assessment evidence, undertake consultation and take the work to Examination by an independent inspector. In this respect production of the CIL charging schedule follows a similar path to that for DPDs (but under separate legislation). The current charging schedule was adopted in 2016 and is now identified as appropriate for review. We already have consultants in place undertaking viability work for the Council and through 2018 and into 2019 we will produce a new charging schedule.

7 Neighbourhood Plans

- 7.1 Neighbourhood Plans are produced by local communities, in East Devon they are typically produced at the parish level. Neighbourhood Plans set out policies and proposals for development; in this respect they are similar to DPDs and they follow reasonably similar stages in production (but under separate legislation). Once completed (the technical term is that they are Made) they also form part of the Development Plan for the District and will be used alongside DPD, SPDs and other policy documents in the determination of planning applications.
- 7.2 For more information on Neighbourhood Plans see:
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/>

8 Waste and Minerals Planning and Devon County Council Work

- 8.1 The responsibility for waste planning and minerals planning in East Devon rests with Devon County Council; they have legal responsibility for producing plans and determining planning applications. The County Council adopted a new Devon Waste Plan in 2014:
<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>
and adopted a new minerals Plan in 2017:
<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-minerals-plan>
- 8.2 The adopted waste plan and minerals plan are also part of the Development Plan for East Devon.
- 8.3 It should be noted that Devon County Council also produce some planning policy guidance documents and determine a limited number of planning applications.

Report to: **Strategic Planning Committee**

Date of Meeting: 26 June 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 9

Subject: **Updated Statement of Community Involvement (SCI)**

Purpose of report: To advise Members of the requirements to update the Statement of Community Involvement and propose that consultation be undertaken to commence this process.

Recommendation: **That Members agree that the Statement of Community Involvement should be updated and that consultation should be undertaken to commence the process.**

Reason for recommendation: To ensure that this Council meets its legislative requirements and the community and other interested parties are able to full participate in the planning process.

Officer: Claire Rodway, Senior Planning Officer, Planning Policy

Financial implications: No financial implications

Legal implications: There is now a legal requirement to review and maintain an up to date Statement of Community Involvement to reflect legislative and other changes. By initiating the process for revising the Statement Members will be ensuring compliance with our legal obligations. Other legal implications are covered in the report.

Equalities impact: Medium Impact

The SCI establishes how, when and where the local community and other interested parties are able to become involved in the planning system. Certain groups with particular needs or constraints, for instance disabled, elderly, low income, rural, may find it difficult to participate unless the process is flexible and takes account of these issues. To be inclusive it is proposed that material is made available in a range of formats and responses are accepted in a variety of ways.

Risk: Low Risk

The risk considerations associated with this report are low.

Links to background information:

- The existing SCI can be accessed here <http://eastdevon.gov.uk/media/344008/statement-of-community-involvement-2013.pdf>
- The NPPG advice is here <https://www.gov.uk/guidance/local-plans--2>
- The Planning and Compulsory Purchase Act (2004) is here <http://www.legislation.gov.uk/ukpga/2004>

Link to Council Plan:

Living and Working in this outstanding place.

1 Introduction

1.1 A Statement of Community Involvement (SCI) is a document that Local Planning Authorities are required to produce, setting out how the Council will consult the local community and other interested parties on

- Planning Policy documents (including Local Plans, Supplementary Planning Documents and other guidance),
- Neighbourhood Plans and
- Planning Applications.

An SCI states who the council will consult with, when and how. It provides an opportunity to ensure that the particular needs of 'hard to reach' groups are taken into account, making the planning system more inclusive.

1.2 The National Planning Practice Guidance states that:

"Section 18 of the Planning and compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority's website"

2 Why is a new SCI required?

2.1 From 6 April 2018, under Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) <http://www.legislation.gov.uk/ukxi/2017/1244/regulation/4/made> local planning authorities must review local plans, and Statements of Community Involvement at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community, The last East Devon SCI was produced in 2013, at a time when major changes to the planning system were being introduced. Since then,

further changes have occurred and it is timely to update it again. The NPPF is now being updated, new requirements have been introduced with regard to Neighbourhood Planning and East Devon are working with neighbouring authorities to produce the Greater Exeter Strategic Plan.

- 2.2 From 31st July 2018 authorities are expected to set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan-making, specifically the survey stage and local development scheme. The draft Planning Practice Guidance advises *“For example, this may include publishing documents forming part of the evidence base as they are completed on their website in an accessible format, rather than waiting until options are published or a local plan is published for representations. Where authorities have evidence that might need to be considered by neighbouring authorities when producing or updating plans, they should share this at the earliest opportunity. This will help communities bringing forward neighbourhood plans, who may be able to use this evidence to inform the preparation of their own plans”*. The Neighbourhood Planning Act (2017) requires the Council to set out its policies for giving advice or assistance to qualifying bodies and the SCI will now include this, although it should be noted that the Council has had an extremely detailed Neighbourhood Planning Protocol since 2012, so this information is already available <http://eastdevon.gov.uk/media/1904166/planning-protocol.pdf> .

- 2.3 It should be noted that the SCI sets out the minimum consultation that will be undertaken for each type of planning document or activity and ensures that the legal requirements are met. In practice, it is likely that a far greater range of consultation techniques will be employed to achieve a high level of public engagement.

