

**Submission to Ministry of Housing,
Communities and Local Government**



Statement of Reasons

Proposed Changes to the County of Devon (North and East Devon Area of Special Control of Advertisements) Order



November 2019

East Devon – an outstanding place

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Contents and Policies

| | |
|----------------------------|----------|
| Summary | 4 |
| 1 The Principles..... | 5 |
| 2 Consultation | 9 |
| 3 Axminster | 10 |
| 4 Beer..... | 13 |
| 5 Budleigh Salterton | 17 |
| 6 Colyton | 21 |
| 7 Cranbrook..... | 22 |
| 8 Enterprise Zone | 23 |
| 9 Exmouth | 24 |
| 10 Honiton | 28 |
| 11 Ottery St. Mary | 29 |
| 12 Seaton..... | 30 |
| 13 Sidmouth | 31 |

Summary

Areas of Special Control of Advertisement (ASCA) place additional controls on the display of adverts and should only be imposed in areas that need special protection due to their scenic, historic, architectural or cultural significance.

Most of East Devon is covered by the County of Devon (North and East Devon ASCA) Order that was designated by Devon County Council in 1964 and has since been modified periodically. East Devon District Council has undertaken a comprehensive review of the ASCA to see whether it should be modified. Consultation was undertaken as part of the review process in September 2018 and February/March 2019. The February/March consultation was supported by a [consultation document](#) that set out fully the purpose and implications of the ASCA designation, the reasons for undertaking the review and the principles that were followed to identify areas that should be either included in or excluded from the ASCA. This statement of reason does not repeat the contents of that consultation statement: it focusses on the justification for why the areas identified should be included/excluded from the ASCA based on the principles that were adopted during the review process. Full details of the consultation and supporting documents are available [at https://eastdevon.gov.uk/planning/planning-policy/policy-work-whats-new/review-of-east-devon-area-of-special-control-of-advertisements/](https://eastdevon.gov.uk/planning/planning-policy/policy-work-whats-new/review-of-east-devon-area-of-special-control-of-advertisements/).

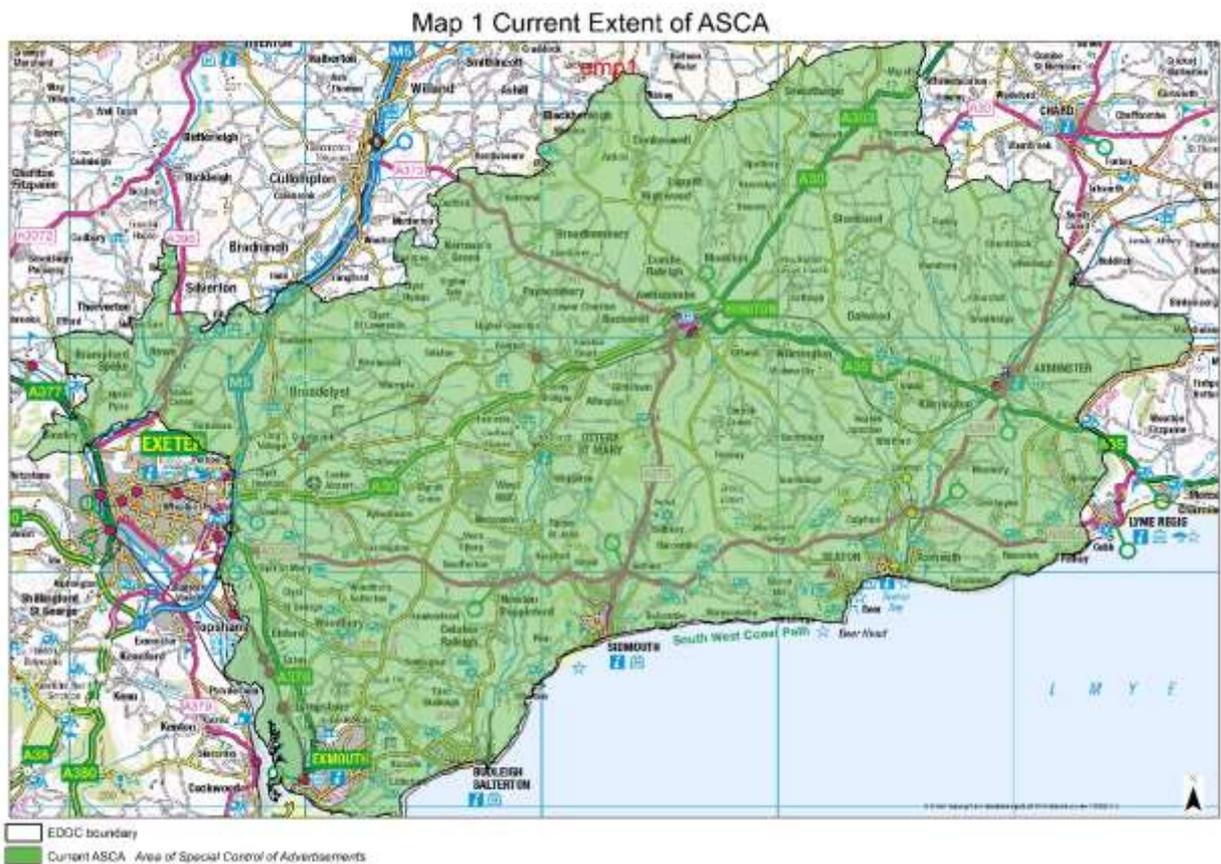
The review showed that some areas no longer require the special protection afforded by the ASCA and should be removed from it. It also showed that a smaller number and size of areas that currently lie outside of the ASCA did merit additional protection and should be included in the ASCA. East Devon District Council has amended the ASCA Order accordingly and has submitted the modified Order to the Secretary of State for approval in accordance with The Town and Country Planning (Control of Advertisements) (England) [Regulations](#) 2007 (as amended). These regulations require that additional documents are submitted and that advertisements are placed in the London Gazette and in a local newspaper.

