

Feedback report on consultation on the draft East Devon Local Plan (Regulation 18) that was consulted on from 7 November 2022 to 15 January 2023



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Chapters 15 to 18

Pages 463-473

July 2023

Chapter 15 - Our outstanding historic environment

General matters raised in respect of this chapter included

- All the Policies in this section were strongly supported. There were some requests for clarification and for stronger wording/protection of heritage assets.
- Historic England welcome this chapter but state that, to accord with the national planning framework (Policy 20 (d)), policies should be presented as Strategic Policy
- Historic England state that the Local Plan should illustrate a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. As well as allocating sites, the Plan should also set out how it will consider and positively respond to the heritage challenges and opportunities faced by East Devon's historic towns and villages, landscapes and townscapes, and their relative condition (NPPF para 190). We support the production of a Heritage Topic Paper as evidence to accompany and inform the Local Plan's preparation.
- Devon County Council (DCC) welcomes the inclusion of heritage as a core theme, in particular its inclusion in several Strategic Policies such as Green Infrastructure, Wind Energy, Tourism.
- DCC note that some non-designated heritage assets may be of equal significance as a designated heritage asset and should be considered against such policies (para 15.4).
- Reinforcement is needed to assist the existing Conservation Officers work and coverage and much improved monitoring of work to historic buildings is needed.
- It is important that new development proposals in the vicinity of heritage assets are guided to respect their context and show sympathy in design or layout.
- Planning departments should apply the policy rigorously, and should be properly resourced to do so, both at the planning stage and in monitoring thereafter.
- The Otter Valley Association welcome the policies but would like to see the Guide to listing of Local Heritage Assets and adopted East Devon Local List referenced.
- Lyme Regis Town Council support protection of the historic environment but would like a presumption in favour of alterations to improve the energy performance of historic buildings except where there is unacceptable material harm.

Policy 102 - Historic Environment

- The Policy was generally considered to be comprehensive and the historic environment is considered to be very important.

More specific points included:

- Protection of historic buildings and their environment must have the highest priority in the local plan.
- It is often the small details which contribute to the richness of a locality, and these deserve to be respected.
- Well intentioned policy but unlikely to be effective/Local Plan policies for new development undermine it (Littleham village, area around new town and Whimble specifically mentioned)
- Active uses are the best way to ensure heritage assets are protected and don't fall into disrepair
- Major developments can have a significant impact on heritage assets and their settings.
- Developers and property owners must be held accountable for any destruction of our heritage assets.
- Need for design guide to pick up on use of local materials
- Clear definition is required of a "heritage asset" and that the term could be used, eg, in reference to Exmouth promenade and its heritage as a victorian seaside promenade as well as distinct architectural features.
- Historic information and further surveys are required at an early stage. This needs to have the appropriate enforcement powers and staffing.
- Conservation areas need more protection.
- Should include reference to EDDC adopted Guidance and the 'local list' which has started to identify local heritage assets - surely an omission.
- Not all historic buildings should be upgraded as there should be an authentic historic record through the areas buildings. SPAB guidance should be followed, the use of inappropriate materials (eg foam insulation) can destroy fabric of building
- Improvements should always consider the potential for disruption to nature and wildlife which could be using these buildings. The natural heritage of East Devon should be considered to be part of the cultural heritage of the area. (eg the NHLF Greater Horseshoe Bat project).
- Heritage assets are what give our communities a sense of identity and history.
- Policy should protect Heritage Assets identified in Neighbourhood Plans.
- Protection should be extended to cover natural assets which are part of local heritage eg apple/cider orchards at Whimble
- There is an inconsistency between this policy stating new development "must not cause harm" and policy 103 criterion 2 and 3 describing the various degrees of harm where development will be allowed.
- Policy needs to be applied flexibly in recognition of the shortfall in employment land across EDDC and the sub-region

Policy 103 - Listed Buildings

- The policy was well supported but some respondents felt it should go further whilst others were concerned that it is difficult to achieve energy efficiency whilst conserving historic features.

