

**East Devon Local Plan 2020 to 2040 Preferred Options Reg. 18
Consultation Draft Plan Current draft - Autumn 2022**

Personal details

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Comment 1

In relation to Draft Local Plan: Strategy and Sites	
Policy	Strategic Policy 1:- Spatial Strategy
Page Number	13-15
Paragraph	3.1

Nature of representation

General comments

Comments

Strategic Policy 1 allows limited development to meet local needs at Service Villages.

Paragraph 3.3 states smaller settlements that have fewer jobs and facilities perform a more local role and reference is made to the East Devon District Council document "Role and Function of Settlements_report_v3 final draft for SPC.pdf". This report illustrated most Service Villages have very few local services and the level of population growth needed to be self-sustaining and to support a larger range of services is, as your report shows, unrealistic given infrastructure and environmental constraints

The Strategy should provide clarity on the definition of local needs within Service Villages i.e. the inference is this means the local housing needs of the village/parish rather than a wider housing need.

Modification Proposed

The justification text accompanying Strategy 1 should define what meeting local need at a Service Village means. Given the constraints in these villages this definition should define local needs as limited development to meet the proven local needs of people living within the village/parish, except where specific allocations to meet a wider district wide need have been made within the Local Plan.

Comment 2

In relation to Draft Local Plan: Strategy and Sites	
Policy	Strategic Policy 3 point 8 (Housing Provision Requirement in the DNA 2020 to 2040) and paragraph 3.27
Page Number	Page 19 and pages 23-24

Nature of representation

General comments

Comments

It is recognised, as paragraph 3.27 states, that the NPPF requires a housing requirement figure to be set for designated neighbourhood plan areas and the Council have not yet decided on a methodology to determine this figure. However this figure should be realistic to avoid speculative development in unsuitable locations. The focus should be on whether a growth figure can be accommodated and if it is appropriate.

One way to overcome this is to not set an absolute figure. For example, instead of stating 20 houses are required, Strategic Policy 3 could say, for example, up to 20 houses are required.

When setting the housing requirement figure this should include the figures in Strategic Policy 2 (completions since the start of plan period, commitments, local plan allocations, second choice sites assessed as appropriate for growth). If the intention is to include an additional allowance for windfalls this should take into account past windfall performance, environmental designations, infrastructure constraints and relevant local issues and information. These may result in absolute constraints and/or limit the scale of growth.

Environmental designations (some of which may be absolute) The housing requirement figure should take into account the constraints resulting from:-

- Designated and non-designated heritage assets and their setting
- AONB landscape including the landscape setting of the settlement
- Biodiversity and in particular national, regional and local sites of importance
- Undeveloped land in flood zone 2 and in particular flood zone 3
- High grade agricultural land and in particular grade 1 agricultural land

When assessing housing potential, the above constraints may be absolute and in these cases it should be assumed there is nil housing potential.

Infrastructure capacity and constraints (these may be an absolute constraint) including capacity of road infrastructure, highway safety, education capacity, sewage and water capacity.

Local issues and information taking account of aspirations, local issues or other factors. These constraints could include the supply of suitable sites such as if a site is in existing employment use and is not available and/or a robust site assessment process has already been carried out as part of the production of the Local Plan and a site is deemed unachievable.

This category also includes any land allocated in a neighbourhood plan for a specific purpose which restricts development i.e. local green space designated in a neighbourhood plan, well used community facilities etc.

When assessing housing potential these local issues could result in there being an assumption of nil capacity i.e. on local green spaces designated in a neighbourhood plan or land allocated for an alternative purpose.

Modification Proposed

For each designated neighbourhood plan area in point 8. of strategic policy 3 the housing requirement figure should not be an absolute figure but state 'up to', say for example up to 20 houses.

Comment 3

In relation to Draft Local Plan: Strategy and Sites	
Policy	Strategic Policy 6:- Development inside Settlement Boundaries
Page Number	38-39
Paragraph	3.75

Nature of representation

Oppose wording of policy

Comments

The wording of the policy should be amended to replace the words 'having regard to' on line 4 with 'subject to' other policies in this plan and any made neighbourhood plan.

The purpose of settlement boundaries as stated in Strategic Policy 6 are to give a high degree of certainty to developers and the local community where development is acceptable in principle and will be encouraged. The change in wording suggested is to provide clarity and certainty to local communities and developers where land in a 'made' neighbourhood plan has policies that restrict development that this land will be protected i.e. well used community facilities, local green space designated in a neighbourhood plan.