This statement of reasons forms one of the required submission documents. The other documents submitted are:

- The proposed modification to the order, which includes a schedule and maps of the land affected by the proposed changes (more detailed maps are available online) and
- A plan showing both the boundaries of the existing order and the proposed modifications.

1 The Principles

1.1 The ASCA was designated by Devon County Council in 1964 and has since been reviewed on an ad hoc basis so that there is now no clear rationale for why some areas are included in the ASCA and others of a similar character are excluded. The majority of East Devon is covered by the ASCA with only parts of the main towns (Axminster, Budleigh Salterton, Exmouth, Honiton, Ottery St. Mary, Seaton and Sidmouth) and the village of Beer being excluded (as shown on Map 1). There is limited consistency between the types and extent of areas that are excluded in the towns and these inconsistencies have created uncertainty about the rules for the display of advertisements in East Devon. The situation has been further complicated by changes that have occurred over time, including the expansion of the towns, the development of the new town of Cranbrook and the designation of an enterprise zone (the Exeter and East Devon Enterprise Zone).



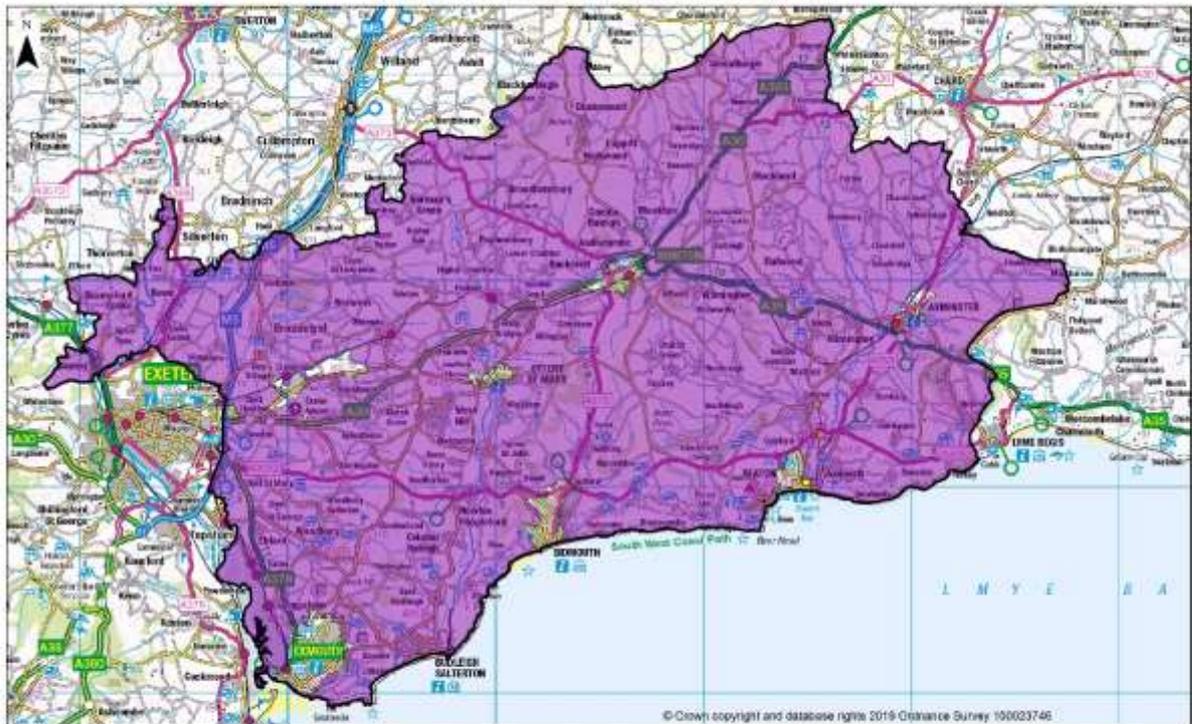
1.2 East Devon District Council has undertaken a review of the ASCA in East Devon as required by Section 20 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Section 20 requires that 'where an ASCA is in force, the local planning authority shall consider at least once in every 5 years whether it should be revoked or modified'.

