

## East Devon Local Plan Examination Topic Paper Topic Paper 5 – General Matters

### Paper Prepared By:

**Matthew Dickins, Planning Policy Manager, East Devon District Council**

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On the 26 September 2013 the Local Plan Inspector wrote to the Council advising of a number of preliminary concerns and matters. The text of the letter from the Inspector is set out below. Alongside the text are subject matter headings relating to issues raised. This report provides a succinct response to each matter raised. Whilst some of the matters commented on in this report also are addressed in specific papers produced by the Council in response to questions from the Inspector it was also felt relevant to produce a specific report addressing all matters raised individually.

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*“Dear Mr Dickins,*

*I write further to my letter of 23 August 2013. As you know we have been in discussion through my Programme Officer, Amanda Polley and the hearings are programmed to start on 11 February 2014. I do not propose to hold a Pre Hearing Meeting and I am sure you are aware of the requirements of Regulation 24 of the Town and Country Planning (Local Planning)(England) Regulations 2012 with regard to, amongst other things, the notification of representors.*

*I will issue a draft programme and my matters and issues on or before 29 November and the deadline for further statements will be 10 January 2014. Please refer to the Guidance Notes with regard to the examination generally, additional statements and the conduct of the hearings.*

*Given the lead in time to the hearings, I thought it would be useful to raise a number of matters now in the hope that doing so may facilitate discussions at the hearings.*

*The National Planning Policy Framework (NPPF) sets a presumption in favour of sustainable development. Strategy 3 sets out the Council’s interpretation of sustainable development in the district but does not presume in favour of it. The absence of such a policy raises questions regarding the Plan’s conformity with national guidance. This could be*

### **1. Notification of Representors**

### **2. Procedural Matters**

### **3. Presumption in Favour of Sustainable Development**

*resolved by replacing Strategy 3 with the model policy.*

*The NPPF advises that Local Plans should ‘be drawn up over an appropriate time scale, preferably a 15-year time horizon’. I note that the Plan period runs from 2006 to 2026 but, if it is found sound, it is unlikely to be adopted until 2014 giving it only a life of 12 years. There is some merit, in my view, to the representations which suggest that the time period be extended to 2029 -2031, thereby enabling the Local Plan to deliver its long term objectives as envisaged in the NPPF.*

*Having read through the Plan, I agree with those representors who consider there to be a lack of clarity in its aims and objectives. In my view this is in no small part due to the inclusion of a significant amount of superfluous material. For example chapters 1, 2 and 5 (with perhaps the exception of paragraphs 5.5 and 5.6) add little and could be deleted without any loss to the Plan. The NPPF advises that Local Plans should include policies which inform those making decisions on planning proposals. Section 3 may provide useful guidance for those wishing to produce Neighbourhood Plans but its inclusion in the Local Plan is, in my view, unnecessary and does not accord with the NPPF. Further, it is not clear to me how Strategy 3 (as submitted) and Strategy 4 inform those making decisions on planning proposals.*

*The Plan includes large sections of what appears to be unnecessary description; I question for example, the value of the ‘Axminster Now’ and similar sections in chapters 8 to 14 which deflect attention from the Council’s aims and objectives for these settlements. I accept that it could be argued that my concerns go beyond matters of soundness but the inclusion of large amounts of arguably unnecessary material would, in my view, have an adverse impact on the effectiveness of the Plan. I can provide further detail on particular sections if you would find that helpful.*

*The form of the Plan, with separate sections for strategic and detailed policies on the same topics, sections on individual settlements, the countryside and development management policies includes a significant amount of repetition. Further, some matters are addressed in slightly different ways, such a rural employment (paragraphs 15.4, 15.21 to 15.24 and 24.7 to 24.10) which could lead to confusion with regard the objectives of the plan and how its policies are to be applied. Attached as Appendix 1 is a list of policies and sections which I consider are either unnecessary, as they are covered adequately elsewhere or could be combined to ensure that the Plan is both consistent and effective.*

*I would invite you to consider producing topic papers for housing, affordable housing and employment. It would be useful, in my view, and aid the efficient running of the hearings if the Council could, in these documents draw the different strands of evidence together and explain its position. I am unclear, for example, how the plan aims to address any shortfall in the provision of housing since 2006 and it would assist if you*

**4. Timescale of the Plan**

**5. Aims and Objectives of the Plan**

**6. Descriptive Material in the Plan**

**7. Strategic and Local Policy And Repetition**

**8. Topic Papers on Housing, Affordable housing and Employment**

*could explain why you consider it appropriate to split the district with regard to calculating a 5 year supply of housing when there is no provision for such an approach in national guidance. An update on the latest position with regard to housing and employment supply would also be useful.*

