

Farringdon Neighbourhood Plan Examination

Responses to Examiner’s Initial Questions by East Devon District Council and/or Farringdon Parish Council

(as specified in the table below)

	Examiner’s Questions	Approved Responses
	Joint questions for East Devon District Council and Farringdon Parish Council	
1	<p>Paragraph 009 ID: 41-009-20190509 of the Planning Practice Guidance, advises that ‘where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan’.</p> <p>Could the Councils confirm that such discussions have taken place and summarise any conclusions that were drawn?</p>	<p><u>Response from East Devon District Council:</u></p> <p>East Devon District Council can confirm that discussions relating to the relationship between the Neighbourhood Plan, the adopted Local Plan and emerging plans have taken place at each stage of the neighbourhood planning process.</p> <p>Initial discussions focussed on the relationship between the Neighbourhood Plan and the adopted Local Plan. The Neighbourhood Plan policies were adapted to ensure that they complied with the Local Plan. This specifically related to the housing and employment policies, both of which were made more restrictive to ensure that they complied with the Local Plan strategy.</p> <p>Around the time of the regulation 14 consultation, a Greater Exeter Strategic Plan (GESP), in which East Devon District Council were a partner authority, was being finalised for public consultation. This strategic plan intended to identify broad locations for significant new development (at least 500 houses each, likely to be in the form of substantial urban extensions or new settlements). The District Council brought the forthcoming consultation to the Neighbourhood Planning group’s attention, although discussion as to what it might contain was limited due to the timing (the GESP consultation papers were due to go into the public domain at the same time as the Regulation 14 consultation was ending). Shortly after this, in July this year, the District Council resolved not to progress GESP to consultation so further discussion was not considered to be necessary.</p> <p>Subsequently, in October this year, the District Council resolved to review the adopted Local Plan and commence updating it with an Issues and Options</p>

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		<p>consultation. This consultation is expected to take place early next year. Farringdon Parish Council are aware of this but as this is very early days in the process of working on a replacement Local Plan, no detailed discussions have taken place. East Devon District Council do not wish to delay the progression of the Farringdon Neighbourhood Plan and resolved at Cabinet on 28th October 2020 to confirm our formal representation to the Regulation 16 version of the Plan for consideration at the examination stage.</p> <p>As part of the process of reviewing the current Local Plan and preparing the new document, 'made' and well advanced Neighbourhood Plans (including the Farringdon plan) are being reviewed to identify any potential conflict and synergy, and how and where their policies can best be reflected and incorporated.</p> <p>Across the board, we intend to work closely with Neighbourhood Planning groups to engage them in the emerging local plan production process going forward. We intend to support them in understanding and responding to the relationship with their made or emerging Neighbourhood Plan, including to ensure appropriate policies are 'saved', identifying and considering conflicts, and where policy is to be superseded, to facilitate the reviewing and updating process. If the Examiner wishes to make any comment on this from experience elsewhere to help inform the District Council's approach going forward this would be welcome.</p> <p><u>Response from Farringdon Parish Council:</u> Farringdon Parish Council agrees that the neighbourhood plan-related discussions referenced above between Farringdon Parish Council and the District Council did take place, and that a dialogue between the councils continued throughout the plan-making process.</p>
2	<p>In the last sentence of the Submission Version Representation Form submitted by McMurdo for Stuart Partners Ltd (in the box under Question 4) it states that their client 'has not been properly consulted'. Can the Councils confirm that the consultation that has been undertaken follows the published guidance on the matter, for example in the chapter of the Planning</p>	<p><u>Response from Farringdon Parish Council:</u> The extent of consultation carried out is catalogued in the submitted Consultation Statement. The Parish Council was determined from the start that the process should be inclusive and open. This is demonstrated by the fact that several community consultation surveys and events were held prior to the formal Regulation 14 consultation.</p>