The change in emphasis would thus remove the presumption in favour of sustainable development and would accord with national and local planning policies and community aspirations in a sound, legally compliant, clear and robust manner.

Modification Proposed

It is suggested the words 'having regard to' are changed to 'subject to' in line 4 of Strategic Policy 6. The policy would then read:-

*"Within the settlement boundaries defined on the proposals Policies map development will be supported in principle. This does not mean that all development will be acceptable within settlement boundaries: proposals will be considered on their own merits ~~having regard~~ **subject to** other policies in this plan and any made neighbourhood plan".*

Comment 4

In relation to Draft Local Plan: Strategy and Sites	
Policy	Strategic Policy 6:- Development inside Settlement Boundaries
Page Number	38-39
Paragraph	3.75
Policies Map	East Budleigh Policy Map

Nature of representation

Oppose some areas of land being included with the settlement boundaries

Comments and Proposed Modifications

I would like to challenge the settlement boundaries as proposed for East Budleigh and as shown on the Policy Map for East Budleigh (please see map below that details the areas I wish to be excluded).

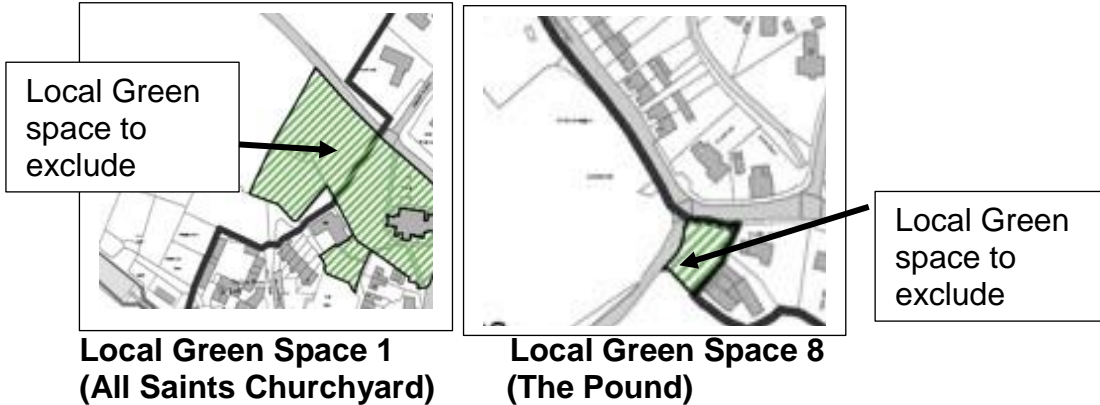
The purpose of settlement boundaries as stated in Strategic Policy 6 is to give a high degree of certainty to developers and the local community where development is acceptable in principle and will be encouraged. The current settlement boundaries are therefore not sound in planning terms and are not legally compliant. The boundaries currently run contrary to the emphasis of national planning policy guidance, other policies in the emerging local plan and the 'made' neighbourhood plan for East Budleigh with Bicton that restrict development on some of the land included. The boundaries, in some cases, are also contrary to the EDDC methodology for defining settlement boundaries. It would be sound, legally compliant and more transparent to developers and the local community if the settlement boundaries respected the emphasis of national planning policy guidance, and 'made' neighbourhood plan policies that restrict development in certain circumstances.

Areas to be excluded from the East Budleigh settlement boundary

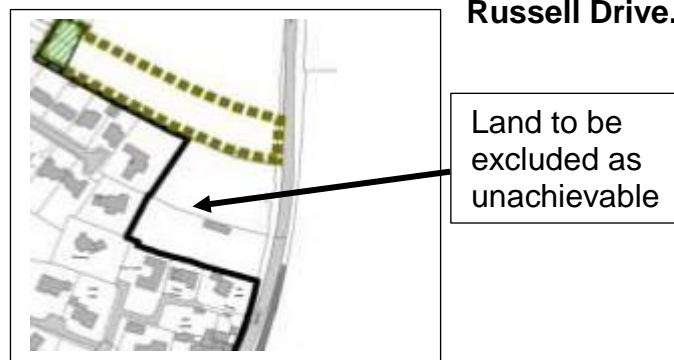
- 1. Local Green Space designated in a 'made' neighbourhood plan on the edge of the village should be excluded** i.e. All Saints Churchyard (Local Green Space 1), The Pound (Local Green Space 8), and the small wood off Middletown Lane (Local Green Space 6)

National Planning Policy Guidance, the emerging local plan (Policy 79) and Policy N2 of the East Budleigh with Bicton Neighbourhood Plan place restrictions on development on local green space designated in a neighbourhood plan and therefore it would be inappropriate for the presumption of sustainable development to apply.