3 What consultation will take place on the SCI?

- 3.1 The draft SCI will be subject to the same consultation procedures as draft Supplementary Planning Documents; a report setting these out was considered by this Committee in March 2018.
- 3.2 Subject to Member agreement, it is proposed that 6 weeks of public consultation should commence in June. Usually, consultation on policy documents is undertaken via email and the EDDC website. Normally we consult Parish and Town Councils and other neighbouring authorities, the County Council, statutory consultees, amenity and interest groups, agents and those with a professional interest in the planning system and individuals who have expressed an interest in planning by commenting on previous policy documents. The wider community is notified through the website and press releases and, depending on the nature of the issues, exhibitions, posters and other publicity.

- 3.3 Due to new Data Protection Act requirements it is no longer considered appropriate to hold large amounts of personal data for long periods of time, and so the members of the public who have previously commented on planning policy documents (dating back to comments on the original Local Plan, adopted in 2006) will not be routinely consulted in future. This will save considerable resources as many of these respondents have only provided a postal address as well as avoiding the confusion which arises from people submitting their details through petitions and multi-signature letters. The number of these 'historic' respondents who have replied to recent consultations is negligible. We will treat this SCI consultation as a 'base-line' from which to undertake future consultations and will only contact respondents in future where they have specifically indicated they would like us to.

4 Conclusion

- 4.1 In conclusion, there is a requirement to ensure that the SCI is up-to-date and, given the legislative requirement to include reference Neighbourhood Plans and the Local Development Scheme, it is appropriate that the revision is undertaken at this time.

Statement of Community Involvement

?? May 2018

DRAFT

East Devon – an outstanding place

Contact details

Planning Policy Team
East Devon District Council
Knowle, Sidmouth, EX10 8HL

Phone: 01395 571533

Email: planningpolicy@eastdevon.gov.uk

To request this information in an
alternative format or language
please phone 01395 516551 or
email csc@eastdevon.gov.uk or
planningpolicy@eastdevon.gov.uk

East Devon District Council Statement of Community Involvement

May 2018



This Statement of Community Involvement (SCI) sets out the policy for consulting the community, and anyone else interested in planning, on planning policy documents and planning applications in East Devon.

The SCI covers the following documents and proposals:

- **Planning Policy documents (including the Local Plan and other Development Plan Documents (DPD's), Supplementary Planning Documents (SPD's) and other guidance)**
- **Neighbourhood Plans**
- **Planning Applications**

The majority of the SCI deals with the plan making process (covering policy documents such as the Local Plan and guidance associated with it). It also sets out the minimum consultation we will undertake on planning applications, pre-submission requirements for 'major' developments and the support we will offer to local communities undertaking Neighbourhood Plans.

Consultation we will undertake when producing a Planning Policy document

Stage in Plan making		Consultation Duration- (excluding Bank Holidays)	Consultation that we will undertake for each stage of Planning Policy document production
LDS	Local Development Scheme	No set duration	<p>The Local Development Scheme (LDS) is the project plan for production of future planning policy documents. It sets out plans that will be prepared and the timetable for their production, consultation and adoption.</p> <p>http://eastdevon.gov.uk/planning/planning-policy/policy-work-whats-new/work-programme-and-consultations/local-development-scheme/#article-content</p> <p>The LDS will be available in electronic form on the Council webpage.</p>
INITIAL BACKGROUND WORK AND DEVELOPING THE EVIDENCE BASE	<p>Initial Background Work and Developing the Evidence Base</p> <p>This is the 'start' of the process (sometimes called the survey stage) where we gather information and seek to gain an initial understanding of public views</p>	No set duration	<p>We will gather evidence through some or all of the following:</p> <ul style="list-style-type: none"> • Review of existing data • Use of specialist consultants • Exhibitions and Roadshows (where we provide material and/or officer attendance to local communities/interested parties) • Workshops (where we work with interested parties to explore issues) • Focus groups (where issues or policies are discussed with interested parties and we are given feedback from them) • Surgeries (where advice is given by professionals on their particular area of expertise) • Attending Meetings of Other Groups • One-to-One Meetings • Questionnaires • Consultation with Parish Councils and elected Members <p>Any technical or background document that forms or will form a (substantive) part of our evidence base will be available in electronic form on the Council webpage. We will endeavour to make these available as they are completed (although this may require authority from District Councillors).</p> <ul style="list-style-type: none"> • Details of the findings of consultation events will be available on our website and in paper format.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">PREPARATION STAGE</p>	<p>For the Local Plan and other DPD's this is the stage where engagement is undertaken to determine what the plan should cover and then a consultation document is produced, setting out the approach the Council proposes to take (this may be called the 'preferred approach') (Regulation 18 of Town and Country Planning (Local Planning) (England) Regulations 2012)</p> <p>For SPD's, this is the stage where a draft SPD is produced for consultation which sets out the preferred approach that the Council intends to take (Regulation 12 and 13 of Town and Country Planning (Local Planning) (England) Regulations 2012)</p> <p>Other guidance will also be produced in draft form for consultation</p> <p>Consultation is ongoing throughout this stage. The number and type of consultation documents issued at this stage will depend on the issues involved and the revisions required.</p> <p>As a minimum we must notify certain parties (as set out in the statutory regulations) that we are proposing a plan and invite them to comment on what it should contain. When we prepare the plan we must take these comments into account.</p> <p>We may consider it appropriate to produce one or more draft documents for people to comment on before producing a version which sets out the council's preferred policy</p>	<p>For the Local Plan and other DPD's, a minimum of 6 weeks for the consultation document stage</p> <p>For other Policy Documents, a minimum of 4 weeks. Although exceeding requirements, it is usual practice to consult on SPD's for 6 weeks</p>	<p>We will notify those bodies, groups and individuals that we consider likely to have an interest in the subject of a Planning Policy document that we propose to prepare it, and invite representations about what it should contain. Any representations will be taken into account when preparing the document for consultation.</p> <p>Consultation will normally include:</p> <ul style="list-style-type: none"> • publicising it on our website and in any EDDC newsletter; • notifying any party whose details we hold and who has expressed an interest in the subject. • issuing a press release; • notifying those 'consultation bodies' referred to in the Statement of Community Involvement; • presenting to the Agents Forum, if appropriate; • notifying any specific interest groups/organisations; • advising adjoining authorities, which could include County Councils, other District and Parish Councils (PCs); • notifying District Councillors and Parish Councils; and • making the document available at EDDC reception <p>It may also include measures such as posters on local noticeboards, letters to residents, local events but this will depend on the resources available and the nature of the Policy document.</p> <p>The notification will give:</p> <ul style="list-style-type: none"> • details about the Policy document; • details of where and when it may be inspected; • details of how to make representations; • details setting out that those making representations may request notification of our decision; and • the date by which representations should be received (being no less than 4/6 weeks) . <p>Our usual practice is to provide a representation form for responses but to also accept written responses in other formats and emails. Where a respondent is unable to respond in writing an Officer can act as a scribe provided the respondent gives their permission and confirms the content is accurate. It will be made clear that all responses will usually be made public, subject to redaction of some personal information and any racist or inappropriate content. Representations will then be recorded electronically and made available on our website. It should be noted that:</p> <ul style="list-style-type: none"> • Anyone may make representations about a document
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Stage in Plan making		Consultation Duration- (excluding Bank Holidays)	Consultation that we will undertake for each stage of Planning Policy document production
	approach. This document will be subject to consultation.		<ul style="list-style-type: none"> All representations must be received by the date specified in the notification.

