

## **Examination of the East Devon Villages Plan**

### **Overall Approach**

**East Devon District Council Written Statement for**

**Tuesday 7 November 2017**

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This paper forms the response of East Devon District Council in respect of questions raised by the Inspector for the above Examination Hearing Session. The Inspectors Questions are reproduced in bold and the response of the Council is set out below each question. All documents referred to are available on the Council's web site and paper copies may be viewed at the Council Offices, Knowle, Sidmouth.

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#### **Issue 1: BUABs**

##### **Question 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?**

1.1.1 The primary purpose of the EDVP is to provide a spatial element to policies contained in the EDLP through drawing Built-up Area Boundaries around certain settlements; the EDLP already defines BUABs around the main towns of East Devon. This purpose is expressly set out in the EDLP and the LDS. The absence of policies relating to BUABs in the EDVP does not make it incapable of effective

implementation. The development plan can comprise of several different documents, including those produced by different bodies such as neighbourhood plans, and several made and emerging neighbourhood plans reference their policies to the BUABs defined in the EDVP. In recognition of the complexities of the planning system the introduction to the EDVP (Chapter 1) is intended to clarify the status and purpose of the plan. Decision makers are used to the composite nature of development plans and the absence of all the relevant policies alongside the BUAB maps should not cause any implementation difficulties. For information, Appendices 1, 2 and 3 in the Villages Plan reproduce some of the Local Plan policies (Strategy 6, 7, 27 and 32) that are most relevant to the Villages Plan.

## **Question 1.2**

### **Is the principle of defining BUABs for the 15 villages consistent with the development strategy of the EDLP?**

- 1.2.1 The overall development strategy of the EDLP is set out in Strategy 1 (Spatial Strategy for Development in East Devon). This provides for a minimum of 17,100 new homes and 150 hectares of employment land to be provided for in the plan period (2013 to 2031). The EDVP is not being relied upon to deliver any of the overall development numbers set out in the EDLP; the allocations and policies included in the EDLP will deliver and exceed the objectively assessed housing and employment needs for East Devon established through the EDLP. The overall approach set out in the EDLP is for the 'West End' to accommodate significant residential development and major employment development and the seven main towns to act as focal points to serve their own needs and the needs of the surrounding rural areas. Strategy 1 states that the plan (EDLP) will set out how development in smaller towns, villages and rural areas will be geared to meeting local needs. It does this primarily in Strategy 27 (Development at the Small Towns and Larger Villages).
- 1.2.2 Strategy 27 includes a list of settlements for which a BUAB will be designated in the EDVP. This is the list that has been used to produce the EDVP, although no work was undertaken on defining a BUAB for Lymington as the Lymington Neighbourhood

Plan was made in March 2015. The principle of defining BUABs for these settlements is completely consistent with the development strategy of the EDVP.

- 1.2.3 Other strategic EDLP policies that are particularly relevant to the villages plan include Strategy 2 – Scale and Distribution of Residential Development; Strategy 3 – Sustainable Development; Strategy 4 – Balanced Communities; Strategy 5 – Environment and Strategy 5B – Sustainable Transport; Strategy 6 – Development within Built-up Area Boundaries and Strategy 7; Development in the Countryside. Strategy 2 sets out a pattern of distribution of residential development, including the villages and rural areas and the Monitoring Report [VP08] indicates how this can be delivered without additional sites being allocated in the Villages Plan. Strategy 3 sets out the interrelationships that will be taken into account when considering development including enhancing the environment, minimising fossil fuel use and ensuring that future generations live where jobs, facilities and education are readily available. Strategy 4 promotes a match between jobs, homes, education and community facilities in any neighbourhood. Strategy 5 requires all development proposals to contribute to the delivery of sustainable development and Strategy 5A requires development to be at locations that encourage means of transport other than private car.

