

Date of Meeting 25 November 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon Local Plan – Second stage of Regulation 19 consultation

Report summary:

This report seeks committee approval for the 2nd stage of consultation on the East Devon Local Plan, under plan making Regulation 19. Subject to committee approval the recommendation is that consultation will start on Friday 28 November 2025 (or as soon as possible after this date) and will conclude at midday on Monday 26 January 2026.

Appended to this report, in tracked changes format and showing amendments made to the plan consulted on at the 1st stage of consultation, is the redrafted local plan text. We will invite comments on this redrafted plan, which will be accompanied by a new Policies Map. We will encourage those commenting to specifically make comment on changes made to the plan, i.e. new text added, text deleted and changes to the Policies Map

Once comments have been collated a summary feedback report will be produced which, along with the corresponding report for the 1st round of Regulation 19 consultation, will be submitted with the plan, supporting evidence and paperwork for plan examination. Submission is likely to be in Spring 2026, at which point the examination starts. As part of the examination we would expect oral hearing sessions to be held later in 2026 or in 2027. Plan adoption, we would expect, will be in 2027.

A series of new/additional technical reports are referenced and commented on in this committee report and these reports have been used to help refine local plan wording. Also, the overall local plan evidence base has been updated where new or updated evidence reports have been completed.

This report in addition sets out details of the Infrastructure Delivery Plan and Statements of Common Ground and also details on how we plan to run the consultation on the plan and more details on the plan examination and subsequent adoption. Supporting the plan is a new Statement of Community Involvement that updates the existing statement and which committee are recommended to adopt.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- 1. That Strategic Planning Committee approve the revised local plan text and Policies Map for consultation and agree to the 2nd round of Regulation 19 consultation starting on, or as soon as possible after, the 28 November 2025 and on this basis for consultation to conclude on 26 January 2026.**

2. That Strategic Planning Committee grant delegated authority to the Assistant Director – Planning Strategy and Development in consultation with the Portfolio Holder for Place, Infrastructure and Strategic Planning, to make minor amendments to the local plan text and Policies Map to finalise formatting and to correct any factual errors and address inconsequential anomalies in order to finalise the plan ahead of the start of consultation.
3. That Strategic Planning Committee endorse the draft Infrastructure Delivery Plan and to approve it to form part of the overall material that supports and is available at the time the local plan consultation commences.
4. That committee note the ongoing work on production of Statements of Common Ground and grant delegated authority to the Assistant Director – Planning Strategy and Development Management, in consultation with the Portfolio Holder for Place, Infrastructure and Strategic Planning, to finalise these statements and send them out to signatory partners seeking their comments/feedback and agreement.
5. That Strategic Planning Committee agree to adopt the updated Statement of Community Involvement and agree to its use forthwith.
6. That a further report on the Water Cycle Study be brought to Strategic Planning Committee following consultation to enable discussion of its implications with the benefit of responses from consultees and further engagement with South West Water.

Reason for recommendation:

To ensure the local plan can proceed to the next stage of consultation and thereafter to examination.

Officer: Ed Freeman – Assistant Director Planning Strategy and Development Management

Portfolio(s) (check which apply):

- ☒ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Communications and Democracy
- ☒ Economy
- ☒ Finance and Assets
- ☒ Strategic Planning
- ☒ Sustainable Homes and Communities
- ☒ Culture, Leisure, Sport and Tourism

Equalities impact

Low

Climate change Medium Impact

Risk: Should Committee determine to not proceed with the next stage of consultation in a timely manner the plan may fail to meet process and timing relevant requirements and the plan may not be able to progress onto examination and thereafter adoption.

Links to background information Links are contained in the body of the report.

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ A supported and engaged community
 - ☒ Carbon neutrality and ecological recovery
 - ☒ Resilient economy that supports local business
 - ☒ Financially secure and improving quality of services
-

1 Summary of stages undertaken to get to this point

- 1.1 Over recent years Strategic Planning Committee has received a considerable number of local plan related reports that have seen the plan evolve and develop. These started from before the first stage of public consultation, an Issues and options report consulted on in early 2021, through to what we plan to be the final stage, prior to plan submission for examination, of public consultation.
- 1.2 Local Plan making regulations [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) set out a series of steps and matters that need to be complied with when producing a local plan. Earlier this year we undertook the 1st stage of consultation under Regulation 19 of the regulations. At this 2nd stage of Regulation 19 consultation the Council should be satisfied that it has a fit and sound plan that can be submitted for examination.