- 1.3 The scope of the review focussed on the existing settlements that already have land excluded from the ASCA, together with the new town of Cranbrook and the Exeter and East Devon Enterprise Zone. In addition, to ensure a consistent approach with Beer, the town centre defined in Colyton was also considered for exclusion from the ASCA. Although there have been changes in the character of other parts of East Devon, for example the development of business parks in the countryside to the east of Exeter, these areas have not been considered as part of the review because they remain in the 'countryside' as designated by the adopted local plan. Exceptions to this are some of the smaller settlements (where Built-up Area Boundaries are defined in the adopted [East Devon Villages Plan](#)) which are primarily residential in character. In these settlements, only the commercial centres of Beer and Colyton were considered in the review because they have specific town/village centre policies (see relevant chapter of this document for details).
- 1.4 Guiding principles for the review were established to help provide a consistent approach and were set out in the [consultation statement](#). The principles were that:
- a) In Axminster, Exmouth, Honiton, Ottery St. Mary, Seaton and Sidmouth land inside the adopted Built-up Area Boundary (BUAB) will be excluded from the ASCA unless it is within an AONB;
 - b) In Budleigh Salterton there will be no major changes to the excluded area because the town is 'washed over' by the East Devon AONB;
 - c) In Cranbrook all areas with planning permission for major development will be excluded from the ASCA; and
 - d) Land within the Exeter and East Devon Enterprise Zone will be excluded from the ASCA.
- 1.5 The first guiding principle has informed most of the decisions made on which areas should be removed or included in the ASCA. The BUAB of each main town in East Devon is defined in the adopted [East Devon Local Plan 2013 to 2031](#). The purpose of the BUAB is to differentiate the built-up areas (where development is more likely to be acceptable) from the countryside, where development is usually only permitted in special circumstances (see Strategy 6 and Strategy 7 of the [local plan](#))
- 1.6 The approach of using the BUAB for defining areas to be excluded from the ASCA could be criticised on the basis that the BUAB was designed for a separate purpose (to inform a policy relating to appropriate locations for development). However, it is a boundary that has been defined following consultation and examination through the local plan adoption process and it is used and understood by local communities and businesses. Although there are built-up areas outside of the boundary, and in a very few cases land with a rural character inside it, it has been accepted as a method of defining the areas where a more relaxed planning regime should exist than in the countryside (which is defined in East Devon as those areas outside of the BUAB) where there are more constraints on development. A consistent approach between the two boundaries also has the practical advantage that people will be clearer on which land lies outside of the ASCA. The only exception to this is where the land within the BUAB also lies within the East Devon AONB (there are two main

AONB designations covering about 66% of East Devon: the East Devon AONB and the Blackdown Hills AONB, but the Blackdown Hills AONB does not extend into any of the BUAB's affected by this review). With the exception of Budleigh Salterton (which is 'washed over' by the East Devon AONB) no land within the AONB is proposed to be taken out of the ASCA because it is protected on the basis of its scenic beauty and is therefore suitable for inclusion in the ASCA because of its nationally recognised landscape character. The alternative to using the BUAB as the starting point for the review of the ASCA would have been to devise a methodology specifically for the ASCA review. This would have involved a good deal of additional work in identifying potential changes without necessarily resulting in a significantly better outcome. In adopting the approach of using the BUAB, moderated by AONB designation, the Council has sought to conduct the review in a timely manner without committing resources unnecessarily.