### **Question 1.3**

**Is the approach taken to defining BUABs justified and consistent with the development strategy of the EDLP?**

- 1.3.1 It should be noted that this response links into and should be read in conjunction with answers to subsequent questions. The approach taken to defining the BUABs has been justified throughout the plan evolution. This has included consultation on proposed criteria for defining BUABs in 2015 and the development of ‘site by site’ assessments for each settlement, which have been amended to take account of consultation responses in 2016.

- 1.3.2 The general approach taken to defining BUABs is set out in the Draft Consultation EDVP that was consulted on in 2016 (Chapter 4).  
<http://eastdevon.gov.uk/media/1976587/villages-plan-draft-july-2016-final-version-reduced.pdf>
- 1.3.3 The approach can be summarised as assessing a range of sites around the settlements against the set criteria to define a draft BUAB and then undertaking a further assessment to ascertain whether any areas should be excluded from the draft BUAB because of difficulties in accessing local services/facilities without use of a private car.
- 1.3.4 The criteria were set to take account of the then emerging EDLP, Strategy 27 of which makes it clear that land will not be specifically allocated for development as part of the EDVP.
- 1.3.5 The approach of refining the BUABs produced by applying the criteria to take account of access to facilities was developed following consultation on the proposed criteria for defining BUABs in 2015. This approach helps to ensure that areas included within the BUAB are well related to local services and facilities and is consistent with and partly justified by the work undertaken on the EDLP as set out in paragraphs 1.3.5 and 1.3.6 below.
- 1.3.6 The development strategy of the EDLP evolved to take account of evidence in the ‘Small Towns and Villages Assessment’, which was produced by EDDC in September 2014 <http://eastdevon.gov.uk/media/990902/small-town-and-village-assessment-2014.pdf>. This assessment was undertaken in response to paragraph 8 of the Inspector’s initial letter on the EDLP, where he raised concerns about the capacity of some settlements to accommodate the proposed growth levels  
<http://eastdevon.gov.uk/media/288101/letterno8toeastdevon.pdf>. Paragraph 1.3 of the Small Towns and Villages Assessment notes that ‘new development should be in areas that have a range of services and facilities so the needs of most people can be met without the reliance on private transport’. The Small Towns and Villages

Assessment provided justification for the amendments to Strategy 27 as set out in the Consultation Statement [VP07A paragraph 2.7]. The Small Towns and Villages Assessment was specifically referred to by the EDLP Inspector when finalising the list of ‘Strategy 27’ settlements (VP28 paragraph 31). There have been no changes in circumstances since the EDLP was adopted that would justify the inclusion of any additional settlements on the Strategy 27 or conversely to exclude any of the settlements listed.

- 1.3.7 Clearly access to a range of services and facilities was a key factor in deciding which settlements were included in the list in Strategy 27. It would be inconsistent with the approach taken in the EDLP if the BUABs for the listed settlements did not also take account of this factor. In many of the settlements concerned all parts of the BUAB defined through the ‘criteria’ approach are readily accessible on foot from local services and facilities. For other settlements (Beer, Clyst St. Mary and Uplyme) reducing the BUAB on the basis of access to services was considered as a ‘reasonable alternative’ in the 2016 consultation, but not followed for reasons set out in the relevant ‘site by site’ assessment and summarised in response to Question 1.5 in this paper. It is only in Newton Poppleford and West Hill that the proposed BUAB produced from the ‘criteria’ based approach has been reduced to take account of factors that limit access to local services/facilities on foot; these factors are described in the relevant ‘site by site’ assessments and in each case the approach taken is considered to be consistent with development strategy of EDVP.
- 1.3.8 The Sustainability Appraisal (SA) report [VP02] further justifies the approach taken to defining BUABs. Four ‘strategic’ options for defining BUABs were initially considered as reasonable alternatives and subject to SA, as described in paragraphs 4.7 – 4.23 [VP02]. Three other potential strategic options were rejected early on in the process as they did not constitute reasonable alternatives. Overall, strategic option 2: ‘use the existing core built form plus consider pedestrian accessibility to services’, performed best in the SA and was taken forward as the preferred option for the overall approach to defining BUABs.

