

Report to: **Strategic Planning Committee**



Date of Meeting: 9 October 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon Local Plan – redrafting of local plan chapters

Report summary:

This report sets the scene for the redrafting of the written text of the local plan and also includes a first redraft of local plan chapters in respect of:

- Chapter 10. Designing beautiful and healthy spaces and buildings
- Chapter 11. Prioritising Sustainable travel and providing the transport and communications facilities we need
- Chapter 12. Caring for our outstanding landscape
- Chapter 14. Open space and sports and recreation facilities
- Chapter 16. Ensuring we have community buildings and facilities

These chapters are a redraft of those contained in the draft local plan dated 2022 but they are not at this stage proposed as the final plan wording to go into the proposed Regulation 19 Local Plan. Rather, they set out the general proposed intent and favoured approach to wording that we carry forward into the plan noting that final wording is planned to come to committee in late November 2024.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That committee endorse the proposed draft revised chapters in the local plan noting that they will need to be refined in readiness for the proposed Regulation 19 draft of the plan..

Reason for recommendation:

To seek in principle committee approval for the emerging local plan text.

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Portfolio(s) (check which apply):

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

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

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; The local plan needs to progress in a timely manner if it is to meet potential Government deadlines for plan preparation. That said there are unknowns over final deadlines that may be set by the Government and as of when they may issue new policy. The government had previously indicated that plans may proceed under the existing NPPF and what are comparatively lower housing numbers if they reach Regulation 19 stage of plan making (plan consultation) within one month of a new NPPF being published. It is unknown if this timing ruling may stay in place, or not, or when a new NPPF may be published.

Links to background information

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

Link to Council Plan

Priorities (check which apply)

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

1. Introduction

- 1.1 This report introduces the first batch of redrafted chapters of the local plan for proposed inclusion in the Regulation 19 draft of the plan. It is highlighted that at this stage the wording provided is not regarded as necessarily being the final wording that should be included, but it is intended to give a very clear steer on the policies that officers would advise for inclusion in the plan and a draft of wording that should apply.
- 1.2 Officers have reviewed the plan text that featured in the 2022 draft plan [commonplace-reg-18-final-071122.pdf \(eastdevon.gov.uk\)](#) alongside response to consultation, any emerging new evidence, sustainability outputs and other work in arriving at redrafting wording. The actual redrafted wording for the following:
 - Chapter 10. Designing beautiful and healthy spaces and buildings
 - Chapter 11. Prioritising Sustainable travel and providing the transport and communications facilities we need
 - Chapter 12. Caring for our outstanding landscape
 - Chapter 14. Open space and sports and recreation facilities
 - Chapter 16. Ensuring we have community buildings and facilitiesis appended to this report and is referenced further on in the report.

2. Overview of plan redrafting

- 2.1 For the chapters specifically addressed in this committee report, and for plan and chapter drafting more generally, we have applied some general principles, as well as being led by the evidence we hold. On a very general level we have sought to:
- a) remove text that is seen not relevant to the actual use and application of the policy or policies in the plan that text relates to.
 - b) reduce the overall length of wording and length of policies.
 - c) strip policies back, where reasonable, to address only planning and determination of planning application matters. This stripping back has included removing process matters relevant in respect of application determination which are best left to guidance which can be more readily updated.
 - d) remove policies or parts of policies that are duplicating national guidance and NPPF text. Though if a policy seeks to deviate from the NPPF or such guidance we would want and need to justify the case for doing so.
- 2.2 This redrafting will lead to a shorter and more precise plan overall. It will be in line with national guidance that favours shorter plans and as such we would wish to make it easier to use and understand. However, and of critical importance, extensive evidence and assessment will sit behind the plan and policies and will help establish the justification of the policies.
- 2.3 In text and plan redrafting there has and will be some minor changes to the ordering of some parts of the plan and loss of one chapter, Chapter 4, that explained site selection process (this is clearly not relevant to the Regulation 19 plan). We also propose to split Chapter 7 on climate change into two chapters. The first majoring on energy efficiency and renewable energy and the second specifically addressing flooding and water related themes, including in respect of impacts arising as a consequence of climate change. Note that at present chapter numbers remain as in the draft plan, but in due course will be amended.
- 2.4 In this initial redrafting we have retained, for the time being, the policy numbers that featured in the draft plan (they came before the policy title) but have also added new proposed policy references (letter/number references) after the words 'Strategic Policy' or 'Policy'. This new policy referencing is proposed to be carried forward with, in due course, the number referencing being dropped. But for the time being it is useful to retain the former referencing as a cross-reference point for early draft plan wording. It is also relevance to note that there are also some changes to whether we have classified some policies as 'Strategic' or not.
- 2.5 In policy redrafting we do **not** show amendments as tracked changes, to do so would result in a very cumbersome and long document to read through. It is therefore essential, if comparing the draft plan and new proposed wording to compare the two alongside each other.