- 1.7 In addition to considering sites in relation to the principles set out in paragraph 1.3, alternatives were considered as follows:
- I. Where there are areas of large scale development on the edge of towns that lies outside of the adopted BUAB consideration will be given to whether these should also be excluded from the ASCA;
 - II. Land within the Exeter and East Devon Enterprise Zone will be excluded from the ASCA;
 - III. In Axminster consideration will be given to whether the mixed use allocation, which is included in the BUAB, should be excluded given uncertainties over the master planning of this area;
 - IV. In Beer consideration will be given to amending the area excluded from the ASCA so that it mirrors the village centre defined in the Beer Neighbourhood Plan;
 - V. In Colyton, which is currently wholly included in the ASCA, consideration will be given to excluding the area identified as the vitality and shopping area defined in the adopted East Devon Villages Plan; and
 - VI. In Cranbrook consideration will be given to removing from the ASCA the areas identified for development in the emerging Cranbrook Development Plan.
- 1.8 Map 2 shows the extent of the ASCA now proposed.

Map 2 Proposed Extent of ASCA



Proposed ASCA - Sep 2019 EDDC boundary

2 Consultation

- 2.1 The National Planning Practice Guidance on [advertisements](#) states that 'before making an order and applying for approval from the Secretary of State, local planning authorities are expected to consult local trade and amenity organisations about the proposal'.
- 2.2 Initial consultation with affected parish councils and ward members started in September 2018 with a [briefing paper](#). Feedback on this informed the initial review which found that substantial areas should be removed from the ASCA and that some small areas should be included in the ASCA due to their rural character. A [document](#) to guide public consultation based on this initial work was published in February 2019. Targeted consultation on the review took place in February and March 2019. Twenty four representatives of local amenity groups, eighteen representatives of local trade organisations, all parish council's, local Members and the national advertising body (the Advertising Association) were sent details of the review and asked for comments. In addition the review was available for comment on the EDDC web site. Four responses were received to this consultation, which are set out in full on the relevant [web page](#).
- 2.3 A [report](#) was made to the Strategic Planning Committee on 10th June 2019 ([agreed](#) by Full [Council](#) on 24th July 2019. Alterations to the ASCA were agreed that incorporated in full all the issues raised in response to the 2019 consultation.
- 2.4 Since the matter was considered by Council some minor anomalies in the base mapping used to indicate the AONB boundary have come to light. This has resulted in very minor changes in Exmouth and some more noticeable changes in Sidmouth, Honiton and Beer that are now proposed to be kept inside of the ASCA due their AONB status. These changes are very minor in comparison to the overall scale of changes proposed in the review and it was not considered necessary to undertake a further consultation to reflect them.
- 2.5 The remainder of this statement of reason will consider how each settlement involved in the review was considered against the principles and considerations set out in paragraphs 1.4 and 1.7. Photographs of all the areas proposed to be put into the ASCA have been provided to help justify their inclusion. Photographs of the areas to be taken out of the ASCA have not been provided because the areas are quite extensive and are generally of an urban character due to their inclusion in the BUAB. All site references correspond to the sites identified during the consultation and identification plans are shown in the modification order and in more detail online.

