

Report to: Cabinet



Date of Meeting 28 October 2020

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Response to the Farringdon Neighbourhood Plan Submission

Report summary:

The purpose of the report is to formally agree the response by this Council to the submission consultation for the Farringdon Neighbourhood Plan. Farringdon Parish Council has formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) require the District Council to formally consult on the Plan for a minimum of 6 weeks. As part of this consultation the District Council has the opportunity to comment on the Neighbourhood Plan. Officer observations are set out at the end of this report and members are asked to endorse these as the formal representation on the plan. The comments of this Council and all other comments received during the consultation will then be submitted to an independent Examiner who will inspect the Plan against a series of conditions that must be met in order for it to proceed to a referendum.

Recommendation:

1. That Members note the formal submission of the Farringdon Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document.
2. That this Council make the proposed representation set out at paragraph 1.19 in this report in response to the consultation.

Reason for recommendation:

To ensure that the view of the District Council is recorded and informs the consideration of the Neighbourhood Plan by the independent Examiner.

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Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment

- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

As mentioned in Section 11.1 of the report, Central government Grant funding is available. This income covers not only Examination fees but also all other costs associated with Neighbourhood planning such as employment costs and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years.

Legal implications:

The legal implications are fully set out within the report. It is important that EDDC comment on the content of the submitted Farringdon Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure it sits within the strategic requirements of the East Devon District Council's Local Plan.

Equalities impact Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. All electors are invited to vote in the referendum.

Climate change Low Impact

Risk: Low Risk; There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the Basic Conditions to which all plans must comply.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2019\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#).

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

Background to the Farringdon Neighbourhood Plan

- 1.1 Farringdon Parish Council commenced work on their Neighbourhood Plan following the Neighbourhood Area being designated on 08 December 2015.
- 1.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and producing a plan which reflects the aspirations of the community with regards to the use of land until 2031.
- 1.3 The Farringdon Neighbourhood Plan contains 12 policies designed to both protect and enhance the special qualities of the Parish of Farringdon. The policies relate to: the natural environment; the built environment (including heritage and housing); the local economy;

community facilities & services, and; transport (walking & cycling). The Plan aims to secure a sustainable future for the area in environmental, economic, and social terms.

- 1.4 Prior to submitting the Plan to East Devon District Council, Farringdon Parish Council have held their own 10 week public consultation on a draft version of the plan; a step which is also required by the Neighbourhood Planning (General) Regulations 2012 (Regulation 14). The group exceeded the 6 week minimum duration for the consultation to make an allowance for the restrictions relating to the Covid-19 pandemic. The comments made during this consultation were then considered and the plan updated for submission to East Devon District Council.

Submission of the Farringdon Neighbourhood Plan

- 1.5 The District Council received formal submission of a Neighbourhood Plan from Farringdon Parish Council in July 2020. The Plan and its supporting documents are available to view on the [planning pages](#) of the District Council website.
- 1.6 This is the twenty-first neighbourhood plan to reach submission stage in the District. The Parish Council has received regular support from the District Council and additional financial support from the Ministry for Housing Communities and Local Government.
- 1.7 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' consultation. The consultation period commenced on 11 August 2020 and finishes on 20 October 2020. The Plan proposal was publicised through notices on the District Council website, a press release and social media, letters sent to residents and businesses in the parish and by email sent to all Members, adjoining authorities and statutory consultees, including Devon County Council, Natural England, Historic England and the Environment Agency. It was also publicised locally through the Parish Council. In addition, to make allowance for restrictions relating to the Covid-19 pandemic, the usual timeframe was extended from 6 weeks to 10 weeks and hard copies of the Plan were made available on request.
- 1.8 One of the statutory roles of the District Council is to consider whether the Plan meets the legislative requirements, in production process terms. Cabinet has previously endorsed a protocol for District Council involvement into neighbourhood plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 1.9 Anyone may comment on a neighbourhood plan. It is particularly important that the District Council comments. This is because the plan will eventually (if adopted) form part of the statutory Development Plan for East Devon, and should conform to the strategic policies of the Local Plan. This report provides the recommended representations on the Plan, made by officers of this authority, to be formally submitted to the Examiner undertaking the Plan examination.

Neighbourhood Plan Examination and Referendum

- 1.10 In preparation for the examination that will follow the current consultation period, the District Council has confirmed the appointment of David Hogger as the 'appropriately qualified and independent Examiner'. This appointment was agreed in liaison with Farringdon Parish Council. David Hogger has extensive experience in examining Local Plans and Neighbourhood Plans, including at Beer in East Devon.
- 1.11 All responses from the consultation (including any made by this Council) are forwarded to the Examiner who will consider them, either by written representations or at an oral hearing (if he decides one is necessary). The District Council is responsible for paying the costs of the examination but can recoup these expenses by claiming funding from Central Government of £20,000. This claim can currently be made once the District Council issue a decision statement detailing their intention to send the plan to referendum, following a successful examination.
- 1.12 The Neighbourhood Plan examination is different to a Local Plan examination. The Examiner is only testing whether the plan meets the Basic Conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The Examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies in the development plan for the local area;
 - is compatible with human rights requirements;
 - is compatible with EU obligations.
- 1.13 As part of the Development Plan used in future planning decisions, it is in the interests of the District, Town and Parish Councils to produce high quality neighbourhood development plans.
- 1.14 Following the examination, the Examiner's Final Report will set out the extent to which the draft plan proposal meets the Basic Conditions and what modifications (if any) are needed to ensure it meets the Basic Conditions. The Examiner has 3 options for recommendation:
- A. That the Plan proceeds to referendum as submitted.
 - B. The Plan is modified by the District Council to meet Basic Conditions and then the modified version proceeds to referendum.
 - C. That the Plan does not proceed to referendum.

