

EAST DEVON DISTRICT COUNCIL

FENITON NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, East Devon District Council now confirms that the Feniton 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 the Parish of Feniton 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 Feniton Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 8 December 2017.
- 2.4 East Devon District Council appointed an independent Examiner, Jill Kingaby, to review 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 a Neighbourhood Planning 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:

Examiner's Reason for Change	Recommended change
The final paragraph of 4.4 could be misleading and should be modified so that it is in general conformity with the adopted Local Plan and more reflective of the emerging Villages Plan. Paragraph 4.4 also states that the people of Feniton should be the drivers for choosing any housing sites. However, in reality, landowners and statutory bodies such as Natural England or Historic England, will also need to have an input. I recommend a modification, PM1 , to the wording having regard for national policy	PM1 - 4.4 Delete the fourth paragraph and substitute: <i>At the 5-year review of Feniton's Neighbourhood Plan, the effect of any new housing requirement figures for East Devon District Council on Feniton will be assessed. If, at this time, East Devon District Council is looking towards the Strategy 27 communities to take some level of development, the wishes of the people of Feniton will be a major force for the choice of site(s) put forward.</i>

<p>and development management procedures.</p>	
<p>The reference to the scheme in section 7.6 of the FNP and Policy O3, supporting better pedestrian and cycling access, should be moved to section 7.1 to give more comprehensive coverage of the important transport issue. To reinforce its commitment to promoting more sustainable travel patterns, the FNP could also refer to potential reductions in greenhouse gas emissions which can be achieved when car usage is reduced, having regard for paragraph 30 of the NPPF. I recommend PM2 and PM3 to ensure that the FNP contributes to achieving more sustainable transport development and meets the Basic Conditions.</p>	<p>PM2 - Policy T1 Modify criteria iii) and iv) to read ...around the village new and old Feniton</p> <p>Parking problems in the village new and old Feniton</p> <p>Add a new criterion:</p> <p>v) development that would generate significant new traffic should be accompanied by a Transport Statement or Assessment, indicating how the adverse impact on the transport network and infrastructure could be mitigated, and including a Travel Plan designed to encourage more sustainable travel behaviour.</p> <p>Modify the second paragraph of the text following Policy T1 as follows:</p> <p>Public transport is considered by local people to be poor, in spite of the fact that new Feniton unlike many other settlements in East Devon has an operational railway station.and for villagers at least one car per household is essential.Car ownership and car usage levels in Feniton are high. The Local Futures</p> <p>Paragraph on Page 13 headed Sustainability.</p> <p>Add a final sentence to read:</p> <p>Where feasible and viable, support will be given to measures which would improve the provision of public transport services in Feniton, and encourage local people to use trains and buses (or cycling and walking) in preference to the private car. Reduced car usage reduces greenhouse gas emissions and air pollution which is harmful to health, as well as helping to reduce traffic congestion.</p>
<p>As above.</p>	<p>PM3 - Relocate Policy O3 (regarding pedestrian and cycling) to Page 12, and renumber it as Policy T2.</p> <p>Add new supporting text as follows:</p> <p>The established footpath network around the Parish is detailed in Appendix 4. The provision of a cycle link utilising the previous railway line to Ottery and beyond to Budleigh Salterton is seen as an important objective to be achieved for the community. It was flagged up by the local population as important during consultation on the</p>

	<p>neighbourhood plan. It is also referenced in Policy TC5 of the Local Plan.</p> <p>Delete the last sentence of the supporting text to section 7.6 on Page 19 beginning: The provision of a cycle link.....</p>
<p>Policy F1 of the Plan will only support development proposals where they would minimise any risk of flooding. Devon County Council Flood and Coastal Risk Management Team supports Policy F1, and recommends that its guidance on sustainable drainage is followed by developers. I agree that a link to this document and the County website should be added to the FNP, to contribute to the achievement of sustainable development. The Environment Agency also expressed its support for the FNP’s acknowledgement of flooding issues, and for objective 2 and Policy F1. Nevertheless, it recommended the addition of a new policy seeking to address pollution and other water quality issues, noting that watercourses around the parish presently achieve only “<i>moderate ecological status</i>”. However, I am aware that the Local Plan deals comprehensively with this issue through Policy EN14 Control of Pollution (covering pollution of surface or underground waters); Policy EN18 Maintenance of Water Quality and Quantity; and Policy EN22 Surface Run-off. There is no need to repeat these policies in full in the FNP, in my view, but I consider that a cross-reference to Policies EN14 and EN18 (as well as EN22 which is already mentioned on Page 14 of the FNP) would ensure general conformity with the Local Plan and contribute to the achievement of sustainable development. PM4 would secure these changes to enhance Policy F1 and should be made.</p>	<p>PM4 - Penultimate paragraph on flood alleviation</p> <p>Insert a new paragraph stating:</p> <p><i>Proposals for new development in Feniton should also comply with Local Plan Policy EN14 Control of Pollution, and Policy EN18 Maintenance of Water Quality and Quantity. Developers should also follow Devon County Council’s guidance on Sustainable Drainage Systems on its website:</i></p> <p>https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/</p>

