

Report to: **Strategic Planning Committee**



Date of Meeting: 23 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 8. Meeting housing needs for all;
- Chapter 9. Supporting jobs and the economy and vibrant town centres; and communications facilities we need
- Chapter 15. Our outstanding historic environment

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 December 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.

Officer: Ed Freeman – Assistant Director, Planning Strategy and Development Management,
e-mail – efreeman@eastdevon.gov.uk, Tel 01395 517519

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
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1. Introduction

- 1.1 This report introduces some 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 responses to consultation, any emerging new evidence, sustainability outputs and other work in arriving at redrafting wording. The actual redrafted wording for the following:
 - Chapter 8. Meeting housing needs for all;
 - Chapter 9. Supporting jobs and the economy and vibrant town centres; and communications facilities we need
 - Chapter 15. Our outstanding historic environmentis 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 as 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 8. Meeting housing needs for all

- 3.1 The redrafted Chapter 8. Meeting housing needs for all is attached as Appendix A of this report and Version 1 of its audit trail document as Appendix B.
- 3.2 Chapter 8 has been edited down quite considerably to simplify presentation and concentrating on the most significant issues and removing matters not directly relevant to planning policy considerations and local plan provision. This has included some text that was about the stages of plan making work we were previously at and the plan making work going forward.
- 3.3 Key more detailed changes to the plan, from the consultation draft to this redrafting, include:
- Highlighting in policy the aspiration to secure accommodation for younger people to assist in supporting a younger workforce.
 - Removal of First Homes from policy on affordable housing and more so for policy throughout the plan. First Homes are an affordable housing type that applies a discount to market house sales. But they are not favoured by the current Government and their provision has not been supported through plan engagement. There is minimal evidence of the development industry wishing to see them developed and other forms of affordable housing are seen as far more credible and desirable. We will need to keep this under review given that we are seeking to progress the plan under transitional arrangements that mean it would be assessed against the December 2023 version of the NPPF which

includes reference to requirements for First Homes. However, the hope is that, given that this is not the new governments policy and they would not meet the identified needs in East Devon, the removal of reference to them would not be challenged.

- Under affordable housing policy we have placed the emphasis on social rent provision. The affordable housing policy will, however, need to be subject to careful scrutiny under viability assessment.
- We have lowered expectations for elderly person housing delivery. In the draft plan they are considered to be too high and demanding, and site size threshold on which they would be required are too low.
- Policy on accessible and adaptable homes seeks somewhat lower levels of provision noting that the needs in the draft plan were not realistically justified, we were duplicating provision that would otherwise be provided through other, social care means and as drafted previously plan policy would have very significant cost implications.
- We have removed the Policy that specified the mix, by bedroom sizes, sought on new housing development sites. This is seen as being too prescriptive and that better outcomes will be achieved in terms of consideration of actual applications that come in and responding to site specific considerations. The district wide Local Housing Needs Assessment indicates a need for 75% of new homes to be 3 bedrooms or bigger and this is what the policy previously sought. Anecdotally it is considered that in the towns the need is likely to be for smaller homes. It is considered that we would be likely to get more smaller homes by relying on wording in Strategic Policy HN01 which requires an appropriate mix of housing types, supports housing for younger people and housing that meets local needs identified in housing need evidence than through the previously proposed policy on housing mix.
- For rural exception housing sites we have deleted the 15 dwelling upper size threshold. Noting that some schemes may reasonably be for larger developments given local needs. But we would still seek to ensure that any development allowed is not disproportionate to the size of the host settlement.

3.4 It should be noted that various policies in this chapter refer to requirements such as the proportion of affordable housing as well as thresholds for the application of policy requirements. Where these have an impact on viability issues these are currently left blank so that these can be considered alongside wider plan viability issues in a report that is intended to be brought to a meeting in November. In the meantime Members views are sought on the policy wording only in relation to these policies.

4. Redrafting of - Chapter 9. Supporting jobs and the economy and vibrant town centres

4.1 The redrafted Chapter 9. Supporting jobs and the economy and vibrant town centres 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 9 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 a greater degree of clarity for applicants and decision makers.

