

Date of Meeting: 11 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon Local Plan – approval for Regulation 19 consultation

Report summary:

This report seeks approval for consultation at the Regulation 19 stage of plan preparation. Regulation 19 is the point at which the Council is satisfied that they have a sound plan that is fit for Examination by a planning inspector. As things stand, we would envisage that there will be two rounds of Regulation 19 consultation as set out in the previously agreed LDS. The first consultation, that this report explicitly relates to, will be applicable to the vast bulk of the local plan. The second, to start in Spring 2025, will apply to the second new community, linking to master planning work and transport assessment evidence, though with some scope to also revisit matters from the first round of consultation. The local plan text that we recommend for consultation, is appended to this committee report though this will be subject to some minor refinement, through delegated authority, as set out in recommendations.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- 1 That Strategic Planning Committee approve the Publication draft of the plan as appended to this report with delegated authority for the Assistant Director Planning Strategy and Development Management in consultation with the Chair, to make adjustments to tidy up and refine local plan text wording to ensure consistency of approach through the plan, edit down overlong text and correct typographical errors.
- 2 That Strategic Planning Committee delegate authority for the Assistant Director Planning Strategy and Development Management in consultation with the Chair, to produce and finalise the Policies Map, in accordance with Members resolutions on allocations and designated area boundaries, that will also form part of the consultation, noting policy boundary matters and changes referenced in this report.
- 3 That Strategic Planning Committee agree to consult on the Regulation 19 version of the Local Plan as appended (subject to amendments agreed under recommendation 1) with delegated authority to the Assistant Director Planning Strategy and Development Management in consultation with the Chair to agree when consultation starts having regard to the requirements of any newly published NPPF.

- 4 That Strategic Planning Committee resolve not to allocate land at Budl_01 for the reasons set out in this report, notwithstanding their previous resolution to make an allocation with the details delegated to the Assistant Director Planning Strategy and Development Management and the Chair.
- 5 That Strategic Planning Committee resolve not to allocate land at Otto_02 in light of the need for additional work to demonstrate the nature and extent of flood risk at the site noting that it has already been agreed for inclusion within the settlement boundary.

Reason for recommendation:

To ensure the Council can undertake consultation under Regulation 19 of the plan making regulations in a timely manner.

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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; There are significant risks, and more strictly speaking challenges, associated with producing a local plan, and associated with uncertainties over timing matters, and there are risks associated with not having a plan, either through choice or through failure at Examination.

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 Legislation establishes that local planning authorities have to produce a local plan. The local plan will guide and inform development decisions, both in respect of planning applications people may choose to make and how these applications are determined by the Council as the planning authority. It is highlighted that East Devon District Council are the relevant planning authority in respect of determination of most applications for planning permission, but for some matters, notably waste and mineral proposals, Devon County Council are the relevant authority and some larger scales schemes fall to Government for determination.
- 1.2 The new East Devon Local Plan is planned to cover the 22 year period from 1 April 2020 to 31 March 2042, though the clear expectation is that it will be superseded in part or whole well before this end date. The end date is determined by the fact that the National Planning Policy Framework (NPPF) requires plans to have at least a 15-year life span from the point of adoption. Adoption is expected to be in late 2026 or early 2027.

2 Regulation 19 consultation and timing issues

- 2.1 Strategic Planning Committee will be aware of the significant number of meetings that have taken place in recent months to arrive at this point. This committee report does not seek to revisit or summarise work that has gone before, full committee papers and minutes can be reviewed to see what has gone on before - [Browse meetings - Strategic Planning Committee - East Devon](#)
- 2.2 At this stage the Council should be satisfied that the plan is now sound and fit for Examination. The consultation we are undertaking should not be seen as a process where we are asking for feedback to help inform possible plan changes and refinement. Rather, this stage is concerned with the Council making the plan public, allowing for people to make comments/raise challenges and objections and for the council to 'process' and feed this information on to the Planning Inspectorate.
- 2.3 We have a full local plan text with complete content to consult on, bar for the new community (the second new town in East Devon) - note comments on the new community further on in this report. The local plan contains a set of policies, some of these may apply to the whole of East Devon district and some are site, area or location specific. Where policies apply to specific location or site these are identified on what will be the Policies Map.
- 2.4 The consultation at this Regulation 19 stage of work is currently envisaged to start in mid or late January 2025. Precise dates for consultation start are, however, to be determined and we await a new NPPF to provide clarity on deadlines we may have to meet. Depending on what the new NPPF says, assuming it is published, we would want to retain flexibility over when the Regulation 19 consultation starts. In consultation on a new draft NPPF, issued in the Summer of 2024, the Government set out that to progress under the existing plan making regime plans would need to commence Regulation 19 consultation within one month of the new NPPF being published. However, at the time of drafting this report, significant unknowns include:

- a) When a new NPPF may be published.
- b) What a new NPPF may say about deadlines to progress under existing plan making regimes.
- c) Any other content a new NPPF may include that could impact on the plan – for example on overall housing requirements or transition arrangements from current plan making regimes to possible new ones or to - if, how or when any new NPPF requirements, as opposed to ones that may be superseded may apply. We do not expand on the matter of possible impacts of NPPF changes but suffice to say, we are progressing on the basis of what we know now, but in the future changes could have significant impacts or they may be of little relevance to the plan.

