



East Devon District Council

Otterton Neighbourhood Plan Decision Statement

Summary

Following an independent examination, East Devon District Council now confirms that the Otterton Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.

Background

On 3 September 2014, East Devon District Council designated the area comprising the parish of Otterton as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

Following the submission of the Otterton Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 22 January 2020.

East Devon District Council appointed an independent examiner, Jill Kingaby, to review whether the Plan should proceed to referendum.

The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

Decision and Reasons

The District Council has made the following modifications, (incorporating the examiners modifications), to secure that the draft plan meets the basic conditions set out in legislation, as set out in the following table:

Proposed modification number (PM)	Plan page no.	Modification
PM1	Pages 3 & 4	2.3 Major events during the project At “9 Formal Plan” delete the words “inspection and revision” and replace with “<i>examination and modification</i>” Modify the dates for items 9, 10 and 11, as appropriate.
PM2	Page 37	4.4.4 River Flooding After “As such no development will be supported that might exacerbate flooding issues.” add new text as follows: <i>“Strategy 5 of the Local Plan aims to protect areas that are vulnerable to surface water runoff and flooding from development. Local Plan Policy EN22 has specific requirements for new development that creates surface water runoff implications, and this Plan endorses these requirements. Policy EN21 addresses river and coastal flooding with a sequential approach. Wherever possible developments should be sited in Flood Zone 1(low probability), as defined in the East Devon District Council Flood Risk Assessment.</i> <i>Otterton has recently experienced significant surface water runoff during the wet winter months. This has particularly been the case following autumn maize harvesting, following which land has been left bare; the resulting unrestrained runoff has given rise to a serious loss of valuable topsoil from the land. This practice should be discouraged as it represents poor land management, and has resulted in several overtopping incidents along Otterton Brook through the village.”</i>
PM3	Page 49	PO.4 – Economy/Business/Employment After the sentence, “Support small businesses including home working, small scale tourism and farming as the main economic activities in the parish”, add “<i>Farm and rural diversification with re-use of existing buildings will be supported, as will new and start-up small businesses, especially those engaging skilled and higher paid workers.</i>”

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		Also to amend “Such support would only be given if there is no detrimental effect on the natural or the built environment.” to read “ <i>Development to provide new or expanded businesses should have no significant detrimental effect on the natural or the built environment.</i> ”
PM4	Pages 50 & 51	6.1 Sustainable Development – Policy ONP1 After “Development proposals to meet a local need, as supported by East Devon’s Local Plan, will be supported where it can be demonstrated that they...” Amend criteria (b) to read, “<i>are located so as to avoid areas at risk of river and coastal flooding, and incorporate sustainable drainage so as not to increase flood risk</i>” Add East Devon Local Plan policy EN22 to the list of relevant policies.
PM5	Pages 51 & 52	6.2 Protecting and Enhancing the Conservation Area and other Heritage Assets – Policy ONP2 Amend existing policy wording to remove references to any heritage assets, add a cross-reference to paragraph 4.3 of the Plan, and include enhancement of the appearance of Conservation Areas where possible. Amended policy to read “<i>Development within or adjacent to the Conservation Area must preserve the local distinctiveness of Otterton as described in sections 3.1 and 4.3 above, and, where possible, enhance the historic or architectural character and appearance of the site and Conservation Area, and must not detract from its setting.</i>” In addition, add statement to the policy to say “<i>Development across the Parish should not cause harm to the designated listed buildings or structures, or to local heritage assets, having regard to their significance.</i>” Within the justification, after the words ‘existing and future generations’, add reference to Appendix I as follows, “<i>Appendix I of this Plan provides information as to the significance of individual heritage assets. It names the designated listed buildings and proposed local heritage assets.</i>”

Proposed modification number (PM)	Plan page no.	Modification
PM6	Pages 52 & 53	6.3 Protecting and Enhancing the Built Environment – Policy ONP3 After “Development must not detract”, amend principles 1, 4, 6 and 10 to statements using ‘should’, as follows: 1) The open green spaces ... that define its character, <i>should</i> be retained... 4) The green open spaces ... its character <i>should</i> be retained, safeguarded ... 6) Protection, enhancement and creation ... (Devon Banks) <i>should</i> form an integral... 10) Off road parking ... <i>should be</i> integral to any new development.
PM7	Pages 54 & 55	6.5 Protecting and Enhancing Wildlife in the Natural Environment – Policy ONP5 After “Development must follow the following key principles to help protect and enhance the fauna and flora,” add “<i>and secure net gains in biodiversity</i>” Within the justification replace “Such sites have to consult Natural England before any operations...” with “<i>Consultation with Natural England has to take place before any operations...</i>” Add a new final sentence to Justification as follows: “<i>Any harmful effects on designated and undesignated sites should be avoided by new development, or mitigated by appropriate measures.</i>” Also add East Devon Local Policies EN21 and EN22 to the list of relevant policies.
PM8	Page 56 & 57	6.6 Encouraging Small-scale Economic Development – Policy ONP6 Remove “providing jobs for local people” in the opening statement of the policy. In Policy condition 3 (agriculture), replaces the phrase “in sustainability terms to” with “<i>have no detrimental environmental impact on</i>” Amend criteria (ii) of the Policy to read, “<i>the local highway network is capable of accommodating the forecast increase in traffic;</i>

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		<i>Both i and ii should be demonstrated through a Traffic Assessment.</i> Also add reference to East Devon Local Policy EN21 in the list of relevant policies.
PM9	Pages 57 & 58	6.7 Ladram Bay Holiday Park Development – Policy ONP7 Amend “Development will only be permitted within the area outlined in red on the map below if it is for the replacement of an existing structure or pitch, is designed to be sustainable and does not harm the AONB, the World Heritage Site and Coastal Protection” to <i>“Development will only be permitted within the area outlined in red on the map below if it is for the replacement of an existing structure or pitch, is designed to be sustainable and does not harm the landscape or setting of the East Devon AONB, the Jurassic Coast World Heritage Site and Coastal Preservation Area.”</i> Replace “No new development of any kind will be permitted anywhere outside the existing site boundary defined on the map below. Support will be given for any proposal that:” with <i>“Outside the existing red line boundary defined on the map below, new development must be limited and should not provide any additional holiday units or visitor accommodation. Support will be given for any proposal meeting the above criteria that ...”</i> The map of Ladram Bay Holiday Park and associated infrastructure boundaries, on Page 58, should be modified to show the recently constructed depot at the northern end of the site, and a revised site boundary as proposed by East Devon District Council.

The District Council has considered whether to extend the area in which the referendum is to take place. Like the examiner, the District Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.

The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question ‘Do you want East Devon District Council to use the Neighbourhood Plan for Otterton to

help it decide planning applications in the neighbourhood area?' will be held in the parish of Otterton.

The date on which the referendum will take place is expected to be after 6 May 2021 (or earlier if circumstances allow). This is due to the Coronavirus Act 2020 and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, made in response to the coronavirus crisis, which currently prevents referendums taking place until after 6 May 2021.

However, in accordance with the Government's Neighbourhood Planning Guidance (updated May 2020), the effect of this Decision Statement is to give the Otterton Neighbourhood Plan significant weight as a material consideration in decision-making on planning applications.

EAST DEVON DISTRICT COUNCIL CABINET
21 July 2020