2 The role of the 2nd stage of Regulation 19 consultation and format of the consultation plan

- 2.1 Strategic Planning Committee on 2 September 2025 received a report [Agenda for Strategic Planning Committee on Tuesday, 2nd September, 2025, 10.00 am - East Devon](#) (item 15) setting out a series of what are more substantive changes to the local plan and also details about the 2nd stage of consultation.
- 2.2 On the 30 September 2025 committee received a local plan related report [Agenda for Strategic Planning Committee on Tuesday, 30th September, 2025, 10.00 am - East Devon](#) specifically about the new community of Marcombe and related matters, including transport and access. There was also a report about Coastal Change Management Areas.
- 2.3 This report carries material/changes agreed at these meetings forward into a revised draft of the plan and the local plan also includes additional, less significant changes, that:
 - a) Address a limited number of identified gaps in policy coverage from the plan at the 1st round of Regulation 19 consultation.

- b) Refine and adjust some policies in the light of new evidence coming through or matters raised in consultation feedback that are seen to justify plan amendments.
- c) For housing and employment data and referencing a change of base date data on past completions and commitments to development (on account of planning permissions granted) to move from a base date position in the 1st Regulation 19 plan of 1 April 2024 to a new base position of 1 April 2025.
- d) Correct factual or grammatical errors and update now dated references or information. Plus formatting improvements have been made.

- 2.4 In the new draft of the local plan there are therefore a number of minor adjustments throughout text though there are no substantive changes to the intent or broad coverage of policy. The most significant changes are made in respect of Policy in the plan for the new community (2nd after Cranbrook) as now named and referenced in the plan as Marlcombe. The key intent of running the 2nd stage of consultation was specifically to address new community/Marlcombe plan policy.
- 2.5 The changes made in the plan text are shown by way of tracked changes – with new text shown in coloured font and underlined and deleted text shown with a strike through (~~strike through~~). In the public consultation draft of the plan we will seek to ensure that changes are made in visually clear and prominent manner. The new draft of the plan text is appended to this committee report and it is this draft (subject to any final tidying up, as sought in committee recommendation) that we will consult on.
- 2.6 To explain the reasoning behind plan changes (i.e. the new text added and deletions made) we will produce a schedule of changes, that will accompany the plan at consultation that cross references to the changes identified in the local plan text and provides reasoning and justification for the changes made. For this committee report the justification for changes made appear in comments in the document itself – we will seek to rationalise these for consultation so that in the consultation material comments on changes are grouped together, by policy or blocks of text, and not set out on a line by line or paragraph by paragraph basis. It should be noted that for very minor changes such as correcting spelling or grammatical errors and standardising use of acronyms we do not reference changes (though they can be seen by the reader). Likewise we do not reference formatting changes where these have been added to make the plan more legible. Changes referenced are therefore in respect of matters of some or greater substance.
- 2.7 The schedule justifying changes will sit alongside the plan and be available at consultation. There are no significant changes to the plan from the 1st Regulation 19 draft to the 2nd Regulation 19 draft - for further information see detailed commentary in the report to Strategic Planning Committee on 2 September 2025 [2. Local plan assessment of potential plan changes V2.pdf](#)

3 Local Plan Policies Map

- 3.1 The local plan text, and specifically the policies within it, cross-references to the Policies Map of the plan. The Policies Map sets out, in spatial terms, the locations where policies do and do not apply. Noting that many policies are applicable across the whole of the district, or in some cases large parts of it (for example within National Landscape designated areas) and others are very much more localised, for example specific land areas allocated for development.
- 3.2 We will be publishing a brand-new Policies Map, rather than seeking to have a map that shows the 1st Regulation 19 Policies Map with changes identified on top of these for the 2nd Regulation 19 consultation. For text documents showing changes from one version to the next works well with track-changes. However, for mapping it is much more complicated and confusing to display previous and new versions of boundaries and areas in a visually clear and obvious manner, that is unless changes are very minimal. Hence producing a brand-new Policies Map with only definitive current policy lines only. However, we will also ensure that the Policies Map from the first round of Regulation 19 consultation is still available, albeit we will add a watermark or other 'health-warning' to advise that it is superseded by the new map.
- 3.3 The new Policies Map can be viewed at: [Local Plan 2020 to 2042 Policies Map \(Second Reg 19 Consultation\)](#). Changes made to the policy map between the first and second Regulation 19 versions of the plan relate to:
- The omission of allocations at Axminster (Axmi_01a), Honiton (Honi_12) and in the West End (Brcl_26);
 - Changes to the settlement boundaries to reflect allocation changes, planning permissions, SPC resolutions and the Bishops Clyst neighbourhood plan as set out in the revised settlement boundary topic [paper](#);
 - Deletion of areas under Policy CC03: Promoting low carbon and renewable energy that were shown as appropriate for wind farms – such areas are no longer spatially defined on the map;
 - Changes to the Coastal Change Management Areas described in the revised CCMA topic [paper](#);
 - Designated Neighbourhood Areas layer brought up to date to include Plymtree;
 - Parishes, Mineral Safeguarding Areas, Lower Otter Restoration Project and Dorset & East Devon (Jurassic) World Heritage Site layers added;
 - Layers no longer categorised as 'Local Plan Policies' or 'For Information Only'. The layers remain we just remove these classifications.