2.5 **With regards to point a)** we do not know when the NPPF will be published, though some commentators have suggested that late December 2024 is a distinct possibility, Friday 20th December has been suggested as a possible date. If this is the case, and if in respect of **point b)** the one-month deadline remains in place, we would need to start consultation on or before Sunday 19 January 2025. More practically this would mean on or before Friday 17 January 2025.

2.6 The deadline factor (and indeed NPPF publication date) is significant. It seems unlikely, but if a shorter deadline is given for consultation to start then we would have to move more quickly to start consultation, that is assuming a new NPPF is published in December 2024. The deadline factor could be further compounded if the NPPF is published at an earlier date in December 2024, for example in the middle of the month. With no change to the one-month period, but an early NPPF publication, the consultation start date in January 2025 would need to be earlier. Some nimbleness and flexibility over the date that consultation may need to start is essential.

2.7 It is possible, of course, that a new NPPF will not be published until the new year and/or that a new NPPF will provide for more than one month to progress to consultation start. If there is scope to start the consultation at a later date this could be an attractive option on two counts:

- a) It would provide more opportunity for refinement of the plan
- b) It may give time for new community assessment and evidence work to be incorporated into the plan and to potentially mean that we do not need, or do not choose to have, a second round of Regulation 19 consultation.

3 The local plan text that is recommended for Regulation 19 consultation

3.1 Members, through committee, have already seen and commented on a first draft of plan chapters. We now present, incorporating comments received (see further on in this report detailed responses to comments made) and also in refined format, the proposed plan text for consultation, is attached as Appendix 1 to this report.

3.2 Whilst we have refined plan text and maps for this December committee meeting the recommendation to committee seeks delegated authority for post-committee changes to also be made to tidy up the plan, apply consistency in wording, correct errors and achieve consistency in layout and style. In addition, we would advise that the

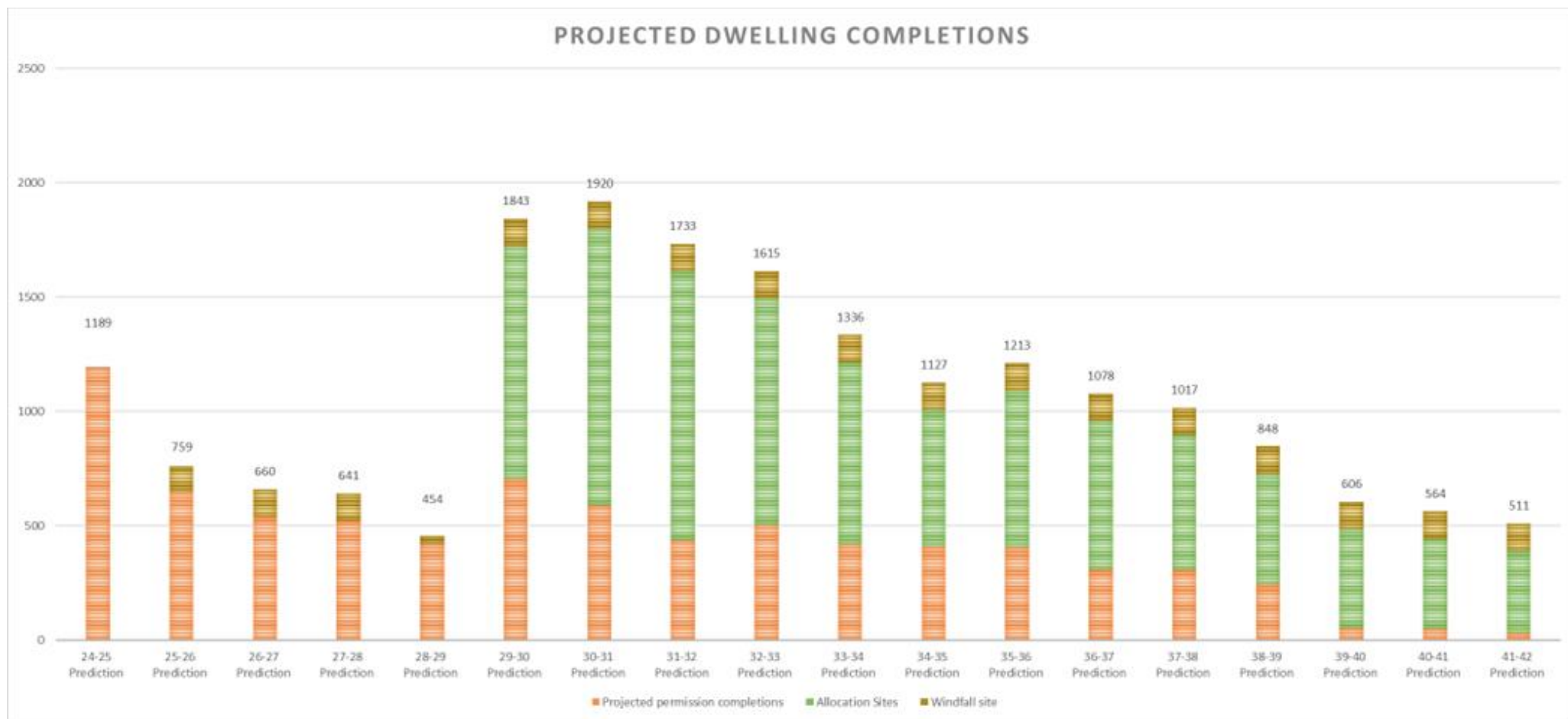
communications team at the Council will be undertaking document layout and presentation refinement to make for a more attractive plan to consult on.