The boundary line as drawn on the East Budleigh Policy Map within the Draft Local Plan does not comply with Criteria B3 of the EDDC criteria for defining settlement boundaries. Criteria B3 excludes from the settlement boundary any neighbourhood plan allocation that restricts the nature of the development.



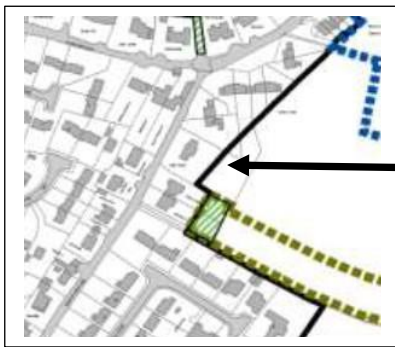
2. Land that has been assessed as part of the local plan process as being unachievable should be excluded i.e. Land on the south side of Russell Drive.



This land was assessed as part of the local plan process (Site Ebud3 on the East Budleigh Policy Map). Development of the land was deemed to be unachievable for development: - no access off Russell Drive due to the configuration of the bungalows and access off the B3178 was deemed unlikely on highway safety grounds.

The boundary line as drawn on the East Budleigh Policy Map in the draft local plan does not comply with Criteria B6 of the EDDC criteria for defining settlement boundaries i.e. the site is over 0.15ha and has been assessed through the local plan process (site Ebud3 on the East Budleigh Policy Map) as unachievable

3. Large gardens/local green space land that forms a buffer between the build-up area of the village and open countryside should be excluded



Garden land with an open character to be excluded:- acts as buffer to open countryside.

The large gardens of properties to the east of Middletown Lane/local green space (see also point 1. above) should be excluded from the settlement boundary on the basis of criteria A2 commentary and C1 of the EDDC criteria for defining settlement boundaries. These criteria accept large gardens/amenity land(local green space), can be more akin to the open countryside in character, rather than the built environment and can provide a 'soft' landscape edge to settlements"

The exclusion of the gardens/amenity land (local green space) east of Middletown Lane will help to prevent inappropriate and undesirable 'back land' development thus preserving a soft landscape edge to the village and preventing the intrusion of development into a pocket of open countryside in an AONB that acts as a transition between the built up part of the village and the countryside (and grade 1 agricultural land in agricultural use) beyond.

It should be noted an historical planning permission was refused in 1996 for 1 dwelling to the rear of High Peak on the basis development would be undesirable back land development, the impact on the open character of the area, the impact on residential amenity and privacy of neighbours, and an unsuitable access on to Middletown Lane with poor visibility onto a narrow lane. The situation has not changed and to promote development in this location would not be sound in planning terms.

4. Small plots of undeveloped land on the edge of settlements within flood zone 3 should be excluded from the settlement boundary.

The Council's methodology should be amended to include a criteria that small parcels of land on the edge of villages subject to a high flood risk are excluded from the settlement boundary. National planning policy guidance, the emerging local plan and neighbourhood plan policies direct

development away from the areas of highest flood risk and it would not be sound to apply a presumption in favour of development on this land.

5. Development within, adjacent to or within the setting and curtilage of designated and non-designated heritage assets should be excluded from the settlement boundary

