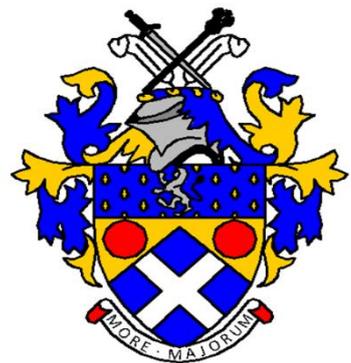


Colyton Parish Neighbourhood Plan

Basic Conditions Statement



Colyton Parish Council

March 2021

Basic Condition Statement - Colyton Parish Neighbourhood Plan

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Introduction

Colyton Parish Neighbourhood Plan has been produced by Colyton Parish Council, as the ‘qualifying body’ with overall responsibility for the preparation, consultation and submission of the Neighbourhood Plan. The development of the plan and management of the process was carried out by a Neighbourhood Plan Steering Group comprised of members of our community together with parish councillors.

What are the Basic Conditions and why do we need this Statement?

The ‘Basic Conditions’ are a set of conditions that a Neighbourhood Plan must pass, in order for it to proceed to referendum. In relation to neighbourhood plans, the plan will pass the basic conditions if:

- A. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan
- B. the making of the plan contributes to the achievement of sustainable development
- C. the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- D. the making of the plan does not breach, and is otherwise compatible with, EU obligations
- E. prescribed conditions are met in relation to the plan order and prescribed matters have been complied with in connection with the proposal for the plan

These requirements (and those for neighbourhood development orders) are formally set out in of paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 Act (as amended by the Localism Act 2011)¹.

This ‘Basic Conditions Statement’ is submitted alongside the Colyton Parish Neighbourhood Plan. In submitting the Statement and, through its content, demonstrating how the Neighbourhood Plan meets the Basic Conditions, we have satisfied one of the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012. This Regulation sets out what the Parish Council, as the ‘qualifying body’ responsible for producing the Plan, must submit as part of the neighbourhood plan proposal. Regulation 15 (1) states² that:

“(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—

- a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- b) a consultation statement;*
- c) the proposed neighbourhood development plan; and*
- d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.”* (i.e. this Statement).

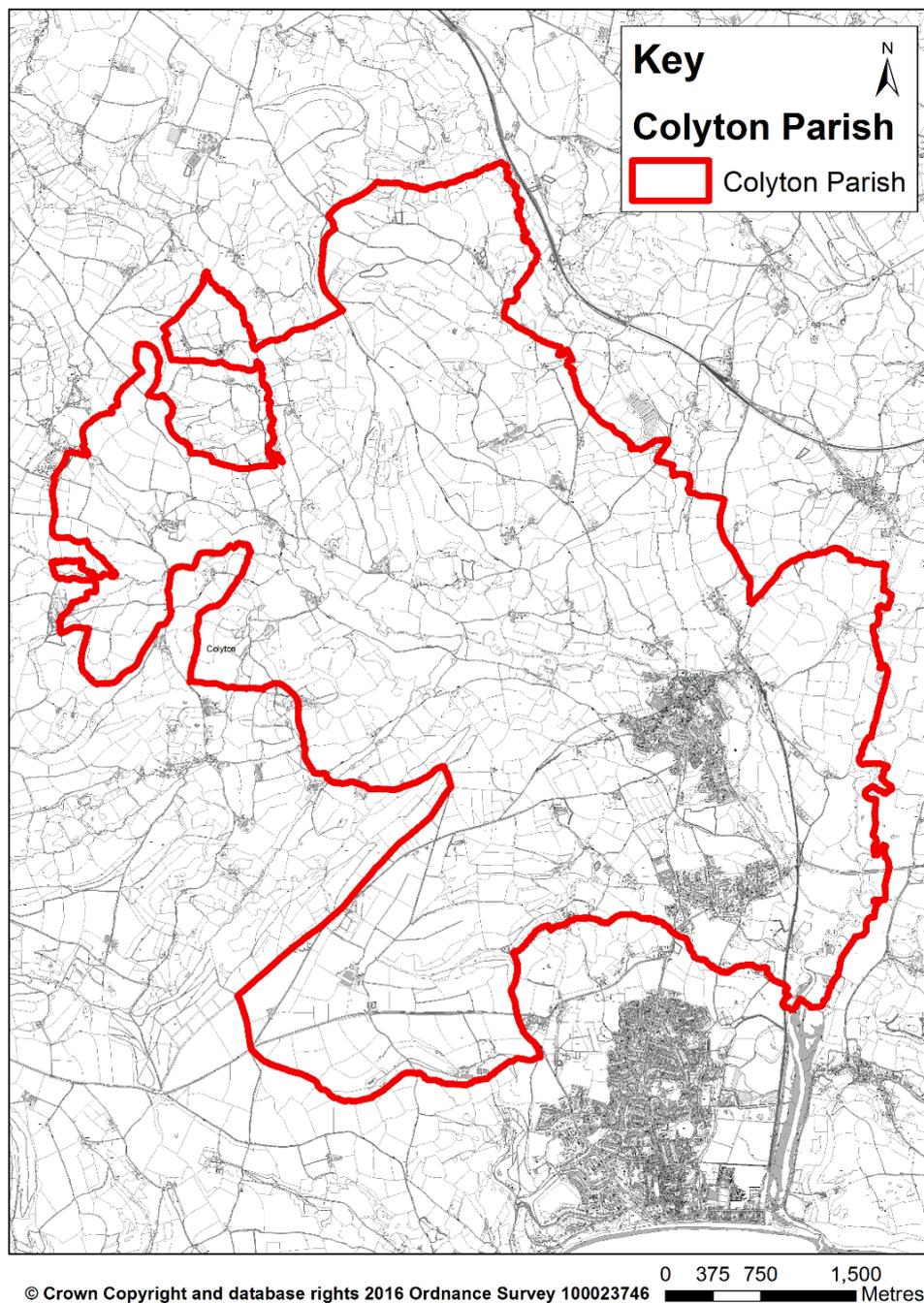
¹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