4 Local plan housing trajectory and 5 year supply

- 4.1 Based on the allocations made, we have generated a housing delivery trajectory (a graph of how many houses may be built each future year) as shown on the next page. Our housing delivery trajectory is constrained by current government guidance, which requires robust evidence of site deliverability. Typically, this necessitates detailed planning permissions for major sites and outline permissions for minor sites for them to be counted in any future looking five year land supply assessments. Given the current lack of such comprehensive permissions, we have conservatively projected all local plan allocations to commence six years from now. This approach results in a noticeable spike in delivery rates at that point (i.e. year 2029/30), reflecting the practical challenges of bringing allocated sites forward quickly. This spike is an outcome of applying the 'rules' around when development may be counted, rather than an actual realistic prediction of housing numbers that are likely to be built in any specific year. In reality a small element of this spike is likely to occur before 2029/30 and a larger part after this date (this same consideration also applies to subsequent years as well).
- 4.2 Government guidance also requires the council to be able to demonstrate that they will have "specific, deliverable sites for five years following the intended date of adoption". With the anticipated plan adoption in two years time, we can include housing delivery for 2029/30 and 2030/31 in our five-year supply calculations. The following table illustrates our current projected housing completions. In the table below we have assumed a need to deliver 946 new homes per year, but we will review the data in due course to take account of past supply data.

	26-27 Prediction	27-28 Prediction	28-29 Prediction	29-30 Prediction	30-31 Prediction	5 year total
Projected permission completions	540	522	419	705	589	2775
Allocation Sites	0	0	0	1018	1211	2229
Windfall sites	120	119	35	120	120	514
Total Projected Dwelling Completions	660	641	454	1843	1920	5518
Housing target	946	946	946	946	946	4730

- 4.3 The table suggests that delivery will exceed need. However, members should be acutely aware that this projection assumes all allocations will have necessary permissions or supporting evidence around delivery at the time of plan examination.



Graph 1 – Projected dwellings completions over the plan period.

- 4.4 This is a significant assumption that requires proactive management. Without counting the proposed allocations (ie without them having a planning permission) we would fall significantly short of demonstrating a five-year housing supply upon adoption. This consideration highlights the importance of granting planning permissions at an early date, though even if done we cannot assume that all sites will be subject to applications.
- 4.5 It is accepted practice, where justified, for planning authorities to incorporate a "step" in housing delivery to account for a lag between site allocation and construction commencement. Developers will typically be reluctant to make applications on large or complex sites, given costs involved, without the comfort of an emerging local plan allocation. Given this matter, we might consider setting a more conservative initial five-year target of around 800 homes per year, with the shortfall to be made up in the subsequent plan period.
- 4.6 This stepped approach is particularly pertinent for East Devon, especially considering the complexities associated with developing a new community. The time required to secure permissions and initiate construction for such a substantial development necessitates a nuanced and flexible approach to housing delivery. Further exploration and refinement of our delivery strategy is essential prior to plan submission to ensure a robust and realistic housing trajectory.

5 The Local Plan – Policies Map

- 5.1 Many policies in the local plan cross-reference to the Policies Map. The Policies Map is produced on an Ordinance Survey base map and it shows the spatial boundaries or areas to which different policies apply. Noting that many policies apply to the whole district and as such, and by default, will apply within the whole district boundary.
- 5.2 The intent is that the Policies Map will appear as an interactive computer-based map, rather than there being a pdf map (or maps) or printed maps (or maps). It is increasingly common for local plan making authorities to have their Policies Map in interactive form only, for example Teignbridge who are currently at Examination, have their map in this form. However, we would wish to set the interactive mapping up in such a way that it is easy and possible to print-out excerpts or specific sections.
- 5.3 Committee have agreed to Policy Map boundaries and these will be worked up into a final mapping output and will be ready for when consultation starts. Where available these are published as an appendix to this report. See commentary further on in this report in respect of specific policy boundary changes following recent committee decisions and in respect of officer recommended changes.

6 Local plan written text changes

- 6.1 Whilst committee have already seen and considered draft local plan chapters, text and policy, in the appended draft of the plan we have also refined and redrafted plan wording. Changes have been made to ensure greater consistency of approach

throughout the document, to edit down and delete text that was seen as superfluous, to correct errors and mistakes, update evidence references and to generally produce a better plan. Changes have also been made to address matters that were agreed by previous committee meetings in respect of changes that are sought. We set out under chapter references below details of the changes that were made.

- 6.2 At some points in the plan we highlight where further work is to be undertaken, for example to include appendices or update graphics. These changes are not included in this draft but will be added to the plan (under recommended delegated authority) prior to the start of Publication.
- 6.3 It is highlighted, however, that changes have not been made that in substantive terms change the intent or coverage of plan policy. That is with the exceptions of the matters listed below, noting we also highlight other more substantive changes as well.

Chapter 1 – introduction

- 6.4 **Relevance of Neighbourhood Planning** – text is included in the introduction that summarises the importance of neighbourhood planning and explains the relationship of such plans with the local plan.

Chapter 2 - Vision

- 6.5 **Plan objectives** – in an earlier draft of the new plan text objectives were not shown, these are now reinserted from the consultation draft plan.

Chapter 3 – Plan strategy

We have amended this chapter in accordance with committee decisions of the 5 November 2024 as summarised below.