#### **Question 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?**

1.4.1 The objective for the villages set out in the EDLP is that they help to meet local needs (Strategy 1). The preamble to Strategy 6 – Development within Built-up Area Boundaries states that BUABs are a fundamental policy tool for determining areas that are suitable for development. They are areas where many types of development are acceptable in principle as they will complement the national objective of promoting sustainable development. Strategy 27 specifically states that the villages will not have land specifically allocated for development – this should come forward through the NP process. This approach empowers local communities that wish to bring forward sites for development, but does not require them to do so. The criteria for defining BUABs specifically address the objectives of the EDLP by defining the core built-up areas of the villages where local services and facilities can be reached on foot. The EDLP makes full provision for the District’s development needs without relying on allocations in either the EDVP or NPs. Strategy 35 – Exceptions Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries provides for additional housing to meet any local need for affordable housing where closely related to the defined BUAB.

#### **Question 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?**

1.5.1 A standard methodology for defining the BUABs was developed in order to provide a consistent and transparent approach. The criteria used to guide site assessments were developed, consulted on and refined before any detailed work on individual settlements started (2015 consultation). This consultation improved the robustness of the methodology, which was then followed in a logical and consistent manner as detailed in the ‘site by site’ assessments [VP 13 – VP26]. The definition of individual BUABs has also been informed by consultation. The site by site assessments were

initially consulted on in 2016 (available at [Villages Plan 2016 consultation details - East Devon](#)) and revised partly in response to comments received [VP13 – VP26]. Under this approach almost 300 sites have been identified, either by planning officers or through representations made on the EDVP, and assessed against the standard criteria. This process has provided a robust and transparent means of determining whether individual sites should be included within the BUAB. Brief comments on critical issues considered for each settlement are included below (from paragraph 1.5.5) but the full ‘site by site’ assessments should be studied for a more complete picture.

- 1.5.2 The approach to considering ‘reasonable alternatives’ is explained in the SA report [VP03, paragraphs 2.8 – 2.19]. In summary, reasonable alternatives are the different realistic options considered in developing a plan, which must be sufficiently distinct so that meaningful comparisons can be made, realistic and deliverable.
- 1.5.3 As explained in the response to question 1.3, four ‘strategic’ options were identified as reasonable alternatives in considering an overall approach for identifying BUABs across all villages, with ‘use the existing core built form plus consider pedestrian accessibility to services’ performing best. The establishment of this preferred option means that alternatives that are outside the core built form and beyond pedestrian accessibility can generally be excluded. The SA of strategic options also negates the need to undertake SA of (potentially numerous) minor BUAB alternatives – such detailed SA would be disproportionate, given the strategic nature of sustainability appraisals.
- 1.5.4 Given this context, ‘reasonable alternatives’ have been identified for seven of the Village BUABs (Beer, Clyst St Mary, Feniton, Musbury, Newton Poppleford, Uplyme, and West Hill). These are shown on the maps that accompany the detailed appraisals in Appendix 4 of the SA report [VP03]. A summary is provided for each of the villages below.

**(a) Beer**

1.5.5 Eleven sites in and around Beer were considered in detail [VP13]. The reasonable alternative to the Beer BUAB excludes an area in the western part of the village from the BUAB [VP02 map on page 110]. This was shown in the 2016 consultation on the plan as an alternative for inclusion in the BUAB. The SA considers that the significant effects of this alternative are likely to be the same as for the preferred BUAB as this area is relatively small, still within walking distance of the village centre (albeit along a steep gradient), and there are no additional environment effects. This alternative was not preferred because of a desire to incorporate the built form, consistent with strategic option 2, and there was no significant reason not to do so. The site is therefore proposed for inclusion in the BUAB.

**(b) Broadclyst**

1.5.6 Twenty three sites were considered through the site by site assessments [VP14]. All areas proposed for inclusion in the BUAB were considered to be within reasonable walking distance of village facilities and no reasonable alternatives were identified for Broadclyst in the SA.