3 Axminster



Photograph 1 Axminster centre viewed from footpath to the east

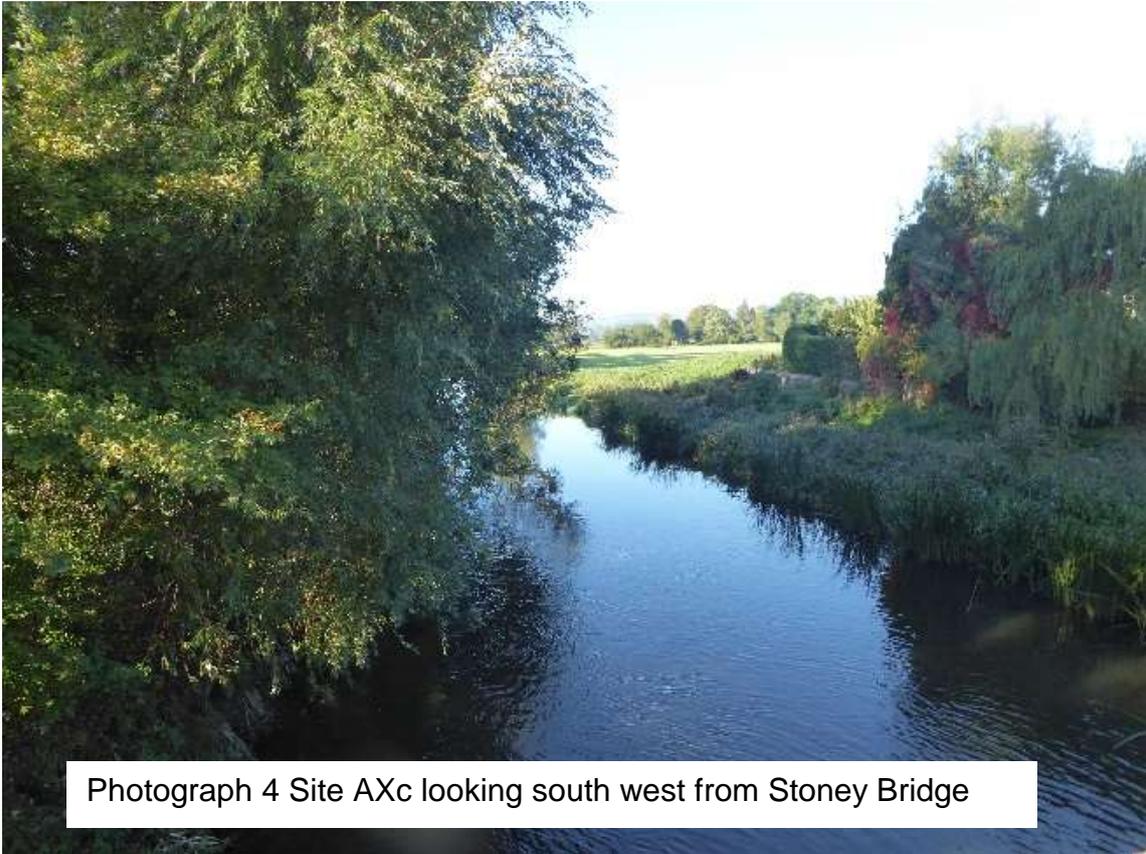
- 3.1 The principles/considerations used for Axminster were a) and III) (land inside the adopted Built-up Area Boundary (BUAB) will be excluded from the ASCA unless it is within an AONB and in Axminster consideration will be given to whether the mixed use allocation, which is included in the BUAB, should be excluded (from the ASCA) given uncertainties over the master planning of this area).
- 3.2 Currently only a small part of the town is excluded from the ASCA. The excluded area focusses on the town centre and includes some residential areas but not the Co-op supermarket or most of the carpet factory site. The modified ASCA boundary follows the BUAB defined in the local plan, with the exception of the mixed use allocation to the east of Axminster. The adopted East Devon Local Plan identifies this land for a development of around 650 homes with associated employment land, open space, community facilities and a primary school as well as land for the delivery of a north/south relief road. However, following the adoption of the local plan, a [masterplan](#) showed that the development would need to be expanded to include land further to the east of the original allocation and an additional 200 homes. Given the uncertainties over the timing and extent of the development east of Axminster it was decided that the ASCA should remain in place until the next review.
- 3.3 In aligning the ASCA boundary with the BUAB three small areas are proposed for inclusion in the ASCA (sites AXa, AXb and AXc). The following photographs clearly show that these areas have a rural character that justifies the special protection of the ASCA.