Members considered that:	Summary of change made by officers
We should include a plan or at least some text to explain what is meant by the western side of the district.	Policy SP01 has been amended to explicitly state that “The West End is not spatially defined by a line on a map, rather it is term that applies to development proposals and site allocations as referred to in Chapter 4 of the plan.”
Policy SP01 should reflect the settlement hierarchy and have Exmouth as the principal settlement within its own point in the policy rather than being grouped in with the main centres which are tier 2.	SP01 Has been amended to place Exmouth in its own category as a principal settlement.
Policy SP01 - There was discussion about the use of the words ‘local needs’ at point d) in relation to the scale of development at service villages. It was	In SP01 ‘local needs’ has been deleted.

felt that the level of allocations in some villages exceeds 'local needs' and so alternative wording should be used.	
Members resolved not to discuss Policies SP05 and SP06 and asked for these to be included in the report on the proposed settlement boundaries so that the policies and the boundaries could be considered together.	Policies have now been debated.

Reg 18 Consultation draft plan - Chapter 4 – site selection

- 6.6 In the draft plan this a chapter about site allocation assessment processes. An equivalent chapter is not included in the proposed Publication plan so this chapter is now deleted. The Chapter 4 heading is now applied to what was previously Chapter 5 on Development at the West End, the previous Chapter 6 – development at towns and villages becomes new Chapter 5. Moving on to the previous Chapter 7 this is now split into two chapters. The first part of the former Chapter 7 which deals with mitigating climate change becomes the new Chapter 6 whilst the second part, as a new chapter retains the Chapter 7 heading and addresses adapting to climate change. After this point chapter numbers do not change.

Chapter 4 Development at the West End

- 6.7 Substantive changes have been to policy WS01 with regard to the second new community. The policy now seeks to allocate 8,000 homes but sets a vision for a total of at least 10,000 new dwellings to be accommodated in the town in the future. This is intended to set a clear vision for the town that aligns with the scale of development envisaged for new towns under the government's New Towns Programme which presents a significant opportunity to gain government support and funding for the delivery of the town. The additional 2,000 homes would be identified and allocated in a future development plan. The policy now envisages the delivery of 3,300 homes in this plan period in line with the plan period being extended to 2042. Aside from these changes the policy has been revised to expand on details around infrastructure requirements, the timely and co-ordinated delivery of infrastructure and the co-ordinated delivery of the site in accordance with the masterplan.
- 6.8 The chapter has also been amended to address Committee decisions of the 5 November 2024 and these changes are summarised below.

Members considered that:	Summary of change made by officers
Policy WS01 – There appears to be some text missing from the jobs section where a paragraph starts 'employment shall be made throughout the town.....'.	Text amended by inserting "Land for employment uses" at the start of the sentence

Policy WS01 – Need to consider whether we can be more ambitious over the delivery of the town centre.	It is suggested that this consideration is better addressed at a later date as master planning work proceeds.
Policy WS08 – reference in the explanatory text to The Cranbrook Plan to be adopted in Autumn 2022 which needs updating.	Text amended to clarify the plan is adopted – text now reads “The Cranbrook Plan (a Development Plan Document) for the town includes policy to expand the town to close to 8,000 homes.”
Some text needed in this chapter to cover how the strategy in the west end benefits the wider district in terms of economic benefits with skills and knock on impacts	Text amended to address the matter raised. Text added reads “The West End, and its growth, will provide economic and job benefits, including in respect of enhancing skill levels and education and training, for all of East Devon and a wider area.”

Chapter 5 – Development in the towns and villages

- 6.9 Minor changes to this chapter reflect past committee decisions.

Chapter 6 – Mitigating climate change

- 6.10 No substantive changes have been made to this chapter. But in respect of comments made at committee the following changes have been made.

Members considered that:	Summary of change made by officers
Policy CC03 – Should refer to National Landscapes rather than ‘nationally important landscapes’.	Wording amended in policy.
Policy CC04 – Some questioning around whether this should secure to energy storage in urban and less sensitive locations ahead of sensitive countryside locations. Does it need some form of sequential approach unless there are demonstrated to be locational requirements that necessitate a countryside location?	Text added to policy to read “Proposals should be located in or on the edge of built-up areas, and outside of protected landscape areas, unless alternative site options do not exist and locational requirements are so significant that a rural location is essential.”
Policy CC04 – Need to future proof reference to standards. There is reference to National Fire Chiefs Council	Policy amended to include text to read “All schemes will need to be compliant with the most up to date and best

Guidance but this is an emerging area and members were keen to enable reference to future guidance that may be issued by HSE and others on these issues.	available guidance on fire safety or other wider safety concerns.” Supporting text refers to the latest National Fire Chiefs Council Guidance but also notes this may be superseded.
Policy CC03 and CC04 – members appreciated that the policies had been drafted so as not to reference specific technologies thus future proofing the policy to apply to future technologies but felt that the explanatory text majors on existing technologies such as lithium-ion batteries when better technologies may come forward. Can the wording be made less specific?	Supporting text has been amended to make coverage more generic, thus addressing future proofing matters. Including, for example, text to read “Likewise best and most up to date guidance on any other safety matters or concerns should inform and be addressed in development proposals.”
Policy CC05 – How will the requirement for proposals above 1,200 homes or 10ha be applied when adjoining allocations amount to this. This may only apply north of Topsham in combination with Exeter but is there scope for these to be served by a heat network?	Text added to read “Where allocation sites abut or are in close proximity to other allocation sites or developments, and the collective scale of development will exceed these thresholds, developers and applicants should work together to secure connections for the wider development schemes.”