**(c) Clyst St Mary**

1.5.7 The site by site assessments considered twenty three sites in and around Clyst St Mary. A reasonable alternative to exclude the Local Plan allocation at Winslade Park was considered, due to community facilities in the village core being over 1km on foot [VP02 map on page 123]. This was shown in the 2016 consultation on the plan as an alternative for exclusion from the BUAB. However, the flat topography and presence of pedestrian footpaths mean that it would still be reasonable to walk from Winslade Park, and the significant effects are considered to be the same as the preferred BUAB [VP02 paragraph 4.36]. The site is therefore proposed for inclusion in the BUAB.

**(d) Colyton**

1.5.8 Twenty five sites were assessed in detail through the site by site assessments for Colyton [VP16]. All areas proposed for inclusion in the BUAB were considered to be



within reasonable walking distance of the town's facilities and no reasonable alternatives were identified in the SA. One major change (to include part of site CT02 in the proposed BUAB in accordance with the criteria set) was made following the 2016 consultation.

**(e) East Budleigh**

1.5.9 Twelve sites were considered in the site by site assessment [VP17] and no reasonable alternatives were identified in the SA.

**(f) Feniton**

1.5.10 A total of fifteen sites in and around Feniton were considered in the site by site assessments, including 'Old Feniton', which is separate from 'New Feniton' [VP18]. Two 'reasonable alternatives' were considered in the SA, including 'Old Feniton' and a large site to the north west of the village proposed through the consultation stages. Old Feniton was not favoured for inclusion in the BUAB due to lack of facilities, poor pedestrian access to facilities in New Feniton and the presence of designated heritage assets (paragraph 4.38 of VP02). Land to the north west was found to have significant positive effects on housing delivery, but a range of negative environmental effects meant this alternative was not preferred (paragraph 4.39 of VP02).

**(g) Kilmington**

1.5.11 Twelve sites were considered in and around Kilmington as part of the site by site assessments [VP19]; no reasonable alternatives were identified for Kilmington in the SA.

**(h) Musbury**

1.5.12 Twenty one sites were considered in the site by site assessments for Musbury (MB17 being subdivided into three for the final assessment) [VP20]. Musbury was unusual in the settlements studied in that two alternative options were considered that were identified for reasons other than ease of access to local services and facilities. The sites were identified through discussions with the Parish Council through the development of the EDVP.

1.5.13 Site MB17 had been excluded from the BUAB for Musbury defined in the previously adopted EDLP (adopted July 2006), but was proposed for inclusion in the draft EDVP (2016) in accordance with the set criteria. Given the previous exclusion of the site from the BUAB and representations from Historic England and the Parish Council, excluding the site was put forward as a reasonable alternative in the 2016 consultation. A Heritage Impact Review as was undertaken which found that development of part of sites MB17B and MB17C had the potential to have a negative impact on the Musbury Conservation Area and the setting of several listed buildings [VP10 page 22]. The SA concludes that the inclusion of the site has positive SA effects [VP02 paragraph 4.41]. The site is recommended for inclusion in the BUAB but the wording of the plan now makes it clear that development of site is unlikely to be acceptable, except in exceptional circumstances [VP01 paragraph 10.2].

1.5.14 Site MB10 was proposed for exclusion from the BUAB for Musbury in the draft EDVP (2016) in accordance with the set criteria. However, it was identified as a reasonable alternative because of local support for its development expressed through previous consultations on the EDVP, when it was allocated for development, and the physical appearance of the site, which already ‘reads’ as part of the built-up area of the village because the concentration of agricultural buildings on the site and adjoining development. The absence of a Neighbourhood Plan for Musbury, which is the only ‘Strategy 27’ settlement not currently preparing a neighbourhood plan (or with a made NP), was also a factor in putting forward the site as an alternative. The Heritage Assessment (VP10) identified the potential for enhancement of the conservation area if the site were to be developed appropriately [VP10 page 30]. The SA concludes that the inclusion the site has positive SA effects [VP02 paragraph 4.41]. A reasonable alternative to exclude Baxter’s Farm and land at Mountfield were not taken forwards as both sites reflect the built form of the village. The inclusion of both of these sites in the BUAB has positive SA effects through ensuring new development supports community facilities, and is within walking distance of services.