More specific points included:

- There is lots of sector advice on how to help make historic buildings environmentally friendly. Impact on sustainability and climate change warrants consideration here e.g. <https://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/>
- Listed buildings are vital to the sense of place inter locality and should be safeguarded in the ways the policy suggests.
- Policy should acknowledge that listing covers the whole building
- There needs to be much greater protection for listed buildings within the EDDC area.
- Climate emergency makes energy efficiency essential and this should be acknowledged in policy. Reduce red tape. Allow double-glazing on listed buildings
- Difficult to achieve net zero for listed buildings.
- Developers will try and exploit the opportunities given in items I - iv and contract so-called experts to justify harming of a listed building to get their planning approval and profit
- Various individual buildings were suggested for listing and objections raised to proposed sites on the basis of proximity to listed buildings or areas of historic significance.
- Newton Poppleford and Harpford Parish Council is concerned that the drafting of this policy allows developers an opportunity to justify causing harm to listed buildings.
- The National Trust advise - the supporting text to this policy states that Heritage Statements, Statements of Significance, and Impact Assessments should be produced in line with current best practice and relevant national guidance. It is recommended that the guidance states that such assessments should follow a systematic approach in line with Historic England guidance: The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3, 2nd Edition (2017), and Statements of Heritage Significance: Historic England Advice Note 12 (2019), or as per any updates to these documents.

Policy 104 - Conservation Areas

- The Policy generated strong support for CA designation and protection.

More specific points included:

- Additional CA's should be considered. Some Neighbourhood Plans propose new CA's (eg Uplyme) and these should be prioritised.
- Inward and outward views should also be protected.
- Trees within CA's should be retained in new development and replaced if lost.
- Development should be of the highest standard of design, and respect the local and vernacular traditions evident in the conservation area.
- Item 2 - The word 'substantial' is too woolly and certainly not measurable.
- Particular care should be taken to ensure CA are taken into account where affected by proposed allocation sites eg Whimble. Some areas containing allocations eg Littleham, Exmouth, should be considered for designation as CA's
- Permitted development rights have enabled local authorities to undertake inappropriate development in CA's.
- Newton Poppleford and Harpford Parish Council argue that the word 'substantial' is not measurable and will allow developers with large financial resources to overwhelm public opposition.

Policy 105 - Archaeology and Scheduled Monuments

- Policy is supported.
- Devon County Council (DCC) suggest detailed amendments to several parts of the policy.
- More specific points included:
- There should also be included a requirement for communication with the public (not just publication and local authority archiving) as part of any mitigation procedures.
- Policy allows for exceptional cases but doesn't specify what these will be. This needs to be covered in more detail.
- Generally acceptable but note that some monuments are cleaned in the mistaken belief that they look better. In whose opinion ?
- Does the Local Planning Authority have a suitable qualified officer?
- Item5 - The word 'substantial' is too woolly and not measurable.
- Newton Poppleford and Harpford Parish Council argue that the word 'substantial' is not measurable and will allow developers with large financial resources to overwhelm public opposition.

Policy 106 - Historic Landscapes, parks and gardens

- The policy was well supported by respondents although some felt it should go further.

More specific points included:

- Important contributors to local and regional sense of place and deserve policy protection.
- Business sponsors for these areas can help keep them maintained.
- Open countryside and amenity of landscape should be protected at all costs
- Sub section 3 is very subjective, woolly and not very measurable. How do you quantify substantial harm? How do you measure the balance between substantial harm and substantial public benefits? Who decides?
- It's important to link the landscape, park and gardens to the biodiversity actions given the importance some of these can play in providing valuable green space.
- EDDC seeks to commercialise parks and gardens in ways which undermine their historic value, and restrict opportunities to visit

Chapter 15 - Policy omissions from - Our outstanding historic environment

- No need for additional policies was identified.

Chapter 16 - Ensuring we have community buildings and facilities

General matters raised in respect of this chapter included

- None recorded

Policy 107 - New or extended community facilities

- A number of responses to this question highlighted the need for community and other facilities being provided alongside other, notably housing development and suggest that often this does not happen.
- This policy does not specifically protect places of worship that are not Listed. Places of worship are valuable places of social interaction across all groups irrespective of age, sex, gender, race and abilities. They provide the one quiet (indoor) space for reflection away from the busy-ness of life.
- There is no evidence on the space needs for places of worship or associated facilities and the inter-faith needs that might be met to serve a diverse population in certain parts of ED. There is no analysis from the churches or church schools on their needs and this policy should be developed from such dialogue.
- There is a serious lack of sporting facilities that are open and free/ cheap access to the local area. Many sport / football clubs do not have there own grounds or suitable grounds to play in all year round.
- There is no point in increasing the size of villages and all towns if there are no facilities available.
- Dual or multi-use of facilities is often appropriate, within reason, but a spread of locations is also important (for reasons of accessibility amongst others) and there is a risk in, for example, assuming that a school will necessarily be able to double-up as a community facility available for a wider range of uses. Reference made to places of worship sharing with other uses often being inappropriate.
- Concern that new community buildings rarely have solar panels fitted - either to existing buildings or new builds. why not? surely this should be a priority to help overcome climate change?
- Facilities may be lost under questionable viability grounds.
- Exeter Cycling Campaign would like to see that existing facilities are also improved as part of this plan in ensuring accessibility by sustainable modes of transport