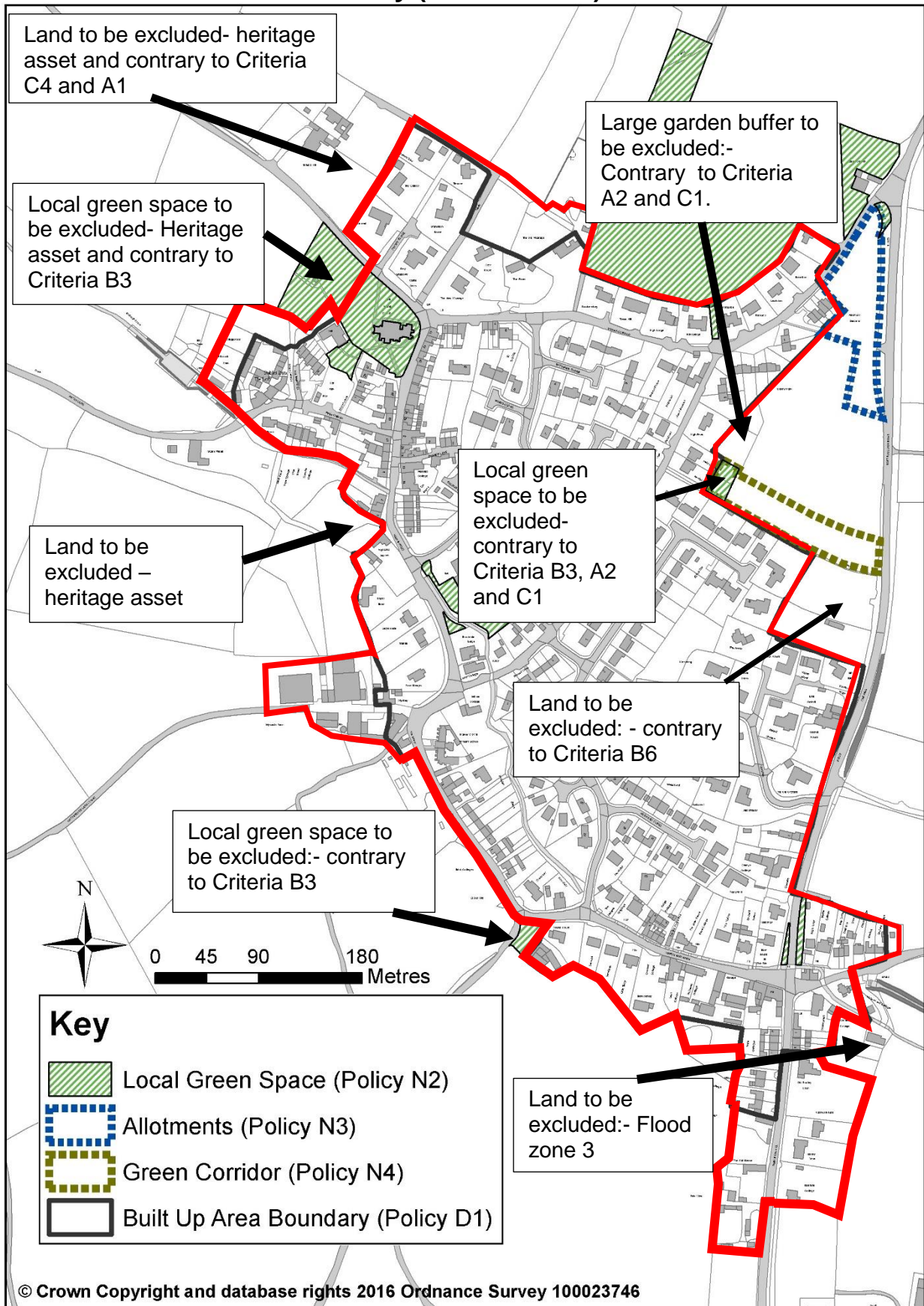
The Council's methodology should be amended to include a criteria to exclude designated or non-designated assets and land within their curtilage or affecting their settings where this land is on the edge of the village. These are irreplaceable assets and by removing the presumption in favour of development this would be sound in planning terms by according with national planning policy guidance and draft local plan policies 102 -104.

In respect of East Budleigh this would include land adjacent to the listed building, Temple House and land within the conservation area adjacent to Wynards House.

6. Grade 1 agricultural land that can be used for agricultural purposes, on the edge of village, of a plot size above 0.15ha should be excluded from the settlement boundary.

The Council methodology currently has a criteria B6 that includes this land within a settlement boundary in exceptional circumstances. The commentary to be sound and accord with national and local planning policy guidance (Policy 83 of the Local Plan) should specially exclude this high grade agricultural land.

Preferred settlement boundary (drawn in red)



Comment 5

In relation to Draft Local Plan: Strategy and Sites	
Policy	46:- Householder Annexes, Extensions, Alterations and Outbuildings
Page Number	174-176
Paragraph	Policy 46 and paragraph 8.99

Nature of representation

General comments

Comments

It is acknowledged that Para 8.99 states that permitted development rights allow extensions and outbuildings of a certain size without planning permission and in these circumstances Policy 46 does not apply. However in Areas of Outstanding Natural Beauty permitted development rights are more stringent particularly in the case of loft conversions. The latter type of development could be a particular issue in villages dominated by bungalows if family circumstances change.

This puts occupiers of average sized properties that need and may wish to make minor changes to their property for lifestyle reasons in a different position if their property is in an AONB compared to if their property was outside the AONB. It could force a household to have to move from a community in which they have established long term roots. It is stated in the justification text to Policy 46 that the aim is to enable occupiers to make alterations without the need to move, to make efficient use of land and contribute to a low carbon future by using existing dwellings.