<p>A small discrepancy occurs in Policy H2 which refers to person(s) in housing need who are residents of the Parish, or have a local connection with the Parish. I note that paragraph 16.29 of the Local Plan states that regard should also be paid for affordable housing need in surrounding Parishes; Feniton is grouped with Buckerell and Gittisham. To achieve general conformity with this approach, I consider that PM5 should be made to Policy H2.</p>	<p>PM5 - Policy H2 Modify the policy wording as follows:</p> <p>Proposals for small-scale housing</p> <p>The affordable housing elementand is a resident of the Parishes of Feniton, Buckerell or Gittisham, or has a local connection with the Parishes because of family ties</p>
<p>Policy H4 states that developments which provide more parking spaces per dwelling than the minimum will be viewed favourably. Whilst this might reduce on-street parking, it could encourage higher levels of car ownership, thereby increasing not reducing traffic congestion. I am unaware of any evidence that Feniton experiences “<i>unique pressures</i>” over traffic congestion or parking. The approach in Policy H4 is not in general conformity with Policy TC9 of the Local Plan, and I consider that it is contrary to the achievement of sustainable development. PM6 should be made so that Policy H4 meets the Basic Conditions.</p>	<p>PM6 - Policy H4 Modify the policy wording as follows:</p> <p>The Neighbourhood Plan willunique considerable pressures faced by on road parking ie by proactively providing more parking space per dwelling than the minimum set out in the Local Plan. Regard should be had for the parking spaces per dwelling standards set out in the Local Plan.</p>
<p>I propose a small modification, PM7, to i) b) of Policy C3 for clarification, to ensure that it will effectively guide users of the Plan and contribute to the achievement of sustainable development.</p>	<p>PM7 - Policy C3</p> <p>b) through an up-to-date assessment of the facility in its current form, or to provide for a use of a similar nature and is, that the facility/use is no longer/cannot be made commercially viable. To be redeveloped</p>
<p>Regarding Local Green Space, I consider that the last sentence on Page 18 should be moved forward as it relates to section 7.6 of the FNP. This, in the interests of clarity, would assist readers of the Plan and would be secured by PM8.</p>	<p>PM8 - Remove the last sentence on Page 18 – A list of Feniton’s important Local Green Spaces Insert the sentence in section 7.6 Local Green Space, after the box for Objective 6 and before Policy O1.</p>
<p>There is some doubt, in my view, as to the status of the Bowling Club, old Feniton, since Appendix 2 states that its inclusion as LGS is</p>	<p>PM9 - Amend last item of Appendix 2 to read:</p> <p>Potential future LGS at the Bowling Club, old Feniton</p>

<p>subject to discussion with the landowner, and it is not mapped on Page 23. Having regard for the District Council's response to my letter dated 12 January 2018, I consider it should be clarified that this site is a "potential" LGS only at the present time. Its designation will be considered further when the FNP is reviewed in five years time. PM9 would secure this.</p>	<p>The Bowling Club (inclusion is subject to discussion with landowner). <i>The designation of this site will be considered further at the 5-year review of Feniton's Neighbourhood Plan</i></p>
<p>I support the inclusion of Appendix 7 to the Plan, although I consider that maps should be added in the interests of clarity to confirm the precise location of the appeal sites and assist the achievement of sustainable development in future. PM10 should be made to achieve this.</p>	<p>PM10 - Appeal sites in Fenton (Joint inquiry 2014)</p> <p>Append maps to show: Land adjacent to/north of Acland Park; Land west of Ottery Road; Land adjacent to Louvigny Close, Station Road.</p>

- 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 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 Feniton to help determine planning applications in the neighbourhood area?' will be held in the parish of Feniton.
- 3.4 The date on which the referendum will take place is agreed as 17 May 2018.

**EAST DEVON DISTRICT COUNCIL CABINET
4 April 2017**