

EAST DEVON DISTRICT COUNCIL

BEER NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, East Devon District Council now confirms that the Beer Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 On 2 October 2013, East Devon District Council designated the area comprising the Parish of Beer 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 Beer Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 4 May 2018.
- 2.4 East Devon District Council appointed an independent Examiner, David Hogger, 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:

Examiner's Reason for Change	Recommended change
Policy NE2 identifies two Locally Important Wildlife Sites which should be protected. However, the status of these sites is not sufficiently clear because they are not just of local importance.	PM2 / p26 / Figure 5 The status of the wildlife sites identified on Figure 5 should be set out in the key.
The text in the 'Justification for our policy' (page 25) should refer to European sites. In terms of policy NE2 itself, there should be confirmation that the two sites referred to in the policy are of European importance.	PM1 / p25, last para. Insert /European after 'national' in third line PM3 / Policy NE2 / p27 Amend second sentence to read: The following two sites which are also designated sites of European importance for biodiversity/geodiversity have been ...

<p>Policy HBE4 relates to proposals for renewable and low carbon energy. Small-scale domestic, commercial and community renewable low carbon energy generation will be supported, subject to certain provisos. The policy currently confirms that proposals for large-scale renewable and low carbon technologies would not be supported. However, the PC are proposing to remove the reference to 'large-scale' technologies from the policy and I agree that the first sentence of the policy is not required, bearing in mind national policies and those of EDDC on the issue. The position of the PC on large-scale wind turbines is made clear in the supporting text.</p>	<p>PM4 / Policy HBE4 / p47</p> <p>Delete first sentence: Development proposals for large scale renewable and low carbon technologies are not supported.</p>
<p>Policy H1 relates to meeting the demand for local needs housing in Beer and sets out the requirements for such provision. This is a reasonable approach to take but in the interests of clarity I recommend in PM6 that the 66% in the penultimate paragraph specifically refers to affordable housing provision.</p>	<p>PM6 / Policy H1 / Page 56</p> <p>Insert affordable housing after 66%, in penultimate sentence.</p>
<p>Policy H3 is the housing allocation on land off Short Furlong. The map in figure 3 identifies the built-up area boundary of Beer but excludes the allocation site. Having reconsidered the issue the District Council and the PC both agree that the allocated site should be included within the boundary and, for reasons of clarity, I agree.</p>	<p>PM5 / Figure 8 / Page 49</p> <p>Amend built-up area boundary to include the allocated site off Short Furlong.</p>
<p>Policy H3 refers to the provision of 'a minimum amount of affordable housing'. In the interests of precision, I recommend, in PM7, that the specific minimum requirement of 40% affordable housing is referred to in the policy.</p>	<p>PM7 / Policy H3 / Page 57</p> <p>Insert in the second line of the policy (of at least 40%) after 'affordable housing'.</p>
<p>Policy H3 refers to the need for a Bat Mitigation Strategy but both</p>	<p>PM8 / Policy H3 / Page 57</p>

<p>EDDC and Natural England suggest that reference should be made to the need for a project-level HRA. I agree that such a requirement should be specifically included in the policy in order to ensure that the appropriate measures for protecting habitats are implemented.</p>	<p>Amend first sentence of last section to read: Proposals must be supported by a project-level Habitats Regulations Assessment, together with details of any necessary mitigation measures including a Bat Mitigation Strategy which must</p>
<p>The PC is justified in seeking to protect parking capacity through Policy TP1. Similarly, Policy TP2 presumes against the loss of vehicle parking spaces. However, in the interests of clarity I recommend a small deletion in the introductory sentence of that policy (PM9).</p>	<p>PM9 / Policy TP2 / Page 66 Amend first sentence to read Development proposals which result in a loss of vehicle parking spaces of any type in the following locations will only be supported:</p>
<p>Policy B2 supports appropriate new employment and retail premises within the village centre. However, criterion (vi) refers to an oversupply of the same use in the village centre. It is not clear to me how any such 'oversupply' would be assessed. Whilst I understand that the dominance of a single business type may have economic and social repercussions, I am not aware of any mechanism for assessing when that level of dominance has been reached.</p>	<p>PM10 / Policy B2 / Page 70 Delete criterion (vi) and replace it with: maintain or enhance the character and diversity of village centre uses;</p>
<p>Policy B4 supports the provision of high quality shopfronts and signage. In an attractive village such as Beer, this is an important objective. The policy does refer to compliance with HBE1 (Beer Local Gap) and with the safety requirement of policy HBE2. However, the PC has confirmed that these are incorrect cross-references.</p>	<p>PM11 / Policy B4 / Page 71 Insert correct cross-references. Replace HBE1 with HBE2 in criterion (ii), and HBE2 with HBE3 in the last sentence.</p>
<p>The PC confirms that it is important to local people that Beer remains sustainable as a community and Policy CFS1 presumes against the loss of community assets and facilities. In a location such as this, such an objective is fully justified. However, criterion (i) refers to a</p>	<p>PM12 / Policy CFS1 / Page 74 In criterion (i) delete within the area and insert at the end of the criterion: with satisfactory access for the main users of the existing community asset or facility;</p>

replacement facility being on another site 'within the area'. I consider such a reference to lack sufficient specificity.	
Policy T3 relates to the provision of new holiday accommodation and in itself is justified but in the interests of clarity it is recommended, in PM13 , that criterion (ii) be amended.	PM13 / Policy T3 / Page 84 In second criterion delete it is demonstrated that
Similarly the sentiment behind Policy T4, which seeks to prevent the loss of tourism facilities, is valid but in order to strengthen criterion (i) with regard to viability information, I recommend PM14 .	PM14 / Policy T4 / Page 84 In criterion (i) insert satisfactorily before the word 'demonstrated'.

- 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 Beer to help determine planning applications in the neighbourhood area?' will be held in the Parish of Beer.
- 3.4 The date on which the referendum will take place is agreed as 8 November 2018.