² See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

Our Neighbourhood Area

The first formal part of the process of developing our Neighbourhood Plan was the confirmation of our Neighbourhood Area, or the area for which the Parish Council, as the 'qualifying body' for neighbourhood planning, has the right to produce a plan for. Our application to designate the Neighbourhood Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to East Devon District Council as the local planning authority on 8 June 2015. This application, using East Devon District Council's standard pro forma, is reproduced in Appendix 1 to this Statement. Following a 6-week public consultation, our Neighbourhood Area was formally approved by East Devon District Council on 28th July 2015. Our approved Neighbourhood Area is indicated by the red boundary below in Figure 1.

Figure 1 – Approved Colyton Parish Neighbourhood Area



Why do we need a Neighbourhood Plan?

Colyton is a rural Parish in East Devon.

The East Devon Local Plan (adopted in 2016) has provided a strategic framework with which we accord and has put in place policies that provide a degree of protection and guidance for development in Colyton Parish.

Our reason for producing the Colyton Parish Neighbourhood Plan are:

- We have been encouraged to do so by the legislation and by East Devon District Council;
- Our community wanted to formulate its own more detailed local policies so that we can have an influence over the type, scale, design and form of development which may come forward in the area between now and 2031;
- We wanted to have some control over local planning matters and decisions;
- We wanted to maintain the special character of our rural landscape and environment; and
- We wanted to ensure that new development had a positive effect.

The Neighbourhood Plan has been developed with the full participation of the local people as members of working groups and through a process of regular community consultation. This process is summarised in the introductory sections of the Neighbourhood Plan and set out in detail in the Consultation Statement that also accompanies the Plan.

Having explored the issues and identified the key messages and things of importance to the community, our Plan has been framed around the following aims and objectives (see over).

Colyton Parish Neighbourhood Development Strategy – Aims and Objectives

Natural Environment	
Aims	Objectives
<i>Protect and enhance the natural and rural environment</i>	Protect and enhance ecologically sensitive areas and habitats
	Protect trees and woodlands
	Preserve the character of the countryside
<i>Encourage responsible management of the countryside</i>	Maintain and enhance public access to the countryside
<i>Minimise waste and pollution</i>	Support sustainable farming practices
<i>Increase resilience to climate change</i>	Facilitate improved recycling facilities
	Support flood prevention measures
	Encourage carbon neutral development
Built Environment and Housing	
Aims	Objectives
<i>Safeguard the character and heritage of the built environment</i>	Protect and enhance historic buildings and their settings
	Identify and protect local green spaces
	Integrate new development, to reflect character of the Parish
	Influence the design and layout of development
<i>Minimise loss of greenfield sites</i>	Protect green wedges between Colyton, Colyford and Seaton
	Prioritise development of brownfield sites
	Ensure the redevelopment of the Ceramtec site is appropriate and contributes positively to the sustainability of the area
Housing	
Aims	Objectives
<i>Ensure local housing meets local needs</i>	Promote affordable housing for local people
	Ensure new housing is suitably mixed and contributes to meeting identified local needs
<i>Support sustainable growth in housing and population</i>	Ensure adequate infrastructure is in place
	Promote mixed-use development in appropriate locations
Community Services and Facilities	
Aims	Objectives
<i>Retain strong sense of community and increase our sustainability</i>	Protect existing community facilities and ensure they continue to meet needs
	Provide further allotments and community composting sites
Leisure and Recreation	
Aims	Objectives
<i>Enhance local leisure opportunities</i>	Protect and enhance existing sports and recreation areas
	Support the provision of new facilities that meet local demands
Transport and Travel	
Aims	Objectives
<i>Encourage use of alternative transport modes</i>	Support public transport initiatives
	Promote and develop safe cycle and walking routes
<i>Improve road safety in the Parish</i>	Provide more pavements and car-free routes
	Support better parking and pick-up arrangements for schools
	Provide additional public parking areas
Business and Jobs	
Aims	Objectives
<i>Support sustainable business development</i>	Support the local retailing and service sector
	Support small business and workshop development
<i>Promote sustainable tourism</i>	Support heritage and other tourism initiatives
	Improve pedestrian route from tramway to town

Summary of Compliance with Legislation

This section sets out how our Neighbourhood Plan and process has complied with the requirements set out in the Neighbourhood Plan regulations.

Qualifying Body

A 'qualifying body' is defined by Section 38A (12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act³ as *"a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area..."*.

Section 38A (1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁴ sets out the qualifying body's entitlement to prepare a Neighbourhood Plan. It states that: *"(1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan."*

We confirm that the Neighbourhood Plan has been prepared by Colyton Parish Council as the 'qualifying body' for the purposes of Neighbourhood Planning.

Neighbourhood Area

The Neighbourhood Area (as shown in Figure 1) was applied for and approved through the process set out in the Neighbourhood Planning (General) Regulations 2012 (Regulations 5 to 7)⁵. It accords with the recently revised Parish boundary. Both the application and the decision minute of East Devon District Council is appended to this Statement (Appendices 1 and 2).