4 The period for plan consultation

- 4.1 Assuming committee at this meeting (on the 25 November 2025) endorse the plan for consultation, and on assumption it is done so without the need for substantive changes that will be time consuming to complete, the intention is that consultation will start on Friday 28 November 2025. The regulations require (an at least) six-week

period of consultation. However, timing is such that we will run over the Christmas and new year period so it proposed that we run consultation for eight weeks. On this basis consultation would be planned to conclude, suggested at 12:00 noon, on Monday the 26 January 2026. If we can start consultation sooner than the 25 November then we would seek to do so, but timing will inevitably be tight.

- 4.2 If Committee have concerns over consulting over the Christmas period we could consider starting the consultation in the new year, for example in early January 2026 and running for six weeks closing in mid February 2026. Reflecting on what may (or may not) be seen as a reputational matter (despite the fact it gives people longer to respond) Committee may wish to consider if a date in the new year is a better point at which to start consultation. However, it is pointed out that this would delay plan making and plan submission for examination and prejudice the potential to meet deadlines.

5 The form consultation will take and the consultation portal

- 5.1 When the local plan goes out for consultation it will be open for anyone to say whatever they want on whatever part of it they wish to comment on. Though we will encourage people to comment on changes only, stressing that all original comments made at the 1st Regulation 19 consultation and the associated feedback report we produced will be available for the inspector/s at plan examination. We cannot, however, insist that people make comments on changes only (and disregard them if they do not), though in designing feedback forms we will stress the above and provide a clear 'nudge' along the lines of encouraging comments on changes only. In so doing we do recognise, however, that changes in one part of the plan may lead to 'knock-on' or associated impacts elsewhere, even if the elsewhere bits are not explicitly changed, so it is important that people have scope to make wider comment. These observations are made in the context of advising that there will be no merit in hearing exactly the same matters raised at the 2nd stage of consultation as were raised in the 1st stage of consultation, in so far as it will not help the inspector/s at examination.
- 5.2 As with the 1st stage of consultation we will be putting the plan out on the Commonplace consultation portal. The portal will include a series of questions, based on the Planning Inspectorate recommended form for consultation, that we will ask people to respond to. The Consultation Portal will display the new plan text (in similar way as we did at the 1st Regulation 19 consultation) and we will also have links to the Policies Map.

6 Communications on the consultation

- 6.1 The Statement of Community Involvement (SCI) sets out the policy for consulting the community, and anyone else interested in planning, on planning policy documents and planning applications in East Devon. The SCI sets out the publicity and consultation procedures that we will use, explains the statutory requirements that we must meet at each stage of plan making and what other methods may be undertaken in addition to

these minimum requirements. We must comply with the adopted SCI in preparing relevant planning policy documents and in determining planning applications.

- 6.2 An updated SCI has recently been produced, appended to this report, replacing the previous January 2020 version. This revision to the SCI incorporate a small number of factual updates arising from national changes to planning policies and procedures and revised contact details to bring the SCI up to date. It is a very light touch review but does include a longer introductory text which explains the different roles of Members and Officers as this was felt to be useful in previous local plan feedback. Members are asked to adopt the updated SCI as proposed.
- 6.3 With regard to communications on the proposed 2nd Reg 19 consultation a draft communications plan is appended to this report for members information setting out how engagement will be undertaken.
- 6.4 We plan to run an online workshop for Town and Parish councils through which we will set out what we are consulting on and why and through which we will encourage people to respond in the most productive way. This is in respect of changes made to the plan as opposed to repeating submissions on matters that they and others have already commented on.
- 6.5 We would not plan or expect to run any in person events or exhibitions. They are very time consuming to organise and have significant staffing implications and the nature of the consultation, specifically majoring on plan changes, does not readily lend itself to such events.