Photograph 2 Site AXa from B3261 looking south



Photograph 3 Site AXb from footpath behind Shand Park looking west

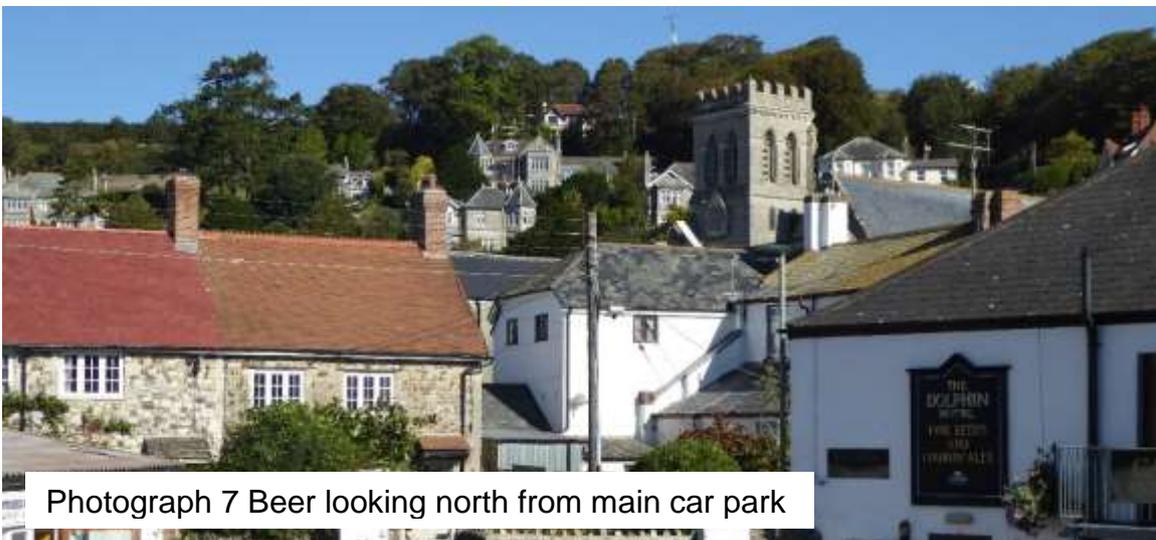


4 Beer



Photograph 5 Beer Fore Street

- 4.1 None of the set principles were relevant to Beer, which is a village rather than one of the main East Devon towns. As stated in paragraph 1.3, the BUAB for Beer was defined in the East Devon [Villages Plan](#) and, due to the smaller more rural setting of the settlements considered in the Villages Plan, it was decided not to consider removing the land within the BUAB as part of the ASCA review. The specific consideration for Beer set out to guide the review was that 'In Beer consideration will be given to amending the area excluded from the ASCA so that it mirrors the village centre defined in the Beer Neighbourhood Plan'. This approach reflects the commercial nature of the centre of Beer (and Colyton) which is significantly more important than in other Villages Plan settlements and justified a specific policy (VP02) in the Villages Plan (which has been superseded by [the Beer Neighbourhood Plan](#)).
- 4.2 Beer has a rural coastal setting being set in a steep sided valley and partly in and surrounded by the East Devon AONB (photographs 6 and 7). Currently only a small part of Beer is excluded from the ASCA including the village centre and the surrounding buildings. Policy H4 of the [Beer Neighbourhood Plan](#) seeks to retain the mix of retail and commercial premises in the village centre. Matching the ASCA boundary to the village centre boundary has the advantage of providing clarity and aligning a more relaxed advertisement regime to the commercial heart of the village as defined in the neighbourhood plan. The consequence of using the same boundary is that more land is proposed to be taken out of the ASCA in Beer than will included in it. A very small part of the village centre (part of a car park) also lies within the AONB and so is proposed to be kept within the ASCA.



- 4.3 Four sites are proposed for inclusion in the ASCA, none of which is commercial in nature. Site BEf comprises the frontage of houses at the 'head' of the main shopping street (Photograph 8); Site BEg is a small group of housing at the back of the main street (Photograph 9), BEh is a tiny parcel of land at the side of a house (Photograph 10); and BEi is a narrow strip that forms a tarmacked drive leading up to public gardens (Photograph 11).



Photograph 8 Site BEf viewed from Fore



Photograph 9 Site BEg viewed from New

Photograph 10 Site BEh viewed from The Meadows car park



Photograph 11 Site BEi looking north west towards Fore Street



5 Budleigh Salterton

Photograph 12 Budleigh Salterton High Street looking north east from Rolle Road



- 5.1 The principle used to inform the review was 'In Budleigh Salterton there will be no major changes to the excluded area because the town is 'washed over' by the East Devon AONB'.
- 5.2 Given the AONB location the review has sought to ensure that the only area not within the ASCA is the commercial centre of the town. Policy E9 of the adopted East Devon [Local Plan](#) seeks to retain the vitality and viability of the town centre as defined on the Budleigh Salterton proposals [map](#). This boundary has been used to modify the ASCA boundary so that they correlate and has resulted in a small area being taken out of the ASCA (Site BSa).
- 5.3 Three larger areas that lie just outside of the defined town centre are proposed to be included in the ASCA. Site BSb is a primarily residential area and includes the rear part of some of the properties fronting onto High Street (Photographs 13 and 14). Site BSc comprises the rear portion of commercial premises fronting onto the High Street (Photograph 15). Site BSd is a predominantly residential area, although it includes a car park, a church, a couple a shops and a café (Photographs 16 to 19). The lack of commercial activity in these areas combined with their AONB location justifies their inclusion in the ASCA.