- 2.6 We would highlight that behind each chapter of the plan and every policy there is technical assessment work and past consultation. For each chapter of the plan, and also appended to this report, there is a separate audit trail report that explains the evolution of plan policy and the factors that have informed drafting. In some cases these reports cross-reference to other more detailed technical assessments. The audit trail documents are reports that will be updated as plan making progresses, as such they are live documents with version control/referencing.
- 2.7 The Version 1 drafts of these audit reports are not therefore the final article and new versions will be produced in the months ahead as new matters come forward. In due course the intent is that later versions of these reports will accompany the documents that are submitted for plan examination and be considered by the appointed planning inspector/inspectors alongside other material. The audit reports will tell, therefore, the evolving story of plan/policy evolution and the basis and reasoning for plan content.
- 2.8 It should be noted that plan reformatting is an ongoing exercise to bring the plan in line with corporate standards of presentation and to make it accessible. The text format and style presented to committee at this stage may therefore change in future drafts and it is noted that there may, as a result, be some inconsistencies in this early draft across plan chapters. There are also some variations in the style, format and layout of policies and wording and also in the supporting text/reasoned justification for policies. Text will be refined in later redrafts to ensure a consistency of approach.

3. Redrafting of - Chapter 10. Designing beautiful and healthy spaces and buildings

- 3.1 The redrafted Chapter 10. Designing beautiful and healthy spaces and buildings is attached as Appendix A of this report and Version 1 of its audit trail document as Appendix B.
- 3.2 There have not been any substantive changes to this chapter of the plan with the three basic policies in the draft plan being retained and slightly amended in the new draft.

4. Redrafting of - Chapter 11. Prioritising Sustainable travel and providing the transport and communications facilities we need

- 4.1 The redrafted Chapter 11. 'Prioritising Sustainable travel and providing the transport and communications facilities we need' is attached as Appendix C of this report and Version 1 of its audit trail document as Appendix D.
- 4.2 Several changes have been made to Chapter 11 to reflect consultation responses and a desire to make the document and policies clear and focussed, avoiding repetition of national policy. This has resulted in two policies being deleted (Policy 69 – Rear Servicing of Shopping/Commercial Development and Policy 70 – Safe vehicular access to sites) as they repeated national policy. Supporting text has also been refined.

- 4.3 Other key changes from the Draft Plan to the Publication Plan in Chapter 11 include:
- the removal of reference in policy to 20-minute neighbourhoods as it is too vague to include in policy; and because it covers a range of topics that are dealt with elsewhere in Local Plan policies (such as those relating to housing and employment delivery, community facilities, and open space provision). Therefore, 20-minute neighbourhoods is referred to in supporting text rather than policy, but consider adding specific reference to 20-minute neighbourhoods in the new settlement policy where it is considered to be achievable.
 - changes to the transport sites and routes that should be protected from development, to reflect background evidence.
 - Minor amendments to the policy on travel plans, transport statements/assessments. Thresholds have not been added to the policy to allow greater flexibility for transport issues to be considered on a case-by-case basis, rather than setting 'artificial' thresholds.
 - The revised policy removes redundant EV charging point wording, updates data to 2021 census, adopts Local Transport Note 1/20 for residential cycle parking, and adds employment development parking standards.
 - Policy on aerodrome safeguarded areas and public safety zones has been clarified to make clear that development which would impact on the operation of safety or navigational systems at the Airport must provide suitable mitigation.
 - Updated data regarding East Devon broadband coverage and the latest building regulation standard for Physical infrastructure and network connection for new dwellings.

