

EAST DEVON DISTRICT COUNCIL

ROCKBEARE NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, East Devon District Council now confirms that the Rockbeare Neighbourhood Development Plan will proceed to a neighbourhood planning referendum.

2. Background

- 2.1 On 3 September 2014, East Devon District Council designated the area comprising Rockbeare Parish as a neighbourhood area for the purpose of preparing a neighbourhood plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Rockbeare Neighbourhood Plan to the council, the plan was publicised and representations were invited. The publicity period ended on 16 March 2018.
- 2.4 East Devon District Council appointed an independent Examiner, Bob Yuille, to recommend whether the plan should proceed to referendum.
- 2.5 The Examiner's report concludes that subject to making the minor modifications recommended by the Examiner, the plan meets the Basic Conditions set out in the legislation and should proceed to referendum.

3. Decision and Reasons

- 3.1 The district council has made the following modifications, to secure that the draft plan meets the basic conditions set out in legislation, for the reasons given:

Proposed modification number (PM) and Examiner's reason for change	Page no./ other reference	Modification
PM1 There two respects in which Policy Rock06 does not meet the Basic Conditions. Policy Strategy 10 of the Local Plan allocates land to accommodate the Clyst Valley Regional Park, the purpose of which is to provide high quality Green Infrastructure to complement planned growth in the area including the growth at Cranbrook. Part of the land so allocated extends across the western portion of the Green Wedge in the parish of Rockbeare. This park will provide, amongst other things, natural green space, natural ecosystems, it will take the pressure away from more environmentally sensitive areas, it will	Policy Rock06. Page 21	<u>ii) development that supports the objectives of the Clyst Valley Regional Park; or</u> Re-number subsequent criteria.

<p>provide new wildlife corridors, enhance cycling and walking opportunities and conserve and enhance heritage assets. All of these uses sit well with the aims of Policy Rock06. In order to achieve general conformity with Policy Strategy 10, Policy Rock06 should refer to the Clyst Valley Regional Park as shown.</p>		
<p>PM2</p> <p>The policies of the Plan cannot relate to land outside the plan area. However, the designated Green Wedge to which Policy Rock06 refers does extend outside that area. As currently worded Policy Rock06 could be taken to apply to the whole Green Wedge. The policy should, therefore, be amended to correct that interpretation as shown.</p>	<p>Policy Rock06 Page 21</p>	<p>Development proposals in the designated Green Wedge area <u>within the Neighbourhood Plan area</u></p>
<p>PM3</p> <p>As worded Policy Rock05 and its supporting text refer variously to views to and from the parish and to views beyond the parish. The policies of the Plan cannot relate to land outside the plan area. Such references should, therefore be deleted as shown.</p>	<p>Policy Rock05 Page 18</p> <p>Paragraph 7.22 Page 18</p>	<p>...vistas and views within Rockbeare, or views to and from the parish that contribute....</p> <p>visual impact of a development proposal, whether it takes place in the Parish or beyond.</p>
<p>PM4</p> <p>Policy Rock05 refers variously to the views and vistas not being 'harmed' or 'compromised' by development. However, any development could be argued to harm or compromise these views and it is not the aim of the policy to prevent all development. In the interests of clarity, the proviso that the harm or compromise is 'significant' should be added, as shown.</p>	<p>Policy Rock05 Page 18</p>	<p>.....that contribute to its rural character and the quality of the countryside, which should not be harmed by development.</p> <p>Development should not <u>significantly</u> compromise...</p>
<p>PM5</p> <p>The Settlement Area Boundary for Rockbeare includes within it St Mary with St Andrew's Church at the northern end of the village. But that church is also within the Green Wedge boundary. The church would, therefore, be subject to both the restrictive approach to development taken in Policy Rock06 and the more permissive approach to development taken</p>	<p>Rockbeare NP Map 6 Page 24</p>	<p>Delete St Mary with St Andrew's Church from within the Rockbeare Settlement Area Boundary.</p>

in Policy Rock07. Clearly it cannot be the subject of both policies. This anomaly would be removed by deleting the church from the Settlement Area Boundary.		
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- 3.2 The district council has considered whether to extend the area in which the referendum is to take place. Like the Examiner, the district council has decided that there is no reason to extend the neighbourhood plan area for the purpose of holding the referendum.
- 3.3 The Examiner has concluded that with the minor modifications made the Rockbeare Neighbourhood Plan meets the Basic Conditions and other relevant legal requirements. The council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want East Devon District Council to use the Neighbourhood Plan for Rockbeare to help it decide planning applications in the neighbourhood area?' will be held in the parish of Rockbeare.
- 3.4 The date on which the referendum will take place is agreed as 6 September 2018.

EAST DEVON DISTRICT COUNCIL CABINET
11 July 2018