Photograph 17 Site BSd looking west along Poplar Row



Photograph 18 Site BSd looking north east across Fore Street to car park



Photograph 19 Site BSd looking north west across Fore Street towards Church



6 Colyton



Photograph 20 Colyton Market Place

- 6.1 None of the set principles were relevant to Colyton, which is a small town rather than one of the main East Devon towns. The specific consideration for Colyton set out to guide the review was that 'In Colyton, which is currently wholly included in the ASCA, consideration will be given to excluding the area identified as the vitality and shopping area defined in the adopted East Devon Villages Plan' (Policy [VP03](#)).
- 6.2 In September 2018 a [guide](#) to the review was sent to local Councillors and town/parish councils for comment. This included a map showing the Colyton vitality and shopping area and asking if the vitality and shopping area should be taken out of the ASCA. Colyton Town Council [responded](#) that the ASAC for Colyton should remain as it currently is with the whole of Colyton inside the ASAC. This response was reiterated in the February/March 2019 [consultation](#) and when the issue was considered by the Council's Strategic Planning [Committee](#) it was agreed that, given the strong objections to changes from the Town Council, no changes should be made to the ASCA in Colyton. Colyton therefore remains wholly within the ASCA. This approach is justified by the small scale of the town and its rural setting (Photograph 21)



Photograph 21 Colyton from Colcombe Road looking south west

7 Cranbrook



Photograph 22 Cranbrook looking east

- 7.1 The development of Cranbrook started in June 2011 and so far around 2000 homes have been completed together with two schools, a railway station and neighbourhood centre. The emerging Cranbrook Plan makes provision for a total of 7750 homes by 2031.
- 7.2 The principle set in the ASCA review for Cranbrook was that 'In Cranbrook all areas with planning permission for major development will be excluded from the ASCA'. In addition a further consideration was that 'In Cranbrook consideration will be given to removing from the ASCA the areas identified for development in the emerging Cranbrook Development Plan'.
- 7.3 In response to the 2019 consultation Cranbrook Town Council was in favour of removing all the areas proposed for development in the Cranbrook Plan. This option was considered by the Strategic Planning Committee and it was agreed that this was a suitable course of action. The Cranbrook Plan is at an advanced stage of preparation and includes expansion areas to the South, East and West of the area that already has planning permission. The proposal is to remove all of the areas with planning permission in Cranbrook together with the areas identified for development in the Cranbrook Plan from the ASCA. This is justified by the rapid rate of development expected in the Cranbrook Plan, which is at an advanced stage of preparation (submitted for examination August 2019).

8 Enterprise Zone



- 8.1 The Exeter and East Devon [Enterprise Zone](#) comprises four separate geographical sites that provide a range of incentives to attract and support new and growing businesses. The simplified planning rules of the enterprise zone and the commitment to development mean that the ASCA designation is no longer appropriate in these areas and they are proposed for removal from it on this basis.

9 Exmouth



Photograph 24 Exmouth Withycombe Raleigh looking west across Exe Estuary

- 9.1 The principle relevant to Exmouth was ‘land inside the adopted Built-up Area Boundary (BUAB) will be excluded from the ASCA unless it is within an AONB’.
- 9.2 This approach was followed in Exmouth and resulted in three main areas of more recent development/land allocated for development being taken out of the ASCA (Sites EXa, EXb and EXc) together with a short row of older housing (Site EXe). These areas either already have an urban appearance or, in the case of the northern part of Site EXa, are proposed for development in the local plan (Site W147 on the [Exmouth](#) inset plan). These areas no longer meet the criteria of exceptional scenic quality that would justify keeping them within the ASCA. Areas that are in the AONB were identified in the consultation document and proposed to be kept inside the ASCA. In addition some narrow strips of land that were subsequently found to be inside the AONB are now proposed to be kept in the ASCA.
- 9.3 An additional consideration was relevant to Site EXd: ‘where there are areas of large scale development on the edge of towns that lies outside of the adopted BUAB consideration will be given to whether these should also be excluded from the ASCA’. Whilst site EXd lies outside of the BUAB, it was also already excluded from the ASCA so no changes to the ASCA boundary were necessary.
- 9.4 There are two small areas and one larger area on the edge of Exmouth proposed for inclusion in the ASCA. Site EXf comprises a narrow strip of land between the railway and the Exe estuary which is mainly covered in trees with an area of boat storage to the south (Photographs 24 and 25). This land lies outside of the BUAB and has a strong visual relationship with the Exe Estuary which contributes to a scenic quality that justifies the lands inclusion in the ASCA.