7 Supporting evidence to the local plan

- 7.1 Committee will be aware that the local plan is supported and informed by a substantial body of supporting evidence. Studies have been produced and work has been ongoing since the Issues and Options consultation in 2021 and indeed some evidence precedes this date.
- 7.2 The evidence we have gathered has informed the plan and its changes and it has also been complemented by additional work arising from feedback we have received through consultation. We have an on-line evidence library – [Evidence and Examination Library - East Devon](#), that the local plan cross references to. All evidence documents (existing and new ones) and work that supports the plan is documented in this library.
- 7.3 In some cases, as noted in plan changes, we have updated documents that supported the 1st Regulation 19 consultation. We have also added documents that were not used or cited in the 1st consultation draft of the plan.
- 7.4 There are also cases where there has been ongoing refinement and assessment work (also in the plan library) that sits alongside and informs local plan content and production as it proceeds through various iterations and drafts. Specific assessment work includes:

- a) **Sustainability appraisal** – this is required under plan making regulations and is an exercise in assessing emerging and evolving (and final) plan policy against a series of sustainability objectives. It helps with informing and refining plan policy from one iteration to the next. An updated sustainability appraisal report will accompany the plan at consultation and we will also invite comment on it.
- b) **Assessment under the Habitat Regulations** – we have ongoing overarching local plan work undertaken by Footprint Ecology that has tested and helped refine plan drafting. We also have a specific technical report, that has informed this overarching report, on air quality matters that is referenced further on in this committee report.
- c) **Equalities Impact Assessment** – this report considers equalities considerations in respect of local plan preparation process and plan content. No negative impacts are identified towards any groups with particular protected characteristics. There are positive benefits to particular groups - for example from policies which provide sufficient pitches to meet the needs of Gypsies and Travellers, require adaptable and/or accessible homes, permit self-build plots (designed to meet occupants requirements), older persons housing, affordable housing and the requirement for employment and skills statements (which will be of particular benefit to young people) - as well as policies requiring particular infrastructure and facilities to serve the whole community.

7.5 Earlier drafts of the above work have been updated, and this work has informed changes in the new Regulation 19 plan.

7.6 New evidence documents have been completed in the run up to and made ready for this next 2nd stage of Regulation 19 consultation. These documents, along with other relevant evidence documents, will be included in the local plan evidence library [Evidence and Examination Library - East Devon](#) and will be referenced in the local plan text. We would specifically highlight the following work and reports as produced for the council by consultants or produced internally by officers. It is stressed that we briefly summarise just some aspects of what these reports address:

- a. **Technical reports in respect of Marlcombe** – committee received a series of reports on the 30 September 2025 see item 25 [Agenda for Strategic Planning Committee on Tuesday, 30th September, 2025, 10.00 am - East Devon](#). Relevant reports, that sit behind and justify plan policy, will be cited as evidence in the local plan.
- b. **Highway and transport assessment** – complementary to and adding to the Marlcombe specific work the council, in conjunction with neighbouring authorities, has commissioned a series of reports that assess impacts on the strategic road network (specifically the M5 motorway and its junctions) and the local road network that arise from local plan development proposal. This work has led to a series on engineering road improvement proposals and green travel schemes and initiatives to be implemented as local plan development progresses.

- c. **Pebblebed Heaths air quality reporting** – as part of assessment work under the Habitat Regulations a specific concern was identified in respect of the adverse impacts that vehicle exhaust fumes have on the Pebblebed Heaths and the increased loading that will arise from additional development. This work assesses the scale and nature of the concerns and potential mitigation - see further commentary below the bullet point listing.
- d. **Water cycle study** – this work examines the capacity and operation of the potable and foul water infrastructure in East Devon and capacity issues relevant to accommodating new development - see further commentary below the bullet point listing.
- e. **National Landscape paper** – This technical report informs many of the policy wording refinements to allocations in the local plan. It was produced noting that there were challenges from the first round of local plan consultation to some sites allocated in the plan that were in or adjacent to a National Landscape.
- f. **The revised flood risk topic paper** – This work assesses flood risk considerations at sites allocated in the local plan and includes sequential and exception testing where necessary and was first published in February 2025, after the start of consultation for the first Regulation 19 plan. It has been updated to include further Strategic Flood Risk Assessment work undertaken over the summer that has considered the implications of updated National Flood Risk Assessment mapping and provided additional evidence for site allocations.
- g. **The self-build topic paper** – Self and custom building housing is promoted by Government and this is a new paper that sets out evidence to support Policy HN05: Self-build and custom build housing.
- h. **Archaeological assessments** – in support of local plan allocations and to address concerns raised by Historic England and the archaeological team at Devon County Council archaeological assessments have been undertaken at Axminster, Clyst St George and Seaton - see further commentary below the bullet point listing.