SUPPORTING DOCUMENTS	<p>Supporting Documents</p> <p>Depending on the type of Policy document being produced, a variety of supporting documents may be required to inform it. Some documents are a legal requirement and these are described opposite.</p>	<p>SA/SEA- 5 weeks consultation on a scoping report with the ‘consultation bodies’ as a minimum</p> <p>Consultation on SA report takes place alongside the Local Plan/DPD</p> <hr/> <p>HRA- A minimum of 4 weeks for statutory consultees at stage a)</p> <p>HRA- A further 4 weeks for the public on the screening or full assessment</p>	<p>Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment)</p> <p>At key stages of Local Plan and other DPD production, a sustainability appraisal (SA) will be undertaken. This report will detail the likely significant environmental, social and economic effects of each proposal or option and will be undertaken and made available for public comment, usually alongside the Local Plan. If consultation leads to the approach changing significantly this will be reviewed and re-consulted on. The SA report will be considered by the Inspector as part of the Local Plan or DPD examination. Strategic Environmental Assessment is also a requirement for the Local Plan and other DPDs, but this is incorporated within the SA report.</p> <p>Habitat Regulations Assessment (HRA)</p> <p>This assessment processes require the Council to screen the emerging policy document for potential impacts on the environment or internationally important habitats or species. For each of these subjects the screening assessment may conclude that either:</p> <p>a) there will be no likely significant negative effects and a full assessment is not required, in which case the HR screening report should be referred to Natural England, Historic England and the Environment Agency for a period of at least 4 weeks (6 weeks is good practice). They may agree with the conclusion of the screening report or may recommend that a full assessment is required);</p> <p>Or</p> <p>b) there may or will be significant negative effects and a full assessment is required as part of the SPD work (in which case a full assessment must be carried out and the effects noted/addressed and/or mitigated).</p> <p>The screening and any subsequent full assessments will then be consulted upon in the same way as, and usually alongside, the Policy document.</p>
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Stage in Plan making		Consultation Duration- (excluding Bank Holidays)	Consultation that we will undertake for each stage of Planning Policy document production
		EIA- A minimum of 4 weeks CS-	Equalities Impact Assessment (EIA) An EIA will be produced and made available for public comment, usually alongside the policy document. This will identify any potential impact on those with protected characteristics and outline how these will be mitigated. If an initial screening identifies a significant potential impact, a full Equalities Impact Assessment will be undertaken. If consultation leads to the approach changing significantly this will be reviewed and re-consulted on. Consultation statement All Policy documents require a Consultation Statement that sets out who was consulted, how they were consulted and where documents and other material were available to access, including any measures taken to ensure inclusivity. It will summarise the main issues raised and explain how these were addressed. For the Local Plan and other DPD's this is called a representation statement