Modification Proposed

It would be more sound in planning terms if the Policy and paragraph 8.99 could acknowledge that permitted development rights are more stringent in areas of outstanding beauty(particularly in the case of loft conversions). Paragraph 8.99 should be amended to exclude loft conversions within AONB where the design is acceptable.

Comment 6

In relation to Draft Local Plan: Strategy and Sites	
Policy	49:- Rural Exception Sites and First Homes Exception Sites
Page Number	184-187
Paragraph	Policy 49

Nature of representation

General comments

Comments

Policy 49 allows exception housing to meet a proven, unmet need of the local community. However the policy goes on to state this can be evidenced by the latest East Devon Local Housing Needs Assessment, Housing Needs Surveys produced by Devon Communities Together, and other local data such as a Neighbourhood Plan, Parish Survey or Parish Plan.

The Policy appears to suggest the East Devon Local Housing Needs Assessment alone can justify an exception scheme in a small village of under 3000 people. This would be contrary to national planning policy guidance which requires proven need in relation to the local community. The national planning policy guidance defines a rural exception site as

“Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites **seek to address the needs of the local community** by accommodating households who are either current residents or have an existing family or employment connection.”.

Modification Proposed

The policy would be more sound and legally compliant if it was amended to require proven evidence of local need within a local community/Parish. The text should be amended to read:-

Rural Exception Sites

A development proposal for a Rural Exception site will be supported, provided that:

1) the site is less than 15 dwellings or 0.5 hectares

2) It provides a mix of types of affordable housing meeting proven, unmet need of the local community, evidenced by the latest East Devon Local Housing Needs Assessment, **and in the case of exception sites in villages of 3000 or less additional evidence of** a Housing Needs Survey produced by Devon

Communities Together, and other local data such as a Neighbourhood Plan, Parish Survey or Parish Plan; and

3) Occupiers to have a local connection with the settlement or group of settlements

Comment 7

In relation to Draft Local Plan: Strategy and Sites	
Policy	Policy 79:- Land of Local Amenity Importance or Local Green Space
Page Number	246-247

Nature of representation

Support

Comments

This policy is strongly supported

Modification Proposed

None

Comment 8

In relation to Draft Local Plan: Strategy and Sites	
Policy	Policy 84 – Protection of Internationally and Nationally important wildlife sites
Page Number	253-254

Nature of representation

General comments and strong support for policy

Comments

The policy is strongly supported but ideally it should also include local wildlife sites included in 'made' neighbourhood plans.

Para 179 of the national planning policy framework states that to protect and enhance biodiversity local wildlife rich habitats and wider ecological networks including wildlife corridors should be identified and mapped.

Including wildlife corridors and local wildlife sites identified in 'made neighbourhood plans would be compliant with this national guidance.

Modification Proposed

The protection of regionally and locally important wildlife sites should be extended to include wildlife sites and wildlife corridors identified in 'made' neighbourhood plans.

Comment 9

In relation to Draft Local Plan: Strategy and Sites	
Policy	Policy 87 – Biodiversity Net Gain
Page Number	264

Nature of representation

General comments

Comments

The Policy should make it clear the 20% net biodiversity gain requirement should be provided on-site except in exceptional circumstances. This would be more robust, sound and legally compliant.

This is supported by para 180 of the national planning policy guidance which states “ When determining planning applications, local planning authorities should apply the following principles..... d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

Modification Proposed

Amend policy to state “**the 20% biodiversity net gain should be delivered on-site and only in exceptional circumstances where undeliverable on design grounds should this requirement be provided off site.** Where off-site habitats are created or enhanced in order to provide 20% BNG, these should be located within East Devon District, unless proven and evidenced to be undeliverable.

Comment 10

In relation to Draft Local Plan: Strategy and Sites	
Policy	Policy 90 – Due consideration of protected and notable species
Page Number	270

Nature of representation

General comments

Comments

The Policy states “Development that is likely to have an adverse impact on European Protected Species will only be permitted if the three relevant licensing tests are likely to be met:.... “

To be more robust and stand the test of time if European legislation is repealed (or amended) under the Retained EU Law (Revocation and Reform) Bill 2022 this requirement should apply to all protected species as defined in the policy and not just European Protected species.

Modification Proposed

Amend policy to state “Development that is likely to have an adverse impact on European-Protected Species **(and/or any other protected species that may become subject to the licensing requirement)** will only be permitted if the three relevant licensing tests are likely to be met.