If the Examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the Plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council decide what action to take in response to the recommendations of the Examiner.

- 1.15 Once the Plan has been finalised it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the Plan then it can be brought into legal force. It should be noted that due to the Coronavirus Act 2020 and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 made in response to the coronavirus crisis, the referendum will currently not be able to take place until after 6 May 2021. However, once it has been formally decided by this Council that it should proceed to a referendum, the Plan will then carry significant weight in the determination of planning applications in Farringdon parish.

The Farringdon Neighbourhood Plan Response

- 1.16 As part of the current consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a statement setting out how the Plan complies with the conditions which the Examiner will assess.
- 1.17 Officers have reviewed the Neighbourhood Plan contents, and recommend that the following representation of East Devon District Council be formally submitted to the examiner. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than other content on the Plan including supporting text or community actions and are made on the basis of:
- Do Farringdon Neighbourhood Plan policies comply with strategic policies in our adopted Local Plan and have appropriate regard to National Planning Policy?
 - Do we have concerns about policy given the wider objectives of the Council?
 - Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and
 - Are they otherwise appropriate or desirable?
- 1.18 Overall it is noted that the District Council comments made at the previous Regulation 14 consultation have been carefully considered by the Parish Council and various amendments to the Plan made accordingly.
- 1.19 East Devon District Council comments on the Regulation 16 Submission Version of the Plan are proposed as follows (a full schedule of the Plan policies is provided in Annex 1 for reference):

Policy Farr 1: Safeguarding the Natural Environment

Suggest removal of point (c) to “minimise impacts on biodiversity”, leaving the requirement to deliver a net gain in biodiversity (point d) as the clear policy position. Also to remove “whenever possible” from point (d) to be consistent with the current National Planning Policy Framework and the Government’s intention to make 10% biodiversity net gain mandatory on all development.

Policy Farr 4: Extensions to Existing Dwellings

Suggest removal of the requirement for extensions to 'enhance' existing dwellings as this is considered beyond what it would be reasonable to generally require. Instead to amend criteria (c) of the policy to replace the phrase "reflects and enhances" with "respects" 'the character and appearance of the existing building'.

Policy Farr 5: Self-build and Custom-Built Dwellings

In line with comments made at earlier stages of the plan preparation, to restate the District Council preference for the new dwellings to be (1) directed to the more sustainable locations in the parish and (2) for these to be restricted in perpetuity for those with a local connection to ensure the identified need is met. In terms of location, suggest this could be achieved by an additional criteria stating that the new self-build dwellings should be located within or near to the village core (as identified in Map 7 of the Plan). Note that this policy also has a typing error (at point k) which should be corrected by removing repetition of 'shall be strongly supported'.

Policy Farr 6: Existing Business & Commercial Areas

To note that this Policy has been partially amended to reflect previous District Council comments but that it continues to go beyond Policy E7 of the Local Plan. However it is acknowledged that this is not a strategic policy of the Local Plan and that Farr 6 does not preclude further development within these sites. Also, on the basis of the evidence submitted with the Plan, the Policy is considered to be reflective of the wishes of the local community.

Policy Farr 8: Tourism Development

Notwithstanding that this policy has been amended in part in accordance with previous East Devon District Council comments, some concerns remain or have not been appropriately addressed.

- i. **Reference to Crealy Park** - The reference to Crealy within the policy is intended to reflect that this Policy would not apply to Crealy Park (as stated in paragraph 9.22 of the Plan). The reason being that Crealy is a major attraction dealt with under Local Plan Policy. However, as now written, it could be misunderstood to mean that large and disproportionate development is allowed at Crealy. Suggest that the reference to Crealy is therefore removed from criteria (a) and that a statement is added at the end of the policy specifying that it does not apply to Crealy Park and referencing the relevant Local Plan policies (E19 & E20).
- ii. **New/existing uses** – notwithstanding further justification of the wording provided by the Parish Council in their submitted [Consultation Statement](#) (see page 74), it is suggested for clarity that criteria (a) is amended to read "**any** existing activity". This would better align with the amended introductory sentence to the policy which has now clarified that it applies to new development as well as the expansion of existing tourism-related activity.
- iii. **Definition** – note that previous comments suggesting that the meaning of "tourism-related businesses" should be defined or elaborated on was accepted by the Parish Council, but that it remains open in the Plan. We would therefore reiterate that as written this could encompass a very wide variety of uses, including business that supports tourism as well as those providing a direct offer. Suggest that a definition is included, with reference to the explanation in the paragraphs 9.19 and 9.20 of the Neighbourhood Plan text, regarding support for sustainable rural tourism businesses that would support the enjoyment of the countryside and natural environment of the area.

Policy Farr 10 Existing Community Facilities

It is noted that the previous suggestion to explicitly afford protection to specific existing community services/facilities in the parish has not been incorporated as the Local Plan policy will do so in general terms.

It is suggested that additional criteria be added to this policy to ensure (1) there is no visual harm and (2) adequate parking provision.