PUBLICATION	<p>Publication of the Document</p> <p>For Local Plans and other DPD's this will be the document that we intend to submit to the Secretary of State) for consideration and subsequent adoption (Regulation 19 and 20 of Town and Country Planning (Local Planning) (England) Regulations 2012)</p> <p>Any person may make representations on the 'proposed submission document' at this stage, but they must be received by the local planning authority by the date specified in the 'Statement of Representation Procedure'</p> <p>For SPD's this will be the document that we intend to adopt (Regulation 12 and 13 of Town and Country Planning (Local Planning) (England) Regulations 2012)</p>	<p>For the Local Plan and other DPD's, a minimum of 6 weeks</p> <p>For other Policy Documents, a minimum of 4 weeks. Although exceeding requirements, it is usual practice to consult on SPD's for 6 weeks</p>	<p>For Local Plans and other DPD's</p> <p>A minimum of six weeks formal public consultation will be undertaken in readiness for plan Examination.</p> <p>The following documents will be made available on the Council's web site and at the main Council Offices in East Devon</p> <ul style="list-style-type: none"> • The relevant local plan or DPD • A submission policies map (if applicable) • The relevant sustainability report • A representation statement giving details of which bodies and persons were invited to make representations (under regulation 18) and how this was done, a summary of the main issues raised and how they have been addressed in the local plan. • Any relevant supporting documents. <p>Details will also be provided of where and when the above documents are available for inspection and this will be sent to the bodies and persons invited to make representations. This is called a 'statement of representation procedure'.</p> <p>It will be made clear that all responses will usually be made public, subject to redaction of some personal information and any racist or inappropriate content. Representations will then be recorded electronically and made available on our website. Redacted information will be shown on paper copies that will be sent to the Planning Inspector and may be viewed at the council office.</p> <p>For SPD's and other policy documents</p> <p>A minimum of four weeks formal public consultation will be undertaken on the revised SPD/other Policy document and the consultation statement. The consultation will follow the same format set out for the previous stage.</p> <p>The following documents will be made available on the Council's web site and at the main Council Offices in East Devon</p> <ul style="list-style-type: none"> • The relevant SPD or policy document • The consultation statement • Any relevant supporting documents. <p>It will be made clear that all responses will usually be made public, subject to redaction of some personal information and any racist or inappropriate content. Representations will then be recorded electronically and made available on our website.</p>
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Stage in Plan making		Consultation Duration- (excluding Bank Holidays)	Consultation that we will undertake for each stage of Planning Policy document production
SUBMISSION	<p>Submission of the Document</p> <p><u>Local Plans and other DPD's</u></p> <p>This is the stage the Local Plan or other DPD is sent to an Appointed Person (an Independent Planning Inspector appointed by the Secretary of State)</p> <p>Before making recommendations on the plan, the Inspector must consider any representations made on the published plan</p> <p>There is no equivalent stage for SPDs and other policy documents as the decision is made by the Council rather than an independent Inspector</p>		<p>We will send the following documents to the Inspector in electronic or paper form:</p> <ul style="list-style-type: none"> • The sustainability appraisal report; • A submission policies map, if the adoption of the local plan would result in changes to the adopted policies map; • A statement setting out: <ul style="list-style-type: none"> • Which bodies and persons were invited to make representation on the content of the plan (Preparation stage); • How those bodies were invited to make representations; • A summary of the main issues raised in those representations; • How any of those representations have been taken into account; • If representations were made at the publication stage, the number of representations made and a summary of the main issues raised; and • If no representations were received a statement that none were received; • Copies of any representations made at the publication stage; and • Any supporting documents the local planning authority consider relevant including the Equalities Statement and any assessment under the Habitats Regulations. <p>We will make these documents available as soon as practicable, and notify anyone with an interest that the Local Plan/DPD has been submitted.</p>
	<p>Examination Stage</p> <p><u>Local Plans and other DPD's</u></p> <p>An inspector will be appointed by the Secretary of State to conduct the examination. The Inspector will determine whether the plan has complied with various legal requirements (including the 'duty to co-operate') and whether it is 'sound'.</p> <p>There is no equivalent stage for SPDs and other policy documents</p>		<p>We will publish (on our web site and at our main Council Offices) details of the date, time and place of the hearing and the name of the Inspector at least 6 weeks before the opening of the hearing. We will also send these details to anyone who maintains a representation on the plan.</p>

Stage in Plan making		Consultation Duration- (excluding Bank Holidays)	Consultation that we will undertake for each stage of Planning Policy document production
RECOMMENDATIONS	Publication of the recommendations of the appointed person <u>Local Plans and other DPD's</u> We must publish the recommendations and reasons of the Inspector as soon as reasonably practical after receipt of their report. There is no equivalent stage for SPDs and other policy documents although a report will be considered by the Council setting out the reasons for recommending it for adoption		We will publish the Inspector's recommendations and reasons on our web site and at our principal offices. We will also advise those people who requested it that the recommendations are available.
	Adoption This is the stage where the document is formally adopted and given full weight in decision making		As soon as possible after the policy document is adopted (by resolution of the local planning authority) we will publish on our web site and make available at our main office: <ul style="list-style-type: none"> • The local plan, DPD, SPD or other policy document; • An adoption statement including the date on which it was adopted (this will also be sent to anyone who asked to be notified and, in the case of a Local Plan or DPD, we will also send a copy to the Secretary of State). In the case of an SPD, the adoption statement will also include, if applicable, any modifications made (pursuant to section 23(1) of the Act). • Any other supporting documents and, in the case of a Local Plan or other DPD, a copy of the sustainability appraisal document and adoption statement. • Details of when and where the plan can be inspected. We will usually issue a press release advising that the policy document has been adopted.
	Monitoring and Review		Monitoring and Review <ul style="list-style-type: none"> • We will notify interested parties of monitoring processes/the Monitoring Report and of document Review (if proposed)

