

Additional comments on the Regulation 19 Local Plan consultation

Chapter 1

Scrutiny of applications of plans at local plan stage is insufficient. To illustrate; the submissions for the local plan were discussed by the planning committee over a few days/numbers of hours. At the end of this process, when insufficient developments had been approved to meet targets, more developments that had been rejected at first consideration were added in. At this stage little detail of the developments are available and committee members seemed to use their 'local knowledge' and 'gut feel'. However, when plans come forward for outline planning permission, the decision is invariable to go ahead as the development 'is in the local plan'. This means that many developments will be approved based on little evidence-based scrutiny at local plan stage and effectively must prove the inappropriateness of the initial approval, which is not surprisingly an uphill struggle. Surely plans should all be thoroughly scrutinized at the point where they are given initial approval which appears to be at local plan stage, as this has become so critical in the overall evaluation process. The opinion given at outline planning stage, is 'if it is the local plan it is happening', this cannot be a fair and appropriate way to evaluate plans, given the current set up. On this basis, the process of evaluation of what will be included into the local plan, needs a major revamp, if in effect it 'green lights' an application through the latter process. I.e. the current evaluation of submissions to the local plan is not fit for purpose and it is unclear how applications that did not meet the local plan timing window are then approached.

If the level of scrutiny at local plan stage is not increased e.g. insufficient details are available, then the assumption that 'if it is the local plan it is happening', needs to be replaced with one that effectively says 'whilst initial high-level evaluation has led to inclusion in the local plan, thorough scrutiny at planning permission stage is able to either give the go-ahead for plans or reject plans based on detailed evaluation'.

Chapter 15

Scrutiny of planning permissions of individual developments that impact listed buildings/areas of special value are to be welcomed. Historical features can't be recovered once lost. However, it is surprising that larger developments that have a significant impact on such buildings/features seem to be less well scrutinized. For example, in Sidbury, many planning applications for individual family homes that are submitted are rejected. However, the application Sidm_34 which is not directly associated with an individual listed building e.g. Grade II listed Furzehill Farm, will have a significant negative impact on this listed building and many other buildings of historical significance. The scrutiny of individual listed building applications is *pro rata* much higher than for much larger developments. This cannot be a sound way of protecting local assets. In the above example it could be expected had Furzehill Farm requested planning permission for a small house within their curtilage, it would have been rejected. However, a plan for 43 houses, in a plot immediately adjacent to that land has been included in the local plan. This is not a consistent approach to preserving areas of significant character in the area.

Chapter 3

Some sites should simply not be included in the plan due to multiple and cumulative factors that make the site both economically and physically inappropriate for development. Steep sided valleys with heavy clay soils, difficult natural drainage, poor access and various other natural and manmade

issues, should simply be discounted as sites that warrant development. Especially where the impact on existing properties e.g. lower down the hillsides, would be significant in a negative way.

The local plan should be bold enough to state that some areas are already at realistic capacity for economic and practical further development due to the nature of the environment e.g. steep sided valleys. In these cases, housing quotas imposed by central government/high authorities, are irrelevant and need to be challenged as to their appropriateness.

Certain areas should be 'blocked out' from the local plan as they are inappropriate for further significant development. Small ad hoc developments may occur in due course, but not be part of priority allocation.

Chapter 5

Adding additional 10s of houses to larger developments should be prioritised over free standing developments of 10s of houses that have a large negative impact on the location chosen. Infrastructure such as community assets, transport etc. can be much better met by making a large development slightly larger (e.g. 40 houses on a plan of 1000 houses), than on many smaller developments especially in small villages with poor infrastructure, and where even a small development can have a large negative impact on the community.

An evaluation of the impact of developments on village communities due to physical factors e.g. flood risks, poor access or human factors such as local amenities, should be conducted and meeting housing needs through larger developments in either brown field or bespoke sites should be prioritised.

Chapter 12

Protected landscapes must be appropriately respected. Submissions to build within an area under a National Landscape designation, should immediately bring into question such applications, especially for large scale developments. Ignoring the protections that the National Landscape designation is designed to guarantee, not only diminishes the value of such schemes and could certainly bring legal challenges to East Devon Council, which would be a waste of time and expensive. Such designations should be a valid reason for rejecting applications and used with confidence that there is a legal basis for doing so.

Legislation applying to National Landscapes has recently been updated and strengthened and the Local Plan does not respect this change. As it stands the local plan is not legally compliant with the designation of National Landscapes. Specifically, section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023, which now requires all public bodies to 'seek to further' the purposes of protected landscapes.

Only local authorities or the Secretary of State can give permission for development in, or affecting, an AONB. As a local authority, EDC must make sure that any proposals seek to further the purpose of conserving and enhancing the natural beauty of the AONB, for example when adding utility services, such as gas pipes and telecommunications cables or creating public access as part of rights of way improvement.

The policy needs to accurately reflect the current legislation to conserve and enhance the natural beauty of the AONB. It should specify what this means in practice and give examples. It should be clear that adherence to the law must

be explicitly discussed during local plan deliberations and if there is any doubt about the ability of a submission to enhance the landscape then such plans should not be included.

Chapter 7

Submissions for planning should not only consider the impact on the development itself but also the wider community. They should also be informed by likely climate change impacts. For example, in Sidm_34, the developers state that the risks from flooding to occupants of the new houses would be very low. However, they fail to state that the risk to surrounding houses would be very high, as run off from the development would be discharged onto the A375 which already has frequent flooding events, and into the Mill Leat, which is already at capacity during normal rain event, never mind the intensity of rain events that are predicted to occur. Weather records indicate that the amount of annual rain is increasing and the occurrence of severe weather events such as extremely heavy rain is increasing. Plans need to recognise this evidence and respond to forward climate patterns. Plans need to be informed by the climate change predictions by organisations such as the Exeter based Met Office. Flood risks are increasing, are extremely stressful for those who now find themselves in flood risk areas (even if they were not historically) and includes the risk of surface water, and coastal flooding as well as rising river levels. New developments should not make a rising tide of risks even more extreme for those in the vicinity of such developments and should not be permitted.

Chapter 17

The guidance on the consultation document states that the plan should be 'deliverable not aspirational'. The principle of potential for 'economic development' seems to be lacking in planning considerations. The Sidbury business park, seems a case in point, when years after approval, no developer has come forward to purchase and develop the land as a business park. There is a risk that 'history will repeat' with plan Sidm_34. In this case, numerous consultees have expressed concerns about the development, e.g. requiring archaeological digs before commencement, significant upgrading of drainage plans, negative impact on the AONB and the overall adverse nature of the site in a steep sided valley. Not only is there a risk that it will be a challenging site to develop, but that it will not be economical to do so. If approved the Council will no doubt 'tick off' 43 houses from their quota. However, this is totally disingenuous, if the land is never actually developed. The Council is delusional about their plan if applications will never result in the building of much needed homes, and should only include in the local plan, those cases that can be considered economically viable.

The definition of what constitutes 'deliverable' should be set out. A discussion of economic viability should be explicitly discussed at local plan stage.

John Loudoun
Ward Member
Sidmouth Rural