What a Neighbourhood Plan is and the Content of the Neighbourhood Plan

Section 38A (2) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁶ sets out the meaning of 'neighbourhood development plan'. It states that: *"(2) A "neighbourhood development plan" is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."*

Section 38B (1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁷ sets out what the Plan may include. It states that: *"(1) A neighbourhood development plan—
(a) must specify the period for which it is to have effect,
(b) may not include provision about development that is excluded development, and
(c) may not relate to more than one neighbourhood area."*

'Excluded development' is defined in Section 68K of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁸ as:

*"(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,
(b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description,
(c) development that falls within Annex 1 to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),*

³ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁴ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁵ See <http://www.legislation.gov.uk/uksi/2012/637/regulation/5/made>

⁶ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁷ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁸ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

(d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),
(e) prescribed development or development of a prescribed description, and
(f) development in a prescribed area or an area of a prescribed description.”

Section 38B (2)⁹ states that:

“(2) Only one neighbourhood development plan may be made for each neighbourhood area.”

In response to these requirements, we confirm that the Colyton Parish Neighbourhood Plan:

- covers the period up until 2031, aligning with the plan period of the East Devon Local Plan
- is the only Neighbourhood Plan for the parish of Colyton
- does not contain policies relating to ‘excluded development’¹⁰
- relates only to the defined Neighbourhood Area set out in Figure 1 of this report
- sets out policies in relation to the development and use of land

Given the importance of some of the issues and non-planning matters that were raised by the community and the cross-cutting nature of some of these issues with planning and land-use matters, they have been referred to the Parish Council to be addressed outside of the remit and confines of the Neighbourhood Plan. This, importantly, joins up and links actions desired by the community which, while not dealt with by the planning system, are nevertheless important issues that affect people, services, projects and/or how we live in our communities.

Submission Documents

As referred to earlier in this Statement, all the documents required for submission by Regulation 15(1) of the Neighbourhood Planning (General) Regulations are included in the submission package for the Neighbourhood Plan.

Basic Conditions

As referred to earlier in this Statement, we consider that all the Basic Conditions (set out in of paragraph 8(2) of Schedule 4B to the 1990 Act (as amended) by the Localism Act 2011.¹¹) have been met, as demonstrated in this Statement.

⁹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

¹⁰ No policy in the Neighbourhood Plan relates to county matters (mineral extraction and waste development) or to any Nationally Significant Infrastructure Projects

¹¹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

Content of Our Neighbourhood Plan Proposal

To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012¹², and to provide sufficient material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local authority:

- The Neighbourhood Plan (which includes a map and statement which identifies the area to which our Plan relates)
- Supporting Evidence Base Documents
- Our Consultation Statement
- Our Basic Conditions Statement (this document)

How our Neighbourhood Plan meets the Basic Conditions

A. Having Regard to National Policies and Advice Contained in Guidance Issued by the Secretary of State

Neighbourhood Plan Policies	National Planning Policy Framework and Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
Policy Coly1 Protecting the Natural Environment	NPPF para. 174 <i>To protect and enhance biodiversity and geodiversity, plans should: ... promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species;</i>	Policy Coly1 seeks to protect and enhance wildlife and habitats and deliver net gains in biodiversity
Policy Coly2 Trees, Woodlands and Hedgerows	NPPF para. 175 <i>development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused</i>	Policy Coly2 protects the area's trees and woodlands and provides for replacements where some loss is unavoidable
Policy Coly3 Public Rights of Way	NPPF para. 98 <i>Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users,</i>	Policy Coly3 seeks to protect and enhance public rights of way in the Parish
Policy Coly4 Green Wedge	NPPF para. 117 <i>Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment</i>	Policy Coly4 supports the green wedge policy of the Local Plan, which is in place to prevent the coalescence of residential areas and ensure that the separate and unique rural identity of the settlement areas of the Parish are retained
Policy Coly5 Local Green Spaces	NPPF para. 99 <i>The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.</i>	Policy Coly5 identifies areas of significant local green space that are important to the community and should be protected from development
Policy Coly6 Sustainable Development	NPPF para. 118	Policy Coly6 supports sustainable development within the defined

¹² See <http://www.legislation.gov.uk/ukxi/2012/637/regulation/15/made>

Neighbourhood Plan Policies	National Planning Policy Framework and Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
	<i>Planning policies and decisions should: give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs,</i>	built-up area particularly on brownfield sites
Policy Coly7 Housing Development within the Built-up Area Boundary	NPPF para. 125 <i>Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics.</i>	Policy Coly7 establishes the design criteria to ensure development reflects the community's aspirations and is in keeping with the character of the area
Policy Coly8 Exception Site Housing Development	NPPF para. 77 <i>should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.</i>	Policy Coly8 establishes local criteria for rural exception site development in the area
Policy Coly9 Parking Provision for New Housing Development	NPPF para. 105 <i>setting local parking standards for residential and non-residential development, policies should take into account:</i> NPPF para. 106 <i>Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network</i>	Policy Coly9 establishes locally relevant standards and criteria for the provision of off-road car parking space so as to avoid exacerbating an identified problem
Policy Coly10 Employment Uses	NPPF para. 83 <i>Planning policies and decisions should enable: the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;</i>	Policy Coly10 protects existing employment sites and facilitates appropriate business development in residential areas
Policy Coly11 Tourism Development	NPPF para. 83 <i>Planning policies and decisions should enable: sustainable rural tourism and leisure developments which respect the character of the countryside;</i>	Policy Coly11 supports sustainable tourism development that respects the heritage and character of the area
Policy Coly12 Tramway Links	NPPF para. 102 <i>opportunities to promote walking, cycling and public transport use are identified and pursued;</i>	Policy Coly12 supports measures to improve pedestrian links to the Tramway
Policy Coly13 Connectivity	NPPF para. 112 <i>Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.</i>	Policy Coly13 supports improvements to electronic media links and its expansion across the area
Policy Coly14 Public Transport	NPPF para. 110 <i>appropriate facilities that encourage public transport use;</i>	Policy Coly14 supports development to maintain and