Policy 108 - Loss of community facilities

- How is "community" defined? How is "viability" to be measured? This could change from year to year. Add "community" between "higher" and "value" in last bullet.
- So much happens in these community assets, it is absolutely right that they are protected under this policy. Long live village halls!
- Health hubs, specifically Sea Change, was highlighted as an important facility.
- The Theatres Trust welcome the policy's premise of guarding against the loss of facilities in line with paragraph 93 of the NPPF (2021). There are several valued community facilities across East Devon including at least six theatres. However we consider there is some scope for further refinement to ensure the policy is robust and effective. We suggest the first criteria is amended to read, "the community facility is no longer needed and cannot be made to be viable". Viability if given as an option in isolation can be problematic and is vulnerable to being undermined, for example it could be viewed on a narrow commercial basis whereas the same facility could be successful under different ownership or model of operation such as community or voluntary led. It would also be possible to make a facility unviable through neglect. There should be text around viability evidence and relevance of marketing tests.
- Suggested need for additional supplementary text setting out the sort of evidence that may be required to demonstrate redundancy, which should include a minimum marketing period at a value appropriate to existing use and condition without development potential, advertised with local or national agents appropriate to the facility.
- It's not just the value of the facility, but also how accessible it is for those who currently use it. If you could walk to the old facility but now have to drive to the new one because it's too far and there's no bus, then that may not be a suitable replacement.

Chapter 16 - Policy omissions from - Ensuring we have community buildings and facilities

- None recorded

Chapter 17 - Implementation and monitoring of the local plan

General matters raised in respect of this chapter included

- The Environment Agency support the acknowledgement that flood risk and habitats are often critical for new development to take place. However, the Agency note that central government funding for flood infrastructure will only cover a proportion of the cost of a scheme so developer contributions will be important in ensuring that crucial flood risk management infrastructure is delivered.
- South West Water request more emphasis on public infrastructure including the connection for drinkable water and the capacity of the sewerage system to deliver in a timely manner to support present and future development.
- National Highways note the intent to carry out further infrastructure work to support the Local Plan and anticipate ongoing partnership in this work.
- National Highways state that Local Plan growth must be deliverable and there cannot be any presumption that strategic road network improvements associated with growth will be funded through a future National Highways' Road Improvement Strategy.
- Devon County Council (DCC) consider it essential that infrastructure necessary to support the development proposed in the local plan is provided in an appropriately timely manner.
- DCC note the need to ensure there is a coordinated approach to planning and providing education infrastructure, expanding education infrastructure where necessary.
- DCC needs assurance that education contributions will be supported for all dwellings with two or more bedrooms, and are secured via s.106 rather than CIL
- DCC are currently updating the strategic transport model covering Greater Exeter, which can be used to identify necessary transport improvements to mitigate the impact of proposed development sites.
- Home Builders Federation recommends that the plan includes an appropriate monitoring framework which sets out the monitoring indicators along with the relevant policies, the data source and where they will be reported. This should also include the targets that the Plan is hoping to achieve and actions to be taken if the targets are not met.
- Home Builders Federation recommends that the Council provide more details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.
- The lack of proposals on how adherence to the plan – and progress – will be monitored, and by who, was referenced. Another comment said EDDC should ensure that adequate resources are available to monitor polices once in place, with particular reference to Biodiversity Net Gain.

- Specific monitoring to ensure developers actually carry out what they are obliged to do so in decision notices was requested, and that developers should be held to account if they fail to deliver any measures agreed to “reduce or remediate the negative aspects” of a development.
- It was suggested there could also be some form of feedback mechanism for the public to raise concerns or issues with new developments when these are not being done as laid out in the plans, especially when doing remedial works (e.g. to pavements after groundworks).
- It was said monitoring should be “transparent” and reports prepared by the district council should be “freely and easily available in the public domain”.