Chapter 7 – Adapting to climate change

- 6.11 No substantive changes have been made to this chapter. But in respect of comments made at committee the following changes have been made.

Members considered that:	Summary of change made by officers
Policy AR03 – In the 4th paragraph , last sentence it was considered that the text should read ‘....provide economic and/or social benefits to the local community’. To ensure that it could be one or the other and not both. The example given was a community hall where it had only social benefits but would currently not be able to comply.	Text amended with wording proposed.

Chapter 8 – Meeting housing needs

- 6.12 Whilst some policy refinement has taken place substantive changes have not been made. However changes recommended at committee on 23 October have been addressed.

Members considered that:	Summary of change made by officers
Policy HN01 should be strengthened in terms of requirements that the mix of housing should reflect local needs identified in a neighbourhood plan, local needs assessment or other evidence document.	Wording added to first paragraph, part way through, to read in respect of assessing need and source of determining “..... a neighbourhood plan, local needs assessment or other evidence document”
Policy HN10 should be amended to ensure that it does not preclude the use of Devon Home Choice data in assessing local housing need but a revised affordable housing SPD would need to cover the details of how this would work.	Wording does not preclude use of Devon Home Choice data, it reads in policy “Need this can be evidenced by a Housing Needs Survey or other local data such as a Neighbourhood Plan, Parish Survey or Parish Plan.”
Policy HN10 should be reviewed to consider how sustainability criteria are to be applied and to consider relationship between rural exceptions sites and settlement boundaries	Text in first criteria worded to say, in respect of test of location suitability “• Be physically well related to the built form of the host settlement. Whilst this does not need to be a settlement with a settlement boundary it must be one that offers a reasonable range of services and facilities.”

Chapter 9 – Supporting the economy and town centres

- 6.13 No substantive changes have been made. However, changes recommended at committee on 23 October have been addressed.

Members considered that:	Summary of change made by officers
Policy SE03 should be reviewed to ensure that it adequately controls the extent of farm diversification such that it supports diversification into related areas but prevents the incremental shift entirely away from farming ie. The policy should enable diversification not entire re-use of farms for activities unrelated to farming.	The first bullet point of policy reads “• The proposal is compatible with, and an ancillary and subordinate component of, an existing and active farm enterprise and contributes to the continuing viability of the farm as a whole, retaining existing or providing new employment opportunities and services for the local community;

Policy SE09 should be reviewed to reconsider the proportions of goods produced on the holding and within the area. It was felt that 50% of goods from the holding was quite low while the remainder from within a 10 mile radius was too restrictive and perhaps there should be a small allowance for goods from the wider county.	Text amended to read, in respect of where it comes from: <ul style="list-style-type: none"> a. a minimum of 60% of the produce/products for sale being produced on the premises or holding, and b. at least half of the remaining produce/products for sale being sourced and produced from within East Devon, and c. the remainder of the produce/products for sale being sourced and produced from within Devon, Dorset, Cornwall and Somerset.
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Chapter 10 – High quality design

- 6.14 A new policy, DS04, has been added to this chapter on the matter of provision of green/blue infrastructure. This policy seeks to ensure that high environmental quality space and facilities come forward with development. In respect of matters raised at committee on the 9 October:

Members considered that:	Summary of change made by officers
Policy DS01 – add reference to rural character in point 3. a)	Text added to 3 a)
Add reference to preparation of a District Design Guide in justification for Policy DS01.	New paragraph added to read “10.8 This Council will prepare a District Design Guide to help inform application of Policy DS01.”

Chapter 11 – Sustainable Transport and communications

- 6.15 We have refined Policy TR06 on broadband connectivity to encourage and support additional provision rather than it being a policy that could result in a refusal of planning permission on the basis of a scheme (that might otherwise be acceptable in all other respects) not being able to secure a connection (also see table below). This is relevant noting that some land allocations for development in the plan might not be in locations where it is currently possible to get superfast broadband connections. As such a logical application of planning policy, as previously drafted, would be a refusal of planning permission for any application.

Members considered that:	Summary of change made by officers
Strategic Policy TR01 – third sentence – amend to read “Where there is a potential for conflict, cycle paths should be segregated from pedestrians (for example, where high usage levels are anticipated).”	Wording amended as suggested.
Strategic Policy TR02 – Consider changing wording to safeguard additional strategic cycle network schemes including those in the LCWIP and the Otter Trail. Consider whether we can include wording about new developments needing to aid the delivery of transport routes and safeguard currently unforeseen routes that may be needed as a result of the proposed development. Also look at wording of point b) 1) as current wording implies that we need 3 passing loops when it is an either/or.	Text added to policy to read “New developments should also seek to aid the delivery of transport routes taking into account the needs they generate and also potential that may arise though later developments in adjoining or nearby areas”
Policy TR04 – Need to add in wording to require parking to provide facilities for the charging of electric vehicles and electric bikes.	Text added at end of policy to read “All new parking provision must provide provision of charging points to charge electric vehicles and electric bikes.”
Strategic Policy TR06 – Need to make it clear that policy only applies to buildings that are to be occupied i.e. we are not seeking superfast broadband for cattlesheds etc.	We have amended text to address the matter highlight, but have also gone further to rewrite text to read “We will support developments (used or occupied by humans) that have access to superfast broadband and high-quality communications and support further connectivity and provision through the planning and development process.” New wording seeks to be proactive in encouraging delivery.