Stage in Plan making	Consultation Duration- (excluding Bank Holidays)	Consultation that we will undertake for each stage of Planning Policy document production
	<p>In addition for each stage we will:</p> <ul style="list-style-type: none"> • Examine the potential for holding stakeholder events. We welcome your suggestions as to events which would be of particular worth or value. • Issue relevant and informative press releases and press articles. • Make information available in a variety of formats so that those with special requirements are able to participate in the consultation. This may include: <ul style="list-style-type: none"> *Large Print *Different font types/colours *Audio version (via our website) *Translation into other languages (via our website) *Face to face meetings with Officers 	

Consultation we will undertake in Development Management

The Council, as local planning authority, is required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in [article 15 of the Development Management Procedure Order](#). There are separate arrangements for listed buildings which are set out in [regulation 5](#) and [regulation 5A of the Listed Buildings and Conservation Area Regulations 1990](#) (as amended).

Development Management	<p>Planning Applications</p> <p>In line with legislation, as a minimum planning applications will be advertised in one of the following ways:</p> <ul style="list-style-type: none">• through an advertisement in the local newspaper;• by posting a notice on the application site; or• by a letter to immediate neighbours. <p>Additional consultation, using two or more of these methods and by writing to less immediate neighbours or other interested parties, will be carried out depending on the circumstances. This reflects current practice in development management. The time period for making comments will be set out in the publicity accompanying the planning application. This will be no less than 21 days and will be extended where the period includes a public holiday. Where further consultation is carried out on amended plans or additional information a shorter consultation period may be given depending on the extent of the amendments or additional information submitted.</p> <p>Parish Council's will usually be notified of planning applications and should respond within the 21 day consultation period.</p> <p>Planning law prescribes circumstances where consultation must take place between a local planning authority and certain organisations (known as statutory consultees), prior to a decision being made on an application. The organisations in question are under a duty to respond to the local planning authority within a set deadline and must provide a substantive response to the application in question. Where appropriate, the statutory consultees can request additional information to be supplied by the applicant if it is necessary to help then reach a recommendation.</p> <p>Pre-submission consultation on major applications</p> <p>In addition, the SCI now sets minimum requirements for pre-submission consultation on major applications, for which the applicant is responsible. Where major development is proposed the applicant must consult the local community prior to submitting the planning application and demonstrate how the issues raised through the consultation have been addressed. As a minimum, proposals should be sent to the relevant Parish Council (usually the Council covering the Parish but this may include adjoining Parish Councils), available to view online, a staffed public exhibition should be held and the local community should be notified in writing and by public notice. Responses should be recorded in writing and material should be available in a variety of formats to meet equalities legislation.</p>
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Neighbourhood Plans and Neighbourhood Development Orders

A Neighbourhood Development Plan is a planning document, produced by the local community, which sets out policies for the type and location of development in the local area (usually a Parish, in East Devon). It can also allocate sites for development, and, once made, becomes part of the 'Development Plan' for the area. Local communities will be able to say, for example, where new homes and offices should be built, and what they should look like. The neighbourhood plan will set a vision for the future and can be very detailed, or generalised, depending on what local people want.

With a neighbourhood development order, the community can grant planning permission for new buildings they want to see go ahead on a particular site or within a particular area. Neighbourhood development orders allow new homes and offices to be built, without the developers having to apply for separate planning permission.

The neighbourhood plan or order must meet a set of Basic Conditions to ensure it complies with local and national planning policy, to ensure it meets the principles of sustainable development and to ensure that the local community have had a genuine opportunity to be engaged with the process.

Neighbourhood plans and orders are subject to an independent examination to check that it meets the Basic Conditions. If the standards aren't met, the examiner will recommend changes. The District Council, as planning authority will then need to consider the examiner's views and decide whether to make those changes. If the examiner recommends significant changes, then the parish, town council or neighbourhood forum may decide to consult the local community again before proceeding.

Once the plan or order has met the basic conditions, the District Council will arrange a referendum to ensure that the local community has the final say on whether a neighbourhood plan or order comes into force. People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum. If more than 50% of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

Once a neighbourhood plan is in force following a successful referendum, it carries real legal weight. Decision makers are obliged to consider proposals for development in the neighbourhood against the neighbourhood plan. A neighbourhood order grants planning permission for development that complies with the order. Where people have made clear that they want development of a particular type, it will be easier for that development to go ahead.