5. Redrafting of - Chapter 12. Caring for our outstanding landscape

- 5.1 The redrafted Chapter 12. 'Caring for our outstanding landscape' is attached as Appendix E of this report and Version 1 of its audit trail document as Appendix F.
- 5.2 The landscape importance and priority people attach to landscape quality is such that there is very clear justification for a dedicated chapter in the plan on this subject matter. In policy redrafting we have retained the breadth of policy matters that were contained in the draft plan though with some editing down of wording to major on the real key concerns.
- 5.3 In respect of policies for Coastal Preservation Areas (now OL 03) and the Green Wedges (now OL 05) we do not show maps of the extent of policy coverage at this stage. Boundary lines will be reviewed in line with consultation feedback from the further Regulation 18 consultation (as concluded in Summer 2024) and will be reported to a later committee meeting. However, at this stage we would not expect to make recommendation for major changes, but should committee ultimately resolve to allocate land for development that falls within either of the designated areas that were consulted on then it would be logical to remove them from the designated area. Subject to full consideration of the consultation, at this stage Officers would suggest that to **not** remove any such land areas would imply a policy contradiction between accommodating development and (real or perceived) restriction on development.

5.4 The last four policies in this chapter - Policy OL 07: Contaminated Land, Policy OL 08: Potentially Hazardous Developments and Notifiable Installations, Policy OL 09: Control of Pollution and Policy OL 10: Development on High Quality Agricultural Land don't sit that naturally within a landscape chapter, though they are of great importance. It might be relevant to review whether they would be better located in the plan, though such a review can take place at a later date.

6. Redrafting of - Chapter 14. Open space and sports and recreation facilities

6.1 The redrafted Chapter 12. 'Open space and sports and recreation facilities' is attached as Appendix G of this report and Version 1 of its audit trail document as Appendix H.

6.2 This is a short chapter in the plan. The plan text acknowledges on going sports assessment and related evidence work, including the completed sports strategy and built facilities strategy and also the ongoing work on playing pitch strategy production. One notable change, in Policy (now named OS 02) is that we are recommending the use of Fields in Trust standards for new open space provision alongside new development. These are nationally widely applied standards.

6.3 We are recommending the deletion of policy for the 'Retention of land and buildings for sport and recreation use'. Retention and avoiding loss is a critical concern, but in representation at draft plan stage Sport England highlighted that it replicates, though in a somewhat watered-down and less precise manner wording in the NPPF and as such was not needed. Deletion is therefore appropriate.

7. Redrafting of - Chapter 16. Ensuring we have community buildings and facilities

7.1 The redrafted Chapter 12. 'Ensuring we have community buildings and facilities' is attached as Appendix I of this report and Version 1 of its audit trail document as Appendix J.

7.2 This is a very short chapter without any substantial change made from the draft plan to the proposed new Regulation 19 plan. The chapter retains the two policies, with minor amendments, that featured in the draft plan. The policies seek to be supportive of new and improved community facilities whilst resisting the loss of existing facilities. It is worth noting that policy is very much geared around supporting facilities that are very much local to and serve the local community in which they are located, rather than being of wider or regional relevance or just serving a select part of a community.

8. Regulation 19 local plan consultation

8.1 Officers are working to a timetable that will see a report coming to committee in late November 2024 (date to be determined) recommending that the local plan is made available under Regulation 19 of the plan making regulations for people to make comment on.

8.2 This is the timetable set out in the Local Development Scheme and it advises of the period for comments running from December 2024 to January 2025. The plan itself,

the comments received and supporting evidence documents will be sent (the Submission) to the Planning Inspectorate for the Examination of the plan. We are aiming to submit for Examination in May 2025, noting that as things stand there is a proposed deadline date of June 2025 for submission to meet in order to progress under the current plan making regime.

- 8.3 Government determined deadlines that we may need to meet are, however, not yet confirmed but may impact on the above.

9 Implications for Neighbourhood Plans

- 9.1 Members should be aware that Neighbourhood Plans will continue to be examined for general conformity with the adopted Local Plan (2031), with some (increasing) consideration given to the relationship with the emerging Local Plan, until such time as the new Local Plan is at least at Main Modifications stage.
- 9.2 Progress in a timely fashion, in line with the published timetable, and in agreeing content for inclusion in the Publication Version of the LP is therefore important in giving increased certainty to communities in considering the need for a neighbourhood plan, and planning for the preparation of a new or reviewed neighbourhood plan. This includes which policies will be strategic policies, as the legal tests ('Basic Conditions') against which neighbourhood plans are examined, includes their being in general conformity with the strategic policies of the Development Plan for the area.

Financial implications:

There are no financial implications requiring comment.

Legal implications:

There are no legal implications requiring comment (002533/9 October 2024/DH).