**(i) Newton Poppleford**

1.5.15 Twenty six sites were considered in the site by site assessments for Newton Poppleford [VP21]. The BUAB defined using the set criteria included a significant section of the western part of the village. During the second stage of the assessment process this was identified as an area that may have difficulties accessing local services on foot and it was proposed to excluded it from the BUAB on this basis. Therefore, the area to the west of the A3052/B3178 roundabout was considered as a reasonable alternative in the SA (paragraph 4.43 VP02). This alternative performs less well for objectives relating to access to community facilities by non-car modes, as it is beyond desirable walking distance and due to the lack of appropriate pedestrian footpaths; and biodiversity as it would bring the BUAB closer to the Pebblebed Heaths European sites. Therefore, this area was excluded from the proposed BUAB.

**(j) Sidbury**

1.5.16 Sidbury has a linear form extending along the A375. Twenty five sites were identified for assessment [VP22]. The southern section (site SB12) of the village was excluded under the criteria approach as it is functionally and visually separated from the core of the village by fields. It was concluded that, despite some steep inclines and partial lack of pavements, walking distances to services are short and a further reduction in the proposed BUAB was not justified (page 38 of VP22).

**(k) Uplyme**

1.5.17 Uplyme is set in a steep valley to the north west of Lyme Regis, which is located in the adjoining District of West Dorset. Twenty nine sites were considered in the site by site assessment [VP23]. The process of defining a BUAB for the Uplyme Neighbourhood Plan ran concurrently with the EDVP and the BUAB proposed in both documents is identical. The exclusion of an area in the south of the village was identified as a reasonable alternative in the SA [VP02, paragraph 4.45 and map on page 174]. This area has been included in the BUAB because of a desire to include the built form, consistent with strategic option 2, and there was no significant reason

no to do so. The significant effects of this alternative are likely to be the same as for the preferred BUAB.

**(l) West Hill**

1.5.18 West Hill is a large village comprising of primarily detached housing. Thirty three sites were considered in the site by site assessment and areas identified for possible exclusion from the BUAB on the basis of accessing local facilities on foot [VP24]. A reasonable alternative to include all of the ‘built form’ of West Hill was considered, which incorporated land to the south of the BUAB [VP02, paragraph 4.48 and map on page 181]. This would mean longer walking distances, along lengths of road with no footpath, which would discourage pedestrians from accessing community facilities that lie to the north of the village. It would also bring the BUAB closer to the Pebblebed Heaths European sites, and an adjacent county wildlife site to the south east. For these reasons, this alternative was not preferred, although parts of the area closest to the village are proposed for inclusion as they are in comfortable walking distance of the shops despite the gradient (paragraph headed WH31 of page 62 of VP24).

**(m) Whimble**

1.5.19 Thirteen sites were considered in and around Whimble as part of the site by site assessments [VP25]; no reasonable alternatives were identified for Whimble in the SA.

**(n) Woodbury**

1.5.20 Twenty five sites were considered in and around Woodbury as part of the site by site assessment [VP26]; no reasonable alternatives were identified for Woodbury in the SA.

## **Issue 2: Employment Areas**

### **Question 2.1**

#### **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?**

2.1.1 Greendale and Hill Barton business parks, in planning policy terms, fall in the countryside. The adopted Local Plan, core document VP27, clearly establishes through Strategy 7 that:

*“The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development.....”*

The business parks are outside Built-up Area Boundaries and do not feature in site specific allocations and (unlike defining boundaries around villages) the adopted Local Plan includes no reference or intent to change, adjust or refine policy in respect of these business parks.

2.1.2 Adopted higher level local plan policy is, therefore, explicit in identifying the spatial location and hence relevance of countryside policies in respect of the two business parks and there is no need, justification or basis to deviate from the local plan. It should be noted that this same “countryside” location status also applies to many other businesses and business parks as well as smaller villages, hamlets and dwellings and other forms of development. Being developed land/sites in the countryside is not therefore in any way unique to these two business parks.