4.3 Other key changes from the Draft Plan to the Publication Plan include:

- the policy allowing employment development in the countryside has been rewritten to allow extension of existing businesses as well as intensification.
- The farm diversification policy has been amended to widen the range of diversification activities that will be supported and place less restrictions on prioritising E(g), B2 and B8 employment uses, however this also means that a viability statement is required to demonstrate how the activities will support the long-term sustainability of the farm holding. This is felt to strike an appropriate balance between recognising that these types of employment activities may not usually be permitted in rural areas and may lead to some adverse impact and demonstrating how this is to be outweighed by the positive benefits of such development. Because the District's rural farms do have special characteristics not shared by other types of development or activity, the policy is quite detailed in setting out the criteria that will apply, the particular infrastructure requirements and the potential impacts on the farm business, buildings and character but, as with all policies, these will be applied in conjunction with the whole plan policies.
- The policy requiring Employment and Skills Statements on major developments was indicative at Regulation 18 stage and it has now been evidenced and reworded. The policy is based on a tried and tested approach, thresholds which have been successfully applied in nearby authorities and the benchmarks that will be applied are proportionate and achievable. Guidance will accompany the policy to explain what applicants are required to do.
- The strategic policy which sets out the settlements to which town centre policies will apply was amended to make it clear that Cranbrook town centre will be covered by the policies in the Cranbrook Plan.
- The policy which relates to town centre and primary shopping areas (identified on the policies map) was generally supported. It has been slightly amended to support the incorporation of cycle provision and enhancement of the natural environment where possible and the boundaries are being reviewed to see if any minor amendments are required in light of the feedback to the further Draft Consultation. Most negative feedback from respondents related to matters beyond the scope of the policy, for example objecting to changes of use within town centres that are supported by the NPPF or allowed as PD.
- Local Shops and services will continue to be supported but policy has been amended to apply to all tier 1-4 settlements (not just the smaller 3-4 ones) and to standardise the wording relating to the requirement to demonstrate a lack of viability if a facility is proposed to be lost.
- The policy relating to rural shops has been reordered to make it shorter and simpler. In consultation with Economic Development, the requirements have been amended so that at least 50% of the products being sold must be produced on the holding and the remainder must be sourced or produced from within a 10-mile radius.
- The sustainable tourism policy has been partly reworded and reordered for clarity and consistency with other policies in the plan. An additional section has

been added which resists the loss of existing dwellings to holiday accommodation (for example Air B'n'B's)

4.4 The key evidence which has informed this Chapter is the [Economic Development Needs Assessment \(January 2023\)](#) which establishes the need for different types of employment land up to 2040, identifies some broad locations and assesses the level of supply at the time of the study. Other evidence of note is the Council's [Economic Strategy](#), the [Local Economic Review](#), [Employment Land Review](#), [Tourism Strategy](#) and the [Clean Growth Vision](#). Town Centre evidence and an explanation of the threshold that will apply to sequential testing of out of centre proposals is available within the [Town centres and sequential test topic paper](#).

4.5 The Policies in this Chapter will be supported by a number of guidance notes, explaining the evidence that will be required to support applications and the approach that the Council will take to assessing them. These will be available alongside the Publication Draft consultation. They will cover:

- Marketing Statement
- Supply Statement
- Sustainable Tourism
- Viability Statement
- Employment and Skills Statements

5 Redrafting of - Chapter 15. Our outstanding historic environment

5.5 The redrafted Chapter 15. Our outstanding historic environment is attached as Appendix E of this report and Version 1 of its audit trail document as Appendix F.

5.6 The Policies have not undergone significant amendment since the Draft Plan consultation. Most respondents were very supportive of the Council's approach to the historic environment. Historic England are the key statutory body with an interest in this topic, so they were involved in discussions regarding redrafting the Chapter. The County Archaeologist is responsible for maintaining the Historic Environment Record (HER) and specifically informed the Archaeology and Scheduled Monuments policy.

5.7 It was suggested by a respondent that a single policy could apply to all heritage matters and this would avoid duplication and simplify consideration of planning applications. Historic England were supportive of this approach in principle and Officers explored this further. On balance, however, it was decided that separate policies for different types of asset would ensure that applicants are clear as to what is expected of them and the considerations that will apply to their specific type of asset.

5.8 The Chapter will be supported by a Heritage Strategy which is currently being reviewed. This will be available for consultation alongside the Publication Draft of the Plan.

6 Redrafting of other plan chapters

6.5 The plan chapters not addressed to date will come to committee in early November 2024 and additional plan material will also follow.

7 Regulation 19 local plan consultation

7.5 Officers are now working to a timetable that will see a report coming to committee in December 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.

7.6 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.

7.7 Government determined deadlines that we may need to meet are 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:

Officer time associated in producing this report have been covered within existing budgets. There are no other specific financial implications regarding the Council's finances on which to comment.

Legal implications:

There are no specific legal implications requiring comment (002533/23 October 2024/DH).