*While these matters potentially affect the Plan’s soundness they do not represent the complete list of questions I will raise during the examination. Should you wish clarification on any of the matters raised please contact me through the Programme Officer. However, any substantive questions/issues would probably be best addressed during the hearings section of the Examination.*

*Yours faithfully*

*A Thickett*

*Inspector”*

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## 1 Notification of Representors

- 1.1 Confirmation is provided that representors have been notified of the Local Plan examination. Formal notice has been served by East Devon District Council and we are aware that the Programme Officer has been in regular contact with representors. Appendix 1 gives details of the Press Notice and Letters sent.

## 2. Procedural Matters

- 2.1 Procedural matters and stages have been followed. The Council has issued a response paper for each Examination session. It should be noted that the response papers have been prepared by Officers of the Council, in some instances drawing out technical advice from third parties including consultants that have helped prepare technical evidence in support of the plan. The statements prepared by the officers set out their professional opinion.
- 2.2 The statements do not (with one exception) recommend any changes to the Inspector that would result in material alterations to the Local Plan (officers of the Council do not have delegated authority to make such recommendations). The one exception relates to Habitat Regulation where Natural England (as others) retained outstanding objection to the plan. For Session 6 on the Natural Environment, assuming it will overcome concerns the Inspector may have over matters of soundness, the Council are recommending that changes could be made to the plan and that such changes could, if appropriate, be consulted on through Main Modifications to the Plan.

## 3. Presumption in Favour of Sustainable Development

- 3.1 The Local Plan has been written with sustainable development themes running throughout. The plan takes a positive stance towards accommodation development and by design the policies have been structured to be positive in approach. Strategy 3 of the plan (and as complemented by Strategy 4) sets out our approach towards sustainable development and sets out an overarching sustainability agenda for considering development proposals.

- 3.2 It was considered that the plan, as worded, was appropriate and for this reason it addressed matters that the model policy addressed; albeit doing so within a specific East Devon context. Notwithstanding the concerns raised by the Inspector are noted.

## 4. Timescale of the Plan

- 4.1 It is noted that the NPPF advises that Local Plans should 'be drawn up over an appropriate time scale, preferably a 15-year time horizon'. This matter was recognised at the time of plan production. However it was considered that, in the East Devon context, although not covering 15 years, the period of 2006 to 2026 was appropriate and as such the plan would not be contrary to the NPPF.
- 4.2 The plan evolved and was developed at a time when the South West RSS was very much in existence and being developed and produced. The RSS covered the 2006 to 2026 period and as the East Devon Local Plan, initially written under and evolved from an 'old style' Core strategy, covered this period it was deemed most appropriate to retain the same period of time coverage.
- 4.3 Although the plan does not run for 15 years it does provide for post 2026 development at Cranbrook, it meets housing needs for the District and we have committed to plan review.

## 5. Aims and Objectives of the Plan

- 5.1 The concerns raised in respect to aims and objectives are noted and it is recognised that the Inspector could draw these conclusions. The inclusion of material was intended to assist plan users and help set a context for the policies of the plan. It is, however, also recognised that sometime too much material can confuse and complicate rather than make things clearer.
- 5.2 The inclusion of Section 3 was intended to help with those planning to produce Neighbourhood Plans and there is and has been considerable interest in East Devon in producing such plans. It is appreciated that the section does not help with determination of planning applications but at the time of drafting it was felt that it did

provide, in one place, information that would inform those interested in Neighbourhood Planning how the Neighbourhood Planning system worked and how this linked to the District Council strategic policies and development management policies.

## 6. Descriptive Material in the Plan

- 6.1 Descriptive material was included in the plan as it was felt that it also would aid users of the plan and help provide a context for more fully understanding plan policy. However it is appreciated that too much descriptive material can cause some degree of confusion and also can deflect attention for aims and objectives and the key matters which are plan policies. It is understood and appreciated why the specific points made are raised.

## 7. Strategic and Local Policy and Repetition

- 7.1 The intention behind the plan was to keep Strategic policies separate from the more detailed and operational policies. It was for these reason that there were two specific sections to the plan. In part the plan developed in this way because it started its life as a proposed Core Strategy, the Core Strategy part becoming the 1<sup>st</sup> part of the new Local Plan.
- 7.2 However it is appreciated that there are elements of overlap and to some degree repetition across the two parts of the plan and across various policies. Though notwithstanding this point in most cases the development management do provide more detail and provide more specific guidance in respect of application of the strategic policies.

