

Examination of the East Devon Villages Plan (EDVP)

1 September 2017

Matters and Issues for Examination

It is necessary to be clear about what is to be examined. The East Devon Local Plan 2013-2031 (EDLP) sets out strategic policy for development across East Devon and the full suite of policies for the seven main towns of the district, the West End and countryside areas, but not those villages with/proposed to have Built-up Area Boundaries (BUABs). It also sets out the Development Management Policies against which any planning application will be assessed.

The EDLP states that a Village Development Plan Document will be produced separately from the main local plan document and that it will be concerned with development boundaries around villages, allocations of land for development at these villages and other policies that may be applicable at or for villages. The East Devon Local Development Scheme (EDLDS) states that the Villages Plan will be specifically concerned with development issues in and around key villages of East Devon and town of Colyton and that it will also address Greendale and Hill Barton Business Parks.

It is not for me to re-examine issues that were covered in the examination of the EDLP which will remain extant and my Examination will confine itself to the role of the EDVP only. For example therefore, any consideration of the overall development strategy for East Devon, objectively assessed housing and employment need, the location of employment growth and specific allocations identified in the EDLP are beyond the scope of this Examination. In this respect I wish to draw attention to the Court of Appeal Judgment of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414; 29 April 2016) (paragraph 38 of the Judgment).

Matters, Issues and Questions identified by the Inspector

MATTER	Legal Compliance, Scope of the East Devon Villages Plan (EDVP) and Duty to Co-operate
Issue 1: Legal Compliance.	
1.1	Does the EDVP meet all its legal requirements in relation to the Local Development Scheme (LDS), Statement of Community Involvement, East Devon Local Plan (EDLP), Sustainability Appraisal (SA), Habitats Regulations, Public Sector Equality Duty and the Town and Country Planning (Local Planning) (England) Regulations 2012?
Issue 2: Scope of the EDVP.	
2.1	Is the scope of the EDVP in line with the role for the Plan as set out in the LDS and the EDLP?
2.2	Are the policies of the EDVP consistent with the adopted development plan in accordance with Regulation 8(4) of the Town and Country Planning (Local Planning)(England) Regulations 2012?
2.3	Are there any valid issues which the EDVP has failed to address, given the role of the plan as set out in the LDS and EDLP?

Issue 3: Duty to Co-operate
<p>3.1 To what extent is the Duty to Co-operate (DtC), which covers strategic matters, applicable to the EDVP and if so has the Council adequately discharged the DtC in preparing the EDVP?</p> <p>3.2 Has the Council engaged constructively, actively and on an on-going basis, in a way which is relevant and proportionate to the EDVP?</p>

MATTER	Overall approach
Issue 1: BUABs	<p>In relation to this issue the Inspector will seek to examine specifically the soundness of the proposed BUABs and the methodology underlying them and should she be satisfied of their soundness she will look no further and individual sites are unlikely to be mentioned in her report.</p>
<p>1.1 In the absence of any specific policy/policies relating to the BUABs is the EDVP, in conjunction with the EDLP, capable of effective implementation?</p> <p>1.2 Is the principle of defining BUABs for the 15 villages consistent with the development strategy of the EDLP?</p> <p>1.3 Is the approach taken to defining BUABs justified and consistent with the development strategy of the EDLP?</p> <p>1.4 Is the criteria used to define the extent of the BUABs effective so as to deliver the objectives for the villages as set out in the EDLP?</p> <p>1.5 Are the boundaries for the specific settlements identified robustly in accordance with the criteria and having regard to the reasonable alternatives referenced in the SA?</p> <p>(a) Beer (b) Broadclyst (c) Clyst St Mary (d) Colyton (e) East Budleigh (f) Feniton (g) Kilmington (h) Musbury (i) Newton Poppleford (j) Sidbury (k) Uplyme (l) West Hill (m) Whimble (n) Woodbury</p> <p>N.B Lymphstone is excluded from the above list because no proposals are included in the EDVP for Lymphstone as there is a made neighbourhood plan that includes a BUAB.</p>	

Issue 2: Employment Areas
<p>2.1 Is the approach taken in the EDVP to Greendale Business Park and Hill Barton Business Park justified and consistent with the development strategy of the EDLP?</p> <p>2.2 Is there a need for a policy in the EDVP to address the future of Greendale Business Park and Hill Barton Business Park?</p>

MATTER	Village and Town Centres
Issue 1: Village and Town Centre Vitality	
<p>1.1 Is the approach taken in the EDVP to Beer village centre and Colyton town centre justified?</p> <p>1.2 Is policy Beer 01 consistent with national policy?</p> <p>1.3 Is policy Colyton 01 consistent with national policy?</p>	

MATTER	Monitoring
Issue 1: Monitoring Indicators	
<p>1.1 In order to provide a comprehensive assessment of the effectiveness of the EDVP and having regard to the SA, should specific monitoring indicators which are relevant to the EDVP be included in addition to those which will be addressed through the monitoring framework for the EDLP?</p>	