

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

Comments of East Budleigh with Bicton Parish Council

Personal details

**The following representations have been submitted on behalf of
East Budleigh with Budleigh Parish Council**

Organisation	East Budleigh with Bicton Parish Council
Name	Judith Venning
Job Title	Clerk to East Budleigh with Bicton Parish Council
Address	1 Chichester Way, East Budleigh, Budleigh Salterton, EX9 7ER
Email	clerk@eastbudleigh-pc.gov.uk
Telephone Number	01395 489155

Comment 1

East Budleigh with Bicton Parish Council

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

General comments

Comments

The settlement boundaries drawn on the East Budleigh Policy Map have been drawn on a poor quality map leading to an inaccurate drawing of boundaries (if the aim is to follow physical boundaries in many of the locations shown). The map also shows some land appearing to be within the curtilage of properties when this land is separate to these properties i.e. The Pound.

Modification Proposed

A higher definition map should be provided and the settlement boundaries more accurately drawn (see map included with comment 3).

Comment 2

East Budleigh with Bicton Parish Council

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 wording of policy

Comments

It is suggested the words 'having regard to' is changed to 'subject to' in line 4 of Strategic Policy 6. 'Having regard to' makes it easier to override 'made' neighbourhood plan policies and community wishes, particularly if there is deemed to be an overriding and substantive public need.

As the purpose of the settlement boundaries are designed to show developers and the community where development is acceptable with certainty we believe the policy is not sound with its current wording. The changed wording would give more certainty to local communities and developers on where development is more appropriate. In particular where there are development policies in a 'made' neighbourhood plan that restrict the type of development that is acceptable this wording will give greater assurances that this land will be protected from development which is not in accord with the relevant neighbourhood plan policy i.e. well used community facilities, local green space designated in a neighbourhood plan. This is preferred to the current approach that applies a presumption in favour of sustainable development to this land.

The change in emphasis would ensure the policy is more transparent and informative, taking into account the wishes of local communities as detailed in a 'made' neighbourhood plan.

Modification Proposed

It is suggested the words 'having regard to' is 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 3

East Budleigh with Bicton Parish Council

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

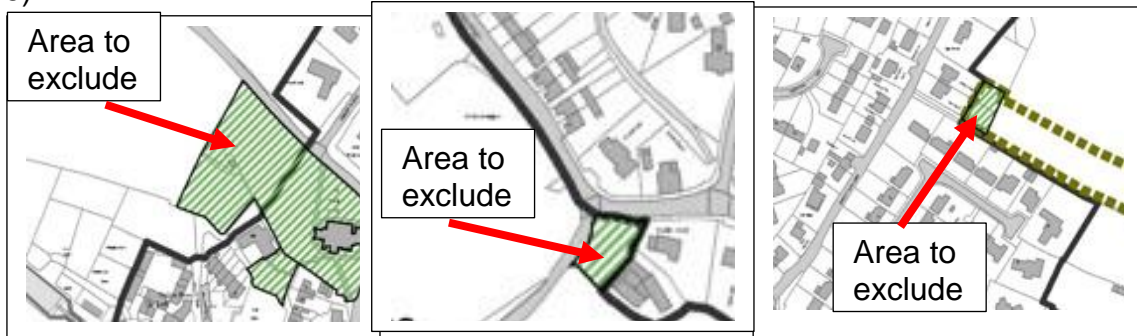
Oppose some areas of land being included with the settlement boundaries

Comments and Proposed Modifications

We would like to challenge the settlement boundaries as proposed for East Budleigh and as shown on the Policy Map for East Budleigh. An important role of settlement boundaries is to show developers and the community where development is acceptable with certainty and by excluding the areas mentioned below this would either accord with the EDDC methodology for defining settlement boundaries and/or reflect environmental constraints and development policies within the 'made' neighbourhood plan that restricts the types of development that are acceptable. It would also give greater certainty to the wishes of the local community and the areas they wish to protect from development.

The Parish Council has undertaken an assessment of land within the settlement boundary for East Budleigh and would like to see minor adjustments to exclude the following areas(as identified below and on the attached map):-

- 1) Local green space designated in the Neighbourhood Plan on the edge of the village** which was previously outside the settlement boundary 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)



**Local Green Space 1
All Saints Churchyard**

**Local Green Space 8
The Pound**

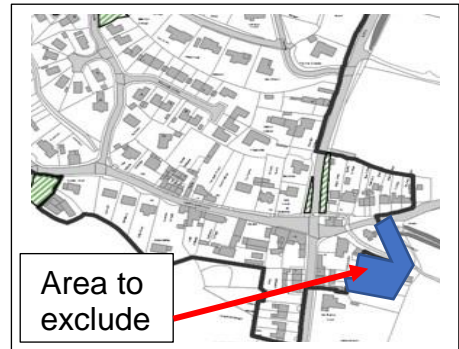
**Local Green Space 6
small wood, Middletown Lane**

Justification

Neighbourhood plan(Policy N2) and emerging local plan(Policy 79) policies 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) Small area of land on Frogmore Road** which was previously outside the settlement boundary should be excluded.

Justification The boundary line as drawn does not comply with Criteria C4 of the EDDC criteria for defining settlement boundaries. The land is separate from main core of the village by a main road. The land is also within flood zone 3. It is suggested that the Council's methodology is 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 where other land not subject to flooding has been included within the settlement boundary. Both the emerging local plan and neighbourhood plan policies direct development away from the areas of highest flood risk. Using the sequential test other areas of land not subject to flooding have been identified within the settlement boundary and therefore it is not justified, given this specific circumstance, to have a presumption in favour of development on this land.



- 3) Temple House should be excluded from the settlement boundary** on the basis of Criteria C4 of the EDDC methodology for defining settlement boundaries - substantial house surrounded by large gardens separated from main core of the village by fields and a main road

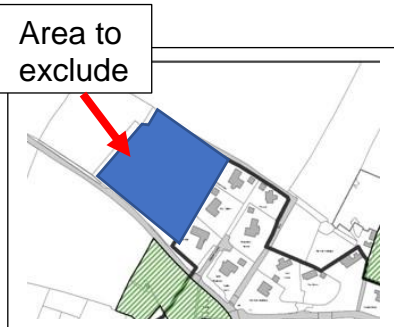
The boundary line as drawn does not comply with Criteria A1 of the EDDC criteria for defining settlement boundaries – the development does not reflect the form of the settlement. The house is also a listed building.

- 4) Fields beside Wynards House within the conservation area and adjacent to listed buildings**

Justification

The Parish Council would like to see a change to the methodology to exclude heritage assets and sites on the edge of settlements and/or within conservation

areas to protect these assets and their settings from harm. These are irreplaceable assets and by removing the presumption in favour of development this would accord with national planning policy guidance, draft local plan policies 102 -104 and Policy B1 of the Neighbourhood Plan.



Temple House

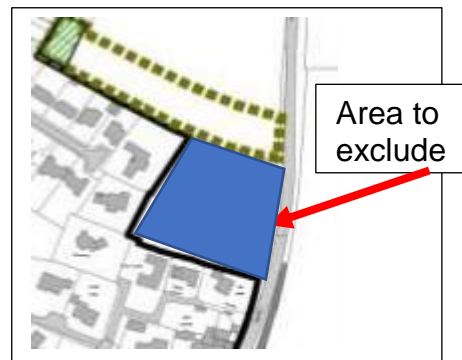


Field adjacent to Wynard House

5) Land on the south side of Russell Drive.

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 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.



Parish Council preferred settlement boundary (drawn in red)