Chapter 12 – Our outstanding landscape

- 6.16 No substantive changes have been made to this chapter. However, in response to committee comments:

Members considered that:	Summary of change made by officers
<p>Policy OL1 – bullet point b) to include reference to trees and woodlands and justification to include reference to the emerging tree strategy.</p>	<p>Reference to trees and woodland is included in policy. Supporting text amended to read “All development in the countryside should have regard to the District Landscape Characterisation Assessment (LCA), so as to take account of the different roles and character of different areas and the Council’s Tree Strategy.”</p>
<p>Policy OL5 – Delete current wording and insert instead “Within green wedges, as defined on the Proposals Map, development will not be permitted if it would add to existing sporadic or isolated development, damage the individual character or identity of a settlement, or could lead to or encourage settlement coalescence, whether physical, visual, or intrinsic.” Members preferred this wording as a minor change to the policy in the current Local Plan which they considered to be stronger. Also amend the last paragraph of the justification to make it clear that economic growth in the Green Wedge must also not undermine its purposes or lead to or contribute to settlement coalescence.</p>	<p>The policy is amended as set out. Text in supporting wording reads “Economic growth in the Green Wedge must not undermine its purpose or lead to or contribute to settlement coalescence.”</p>
<p>Policy OL06 – Review drafting of point d) as not considered to make sense/needs clarifying.</p>	<p>Point d) reworded to read “the replacement of a building, provided the new building is in the same use or is for a community use and not materially larger than the one it replaces.”</p>
<p>Policy OL09 – Amend point a) to refer to “environment” rather than “atmosphere! And include reference in b) to “for example untreated sewage”.</p>	<p>This should presumably be OL10. Text in OL10 is amended to refer to “environment” and also new text at item a) amended to read “Pollution of surface or underground waters, by untreated sewage or other pollutants, including:£</p>

Chapter 13 – Our outstanding biodiversity and geodiversity.

- 6.17 No substantive changes have been made to this chapter. But in response to matters raised at committee.

Members considered that:	Summary of change made by officers
Policy PB02 – Members noted reference to Unconfirmed Wildlife Sites and wondered where maps of these can be accessed – is this publicly available and if so can we include a hyperlink to where they can be viewed as a footnote? There was concern that we may get all sorts of people claiming that a site for development is an unconfirmed wildlife site and not understanding that this is in itself a designation.	Supporting text added to advise “County Wildlife Sites and Unconfirmed County Wildlife Sites are determined by the Devon Wildlife Trust following rigorous assessment following defined criteria.”
Policy PB08 – Members welcomed reference to street trees in new developments but has this been discussed with DCC Highways and cost implications considered?	In redrafting text has been amended to read “Ensure that any new streets are, where possible and it is commercially viable and it would not compromise other compelling design or operational highway considerations, tree-lined and residential areas and development sites as a whole will contribute towards 30% tree cover target for urban areas within the District.” This overcomes, in parts concerns raised. But it has not been possible to go to Devon County Council yet on this issue.

Chapter 14 – Open space and sport and recreation

- 6.18 No substantive changes have been made to this chapter. Members did not seek change at committee.

Chapter 15 – Our outstanding historic environment

- 6.19 No substantive changes have been made to this chapter. Members did not seek change at committee.

Chapter 16 – Community facilities

- 6.20 No substantive changes have been made to this chapter. At committee members advised.

Members considered that:	Summary of change made by officers
Need to ensure that both policies seek to protect other facilities that are important to communities such as pubs and shops (whether community run or not).	It was seen as relevant to amend policy CF023 only, as this addresses the loss/protect issue, with text to read “Planning Permission will not be granted for developments that would result in the full or partial loss or closure of a community facility or that provides a community need, including those that are run or operate on a commercial, voluntary or charitable basis,”

Chapter 17 - Implementation and monitoring

6.21 No substantive changes have been made to this chapter.

7 Further information on potential development allocation sites

7.1 As an update on previous committee meetings we have undertaken further assessment of potential allocation sites in the local plan. In some cases there have been tweaks and refinements to allocation policy wording and small allocation boundary changes, these are set out in the draft local plan wording that is before members at Appendix 1. However, there are some more substantive matters that we draw to committee attention as set out below.

7.2 **Site Budl_01a – Land south of Bedlands Lane and west of Dark Lane** - Members will recall that at committee it was resolved to allocate part of this site as the location for 50 dwellings. The site boundary was not defined by Committee, although a location in the north-east of the available area was suggested as likely to be appropriate, and officers were asked to undertake additional work. We have been in discussion with the agents promoting the site and they have forwarded an indicative masterplan that defines a land area they suggest as appropriate for allocation. An extract is set out on the following page.