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<p>Practice Guidance entitled 'Neighbourhood Planning' (see paragraph 047 Ref ID: 41-047-20140306).</p>	<p>Regarding the Stuart family and its businesses, as residents, those family members who lived in the Parish will have received regular newsletter up-dates as well as invitations to participate in surveys and attend consultation events at the Village Hall. They will have been informed of progress on the Plan's preparation and how to access various documents on the website. A local Facebook page was also in operation. It was made clear from the outset that the views of the community were very important and would influence the content of the Plan. One such consultation event focussed on a 1st Version of the NP. All parishioners were invited to comment on an early draft of the NP. Thereby, having an opportunity to be actively involved in shaping the emerging Plan.</p> <p>As regards the Stuart's businesses, they like all other business operations in the Parish were sent individual letters informing them of the various consultations and inviting their participation.</p> <p><u>Response from East Devon District Council:</u></p> <p>East Devon District Council reviewed the Farringdon Neighbourhood Plan Submission at Regulation 16 stage and prepared a 'Basic Conditions Compliance Statement'. This concluded that the relevant legal requirements at Submission stage (including those regarding consultation) had been fully met.</p> <p>The Regulation 16 consultation was widely advertised by the District Council through means of:</p> <ul style="list-style-type: none"> • Writing to all businesses and residents in the parish using address held by the District Council (this included Stuart Partners at their registered office at Hill Barton) • Press release and several follow up reminders on social media • Publishing on our webpages and that of the Parish Council's • Notices placed by the Parish Council on each of their 3 noticeboards in different parts of the parish • By email to all statutory agencies, adjoining parish councils, District Councillors and departments • Made hard copies available on request <p>We also gave an extended timeframe of 10 weeks to make an allowance for the on-going Covid restrictions.</p>

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		<p>When considered against other Regulation 16 consultations, it is considered that we received a reasonable response to the consultation, including representations by the deadline from Stuart Partner's Limited, and all of which were submitted in a timely fashion to the examination.</p>
	Questions for Farrington Parish Council	Farringdon Parish Council Responses
1	<p>Paragraph 3.14 refers to the National Planning Policy Framework 2018. Can I assume that this should be the 2019 version? Are there any other such references that require up-dating?</p>	<p>Yes. The reference should now be the February 2019 version and should be amended. All other references to the NPPF are to the same version.</p>
2	<p>What would constitute 'exceptional circumstances' as referred to in policy Farr1 (a). How would a decision-taker know?</p>	<p>'Exceptional' by implication is very difficult to define. It was thought appropriate to provide for such circumstances should they arise and leave it to the good judgment of the local planning authority in consultation with the community.</p> <p>The National Planning Policy Framework (para. 175) suggests that these circumstances could be <i>"for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat"</i>. We would not object to such an example being given if it helped limit the scope of what could be considered to be 'exceptional'.</p> <p>East Devon District Council has advised the Parish Council that, <i>"It is not unusual to have a situation whereby exceptional circumstances have to apply – the key being that they are exceptional. It is then for us as LPA/the community to judge whether the proposal and case put forward is exceptional in each case."</i></p>
3	<p>Paragraph 7.12 refers to the 'community benefit to be gained'. But there is no reference to this concept within policy Farr1 itself. What is the purpose and justification for this reference in paragraph 7.12?</p>	<p>This reference is linked directly to policy Farr1 (a) and the justification for development in exceptional circumstances above. We would expect, as the example given in the National Planning Policy Framework (para 175) makes clear, that the circumstance of any development justified because of exceptional circumstances to be in the public and or community interest. We would not object to the word 'public' being used instead of 'community'.</p>

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4	Has Farringdon Parish Council considered what measures might be required in new development in order to ensure that tranquillity and dark skies are maintained, as referred to in policy Farr2. How would a decision maker know what is expected by the Parish Council?	<p>Yes. We would expect the decision-maker to consider on a case by case basis whether the proposed development would lessen the tranquillity and dark skies currently 'enjoyed' by the inhabitants of the area and seek to ensure that the current situation was maintained.</p> <p>The content of the policy was informed by policy NE3 of the 'made' Stockland Neighbourhood Plan, in East Devon.</p>
5	How would a decision maker know how to distinguish between large, medium and small trees as referred to in policy Farr3 D?	<p>This particular wording and requirement have been taken from a policy in the 'made' Neighbourhood Plan for the nearby parish of Clyst St George. East Devon District Council, we are informed, was instrumental in getting this wording into policy CSG6 Protection of Trees and Woodlands of the Clyst St George Neighbourhood Plan by proposing it to the Examiner during the Regulation 16 consultation. It was consequently accepted and recommended by the Examiner as a modification to policy CSG6.</p> <p>We referred your question on how to distinguish between large, medium and small trees to the District Council who were instrumental in devising this wording and should now have some experience in using the policy.</p> <p>East Devon District Council have advised us they do not yet have any experience to report with utilising the Clyst St George NP policy. However, they have referred us to guidance produced by TDAG¹ in Tree Species Selection for Green Infrastructure, which gives the following height categories:</p> <ul style="list-style-type: none"> • Small tree <10m; • Medium Tree 10m-15m; • Large tree 15-25m+ <p>The other measure commonly used is the diameter of the trunk – being easier to measure than the height.</p>
6	Is there any reason why policy Farr5 does not include a requirement for the provision of electric vehicle	There is no reason why it should not be included, other than the focus on the policy being very much about the principles of and limits to further residential development, rather than the detail of design and amenity. The current Local Plan