Chapter 18 - Have we missed anything?

We invited respondents to identify anything that they thought was missing from the plan. Key comments received are set out below:

- South West Water suggest that any planning application is supported by evidence of communication with either SWW or the relevant provider to confirm available capacity.
- South West Water suggest a policy to support 'Locally Significant Infrastructure Projects' that contribute to combating the effects of climate change, improve public health or environmental/social outcomes.
- Exmouth Town Council feel that there should be policies on risks from heat and fire.
- Devon and Cornwall Police are disappointed that there are no references to police infrastructure, stating crime and demand on their services correlates with population growth - therefore Local Plan should state that planning obligations are required to deliver police infrastructure to mitigate the impact of development.
- Devon and Cornwall Police note there is very little in the Local Plan that relates to designing out crime or highlights the importance of designing places that are safe, contrary to legislation and the NPPF (paras 92 and 130). Suggest including a policy.
- There are numerous emerging policies that will have financial implications on development, in addition to infrastructure requirements associated with proposed allocations. Paragraph 34 of the NPPF outlines that policies relating to development contributions should not undermine the deliverability of the plan. Viability should be tested to ensure development is not undermined by policy requirements.
- Exeter Civic Society comment that we understand that the draft plan does not include Cranbrook as a separate one was accepted for it earlier in 2022. However, we think it would be helpful for the reader if future iterations of the plan could at least include in the relevant maps the proposed Blue Hayes extension of Cranbrook to the west and the development of Treasbere Garden Village south of the B3174 for which there is already a planning application.
- The Devon Countryside Access Forum comment there is little reference to public rights of way (PROW) – should seek to link new walking and cycling routes to existing PROW, particularly in proposal for a new town
- Comment made - Why is light pollution important? Buglife Light Pollution Bat Conservation Trust 'Landscape and Urban design for Bats and Biodiversity' Outdoor Lighting p.28: "We recommend ... that efforts are made to retain or create dark skies over urban areas so that people in major centres of population may have access to the night sky
- Consideration of a development site for a new acute hospital in East Devon (if the NHS agreed) and a new secondary school in Exmouth

- Protection of the environment we live in must include sewage pollution, to have raw sewage regularly overflowing on the maer in exmouth in the 21st century is not something to be proud of. it is a disgrace. EDDC must address this as part of the plan
- Monitoring/managing growth of AirBnB - the switch from rental to AirBnB has significant negative impacts upon local residents ability to live and work in the locality.
- A regime of planning and retro-spective planning procedures need to be established to prevent the Cornwall-style housing crisis.
- Use of Covenants registered with the Land Registry to offer a proportion of new build housing exclusively to local residents.
- Controls on conversions of bungalows into 2-storey dwellings and/or requirement in new build estates to make provision of accessible single-storey bungalows suitable for the elderly market.
- It'd be great to have East Devon Local plans to have the requirement for an integral swift nest box at the ratio of 1 box per residence in all planning applications like other councils like Brighton due to the benefits it will bring. Also it would be great if other measures such as Peregrine nest boxes or stork poles could be considered in places as if they are not provided then there is no hope for them to come back.
- Health matters. Re-opening cottage hospitals for Minor Injury Units. Transit beds to help with bed blocking at RDE. More doctors surgeries.
- Need to encourage downsizing and conversion to multi-occupancy.
- Criticisms of Commonplace (the citizen engagement platform used for the consultation process) included: the platform being 'clumsy' and 'unwieldy' to use; time consuming; slow; that is sometimes didn't work; it didn't make it clear to the user if a comment they were submitting had been registered / saved; it was illogical; that the opportunity to submit 'likes' to other people comments only appeared to be available on selected comments; the use of emojis was unclear; that many residents lacked the ability to comment online; that there was no opportunity to edit or correct comments once submitted.
- Comments suggested, where areas are preferred for development, neighbours and residents of adjacent properties should have been consulted directly, rather than "assuming that people have the time and digital dexterity to find out what's planned in terms of development locations". Others thought there had been little promotion on the Council's part of the consultation itself.
- The Avenues Resident Association advise - Para 17.1 - Sewage should also be included in this paragraph and be reported and monitored and Para 17.4 - It is not stated who holds the council responsible and how, and whether the residents of Exmouth see these reports and whether Exmouth Town Council has any responsibility?