7.7 Pebblebed Heaths and air quality – a concern highlighted in initial Habitat Regulations Assessment work was in respect of increased levels of vehicles travelling across the Pebblebed Heaths, on account of additional development, and the adverse impact of increased exhaust emissions. The major concern (in lay person terms) is that exhaust fumes from internal combustion engines (fuelled by petrol or diesel) lead to increased nutrient levels in soils on the heaths and these lead to too much of the wrong type of vegetation growing and this outcompetes the growth of the right type of vegetation. This has been identified as leading to negative impacts that run counter to conservation objectives for this site, noting that the site falls in the highest tier of nature conservation designations in the United Kingdom. The Habitat Regulations set out legal consideration where adverse impacts that might impact on site integrity arise.

- 7.8 To more fully understand the nature of impacts and potential approaches to mitigation the Council employed consultants Ricardo to undertake a technical assessment of issues and to outline potential approaches to mitigation. Their work is appended to this report and also available in the local plan evidence library. The problems that exist have a degree of being shorter-term as opposed to being longer term given that there will be a marked shift to electric powered vehicles. As a result concerns can be expected to greatly diminish over time. In local plan policy redrafting a specific emphasis is placed on promoting electric vehicle use, this is especially so in respect of encouraging residents of new housing to have electric powered cars and vans (as opposed to internal combustion engine ones). Revised policy, for example seek high quality solar power generation and plug-in technology in new developments. Policy redrafting also includes greater referencing to measures to be taken in respect of ensuring assessment processes (under the Habitat Regulations) are appropriately undertaken to allow for development to commence. Changes also highlight the importance of monitoring to review changes and occurring alongside this, and running a parallel, is a break clause that would allow for pausing of development and review of mitigation in the light of conclusions drawn.
- 7.9 The intent is that ahead of and to support plan submission a detailed mitigation strategy will be finalised and this will set out more detail on promotion of and transition to electric vehicles and also other mitigation measures to address adverse impacts that would otherwise arise.
- 7.10 **Water Cycle Study** – the consultants, Haskoning, have delivered the final water cycle study. This is appended to this report but is also available in the local plan evidence library.
- 7.11 The Water cycle study advises that it “...*outlines the essential considerations for managing water resources, wastewater, and environmental conservation considering projected development across the district. Its evidence-based observations and recommendations aim to steer East Devon towards a future where growth and sustainability coexist equally, ensuring that water management practices enhance rather than compromise the natural and built environment.*”
- 7.12 The Water Cycle Study advises, by way of key findings:
- **“Water resources and water management:** *Future developments are likely to stress the water management units of Otterton, Fairmile, and Fenny Bridges. Specifically, surface water availability in these management units is likely to be impacted and result in a future water deficit in East Devon. SWW have developed a Water Resources Management Plan (WRMP), that sets out how the company plans to overcome the predicted deficit, pointing towards a need for strategic planning in water supply and quality management.*
 - **Wastewater management:** *Three critical areas are identified as being at high risk from nutrient loading due to the increases in wastewater production from proposed housing developments: the River Exe Estuary, the River Axe, and the Otter Estuary. These areas are vulnerable due to direct effluent discharges or cumulative effects from multiple sources, exacerbating existing problems like*

phosphate pollution. Infrastructure enhancements and continued rigorous planning are recommended to handle the increased wastewater and sewage loads expected from new developments.