¹ TDAG = Trees and Design Action Group

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	charging points in new dwellings? Is such a requirement covered by other local policy guidance?	acknowledges the value of electric charging points on new residential developments (policy TC9). We have assumed that the provision of electric vehicle charging points in new dwellings would also be a requirement of the new Local Plan, whenever that emerges.
7	Paragraph 8.7 of the Farringdon Neighbourhood Plan refers to a housing need for Farringdon of 13 dwellings (as set out in the Housing Needs Assessment). What is the justification for only proposing up to 12 new homes in policy Farr5?	<p>The Housing Needs Assessment (HNA) recommended one dwelling (rounded) per annum, or 13 dwellings over the Neighbourhood Plan period 2018-2031. The Parish Council accepted the one dwelling per year 'estimate'.</p> <p>After discussions with the Local Planning Authority and taking into account the date when the Neighbourhood Plan was submitted in 2020, it was agreed with East Devon District Council that this could be interpreted and should be fixed as a total of 12 dwellings over the plan period. This also takes account of the planning permission for a dwelling was granted late in 2019 after the Housing Needs Assessment had been drafted, but prior to its 'adoption' by the Parish Council.</p>
8	How will the Farringdon Parish Council ensure that the 12 new dwellings referred to in policy Farr5 are located in sustainable locations within the Parish?	<p>It is arguable that no part of the Parish is any more sustainable than any other apart, perhaps, from land that directly adjoins the main highway, the A3052. Whether new housing should or could be limited to specific areas of the Parish was considered both during policy development and following the Regulation 14 consultation. It was thought that to artificially assemble a cluster of new dwellings would be contrary to the natural growth, form and character of the Parish as it has evolved over centuries. It is described in para. 8.1 of the Neighbourhood Plan. Furthermore, we wish to ensure that new development has a minimal visual impact on the rural character of the area.</p> <p>It was also decided that to apply any form of locational discrimination, was likely to be contentious to the local community and open to challenge. We concluded that accommodating a small number of new dwellings in suitable locations close to existing dwellings across the Parish seems to be the least intrusive and most sustainable, and fairest approach.</p>
9	The supporting text in paragraph 8.16, refers to meeting a need 'from local households' but this does not appear to be reflected in policy Farr5. In preparing	The purpose wording and impact of policy Farr5 was the subject of several iterations, and discussions with the local planning authority.

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	<p>the Plan, did FPC consider introducing a restriction to ensure that new dwellings be retained in perpetuity for people with a clear local connection – thus contributing to meeting local need? If so, what conclusions were drawn? Are there any reasons such an approach was not taken?</p>	<p>Amongst several other aspects of the policy, the matter of a local connection with the Parish was considered. The early drafts of the current policy included a local connection clause.</p> <p>Discussions and correspondence took place during January 2020. In mid-January, East Devon District Council commented on a draft of the policy following deliberations within the planning department. It expressed reservations about including a clause <i>“limiting permissions to particular groups, and legal obligations restricting future sales, complicate matters hugely...”</i>. As a result, this clause, along with several others was amended.</p> <p>By the end of January 2020, a version of the policy acceptable to the local planning authority and the PC was agreed.</p> <p>East Devon District Council informs us that <i>“‘local connection’ is rarely applied to market housing and is more a feature of affordable housing. Including a restriction on market housing would have a detrimental impact on its value and make it hard to obtain a mortgage. “</i></p>
10	<p>Is there any reason why the extent of the employment site, as identified on the Hill Barton Inset Map (in relation to policy Farr6) does not follow the site boundary as identified in the Devon Waste Plan (December 2014) on Map W6C: Hill Barton?</p>	<p>This matter was raised by Devon County Council during Regulation 14 consultation. It commented that <i>“Map 6 - The purple line on the inset map provided alongside Policy Farr6 showing the ‘extent of employment site’ excludes two units which have been permitted and built on the NE part of the plan. These should be included as they form part of the existing site. Furthermore, the purple line boundary on this part of the plan should align with that for Policy W6C of the Waste Plan, as the principle of additional development in this location is established in this area. As currently drafted, the County Council as Waste Planning Authority objects to Policy Farr6 as it is in conflict with Policy W6 of the Devon Waste Plan which has been attached to this response for reference.”</i></p> <p>We referred the matter directly to the local planning authority and agreed to accept its advice. We were told in writing by East Devon District Council on the 16th July 2020 that the NP boundary should remain aligned with the Hill Barton boundary map in the EDDC Villages Plan:</p>