Neighbourhood Plan Policies	National Planning Policy Framework and Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
		enhance existing public transport provision
Policy Coly15 Walking and Cycling Routes	NPPF para. 104 <i>Planning policies should: provide for high quality walking and cycling networks and supporting facilities such as cycle parking</i>	Policy Coly15 supports improvements and extensions to existing walking and cycle routes
Policy Coly16 Public Car Parking	NPPF para. 106 <i>In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.</i>	Policy Coly16 supports improved off-road parking provision in suitable locations to increase capacity and improve safety
Policy Coly17 Community Horticulture	NPPF para. 92 <i>planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilitiesand other local services to enhance the sustainability of communities and residential environments;</i>	Policy Coly17 supports the development of new allotments and other community horticulture facilities
Policy Coly18 Sports and Recreational Areas	NPPF para. 97 <i>Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: ...</i>	Policy Coly18 safeguards existing sports and recreation facilities and pitches and supports their enhancement and/or the provision of additional facilities

B. The Making of the Plan Contributes to the Achievement of Sustainable Development

The Neighbourhood Plan has been developed within the context of the definition of sustainable development in the National Planning Policy Framework and that in the East Devon Local Plan. The tables below set out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against the key relevant parts of the NPPF and East Devon Local Plan.

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p>NPPF para. 8 <i>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</i></p> <p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p> <p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by</i></p>	<p>The Neighbourhood Plan has embraced all three dimensions to sustainable development. The following policies of our Plan address the economic dimension of sustainable development by supporting employment-related development in the appropriate locations:</p> <p>Policy Coly10 Policy Coly11 Policy Coly12 Policy Coly13</p> <p>The following policies of our Plan address community needs and the social dimension of sustainable development:</p> <p>Policy Coly6 Policy Coly7</p>

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p><i>fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</i></p> <p><i>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>Policy Coly8 Policy Coly9 Policy Coly17 Policy Coly18</p> <p>The following policies of our Plan address the environmental dimension of sustainable development: Policy Coly1 Policy Coly2 Policy Coly3 Policy Coly4 Policy Coly5</p>
<p>NPPF para. 11 <i>Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</i></p> <p><i>a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</i></p> <p><i>b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:</i></p> <p><i>i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or</i></p> <p><i>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</i></p>	<p>The Neighbourhood Plan has been mindful of the need to promote sustainable development within the context of a unique and particularly sensitive natural environment, which includes some important sites and resources.</p> <p>Plan-making has attempted to achieve a balance between achieving the strategic requirements and targets of the Local Plan whilst ensuring local interests are taken fully into account.</p>
<p>NPPF para. 29 <i>Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies</i></p>	<p>The neighbourhood planning process has brought the community closer together and enabled a positive dialogue to take place about what development is required and how it can be best accommodated and facilitated. Part of the process has been to agree what is important to us and how this can be protected and enhanced by development so as to realise our vision for the future.</p>
<p>NPPF para.72 <i>identify suitable locations for such development where this can help to meet identified needs in a sustainable way</i></p>	<p>The Neighbourhood Plan promotes sustainable development in locations where it will help maintain or enhance the vitality of local communities.</p> <p>The following policies of our Plan relate to the locational aspects of sustainable development in the context of the parish area: Policy Coly4 Policy Coly6 Policy Coly7 Policy Coly8 Policy Coly10 Policy Coly17 Policy Coly18</p>
<p>NPPF para. 81</p>	<p>The Neighbourhood Plan recognises the need to sustain local economic growth and includes</p>

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p><i>Planning policies should: set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration</i></p>	<p>policies in support of the local economic strategy: Policy Coly10 Policy Coly11 Policy Coly13</p>
<p>NPPF para. 83 <i>Planning policies and decisions should enable: sustainable rural tourism and leisure developments which respect the character of the countryside;</i></p>	<p>The Neighbourhood Plan promotes tourism that takes advantage of the area's unique characteristics in a sustainable way, through policies: Policy Coly11 Policy Coly12</p>
<p>NPPF para. 84 <i>ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).</i></p>	<p>The following policies seek to reduce the harmful impact of motor vehicles on local roads and encourage people to walk and cycle. Policy Coly9 Policy Coly12 Policy Coly14 Policy Coly15</p>
<p>NPPF para. 103 <i>Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes</i></p>	<p>The following policies in our Plan are relevant to encouraging the greater use of sustainable transport modes as outlined in this NPPF paragraph: Policy Coly13 Policy Coly14</p>
<p>NPPF para. 124 <i>Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities</i></p>	<p>The following policies of the Neighbourhood Plan emphasise the significance of good design to the future development of the parish area: Policy Coly6 Policy Coly7 Policy Coly8 Policy Coly9 Policy Coly10</p>
<p>NPPF para. 192 <i>take account of...</i> <i>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality</i></p>	<p>The following policies in our Plan are relevant to meeting the delivery of sustainable development as outlined in this NPPF paragraph that identifies the positive contribution that the safeguarding of heritage assets can have: Policy Coly6 Policy Coly11</p>