- ***Biodiversity and conservation:*** *The WCS emphasises mitigating potential negative impacts on biodiversity, especially in designated conservation sites like the River Exe Estuary, the River Axe, and the Otter Estuary. The WCS recommends that any future Habitat Regulations Assessments (HRAs) specifically consider the vulnerability of the Exe Estuary and River Axe to high nutrient levels input from various sources, including sewage treatment works (STW) and agriculture. The WCS also advises on monitoring and further testing to assess potential increases in nutrient discharge and contaminants from wastewater treatment works (WwTWs) and surface runoff.*
- ***Policy recommendations:*** *Among the key suggestions are the continued adoption of stringent water efficiency standards, closely monitoring water resource applications, and barring developments that could harm water quality or green infrastructure. The WCS advocates a comprehensive approach, integrating water-efficient practices within the local plan to support sustainable growth in East Devon.”*

- 7.13 The policy recommendations referred to in the report have been incorporated into the draft Local Plan and it is now proposed to consult on the study and the plan. It is not envisaged that the plan will need to change following this since it has been produced following the evidence which is robust. However it is acknowledged that the study raises wider questions around the water environment, the role of South West Water and work with bodies such as the Environment Agency and Natural England on addressing water quality and bio-diversity. It is proposed that a further report on the water cycle study be brought to the committee following consultation to enable Members to discuss these wider implications of the study and how these are taken forward. In the meantime it is also intended to work with South West Water to develop a clear narrative for the upgrading of water infrastructure in line with housing delivery trajectories and it is hoped that a future report can also provide an update on this work.
- 7.14 Archaeological assessments – the further archaeological assessments undertaken, with commentary on findings, are set out below.
- 7.15 **Axminster** - The mixed-use allocation south of Axminster (Axmi_02, 08 and 09) is adjacent to a Scheduled Ancient Monument (SAM). An archaeological investigation is being undertaken for the land closest to the SAM in Axmi_02 and Axmi_08.
- 7.16 The archaeological work undertaken to date has demonstrated that there is a concentration of archaeological deposits, associated with the Romano-British settlement, along the northern edge of allocation site Axmi_02, and the concentration of archaeological remains seems to diminish to the south. The archaeological team at Devon County Council advise that this northern part of this allocation area is not developed and is preserved in situ, perhaps used as public open space containing

appropriate heritage information to enhance and better reveal the significance of the site as a significant heritage asset. The extent of any such protected area will need to be based upon a consideration of the results of the field evaluation, which is not yet complete. The county council advise that an interim summary report shows that, in principle, access can be taken from Musbury Road into the site and that any impacts on heritage assets with archaeological interest can be mitigated by a programme of archaeological work to investigate and record the heritage assets prior to any development/construction work taking place in this area.

- 7.17 Revisions have been made to the policy wording to reflect the significance of the archaeological interest on the site. No archaeological investigations have been undertaken for Axmi_09, but a geophysical survey is scheduled to commence in the middle of November. The archaeological team at Devon County Council maintain its objection to this part of the allocation until the results of this survey and any intrusive field evaluation that may be required.
- 7.18 **Clyst St George** - The employment allocation (Clge_25a) at Darts Farm was highlighted by DCC as potentially affecting a prehistoric/Romano British enclosure. Further investigation has confirmed that any impact upon heritage assets with archaeological interest can be mitigated by a programme of archaeological work secured either (i) by the submission of a written scheme of investigation submitted in support of any future planning application or (ii) by the application of the two usual archaeological conditions to any consent that may be granted and so it is proposed that the site continue to be allocated subject to further investigatory work at planning application stage.
- 7.19 **Seaton** - The housing allocation Seat_13a is adjacent to the site of a Roman villa, which is a Scheduled Ancient Monument (SAM). A geophysical survey has been commissioned and this and associated assessment has been forwarded to Historic England for comment. Whilst we do await formal feedback the working assumption is that the site is likely to be fit for allocation in the local plan, though final policy wording amendment (under delegated authority) may in due course be needed and additional assessment work may be needed at a possible planning application stage.

8 Infrastructure Delivery Plan

- 8.1 The successful implementation of the local plan will require the delivery of infrastructure alongside and necessary to support new development coming forward. We have an Infrastructure Delivery Plan that has evolved through various drafts and iterations that establishes infrastructure that is identified as needed. This infrastructure plan can evolve as plan making progresses and can be adjusted after the plan is adopted. At plan examination the inspector/s will, however, want to understand expected infrastructure needs generated by the plan and proposals with it and means to secure their implementation.
- 8.2 Appended to this committee report is the current draft infrastructure plan. This plan (with scope for updating as noted) will form part of the package of material that sits alongside the local plan at its 2nd stage of Regulation 19 consultation. It should be

noted that there is also a separate Infrastructure Delivery Plan for the new community of Marlcombe. In due course we will look to potentially combine these two plans/documents into one.