- 7.3 Officers consider that development of any part of the site other than the most northeasterly field (next to Dark Lane) would have an unacceptable impact on the East Devon National Landscape. The layout proposed includes housing on this field and the two fields to the west. In addition, the scheme requires a new road at least 100 metres long across a field on the higher area of land from Bedlands Lane to reach the proposed housing. The proposed scheme is very low density with around 50 houses on 5.92 hectares, a density of some 8.5 dwellings to the hectare. The agent for the scheme suggests that this will enable the provision of surface water mitigation, biodiversity net gain and links to neighbouring areas, including a footpath to Dark Lane opposite the school. However, officers are concerned about the quantity of land that the scheme consumes for the provision of just 50 homes. The layout demonstrates that, to get a road access to the most easterly field, where impacts on the national landscape would be minimised, there is a need for a long length of highway, and this would be relatively expensive to provide if not accompanied by housing as proposed. It is not considered that the development of the area suggested overcomes concerns about landscape impact and the overall site area suggested for development is too large, noting that the whole site is a green wedge. The proposal would constitute major development in a national landscape that would be difficult to justify, particularly given that our housing requirements can be met on other sites. In the absence of evidence of a credible alternative allocation boundary it is recommended that we do not pursue an allocation in this location.
- 7.4 **Site Honi_18 – Land at Kings Road, Honiton** - members will recall that at committee it was resolved to allocate a site at this location for 130 dwellings. The site performed well in assessment and other matters aside it would be a good allocation choice. However, vehicular access would need to be off the A35 Trunk Road and National Highways had previously opposed a highway scheme designed by the site promoters.
- 7.5 There have been further discussions with the site promoters and National Highways and more recently the police in respect of speed reduction proposals. In summary it is understood that an acceptable access to the site in accordance with National Highways standards can be achieved if the speed limit across the site frontage is reduced from 60mph to 30mph. The Police have indicated that they would be happy with this and so it is considered reasonable to include the site as an allocation in the Regulation 19 consultation plan. Should further evidence become available prior to committee or consultation starting, or through consultation, we will update on the feedback received and plan changes may need to be made at a future date.
- 7.6 **Site Otto_02** – This is a small site with an estimated potential capacity of around 8 dwellings. Members have resolved to allocate this site in the local plan for development. However, a large part of the site is at risk of flooding and we would need to commission from external consultants a Level 2 Strategic Flood Risk Assessment specifically for this site to understand the nature and extent of flood risk. This commission could cost up to £10,000 or more because it involves detailed survey and modelling work. The findings would need to be taken into account through an exercise called a sequential test, which requires that development should not be allocated if

there are 'reasonably available' sites in areas with a lower risk of flooding. Should members wish to continue to explicitly allocate this site for development then the cost implications for the council need to be recognised. The more pragmatic and cost-effective option for the Council would be to not allocate the site but to retain it in the settlement boundary. The site was included in the settlement boundary agreed for Otterton at Members meeting on the 22nd November. The 8 new homes involved in allocating or not allocating would have no material impact on final housing numbers assessment.

8 Policy Map boundary refinement follow Spring 2024 consultation

- 8.1 In the Spring of 2024, we undertook consultation on a number of additional matters that added detail to earlier engagement. Feedback received has been used to inform changes to plan text. The feedback, however, will also need to inform some changes to policy boundaries, i.e. what appears on the Policies Map.
- 8.2 We highlight below matters with a spatial relevance that were consulted on, but that have not yet come to committee. One specific point we note is that we consulted on boundaries for some policy matters referenced below where development constraining policies (specifically for Coastal Preservation Area and Green Wedges) swept over possible allocation for development sites. Where such sites are now shown as allocations for built development the restrictive designation will no longer apply.
- 8.3 **New housing and mixed use site allocations and new employment site allocations** – In the Spring 2024 we consulted on a number of possible additional development allocations. Committee has agreed, in recent weeks, to some of those for inclusion in the plan. These are now shown on the Policies Map.
- 8.4 **Clyst Valley Regional Park** - We consulted on a proposed extended boundary to the Clyst Valley Regional Park. In response to feedback received we have made a series of minor changes to the park boundary. These will be shown on the policies map though none are substantial in scale.
- 8.5 **Town Centre Retail Areas** – In consultation responses on the retail areas there were minor suggested changes to town centre boundaries. It is not recommended, however, that changes are made.
- 8.6 **Coastal Preservation Areas** – The CPAs are defined on the basis of visual openness and views to and from the sea. Following a detailed assessment of the undeveloped coast against these terms, some minor amendments have been made, as shown on the policies map. Boundaries have also been amended to exclude development allocations as, once developed, these will not conform to the characteristics of being undeveloped coast.
- 8.7 **Green wedges** - The green wedges have been amended from the previous plan to also include equivalent areas in 'made' Neighbourhood Policies and to reflect new site allocations between Exmouth & Lypstone, Seaton & Colyford, Sidford & Sidbury, Ottery St Mary & West Hill and land east of the M5 near Clyst St Mary & Topsham. The western edge of the green wedge between Cranbrook & Rockbeare has also been amended to reflect the Treasbeare Expansion Zone.

9 Foreword to the Local Plan

- 9.1 A foreword drafted by the chair has now been added into the draft plan and is proposed for inclusion in the Regulation 19 version for consultation.

10 The format for consultation

- 10.1 The Regulation 19 consultation will be hosted using Commonplace, the council's citizen engagement platform, which all respondents are encouraged to use when submitting comments. It is important to note that the Regulation 19 consultation is to ascertain whether or not the draft Local Plan has met all the necessary legal requirements, rather than having the more general 'have your say' approach the Regulation 18 consultation had. It is a formal, technical consultation, and this will be reflected in the standardised response form. However, all comments will be reviewed and reflected upon, summarised, and presented in a consultation feedback report.
- 10.2 We will publish the plan in pdf format and it will be on the council web pages.

11 Supporting evidence for the plan

- 11.1 In the Regulation 19 plan text we make reference to supporting evidence. Prior to consultation starting we plan to tidy up evidence referencing, create a comprehensive evidence library and add supplementary evidence references. This work will include completing various reports that are currently in production.
- 11.2 The evidence will be submitted alongside the plan for plan Examination, noting that the evidence base will be supplemented up to plan submission.