Neighbourhood Plans and Neighbourhood Development Orders

In line with legislation, East Devon District Council will offer advice and assistance in the making of Neighbourhood Plans and Neighbourhood Development Orders. The details of this commitment are set out in the Neighbourhood Planning Protocol <http://eastdevon.gov.uk/media/1904166/planning-protocol.pdf>

To assist those involved in Neighbourhood Planning or the production of a Neighbourhood Development Order the Policy Team of the Council will:

- a) Maintain an up to date Neighbourhood Planning webpage on the Council's website that summarises the powers available under the Neighbourhood Planning regime and the key stages to developing a Neighbourhood Plan;
- b) Provide contact details of key officers in the Council that will be dealing with Neighbourhood Planning;
- c) Make available information on local and wider case studies as they emerge;
- d) Provide information relating to funding and resources;
- e) Offer explanation and advice to help a Community understand Neighbourhood Planning and whether it is the right approach for them;
- f) Be available to attend inaugural meetings of groups wishing to apply for designation as a Neighbourhood Forum and / or Neighbourhood Areas and who wish to produce Neighbourhood Plans;
- g) Hold an annual meeting open to all Parish Councils and other bodies and organisations to discuss and invite presentations on general Neighbourhood Plan matters;
- h) Provide general advice about the need for the Neighbourhood Plan to be in conformity with the Development Plan

The Planning Policy Team (details on page 2 of this document) will be the primary point of contact for Neighbourhood Planning work. The inputs of the Policy Team will include preparing formal reports and undertaking formal assessment process in respect to Neighbourhood Plans and Neighbourhood Development Orders as well as providing informal advice. **It is stressed that any advice, comment or assistance provided by the Policy Team (or any other officers of the Council) will be the opinion of any particular officer at that point in time. Opinion expressed is in no way binding on the Council (be that any subsequent consideration by that officer or any other officer or formal recommendations to or decisions taken by the Council).** Generally officers will not offer advice or comment on what the policies or proposals in a Neighbourhood Plan should say, or for example what areas of land should be allocated for development. But officers will offer comment, guidance and advice on the types of issues that could be appropriate to take into account in terms of a group thinking about Neighbourhood Plan or Neighbourhood Development Order format, structure or more detailed content.

Stage in Plan making that the District Council will undertake consultation		Consultation Duration	Consultation that we will undertake
Stages when consultation will be undertaken	Neighbourhood Area Designation Consultation	Minimum of 6 weeks	<p>Most of the consultation on a Neighbourhood Plan is carried out by the community themselves. Through a 'Statement of Community Involvement' they will need to demonstrate that anyone who lives or works in a Neighbourhood Area has had the opportunity to express their views and that these have been taken into account. An independent Examiner will determine this.</p> <p>We will consult at the stages on the left, through:</p> <ul style="list-style-type: none"> • Written/email consultations with statutory consultees, general consultees and other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments and • By making the Consultation document available on the Council's website and hard copies available at the Council offices, from the Parish Council and the local library, if there is one within the Parish; • Through press notices, notices on noticeboards and a notice on the Council's website
	Neighbourhood Forum Designation	Minimum of 6 weeks	
	Submission Consultation and Publicity of a Plan proposal	Minimum of 6 weeks	
	Referendum	1 day	<p>Everyone who lives in the neighbourhood area and is entitled to vote will be invited to vote on the neighbourhood plan or neighbourhood development order. Ballot papers will be sent to the voters registered address and the ballot will be advertised on the Council's webpage, at the polling station and on noticeboards in the Parish. A press release will usually be issued.</p>

Report to: **Strategic Planning Committee**

Date: 26 June 2018

Public Document: Yes

Exemption: None

Review date for release None



Subject: **Planning Appeals Status Report**

Purpose of report: The report is provided as an update on the current situation regarding planning appeal decisions and gives an overview of the results of planning appeals for the year from 1st April 2017 to 31st March 2018.

Recommendation: **That Members consider the report.**

Reason for recommendation: To ensure that Members are appraised of the Council's current performance in respect of planning appeal decisions.

Officer: Chris Rose – Development Manager – Planning Tel; 01395 517419 email chris.rose@eastdevon.gov.uk

Financial implications: There are no apparent direct financial implications identified in this report.

Legal implications: There are no direct legal implications arising from the report

Equalities impact: Low Impact

Risk Low Risk

Links to background information: <https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

1.0 Background

- 1.1 The performance indicator includes only those appeals against the Council's decision to refuse planning permission as this is the basis upon which Central Government produces its national appeal statistics. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other types of appeal e.g. advertisement appeals, enforcement appeals, lawful development certificate appeals, appeals in respect of prior approval applications and works to protected trees. A partially allowed appeal or a split decision is counted as an appeal allowed.
- 1.2 The calculation includes those decisions where the date of decision falls within the year in question, regardless of when the appeal was lodged.
- 1.3 The Council has received 42 appeal decisions from 1 April 2017 to 31 March 2018 which are subject to the performance indicator.

National appeal statistics (Figures taken from the latest Planning Inspectorate Statistical Report updated February 2018)

Planning appeals including Householder Appeals

Year	Decided	Allowed	% Allowed
2014 - 2015	13912	4846	34.8
2015 - 2016	14489	4927	34.0
2016 - 2017	16443	5759	35.0

East Devon appeal statistics

Planning appeals including householder appeals

Year	Decided	Allowed	% Allowed
2014 - 2015	74	17	23.0
2015 - 2016	55	12	21.8
2016 - 2017	64	22	34.4
2017 - 2018	42	15	35.7