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		<p><i>"On the outstanding matter of the Hill Barton / Business Area plans, I attached the promised slightly revised versions that align the boundary to that set out in our Villages Plan. I have established that the minor differences in boundary were accounted for by areas of structural landscaping and drainage associated with the business park use, with no difference in the built-up area. However, for consistency with the Local Plan, we maintain that aligning to the inset map in the accompanying Villages Plan would be the more appropriate. As set out previously, it is our informal considered view that on balance the Neighbourhood Plan policy and the Waste Plan can work together, with your boundary (& that in the Villages Plan) seeking to capture and limit the further extension of business / commercial uses, as distinct from strategic waste uses. I should make you aware, however, that Devon County Council may raise the same point again in the Regulation 16 consultation and therefore this may be revisited during the examination. Therefore in putting forward the submission version of the Plan, please ensure that you feel comfortable that Policy Farr6 and the Inset Plan reflects your wishes for the future control of development in this area, and whether you wish to add any wording within the policy or supporting text to note the authorised waste uses, or any further revision to the boundary line."</i></p>
11	<p>It is not clear to me what qualifies as being a 'tourism related business', as referred to in policy Farr8. In order to facilitate the task of the decision maker, can the FPC provide a definition of what constitutes such a business?</p>	<p>A business that offers accommodation or recreation space to visitors to the area.</p>
	Questions For East Devon District Council	East Devon District Council Responses
1	<p>I have read the report to the Strategic Planning Committee on 20 October 2020, regarding the proposed approach to planning for the production of a new local plan for East Devon. Could the Council confirm the outcome of that meeting and summarise the timetable for the production of the 'new' local plan.</p>	<p>The final Draft Minutes of this Strategic Planning Committee are now published on our website. These are subject to confirmation at the next meeting on 15th December 2020.</p> <p>The resolutions of the meeting, as set out in the draft minutes, are recorded as follows:</p>

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		<p>1. Recommend to Cabinet that the staffing budget for the Planning Policy Team be increased be approved to enable the recruitment of two additional Planning Officers.</p> <p>2. The production of a local plan issues and options report to come back to Committee in December 2020 with a view to consultation in January 2021 be endorsed.</p> <p>3. Recommend to Cabinet to support in-principle the production of a joint non-statutory plan to include a joint strategy and infrastructure plan for the Greater Exeter area in partnership with Exeter, Mid Devon, Teignbridge and Devon County Councils be approved subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, government arrangements etc.</p> <p>4. A further report on timescale be brought back to December Strategic Planning Committee be agreed.</p> <p>Further to the discussion at the meeting, summarised in the drafted minutes, and pending the forthcoming Committee, the Planning Policy team is currently seeking to work to the faster of the two timetables set out in the October Committee report (Option 1), whilst considering the desire of Strategic Planning Committee to see additional engagement built-in to the process. In line with this and minute (2) above, an Issues and Options Report is currently being drafted, to take to the December Strategic Planning Committee. If approved, this is proposed to go out to consultation in early 2021.</p> <p>In summary, going forward from this point, it is currently envisaged that a draft plan could be ready to be approved for consultation by March 2022; submitted for examination by March 2023 and adopted by February 2024. Committee Papers for 15th December meeting are under preparation are therefore not yet available to supply. They will be published on our webpages in advance of the meeting, around the 7th/8th December.</p>
2	Can the Council confirm that the policies in the Farringdon Neighbourhood Plan, if made, would not unduly influence or constrain any emerging policies in the Local Plan Review?	<p>Yes, the Council is able to confirm this, based on the following rationale.</p> <p>At this stage it is not known what the local plan will propose. However, since both the local plan and neighbourhood plan will be written in the context of the</p>