East Devon Local Plan Policy	How our Plan contributes towards this
<p>Strategy 3 - Sustainable Development: <i>The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development:</i> <i>a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems. Developers</i></p>	<p>The Colyton Parish Neighbourhood Plan has been written in the context of a neighbourhood development strategy that has amongst its stated aims to:</p> <ul style="list-style-type: none"> • Protect and maintain the character of our unique natural environment and setting; and maintain and enhance the rural nature of the Parish • Make use of existing brownfield land • Protect and enhance community facilities to ensure they continue to meet local needs and to improve access and accessibility to local facilities and services

East Devon Local Plan Policy	How our Plan contributes towards this
<p><i>should maximise the proportion of their developments that take place on previously developed land</i></p> <p><i>b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged</i></p> <p><i>c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.</i></p> <p><i>d) Encouraging sustainable economic development - which includes securing jobs.</i></p> <p><i>e) Taking a long-term view of our actions - Ensuring that future generations live in a high-quality environment where jobs, facilities, education and training are readily available.</i></p>	<ul style="list-style-type: none"> • Encourage small business development <p>The policies in the Colyton Parish Neighbourhood Plan are based on the objectives set by the community to achieve these aims.</p>
<p>Strategy 5 – Environment:</p> <p><i>All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote eco-system services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures to include.....</i></p>	<p>The Colyton Parish Neighbourhood Plan has put in place policies that will ensure that the character of the countryside and the historic built environment of the area is respected, protected and enhanced</p>
<p>Strategy 5B – Sustainable Transport</p> <p><i>Development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.</i></p>	<p>The Colyton Parish Neighbourhood Plan has put in place policies that seek to reduce the overall impact of the motor vehicle and provide safe alternative travel options that will appeal to local people</p>

The Colyton Parish Neighbourhood Plan was required to be subject to a Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA). Details of this are set out in greater detail in Section D of this Report.

C. The Making of the Plan is in General Conformity with the Strategic Policies Contained in the Development Plan for the Area of the Authority (Or Any Part of That Area)

Neighbourhood Plan Paragraphs and/or Policies	East Devon Local Plan Strategic Policies	How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies?
Policy Coly1 Protecting the Natural Environment	S46 Landscape Conservation and Enhancement and AONBs	Policy Coly1 seeks to ensure that wildlife and habitats are protected, and development helps conserve and enhance sensitive sites and brings about a net biodiversity gain
Policy Coly2 Trees, Woodlands and Hedgerows	S47 Nature Conservation and Geology	Policy Coly2 ensures that development conserves the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats and ensures that opportunities are taken opportunities for restoration, enhancement and connection of natural habitats
Policy Coly3 Public Rights of Way	S5 – Environment	Policy Coly3 helps create green networks and corridors whilst minimising the fragmentation of habitats
Policy Coly4 Green Wedge	S8 Development in Green Wedges	Policy Coly4 defines and limits the development that can take place in the designated green wedge areas in the Parish
Policy Coly5 Local Green Spaces	S5 – Environment	Policy Coly5 protects important amenity and recreation space from loss
Policy Coly6 Sustainable Development	S6 Development within Built-Up Area Boundaries: S7 Development in the Countryside: S27 - Development at the Small Towns and Larger Villages	Policy Coly6 supports the built-up area for Colyton (as defined in the Local Plan) as the focus of development in the Parish
Policy Coly7 Housing Development within the Built-up Area Boundary	S38 - Sustainable Design and Construction:	Policy Coly7 sets the criteria for new housing development to ensure it is appropriately sustainable
Policy Coly8 Exception Site Housing Development	S35 – Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries	Policy Coly8 supports rural exception site development, subject to local criteria, that is brought forward on the basis of meeting an identifiable local housing need
Policy Coly9 Parking Provision for New Housing Development	Strategy 6 - Development within Built-Up Area Boundaries:	Policy Coly9 sets locally relevant off-road parking standards to ensure that development does not impair highway safety or traffic flows
Policy Coly10 Employment Uses	S31 Future Job and Employment Land Provision:	Policy Coly10 supports the provision of employment uses close to where people live
Policy Coly11 Tourism Development	S33 - Promotion of Tourism in East Devon	Policy Coly11 promotes sustainable tourism development that respects the heritage and character of the area
Policy Coly12 Tramway Links	S5B – Sustainable Transport	Policy Coly12 seeks to facilitates better pedestrian access to the Tramway
Policy Coly13 Connectivity	S30 Inward Investment, Communication Links and Local Benefits	Policy Coly13 supports improvements to electronic media links
Policy Coly14 Public Transport	S5B – Sustainable Transport	Policy Coly14 promotes sustainable modes of travel and transport

Policy Coly15 Walking and Cycling Routes	S5B – Sustainable Transport	Policy Coly15 promotes sustainable modes of travel and transport and supports the provision of safe and accessible means of getting around
Policy Coly16 Public Car Parking	Strategy 49 – The Historic Environment:	Policy Coly16 supports new parking provision that will ease pressures and help conserve and enhance the historic centres of our settlements
Policy Coly17 Community Horticulture	S4 - Balanced Communities	Policy Coly17 supports the provision of new community facilities in the interest of maintaining a balanced and sustainable community.
Policy Coly18 Sports and Recreational Areas	S4 - Balanced Communities S38 - Sustainable Design and Construction Strategy 43 - Open Space Standards	Policy Coly18 recognises the value of public open space and supports improved access and facilities to ensure the recreational needs and demands of the local community can be met locally

D. The Making of the Plan Does Not Breach, and is Otherwise Compatible with, EU Obligations

A screening process was carried out by East Devon District Council to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and / or a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

In April 2019, EDDC undertook a screening on a version of the Neighbourhood Plan (March 2019). Through consultation with the statutory environmental agencies, East Devon District Council has advised that the Colyton Parish Neighbourhood Plan required a SEA and an HRA with their screening assessment concluding that *“the Plan has the potential to result in a significant adverse effect on the environment”*.