2.0 Analysis

- 2.1 The majority of the appeals were dealt with by means of written representations, with 35 having been determined on that basis. Informal Hearings were held for 6 of the appeals and 1 appeal was the subject of a Public Inquiry. Included within the written representation appeals were 10 householder appeals.
- 2.2 From the 42 decisions received, 15 of the appeals were allowed which equates to 35.7% of appeals against the Council's decision to refuse planning permission being dismissed.
- 2.3 This figure is similar to that for 2016–2017 and is close to the national average as published by the Planning Inspectorate in their statistics. The success rate is, however, lower than the Council's imposed performance indicator of 70% for dismissed appeals. The 70% indicator would have been met if 2 of the 15 allowed appeals were dismissed.
- 2.4 The figures need to be studied in more detail to establish whether there has been any significant change in the decision making process or if there is any particular trend which can be attributed to the Council's decisions being overturned.
- 2.5 The appeals which were allowed resulted from 11 applications with delegated decisions and 4 applications decided by the Development Management Committee. Of those 4 applications, 3 were refused contrary to officer recommendation.

2.6 Included in the allowed appeals are 3 proposals for minor dwellings which were refused because the sites fell outside of the built up area boundaries shown in the emerging East Devon Villages Plan. The Inspectors determining the appeals concluded in all three cases that although the plan had been subject to examination, it has not yet been found sound and could not therefore carry the same weight as the Adopted Local Plan. Once the Villages DPD is adopted, it will provide more certainty and the policy position should be clearer moving forward.

2.7 In 2 other cases split decisions were issued and the Inspectors deciding these appeals agreed with the Council's decisions to refuse those parts of the proposals which were considered to be unacceptable. The Council is not able to issue a split decision on a planning application even if part of the proposal is considered to be acceptable, however, the Planning Inspectorate can. In both cases, the Council had raised no objections to those parts of the schemes which the Inspectors decided to allow, however, a split decision counts as an appeal allowed. Had these decisions been recorded in the Council's favour, the 70% indicator would have been met.

2.8 Considering the remainder of the allowed appeals, there does not appear to be any specific type of development or any other particular trend that can be attributed to the Council's decisions being overturned.

2.9 Of the 27 appeals which were dismissed, 21 were the result of delegated decisions and 6 of the applications were decided by the Committee. Of the 6 Committee decisions 1 of the applications was recommended for approval by officers.

2.10 Appeal decisions by procedure type –

	Dismissed	Allowed	%Dismissed
Written Representation	22	13	62.9
Hearing	5	1	83.3
Inquiry	0	1	00.0

2.11 Appeal decisions by application type -

	Dismissed	Allowed	%Dismissed
Q13 Minor dwellings	17	4	81.0
Q21 Householder	5	5	50.0
Q18 All other minor developments	2	4	33.3
Q20 Change of use	2	0	100.0
Q7 Small major dwellings	1	1	50.0
Q12 All other small major developments	0	1	00.0

2.12 The largest sample of 21 decisions in respect of minor dwellings, produced a high success rate of 81% of appeals dismissed with the next largest sample of 10 householder appeals reflecting a success rate of 50.0%. However, two of the allowed householder appeals were the split decisions referred to in para. 2.7 above. It is however becoming clear that to refuse planning permission for a house extension, the harm has to be substantial otherwise The Planning Inspectorate will look favourably on such appeals.

2.13 Although the Council has performed well in respect of appeals for minor dwellings, there are no other particular trends which can be established from the decisions based on the application type and most of the samples are too small to represent a true indicator.

2.14 Appeals allowed -

15 Decisions, including:-

- 11 Delegated decisions
- 3 Committee decisions contrary to officer recommendation
- 13 Written representations
- 1 Public Inquiry
- 1 Informal hearing
- 5 Householder applications
- 1 Assisted living community for older people comprising extra care units, staff accommodation and communal facilities
- 2 Single residential dwellings
- 2 Split decisions

2.15 Appeals Dismissed -

27 Decisions, including:-

- 21 Delegated decisions
- 6 Committee decisions
- 1 Committee decision contrary to officer recommendation
- 22 Written representations
- 17 Minor dwellings
- 5 Informal hearings
- 5 Householder applications
- 1 Small Major dwellings (outline application for 44 dwellings)

3.0 Costs Applications

3.1 There can be financial implications in relation to cases where an application for costs is made.

3.2 Applications for an award of costs can be made by either party in respect of all appeals. An award of costs will only succeed in the event that the Inspector determining the appeal had considered that a party had acted unreasonably.

3.3 If a planning application is refused, the reasons given have to be both justified and defensible. It is most likely that an application for an award of costs against the Council would be successful, in cases where an appeal is lodged and the reasons for refusal cannot be substantiated.

3.4 The Inspector determining an appeal can award costs against either party, with or without an application for costs having been made, if it is considered that unreasonable behaviour has occurred.

3.5 There has been 6 applications for awards of appeal costs against the Council, 1 full award of costs was allowed and 3 partial awards of costs allowed.

3.6 The Council has made 2 applications for awards of costs against appellants, 1 of these was allowed.

- 3.7 It is worth noting that the award of costs both for and against Local Planning Authorities is becoming more common.