12 The new community consultation – spring 2025

- 12.1 Background planning work for the second new community is ongoing and as such it is proposed that we hold a second round of consultation specifically in respect of this proposal once a more complete policy basis can be established. Key work evidence streams that should draw to conclusions in early 2025 include:
- a) Master planning work.
 - b) Financial viability assessment and business case.
 - c) Strategic highway and transport assessment.
- 12.2 The master planning work and viability assessment is being undertaken under commission by consultants CBRE. The output from this work will set out a spatial master plan for the new community and the viability assessment work will advise on financial considerations in respect of delivery, including, for example, levels of affordable housing that may be achieved.
- 12.3 We have also commissioned a strategic highway and transport assessment with Exeter City Council and Teignbridge and Mid Devon District Council's with Devon County Council as a commissioning partner. This work is looking at impacts arising from the

collective development proposed across the four local plan making authorities, opportunities for mitigation based around green travel and transport options and potential interventions that may be appropriate in terms of new highway infrastructure and improvements.

- 12.4 This extra evidence is seen as needed to support the new community proposals through the local plan making process. With completion to be in the early part of 2025 it will allow for the second round of Regulation 19 consultation to start in the Spring of 2025 (suggested start being in April or May 2025). By this point in time we would also hope to have greater clarity of proposed delivery means, vehicles or mechanism to ensure the effective delivery of the new community.
- 12.5 In the Regulation 19 plan, for the upcoming consultation, we have included a policy for the new community. This provides for development for at least 10,000 new homes and will provide a basis for progressing a bid for designation under the Government's New Town programme. We would envisage that for the second round of Regulation 19 consultation refined and amended policy and supporting text wording, with possible Policy Map changes, will be presented for consultation.

13 Plan Submission and examination

- 13.1 After all Regulation 19 consultation is concluded the plan, the evidence behind it, representations received (at Regulation 19 consultation) and other supporting paperwork will go back to Committee and to Council seeking a resolution for it to be submitted for Examination. At Submission, in practice it is sent to the Planning Inspectorate and on receipt (at registration/logging) the plan Examination starts.
- 13.2 The Planning Inspectorate have a guide for Examination [Procedure Guide for Local Plan Examinations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-examinations). But in much simplified form the process will involve a planning inspector, or it is increasingly common for there to be two, assessing the plan in respect of compliance with Government policy, meeting legal tests and soundness.
- 13.3 As part of the Examination process the inspector/s will raise matters of concern and invite written responses from the Council and also persons and organisations making comment at the Regulation 19 stage of consultation will be able to respond and present future evidence and submissions in respect of matters they have raised.
- 13.4 The Examination process will almost invariably include hearing sessions at which the Inspector will hear oral evidence in support and challenge of the plan and its content. With the Council attending and those raising objection being presented with the opportunity to do so. After hearing sessions conclude, or potential part way through, the Inspector/s will identify proposed Main Modifications that they see are needed to make the plan sound. These modifications are consulted on and the Inspector/s will consider responses.
- 13.5 At the end of the Examination, all going well, the Council will receive a letter advising that the plan can be adopted. We would envisage that adoption, by Full Council, would be in late 2026/early 2027. At adoption the plan will carry full legal weight.

14 Implications for neighbourhood planning

- 14.1 Members should be aware that Neighbourhood Plans will continue to be examined for general conformity with the adopted Local Plan (to 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, but most fully at adoption.
- 14.2 Progress in a timely fashion, in line with the published timetable, and in agreeing content for inclusion in the Regulation 19 version of the local plan is therefore important in giving increased certainty to communities in considering the need for a neighbourhood plan and working on or toward the preparation of a new or reviewed neighbourhood plan.
- 14.3 Ultimately, any new neighbourhood plan will need to be in accordance with the Strategic Policies of the new local plan once in place, as this is a legal test against which neighbourhood plans are examined. Pre-existing neighbourhood plans will remain part of the statutory development plan but they will be superseded by the new Local Plan to the extent there is a conflict between the two, and depending on when they were 'made', will inevitably increasingly be considered out-dated which can affect the weight afforded to them in decision-making. Efforts have been made to minimise conflicts, but this has been difficult to avoid due to the district housing requirement that the new Local Plan must provide for and the new / updated evidence that has been gathered to inform the Plan.
- 14.4 There is no obligation to prepare or review a neighbourhood plan, but there are a range of potential reasons for and benefits of doing so, and it will be for each parish / town council to consider what is right for their community, with support from Officers.
- 14.5 Neighbourhood plans can choose to allocate sites for development if that is favoured by the plan makers. Any such sites allocations would be in addition to those that we show for allocations in the local plan. Such neighbourhood plan allocations can help establish a local vision for (additional) development that may respond to locally identified needs or opportunities. It should be noted that for Clyst St Mary village the local plan does not allocate sites for development, rather it 'delegates' this function to the advancing neighbourhood plan noting that the plan making group are actively promoting land for development and in so doing seeking to meet particular local community needs and aspirations.

Financial implications:

This report highlights one matter with financial implications for members to consider. The full details are contained within section 6.6 and refers to the commissioning of a Level 2 Strategic Flood Risk Assessment from external consultants that could cost up to £10,000.

Legal implications:

The legal implications are covered in this report (002533/11 December 2024/DH).