On the 13th May 2019 Natural England, Environment Agency and Historic England were asked to review and comment upon EDDC’s Screening Report. Their responses regarding the need for an SEA are as follows:

Natural England, in its consultation response to the screening request noted: *“Based on the policies as they are written in the consultation version, it is not possible for us to conclude that the plan will not have a likely significant effect on a European site. We advise that if the locational aspects of a number of policies could be tightened up, this may enable different conclusions on SEA to be reached”*.

The Environment Agency in its response noted: *“In general we consider that neighbourhood plans are unlikely to result in any significant environmental effects unless the plan allocates or encourages development over that set out in the Local Plan. In this case we note that this plan does propose an increase in housing numbers for the parish compared to the existing local plan. Whilst we have not identified any specific significant effects, we are happy to support your conclusion that SEA is required”*.

Historic England in its response noted: *“Having looked at the draft Plan I can confirm that there are no issues upon which we wish to comment and unless it changes significantly this will remain our position through the various stages of its preparation. On that basis there are no issues from our perspective which prompt us to advise that a full SEA is necessary. At the same time, we have no objection to the conclusion that a full SEA is in fact required”*.

Regarding the HRA, EDDC’s screening concluded that: *“The Colyton Neighbourhood Plan requires a Habitat Regulations Assessment. The Colyton Neighbourhood Plan has the potential to result in a*

significant adverse impact on a European site (as defined in the Habitat Regulations 2017) alone or in combination with other plans and projects. The Plan proposes a level of development over and above that in the adopted East Devon Local Plan and outside of the BUAB identified in the East Devon Villages Plan”.

Natural England, in its consultation response to the HRA screening request noted: *“Based on the policies as they are written in the consultation version, it is not possible for us to conclude that the plan will not have a likely significant effect on a European site. We advise that if the locational aspects of a number of policies could be tightened up, this may enable different conclusions on HRA to be reached”.*

With technical help support provided via the MHCLG¹³ a SEA and HRA were therefore commissioned.

HRA is a process, not a report, and the resultant report produced by technical consultants Wardell Armstrong provided information to the competent authority (East Devon District Council (EDDC)), to enable them to perform an Appropriate Assessment of the pre-submission CNDP. The 2019 report provided for EDDC stated that the Pre-Submission Version of the Neighbourhood Plan *“does not propose development which has not already been proposed in the East Devon Local Plan (EDLP). It has, therefore, been considered as part of the Habitat Regulations Assessment of the EDLP, which was undertaken to inform the adopted version of the EDLP. The Built Up Area Boundary (BUAB) for Colyton, as shown in the Colyton Neighbourhood Plan is unchanged from that within the East Devon Villages Plan (EDVP), which was screened out from having Likely Significant Effects upon European Sites. Therefore, the premise of modest development within the BUAB, has already been tested during inspection of the EDVP, where the inspector accepted the screening opinion that the EDVP would not give rise to any Likely Significant Effects upon European Sites.*

Outside of the BUAB there is a presumption against new residential development unless it is very small-scale and is permitted to meet a specific need (e.g. affordable housing or bringing an historic building back into use or agricultural workers dwelling). These are in accordance with the EDLP.

The Plan also contains a number of positively worded policies allowing other non-residential development in the countryside, for instance permitting new tourist related business and horticulture (allotments). For development proposals in the ‘Countryside’ which come forward through the planning system for Colyton Parish, a detailed assessment of potential impacts will be carried out wherever necessary, however, these policies are considered to accord with the policy approach for development in the countryside, as set out within the EDLP, which was assessed and found to be acceptable through the HRA undertaken”.

The objective of SEA is *“to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans with a view to promoting sustainable development”*¹⁴. The SEA was undertaken by Wardell Armstrong in regular liaison with the Steering Group. The SEA process commenced with a scoping report¹⁵. The Scoping Report determined that *“only Ecology would need to be addressed within the SEA Environmental Report. The remaining issues were scoped out on the basis of the unlikelihood for significant effects upon the environment and given that the Neighbourhood Plan does not propose development above and beyond that which has already been established at a higher level of plan-making through the East Devon Local Plan and East Devon Villages Plan”.* This approach was agreed with East Devon District Council, Natural England, Environment Agency and Historic England.

¹³ Ministry of Housing, Communities and Local Government

¹⁴ (EU Directive 2001/42/EC (Article 1))

¹⁵ <https://www.colytonparishcouncil.co.uk/archives/Colyton-NP-SEA-Scoping-Report-03-2020.pdf>

The SEA¹⁶ on the Pre-Submission Version of the Colyton Parish Neighbourhood Plan, concluded the Plan “contains a number of positively worded policies which seek to have positive effect upon the environment”. The SEA process assessed the draft policies and presented the findings of the assessment under the SEA theme, Ecology. The remaining topics detailed in the Scoping Report have been scoped out of the Environmental Report.