4.0 Costs decisions allowed against the Council

16/2471/FUL - Kings Down Tail Caravan and Camping Park, Salcombe Regis (Appeal against the failure of the Council to determine the application within the prescribed time limit) Partial award of costs

- 4.1 The Inspector considered that the delays in dealing with the planning application constituted unreasonable behaviour. However, given the planning officer's view of the merits of the proposed conversion to provide site warden's accommodation, an appeal was always likely to be necessary to challenge that view. As such, he did not consider that all of the time spent by the applicant's planning consultant in the appeal process would have been wasted and a full award of costs was not therefore justified.
- 4.2 The Inspector awarded partial costs against the Council limited to those costs incurred in the efforts in corresponding with the Council between the 8 week date and the submission of the appeal as well as the elements of the appeal submissions relating to the procedural unreasonableness of the Council.
- 4.3 The costs amounted to £588.

16/F0059 - Meadow View Awliscombe (Appeal against the serving of an enforcement notice) Partial award of costs

- 4.4 The Inspector considered that the enforcement notice had been badly drafted for two reasons.
- 4.5 Firstly, the allegation referred to a 'material change of use of the land to dwelling house' rather than 'the carrying out of a material change of use of the agricultural building to use as a single dwelling house'. Secondly, the notice referred to the breach of planning control as having occurred in the last four years, which was also incorrect.
- 4.6 The Inspector varied the notice accordingly, however, he considered that the poor drafting of the notice represented unreasonable behaviour which had led to the appellants incurring wasted expense in having to respond to those matters.
- 4.7 The Inspector awarded costs against the Council limited to those costs incurred in responding to the errors in the notice relating to the wording of the allegation and the inaccurate reference to four years.
- 4.8 The costs claim has not yet been received.

16/F0239 Yarde Farm, Churchill, Axminster (Appeal against the serving of an enforcement notice) Partial award of costs

- 4.9 The Council had inaccurately made reference to the material change of use of land to use as domestic curtilage in the allegation set out in the enforcement notice. This was recognised once the appeal had been lodged and the Council suggested that the Inspector could correct the notice without prejudice to either party. The Inspector corrected the notice, however, he considered that the incorrect allegation represented unreasonable behaviour which had led to the appellant incurring unnecessary expense in defending that part of the appeal.
- 4.10 The costs were limited to those costs connected with setting out the case that domestic curtilage is not a use of land.

4.11 The costs claim has not yet been received.

17/0212/FUL - Land At Winkleigh Lane, Woodbury (Appeal against the refusal of planning permission) Full award of costs

4.12 The Council refused the application on the basis that there was insufficient justification for an equestrian development in this location.

4.13 The Inspector considered that there was no basis in development plan policy for requiring an applicant to justify proposals for equestrian development and the reasons provided by the appellant as to why the stables are required should be taken on face value.

4.14 Having regard to the costs decision, the Inspector concluded that, as there is no basis in development plan policy for requiring justification for equestrian development in the countryside, the Council had misapplied its own policies which amounted to unreasonable behaviour. The appellant's costs in mounting the appeal were therefore unnecessarily incurred and an award of full costs was justified.

4.15 The costs amounted to £1750.80.

5.0 Costs decisions allowed in favour of the Council

16/2197/FUL – Land east of Red Lane Cross, Rocombe, Axminster (Appeal against the refusal of planning permission) Partial award of costs

5.1 The appeal was subject of an Informal Hearing and was withdrawn on the day of the Hearing.

5.2 The appellants' decided to withdraw the appeal due to inadequacies in their financial viability evidence. They contended that the shortcomings in their case only became apparent when it was flushed out under cross-examination at the Hearing. The Secretary of State accepted that the purpose of a Hearing was to allow for proper testing of the evidence, however, when submitting an appeal it is the responsibility of the appellants to ensure the supporting evidence is accurate and that they are in a position to pursue the appeal through to a decision. He concluded that the appellants had acted unreasonably, causing the Council to incur wasted or unnecessary expense in preparation for, and attendance at, the aborted hearing.

5.3 The view was taken that the Inspectorate's original Start letter of 19 July 2017 gave sufficient warning to the appellants, via their agents, that withdrawal of an appeal without good reason, at any time in the appeal process, could result in an award of costs against them. The appellants therefore had adequate opportunity, from that date, to consider their position in relation to the risk of costs. It was therefore considered that a partial award of costs from 2 August 2017 (inclusive) was justified. This date allowed a nominal period of two weeks for the appellants to have fully considered the warning on costs.

5.4 The costs amounted to £784.80.

6.0 Conclusions

6.1 The Council has achieved an appeal success rate which is close to the National average and is similar to that for the preceding year. There does not, however, appear to be any particular significant factors attributing to why the Council's success rate has fallen below the performance indicator of 70% dismissed appeals. This can be partly explained by the two split decisions that count against the Council even though the decisions accorded with the Council's decision. It can also be partly explained by the 3 decisions related to the status of

the emerging Villages DPD and to the Planning Inspectorate only dismissing householder appeals where the harm is significant.

- 6.2 Appeal decisions are constantly being analysed to ensure that any changes in accordance with National Planning Policy are implemented and that decisions on planning applications are made in accordance with current Government Advice. There has not been any significant change in Policy over the last twelve months which can be attributed to the Council's success rate over that period, although the amount of weight attributed to the emerging Villages DPD has influenced decisions and the Council's performance. This position should however improve upon adoption of the Villages DPD.
- 6.3 When a decision is made to refuse an application, it is clear from appeal decisions that even where a proposal is contrary to adopted policy, there has to be a level of harm that clearly outweighs any benefits that the proposal may bring.