9 Statements of Common Ground

- 9.1 As part of the plan making work, we have a 'duty to co-operate' with a number of agencies and bodies, specifically including neighbouring local authorities and statutory Government agencies. This duty requires that we work with them to understand and address matters that have a cross-boundary impact or relevance on matters that maybe of strategic importance.
- 9.2 The first Regulation 19 plan was supported by a duty to co-operate [statement](#) that summarised the key issues, described how they had been addressed and identified outstanding issues, together with how they could be resolved. A [report](#) updating the issues and identifying key actions was considered by this Committee on 2nd September. Through plan preparation the topics of housing, climate change, employment, transport, infrastructure, water quality, biodiversity, habitat mitigation, landscape and seascape and site allocations have been identified as the relevant strategic cross boundary issues. These issues are interlinked to varying degrees. To support the second Regulation 19 consultation, we will update the duty to co-operate compliance statement and also produce 'Statements of Common Ground' (SoCG) as evidence of effective joint working on cross-boundary strategic matters in accordance with the NPPF. National planning [guidance](#) states that *"Authorities are expected, wherever possible, to detail cooperation in a single statement. They may feel it is appropriate to produce more than one statement if they feel this would be the clearest and most expedient way to evidence joint working. This will depend on the matters being addressed and authorities and bodies cooperating with each other. For example, multiple statements may be appropriate where authorities work in different groupings to address certain strategic matters"*.
- 9.3 Approaches to the production of SoCG vary. For example, the Yorkshire Dales National Park recently submitted a plan supported by one [SoCG](#) that included a table showing which organisations were involved with which strategic matters. In contrast, Teignbridge submitted 19 [SoCG](#) and Exeter have submitted [11](#), all based on different bodies rather than topics. We have found that the clearest way to deal with strategic cross boundary issues in plan preparation has been to focus on topic areas. These can involve multiple organisations or just one. Based on the work undertaken so far, it makes sense to continue the topic based approach, but there are clearly topics that benefit from joint consideration, such as housing and employment. To keep the number of SoCG to a minimum, in addition to the overarching duty to co-operate statement, we are drafting 3 statements of common ground to cover:
- site allocations, housing and employment;
 - transportation; and
 - environment and infrastructure (to deal with all other topics).

These will be circulated to the relevant partner bodies seeking their consideration and signature in parallel with the plan consultation.

- 9.4 The duty to cooperate does not amount to a duty to agree on matters, and it is common for there not to be agreement. The statements of common ground will however highlight where there is agreement and therefore a common position and set out and establish where there are differences of opinion. Inspector's will use the statements to assist with plan examination.
- 9.5 At the time of plan submission we will look to potential revisions and new versions of these statements.

10 Relationship with neighbourhood planning

- 10.1 This final Regulation 19 stage of consultation and forthcoming submission is significant for neighbourhood planning in that it marks increased clarity and certainty about plan content. Made (adopted) neighbourhood plans, of which there are now 28 in the district, will remain part of the statutory development plan when the new Local Plan comes into force. As stated in the draft plan, it is not intended that it will supersede existing neighbourhood plans, rather that the two will be read together in the consideration and determination of applications. However, where there is a conflict between the two; where policies in the Local Plan are 'strategic', and/or; based on more recent evidence, they will inevitably take precedence / carry greater weight than neighbourhood plan policy.
- 10.2 Neighbourhood plans submitted before the new Local Plan is adopted will continue to be examined for their general conformity with the strategic policies of the adopted Local Plan, but the relationship with the emerging plan is an increasingly important consideration. Once the new Local Plan is adopted, they will need to be prepared in general conformity with its strategic policies. There are however numerous opportunities referred to in the draft new Local Plan where neighbourhood plans could add to, extend and tailor policy to address specific local circumstances and needs and have a meaningful role, including by:
- influencing development which may be permitted both within and beyond settlement boundaries;
 - planning for additional housing and other types of development to meet identified local needs;
 - influencing design of development;
 - identifying key local views for protection/enhancement;
 - designating formal 'Local Green Spaces';
 - identifying non-designated Heritage Assets.
- 10.3 To retain, maximise and enhance the role of neighbourhood planning going forward, it is now an appropriate time to encourage and support communities in the production of new and reviewed and updated neighbourhood plans. A paper will be brought on this to the next meeting of this committee for discussion on how this can best be achieved, in the context of the recent cancellation of Government grant support for communities and our own budget constraints.