The assessment concluded that the Pre-Submission Version of the Neighbourhood Plan “supports the status of designated sites within or adjacent to the Neighbourhood Plan area, in that it contains policies which support development which protects designated sites and important semi-natural habitats, as well as providing policy support for development to enhance ecological networks and provide net gains for biodiversity wherever possible. Where policies have the potential to lead to development which could impact upon important natural assets in the Neighbourhood Plan area, additional criteria regarding protecting such assets is included. As specific sites for such development are not identified in the CNDP, as planning applications come forward, they will be assessed, in part, against the policies within the CNDP, thereby securing protection, and where possible, the enhancement of European, national and local designated sites, important semi-natural habitats, wildlife corridors and ecological networks across the plan area”.

In consultation with the technical consultants, changes were made to the draft Plan as follows:

- 1) Overview text to the Natural Environment section includes reference to the proximity of European Sites to the parish.
- 2) Locational aspects of Coly 10, Coly 17, Coly 19 were added.
- 3) Reference to nature conservation interest was added to the criteria for testing the acceptability/support for proposals in Coly 18 & Coly 19.

These changes, included in the January 2020 version of the Neighbourhood Plan, were taken into account in an up-dated HRA report¹⁷ in early 2020.

The up-dated HRA reported that “the HRA for the East Devon Local Plan and the East Devon Villages Plan included an in-combination assessment covering the scale of growth planned for Colyton. The Colyton Parish Neighbourhood Plan (January 2020) no longer contains any policies which would give rise to impact pathways to European Sites, and therefore, no in-combination assessment is required; there are no residual effects on European Sites from the CNDP (January 2020) alone, with which to undertake an in-combination assessment, making it unnecessary”.

A further environmental opinion on the Submission Version of the Colyton Parish Neighbourhood Plan was requested from the local planning authority, East Devon District Council in March 2021. The local planning authority reported by email on the 9th March 2021 that having “reviewed the proposed changes today and consider that none of these represent material or significant changes to the version of Plan previously assessed. Therefore it is our opinion that there is no need for further screening or SEA/HRA re-assessment.”

Neighbourhood Plans are also required to take account of **European Human Rights requirements**. The Colyton Parish Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.

The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). In preparing the draft Neighbourhood Plan, Colyton Parish Council, through its Steering Group, has acted in an open way, but always respecting the privacy of those participating. The interests of all sectors of the community have been taken into account, especially in ensuring that the Plan would take account of

¹⁶ <https://www.colytonparishcouncil.co.uk/archives/NP-Environment-2020-06-08.pdf>

¹⁷ [https://www.colytonparishcouncil.co.uk/archives/HRA-Report-CNDP-March-2020-vs3-\(1\)-Issued.pdf](https://www.colytonparishcouncil.co.uk/archives/HRA-Report-CNDP-March-2020-vs3-(1)-Issued.pdf)

the needs and aspirations of the more vulnerable members of our community including the elderly and disabled, and younger people – thus ensuring no unfair discrimination.

The consultation process included all locally resident people in these groups as well as some organisations outside the plan area but with responsibilities or interests extending over some or all of the area of the draft Plan. The Parish Council also believes that its policies will not affect property rights beyond the legitimate role of the town and country planning system in operation where policies are properly explained and justified.

E. The Prescribed Conditions Are Met in Relation to the Plan and Prescribed Matters Complied with in Connection with the Proposal for the Plan

Section 38A (12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act¹⁸ sets out the definition of ‘prescribed’. It means conditions prescribed by regulations made by the Secretary of State.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out one basic condition for neighbourhood plans in addition to those set out in the primary legislation. This is: *“the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects)”*

The following European Designated Sites are within 10km of Colyton:

Beer Quarry Caves UK0012585

This complex of abandoned mines in south-west England is divided in two by a road, with a working quarry to the north and a disused quarry and cave system to the south. This site supports important populations of hibernating bats. Its use as a hibernation site by the Bechstein’s bat is the primary reason for its designation as a SAC. The area also supports a significant presence of both the Lesser horseshoe bat and the Greater horseshoe bat which are both qualifying features but are not primary reasons for the site's selection.

River Axe UK0030248

The lower reaches of the River Axe feature a mixed catchment geology of sandstones and limestones giving rise to calcareous waters and associated water-crowfoots and water-starworts. The river also supports the significant presence of sea lamprey, brook lamprey and bullhead

Sidmouth to West Bay UK0019864

Sidmouth to West Bay is an example of a highly unstable soft cliff coastline subject to mudslides and landslips. The principal rock types are soft mudstones, clays and silty limestones, with a small chalk outlier in the west. Vegetation is very varied and includes pioneer communities on recent slips, calcareous grassland and scrub on detached chalk blocks, and extensive self-sown woodland dominated by ash *Fraxinus excelsior* or sycamore *Acer pseudoplatanus*.

It was the conclusion of the HRA undertaken on behalf of EDDC that *“the HRA for the EDLP and the EDVP included an in-combination assessment covering the scale of growth planned for Colyton. The CNDP (January 2020) no longer contains any policies which would give rise to impact pathways to European Sites, and therefore, no in-combination assessment is required; there are no residual effects on European Sites from the CNDP (January 2020) alone, with which to undertake an in-combination assessment, making it unnecessary.”*

Natural England was consulted as part of the SEA screening process.

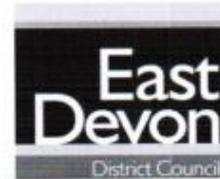
¹⁸ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

Appendix 1.

Neighbourhood Area Application

The Neighbourhood Planning (General) Regulations 2012

Application for Designation of a Neighbourhood Area



This information is intended to assist the Local Planning Authority in making a decision but please note that further information may be required.