2.1.3 The strategy of the adopted Local Plan concentrates key strategic development at the “West End” of the district noting that Strategy 9 defines the West End and West End schemes, as does reasoned justification that precedes this strategy, specifically paragraph 7.4. Greendale and Hill Barton business parks are not in or at the West End and as such do not fall within the West End growth agenda. Outside of this

strategic growth area future development, in accordance with principles of supporting sustainable development, is focused on the towns of East Devon which form the major population centres of the district.

2.1.4 Countryside areas, not the least because they do not have large concentrations of people, are not a focal point for growth and as such are locations where much more modest levels of development, geared around meeting local needs, are appropriate. The lack of population centres in close proximity to Greendale and Hill Barton, amongst other matters, makes them unsuitable in policy terms for future larger scale employment growth. Relevant considerations in respect of appropriateness for expansion at these business parks are expanded on in greater detail in Council evidence document VP12 – Greendale and Hill Barton Expansion Assessment.

2.1.5 It should be noted, however, that there are policies for development in the countryside in the Local Plan that, amongst a great many other areas, would apply to planning applications that may be submitted at or around Greendale and Hill Barton business parks. Furthermore the modest scale of provision for employment growth in rural and countryside areas (away from the West End and our East Devon towns) does need to be seen within the context of the Local Plan making very substantial provision, for employment growth and job provision, specifically through land allocations. Land provision actually significantly exceeds the spatial requirements needed to accommodate projected job growth. There is, therefore, through adopted local plan policy the basis to support future employment development in East Devon that more than meets needs for employment growth and to do so at appropriate locations that have been tested through and found sound at Local Plan examination.

2.1.6 It should be noted that the Villages Plan Sustainability Appraisal Report did consider policy providing for future growth at Greendale and Hill Barton business parks as a 'reasonable alternative' [VP02, paragraph 4.33, 4.59 – 63 and Appendix 4]. This assessment noted some sustainability benefits in economic terms associated with potential future growth and expansion but also, like document VP12, noted a wider

range of adverse sustainability impacts such as upon landscape character, local environment, biodiversity, greenhouse gas emissions, and non-car travel.

2.1.7 In conclusion it can be seen that the approach taken in the villages plan to Greendale and Hill Barton business parks fully accords and is consistent with and justified by the development strategy and wider policies of the adopted East Devon local Plan. To not follow this policy approach would lead to an inconsistent and non-justified strategic and local policy approach.

**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?**

2.2.1 On the basis of the strategic approach to development set out in East Devon District Council response to Question 2.1 (above) there is no need for a policy in the villages plan to address future development at Greendale and Hill Barton business parks. Existing local plan policies already provide for development in countryside areas, away from population centres, and are relevant to address schemes coming forward (see for example E4 and E5). It would, furthermore, be inconsistent and illogical to have a policy for these two business parks but not to have site specific policies for other business parks (or other developed areas or even non-developed areas where people may have aspirations to build) in other countryside locations.

2.2.2 As set out in the response to question 2.1 on this issue, the SA did consider the option of including a policy with a BUAB allowing expansion at Greendale and Hill Barton business parks; but found that not allowing their expansion performed better for sustainability reasons. In reporting to Council members, through Strategic Planning Committee Reports (20 February 2017 and 21 July 2016), it was highlighted that the business parks were not promoted for development in the draft/proposed villages plan.

2.2.3 It should be noted that in previous plans we have not allocated or made provision specifically for the expansion of Greendale and Hill Barton Business Parks; their expansion has historically come about through planning applications that have been granted as departures from the local plan. Past permissions were justified on the basis that allocated employment sites were not making adequate provision of employment land to meet the needs of businesses in East Devon. The adopted local plan now allocates more employment land than is needed and does so in more sustainable locations than Greendale and Hill Barton. The allocated sites, and other policy compliant developments, are delivering jobs now and looking forward will deliver jobs in the future.