11 Next steps and what happens at the close of consultation

- 11.1 After the planned local plan consultation concludes, officers will collate responses received, including loading those not received through the consultation portal onto the portal. Depending on the number of responses received this process could take a number of weeks. Using the representations on the portal we will then download these, and using Artificial Intelligence software, generate a feedback report summarising comments received, this report will be subject to officer review. This procedure and resulting report production will replicate the work undertaken for the 1st round of Regulation 19 consultation. We will also publish the text of representations received on our Planning Policy webpages.
- 11.2 We would plan to bring the feedback report to Strategic Planning Committee seeking a recommendation to Council that the plan be submitted for examination. We work on the basis that there will be no further changes to the local plan and that the plan will be submitted for examination as drafted for the upcoming consultation.
- 11.3 The plan submission process involves sending the Planning inspectorate the plan, details of representations received (from both the 1st and 2nd stages of Regulation 19 consultation), the supporting evidence and other supporting paperwork. Submission is likely to be in Spring 2026.
- 11.4 On receipt of the documents, and once registered by the Inspectorate, the examination of the plan formally starts. The Planning Inspectorate will appoint one or two inspectors to examine the plan. It is, nowadays, increasingly common for two inspectors to be appointed (and whilst very unlikely for our plan it could be more than two).
- 11.5 To assist the inspector/s at examination with administrative and organisational work the Council are required to have a position or post of Programme Officer. This officer can be an employee of the council or an external appointee, a critical issue is, however, that they are and have been separate from and have not been involved in plan preparation. The workload of the Programme Officer will fluctuate over the duration of the examination and so it is quite common to employ an outside specialist that offers their service to multiple councils to undertake the task. However, there may be options for the Council to directly employ someone to undertake the job (ideally if they were happy to work on a very flexible contract basis) or there could be secondment opportunities if an existing council employee has a workload that fluctuates significantly (or could be allowed to fluctuate) and they were able to commit blocks of time wholly or largely to local plan work, and then have blocks of time when they do little local plan work.
- 11.6 The examination process will involve a number of steps and stages and even for very simple or tightly defined plans, for example covering few issues, they can be expected to last for several months/up to a year. For the East Devon Local Plan we should work on the basis that it will take over a year to complete the examination. This would take plan adoption into 2027, or beyond.

- 11.7 As part of the examination process the inspector/s will run a series of oral hearing sessions on matters they regard as particularly significant and on which they wish to hear more information and around which they will pose questions. Theoretically an examination could be concluded without any hearing sessions. But in reality we should assume they will inevitably happen. It can also be the case that inspectors will run an initial series of hearing sessions (perhaps if they identify a key issue or issues of concern) and then have a break (that may be lengthy – perhaps if initial hearings result in the need for further assessment work to be carried out) before subsequent sessions are held. There is a degree of discretion given to individual inspectors over how they organise and run examinations.
- 11.8 Before considering the ‘soundness’ of the plan, the Inspector/s will need to be satisfied that we have met the duty to co-operate by engaging with neighbouring authorities and other bodies constructively, actively and on an ongoing basis, in order to maximise the effectiveness of the plan preparation process. If the Inspector/s are not satisfied that the duty has been met, as happened recently in [Oxfordshire](#), the plan will not proceed to further examination. Through the examination process the inspector/s will assess whether the plan has been prepared in accordance with legal and procedural requirements and whether it is sound. The inspectors are not, therefore, judging the plan against what they think a good or indeed excellent plan for East Devon should look like or say or what they might have written.
- 11.9 The National Planning Policy Framework [National Planning Policy Framework](#) at paragraph 36 advises that:
- “..... Plans are ‘sound’ if they are:*
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”*
- 11.10 At any point through an examination the inspector/s can raise concerns about the plan and its soundness or whether it meets legal tests (ensuring that legal tests have been met will be a starting point concern). At the extreme concerns raised by an inspector can result in a plan not being able to proceed through the examination. This happens for some plans/planning authorities, but more commonly matters raised will not lead to this result but will necessitate the council needing to do more work on the plan.

11.11 It is technically possible for a local plan to be finally adopted exactly as submitted for examination. But it is almost invariably the case that the Inspector will identify what are termed 'Main Modifications' to be made to the plan before it can be adopted. These modifications will need to be consulted on. After such consultation, and consideration of responses by the inspector/s, and then the council undertaking any other tasks identified by the inspector/s, we would hope to receive a letter advising that the Council can, subject to compliance with agreed modifications and other stipulations, adopt the plan.

11.12 Plan adoption happens through endorsement at Full Council.

Financial implications:

There are no direct financial implications identified within the report. (AB/11/11/2025)

Legal implications:

The legal implications are covered in this report (002533/14 November 2025/DH)