## 8. Topic Papers on Housing, Affordable housing and Employment

- 8.1 Topic papers on the subjects listed have been produced and submitted to the Inspector.

## APPENDIX 1 – Press Notice and Letters sent

Date: 18 December 2013  
Contact number: Ext. 1540  
E-mail: mdickins@eastdevon.gov.uk  
Direct Fax:  
Our Reference: MD/AML/A/02/16/07  
Your Reference:



East Devon District Council  
Knowle  
Sidmouth  
EX10 8HL  
DX 48705 Sidmouth  
Tel: 01395 516551

Dear Sir/Madam

**Hearing Sessions for the Examination of the East Devon Local Plan and East Devon Community Infrastructure Levy Draft Charging Schedule**

In accordance with regulations I am pleased to advise that:

- 1 **East Devon Local Plan** - The oral hearing sessions for the Examination of the East Devon Local Plan will commence at 10:00 am on Tuesday 11 February 2014 at the Council Offices, Knowle, Sidmouth EX10 8HL. Subsequent days will start at 9.30 am. The Local Plan oral hearings sessions, all at this venue, are schedule to run from:
  - Tuesday 11<sup>th</sup> to Friday 14<sup>th</sup> February 2014;
  - Tuesday 25<sup>th</sup> to Friday 28<sup>th</sup> February 2014;
  - Tuesday 4<sup>th</sup> to Friday 7<sup>th</sup> March 2014;
  - Tuesday 11<sup>th</sup> March 2014 has been held as a reserve day.
- 2 **East Devon Community Infrastructure Levy Draft Charging Schedule** - The oral hearing session for the Examination of the East Devon Community Infrastructure Levy Draft Charging Schedule will commence at 9:30 am on Tuesday 13 March 2014 at the Council Offices, Knowle, Sidmouth EX10 8HL. At this stage examination is scheduled to run for this one day only.

The Inspector appointed to examine the Local Plan and the Community Infrastructure Levy Draft Charging Schedule is **Mr Anthony Thickett BA(Hons) BTP MRTPI Dip RSA.**

A full programme for the hearing sessions can be seen on the website of the Programme Officer at:

<http://www.eastdevon.gov.uk/progofficer>

Any queries relating to the Examination process should be addressed to Amanda Polley the Local Plan Programme Officer at:

Amanda Polley, Programme Officer  
Council Offices, Knowle, Sidmouth  
EX10 8HL  
Tel: 01395 571682  
E-mail: [programmeofficer@eastdevon.gov.uk](mailto:programmeofficer@eastdevon.gov.uk)

Yours faithfully



Matthew Dickins  
Planning Policy Manager

**The New East Devon Local Plan 2006–26**  
**and**  
**East Devon Community Infrastructure Levy Charging**  
**Schedule – 2013**

**Notice of Examination Hearings**

On Friday 2 August 2013 East Devon District Council Submitted the above documents to the Secretary of State for Communities and Local Government for Examination.

The oral hearing sessions for the Examination of the East Devon Local Plan will commence at 10:00am on Tuesday 11 February 2014 at the Council Offices, Knowle, Sidmouth EX10 8HL. Subsequent days will start at 9.30 am. The Local Plan oral hearings sessions, all at this venue, are schedule to run from:

- Tuesday 11th to Friday 14th February 2014;
- Tuesday 25th to Friday 28th February 2014;
- Tuesday 4th to Friday 7th March 2014;
- Tuesday 11th March 2014 has been held as a reserve day.

The oral hearing session for the Examination of the Community Infrastructure Levy (CIL) Charging Schedule will commence at 9:30 am on Tuesday 13th March 2014 at the Council Offices, Knowle, Sidmouth EX10 8HL. At this stage examination is scheduled to run for this one day only.

The Inspector appointed to examine the Local Plan and the Community Infrastructure Levy Charging Schedule is **Mr Anthony Thickett BA(Hons) BTP MRTPI Dip RSA**.

A full programme for the hearing sessions can be seen on the website of the Programme Officer at:

<http://www.eastdevon.gov.uk/progofficer>

Any queries relating to the Examination process should be addressed to Amanda Polley the Local Plan Programme Officer at:

Amanda Polley, Programme Officer  
Council Offices, Knowle, Sidmouth  
EX10 8HL

Tel: 01395 571682

E-mail: [programmeofficer@eastdevon.gov.uk](mailto:programmeofficer@eastdevon.gov.uk)

**Noticed Issued By - Planning Policy Section, East Devon District Council,  
Knowle, Sidmouth, EX10 8HL**