



## **East Devon District Council**

# **Colyton Parish Neighbourhood Plan Decision Statement**

### **Summary**

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

### **Background**

On 27 July 2015, East Devon District Council designated the area comprising the parish of Colyton 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 Colyton Parish Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 22 June 2021.

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

The examiner's report concludes that subject to making the 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

## Modifications

The District Council has made the following modifications to the Submission Version of the Neighbourhood Plan, (incorporating the examiner's modifications), to secure that the draft plan meets the basic conditions set out in legislation:

### 1. Policy Coly2 Trees, Woodlands and Hedgerows

Modify paragraph 'D' to read, "D. Where development results in the unavoidable loss of trees or hedgerows, proposals must provide for appropriate replacement planting on the site, or as close as possible to it, together with a management plan for the ongoing care and maintenance of that planting. Such replacement planting should use appropriate native species with an expected mature size similar to those removed and be in the ratio of three trees for the loss of a large tree, two for a medium sized tree and one for a small tree. (see the Glossary for a definition of tree sizes)."

In addition, the Glossary to be revised to include this definition.

### 2. Policy Coly4 Green Wedge

Modify the policy, to read,

"Policy No. Coly4 Green Wedges

The Green Wedge areas (shown on Map 6) are fundamental to retaining and protecting the special character and setting of Colyford and Colyton within the neighbourhood plan area.

Development proposals in the designated Green Wedge areas will not be supported unless it can be demonstrated that it will not add to existing sporadic or isolated development in the open countryside or harm the character of these areas and development is:

- i. for the purposes of agriculture, horticulture, or forestry; or

- ii. within the curtilage of a site that is already in residential or employment use; and
- iii. small in scale, proportionate to its location and appropriate in type; and
- iv. complies with the requirements of Strategy 8 of the East Devon Local Plan.”

### **3. Policy Coly5 Local Green Spaces**

Replace the first sentence of the policy with, “The areas listed below are designated as Local Green Spaces.”, and replace the last sentence of the policy with, “Inappropriate development on any of the Local Green Spaces designated in this policy will only be supported in very special circumstances.”

### **4. Policy Coly6 Sustainable Development**

Modify criteria iv to read, “iv. there is no harmful impact on the Conservation Area and/or Heritage Assets.”.

Modify criteria vii to read, “vii. measures to improve biodiversity should be incorporated into new development including, but not limited to, bee bricks, bat and bird boxes and hedgehog highways; and”.

### **5. Policy Coly 8 Exception Site Housing Development**

Modify the policy to read,

“Policy No. Coly8 Rural Exception Site

Proposals for a Rural Exception Site in accordance with East Devon Local Plan Strategy 35 will only be supported where it:

- i. Is a small development which reflects the character, appearance and scale of the adjacent settlement; and
- ii. Is in conformity with other policies in the development plan; and
- iii. Provides affordable housing to meet identified local need; and
- iv. It will not have a harmful visual impact on its setting or the landscape;
- v. where relevant, it brings redundant or vacant historic buildings back into beneficial re-use.

Affordable housing should make up a minimum of 66% of the site and market units will only be considered where they are essential to enable the delivery of affordable units.”

## **6. Policy Coly18 Sports and Recreational Areas**

Modify the first part of the policy to read,

“The following sports and recreation facilities and pitches (shown on map 9) will be safeguarded for their existing use:

- Colyton Leisure Centre
- Peace Memorial Playing Fields

Proposals which result in a loss of these recreation and sports facilities and pitches and/or their capacity and/or community accessibility (availability for community use) will not be supported unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

## **Referendum**

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 above modifications made, the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. 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 Colyton Parish to help it decide planning applications in the neighbourhood area?’ will be held in the parish of Colyton Parish.

The date on which the referendum will take place is agreed as 2 December 2021.

### **Referendum Version of the Plan**

A Referendum Version of the Colyton Parish Neighbourhood Plan, incorporating the changes set out in this Decision Statement, is now available. In accordance with the Government’s Neighbourhood Planning Guidance (updated May 2020), the effect of this Decision Statement is to give the Colyton Parish Neighbourhood Plan (Referendum Version) significant weight as a material consideration in decision-making on planning applications.

**EAST DEVON DISTRICT COUNCIL CABINET**

**15 October 2021 (effective date of decision)**