Which Town or Parish Council is applying to designate a neighbourhood area?	
COLYTON PARISH COUNCIL	
If more than one Town or Parish Council are working in partnership, please give details of all parties	
contact details -	
<input checked="" type="checkbox"/>	Please confirm that all the parishes listed above agree to the application - N/A.
<input checked="" type="checkbox"/>	Please confirm that the organisation/s or body/ies making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
Please advise what, if any, discussion has taken place with neighbouring Parishes with a view to partnership working? Where applications include sites in adjoining Parishes their agreement should be sought.	
N/A.	
Please append a map identifying the area to which the area application relates.	
Please explain why this area is considered appropriate to be designated as a neighbourhood area	
The boundary is already the accepted area covered by Colyton Parish Council.	
Signed	[Redacted]
Date	8/6/15
Position	CHAIR
Organisation	CPC

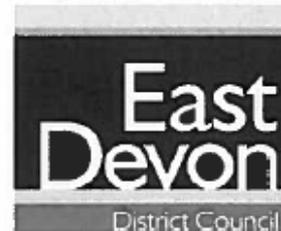
Appendix 2.

Neighbourhood Area Designation – Minute 27 July 2015

The Neighbourhood Planning (General) Regulations 2012

Delegated Authority request:

To designate Colyton Parish as a Neighbourhood Area

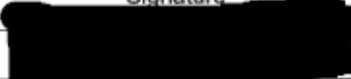


An application was received on 12.06.15 from Colyton Parish Council to designate the Parish of Colyton as a Neighbourhood Area. Delegated authority is being sought to designate the neighbourhood area as requested in the application.

The application has been publicised for 4 weeks on the District website and on the Parish noticeboards as required by the regulations. The proposal has been discussed at Parish meetings and the Environment Agency, Historic England and Natural England, neighbouring Councils, the County Council and Ward Members have been consulted. In this way it is considered to have been brought to the attention of those living, working and carrying out business in the area. The publicity notice is attached for information. At the time of writing the report, no objections have been received and Historic England, the Environment Agency and Natural England have responded offering general advice only. No reason to amend the area applied for has been put forward and the area is appropriate in terms of planning policy, therefore it is recommended that the Neighbourhood Area be approved as per the application.

If the area is designated, the Parish Council can commence production of a Neighbourhood Plan. If the area is not designated then reasons for refusal must be given.

Upon designation EDDC can apply for £5,000 grant funding from DCLG per Neighbourhood Area. Upon receipt of this money £2,000 is usually granted on to the Parish Council to assist with their costs, whilst the remaining £3,000 is retained towards District Council costs. Further stages of Neighbourhood Plan making will qualify for an additional £25,000 from DCLG to help EDDC meet referendum and examination costs.

Ward Member Comments:	Cllrs Helen Parr and Graham Godbeer have both commented in favour of the proposal.	
Service Lead- Planning Strategy and Development Management	Signature	Date
		27/07/15

Date of this report 13.07.15

Appendix 3.

Strategic Environmental Assessment / Habitats Regulation Assessment Screening Opinion and SEA/HRA Conclusions 2020

East Devon District Council SEA Screening Report 2019

“With regard to the SEA, the conclusion of the assessment is that the Plan has the potential to result in a significant adverse effect on the environment, subsequently SEA is required”.

Strategic Environmental Assessment (SEA) Environmental Report (Wardell Armstrong) June 2020

To support the vision, aims and objectives for the Neighbourhood Plan area the CDNP contains a number of positively worded policies which seek to have positive effect upon the environment.

Utilising the SEA Framework of objectives and assessment questions developed during the earlier scoping stage, the SEA process has assessed the policies put forward through the current version of the CPNP. The Environmental Report has presented the findings of the assessment under the SEA theme, ecology. The remaining topics detailed in the Scoping Report have been scoped out of the Environmental Report. This approach has been agreed with East Devon District Council, Natural England, Environment Agency and Historic England.

The assessment concluded that the Plan supports the status of designated sites within or adjacent to the Neighbourhood Plan area, in that it contains policies which support development which protects designated sites and important semi-natural habitats, as well as providing policy support for development to enhance ecological networks and provide net gains for biodiversity wherever possible. Where policies have the potential to lead to development which could impact upon important natural assets in the Neighbourhood Plan area, additional criteria regarding protecting such assets is included. As specific sites for such development are not identified in the CDNP, as planning applications come forward, they will be assessed, in part, against the policies within the CDNP, thereby securing protection, and where possible, the enhancement of European, national and local designated sites.

Habitat Regulations Assessment Report (Wardell Armstrong) March 2020

10 Conclusions

10.1.1 This report sets out the methods used, and the findings arising from, the Habitats Regulations Assessment undertaken of two versions of the Colyton Neighbourhood Development Plan 2018-2031 (dated July 2019 and January 2020).

10.1.2 The HRA considered two European Sites assessed as being potentially impacted by the implementation of the Project, namely Beer Quarry Caves SAC and River Axe SAC.

10.1.3 The initial screening report produced by EDDC in April 2019 concluded that the March 2019 version of the CNDP would be likely to give rise to significant effects upon European Sites, alone.

10.1.4 Subsequently, a HRA has been undertaken on the July 2019 CNDP, and with the inclusion of the recommended changes to the CNDP detailed in Table 2 of this report, it can be concluded that the CNDP (January 2020) will not adversely affect the integrity of the Beer Quarry Caves SAC or River Axe SAC, either alone or in combination with other plans.

10.1.5 This report, alongside the amended Colyton Neighbourhood Plan (pre-submission version Jan 2020) can now be submitted to the competent authority, East Devon District Council for their consideration.