Photograph 24 Site EXf taken from south of site from Marine Way

Photograph 25 Site EXf taken from public footpath off recreation ground (railway in foreground)



- 9.5 Site EXg comprises a short line of detached houses set in substantial gardens on the northern edge of Exmouth. The site lies outside of the BUAB and appears to ‘sit’ within the rural landscape that provides the wider setting of the town (Photograph 26). It is proposed for inclusion in this the ASCA to reflect this rural context and to tie in with the BUAB.



- 9.6 Site EXk comprises mainly rolling agricultural fields with a small area of woodland to the western part of the site (Photographs 27 and 28). It clearly forms part of the rural setting for Exmouth and its scenic qualities justify including the land in the ASCA.





Photograph 28 Site EXk looking north west from public footpath just north of Maer Farm.

10 Honiton



- 10.1 The principles/considerations relevant to Honiton were that 'land inside the adopted Built-up Area Boundary (BUAB) will be excluded from the ASCA unless it is within an AONB' and 'where there are areas of large scale development on the edge of towns that lie outside of the adopted BUAB consideration will be given to whether these should also be excluded from the ASCA'.
- 10.2 Currently the town centre and some of the surrounding residential areas are excluded from the ASCA, with the majority of the surrounding town being included in the ASCA. The principle of following the BUAB has resulted in most of the urban area being taken out of the ASCA (Site HOe), with the exception of three small sites in the south of the town that lie within the East Devon AONB (sites HOa, HOb and HOc in the [consultation document](#)). It should be noted that part of a recreation area not shown as part of the AONB in the consultation documents is also now proposed to be kept within the ASCA due to its AONB status.
- 10.3 Site HOd has planning permission for around 300 homes and is currently being developed, but lies outside of the BUAB defined in the local plan. This land is proposed to remain inside the ASCA on the basis that it lies in the countryside as defined in the local plan and will become a primarily residential area where there will be limited scope for the display of advertisements.

11 Ottery St. Mary



Photograph 30 Ottery St. Mary looking south from Church down Silver Street

- 11.1 The principle relevant to Ottery St. Mary was that 'land inside the adopted Built-up Area Boundary (BUAB) will be excluded from the ASCA unless it is within an AONB', with the additional consideration that 'Where there are areas of large scale development on the edge of towns that lies outside of the adopted BUAB consideration will be given to whether these should also be excluded from the ASCA'. There are no AONB designations in Ottery St. Mary, but two developed sites that lie outside of the BUAB were considered for exclusion from the ASCA (Sites OSMb and OSMc in the [consultation document](#)).
- 11.2 The same conclusion was reached on these sites as it was for Site HOd in Honiton: that as residential areas outside of the BUAB they should be retained in the ASCA.

12 Seaton



Photograph 31 Seaton looking south east from Seaton Down Hill

- 12.1 The only principle/consideration relevant to Seaton was that 'land inside the adopted Built-up Area Boundary (BUAB) will be excluded from the ASCA unless it is within an AONB'. Applying this principle has resulted in large parts of the town being taken out of the ASCA. There is no AONB land in Seaton.
- 12.2 One small area (Site SEd) is proposed for inclusion in the ASCA as it lies outside of the BUAB. This forms a strip of land between the beach promenade and the seafront road and includes a kiosk and public toilets (Photograph 32).



Photograph 32 Site SEd looking west along promenade

13 Sidmouth

Photograph 33 Northern Sidmouth/Sidford looking west from Grigg's Lane, Fortescue



- 13.1 The principle relevant to Sidmouth was that 'land inside the adopted Built-up Area Boundary (BUAB) will be excluded from the ASCA unless it is within an AONB'. There are large areas of the BUAB in Sidmouth that lie within the AONB but a large area of the town is proposed to be taken out of the ASCA on the basis that it is inside of the BUAB and not in the AONB. Additional housing areas that were not shown as being in the AONB in the consultation document are also now proposed to be kept within the ASCA to reflect their AONB status.
- 13.2 No sites were identified in Sidmouth for inclusion in the ASCA.