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		<p>National Planning Policy Framework, they will both comply with the fundamental requirements of the planning system. As the local plan will be adopted after the neighbourhood plan, its adopted policies will take precedence, however this will mostly apply to the location and amount of development, and the majority of neighbourhood plan policies will still be taken into account along with other material considerations. Whilst the local plan is emerging, any conflicts will be dealt with dependant on the specific issue and stage that the local plan has reached.</p> <p>Farringdon is well placed in relation to Exeter and it is anticipated that, in the emerging local plan, much of East Devon's strategic growth will continue to be directed to the District's west end. As such this could potentially include parts of Farringdon parish. It is envisaged that the 12 houses proposed in the neighbourhood plan will not compromise any strategic allocation (which will not be meeting the same local need in any case). The development management policies regarding design etc. will continue to apply as they are locally specific and supplement the non-strategic development management policies of the local plan.</p>
3	<p>Can the Council confirm that it is satisfied that the reference in the second sentence of paragraph 8.7 of the Farringdon Neighbourhood Plan, that 'the HNA [<i>Housing Needs Assessment</i>] applied the Government's Standard Methodology', is correct and that therefore the allocation of up to 12 new homes being proposed (policy Farr5) is justified? (see also question 7 to the Parish Council).</p>	<p>The Housing Needs Assessment (HNA) has applied the Government's Standard Methodology, and the document details the steps followed in the calculation. However, the value of this methodology at such a small scale is considered to be limited. In this case, as the numbers are so small they have been rounded and extrapolated to cover the Plan period. For these reasons, Officers did informally raise some queries about the calculation during the production of the HNA, which were discussed with the Parish Council at the time. Overall, however, the District Council accept that it is inevitable that, at this scale, it is not possible to exactly predict the number of houses required and are satisfied that the proposed 12 dwellings equate to one new house per year during the plan period and that this level of development is reasonable.</p>
4	<p>In the letter from McMurdo Land Planning and Development Ltd dated 16 October 2020, that accompanied their representation, in the fourth bullet point on the third page it states that 'the Council itself accepts that land in and around Hill Barton is suitable</p>	<p>We believe the document cited was a paper that went to EDDC's Strategic Planning Committee in 2018. The document did not refer to Hill Barton specifically and the general observations quoted were in respect of the entire "north west quadrant of the district" (see. Pages 24/25). This was also a discussion document and as</p>

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<p>for development'. It goes on to include a quote from an unnamed source. Could the Council summarise its current position with regard to land at Hill Barton? (see also question 10 to the Parish Council).</p>	<p>stated within it, it was not intended to pre-empt the outcome of further evidence base, and as such does not reflect an official position of East Devon District Council.</p> <p>The current District Council position regarding Hill Barton is as set out in the adopted Development Plan for East Devon, (specifically within the Villages Plan SPD), and reflected in policy Farr 6 of the Farringdon Neighbourhood Plan. The Council acknowledges the role that Hill Barton (and other business parks off the A3052 corridor) provide in terms of employment. However, Hill Barton is specifically excluded from policy E7 of the Local Plan document which allows for extension of Business Parks in the District. The Villages Plan has established a boundary of authorised uses for the site and clarifies that development outside this would be assessed against strategic policy (S7) for development in the open countryside. The Villages Plan went through a robust consultation and examination process and was adopted in 2018. The role that uses at the site have in respect of waste are also acknowledged but are a matter for the waste authority (Devon County Council). The role as a business park and the role in terms of strategic waste site provision are seen as distinct, and the waste uses are excluded from the boundary to the business park (B (now E class) uses) to reflect this. This same boundary is reflected in the Farringdon Neighbourhood Plan. This District Council position with regard to land at Hill Barton may be reviewed through the process of developing the emerging Local Plan and tested at examination in due course, but it is too early to comment on whether any change is likely.</p>