

# East Budleigh with Bicton Neighbourhood Plan 2016-2031

## Schedule 14 Summary Report



## Regulation 14 Summary Report

### Purpose

The purpose of this report is to summarise the representations made on the Pre Submission Plan during its consultation period and to recommend minor modifications to the Submission Plan in the light of these comments. Responses to these representations are contained in the following documents:-

- Public Consultation on Draft Plan (Response to Community representations).
- Public Consultation on Draft Plan (Response to Landowner representations).
- Public Consultation on Draft Plan (Response to Statutory Consultee representations).

### Consultation Analysis

During the consultation period there were 42 representations (134 comments) received from members of the public, landowners and statutory consultees. The local planning authority, East Devon District Council, has provided informal comments.

The majority of responses supported the Plan or provided comments. A number of comments were made about the wording of policies and supporting text and maps. Many of these were constructive suggestions for changes to policy wording and supporting text which have been taken on board in the revised "Submission Plan", wherever possible.

Representations have been received from thirty one local residents or organisations (68 comments). Of the 68 comments, 27 were supporting representations, 12 were objections and 29 comments. The 12 objections were as follows:- 2 related to the allocation of Frank's Patch, 1 to the allocation of Carter's Yard, 1 to Frank's Patch not being designated a local green space under policy N2, 4 relating to historic points(3 Salem Chapel), 1 on the objectives, 2 on photographs and 1 on Chapter 14.

Representations have been received from eight Statutory Consultation Bodies who provided a number of constructive comments, most of which have been taken on board in the revised "Submission Plan". Of particular significance Historic England stated the Plan was "*an impressive document that displays a comprehensive understanding of the area's historic character and uses this to underpin its objective of preserving and enhancing local distinctiveness*". Comments were received from:-

- Budleigh Salterton Town Council.
- East Devon District Council (EDDC).
- Environment Agency.
- Highway England.
- Historic England.
- National Grid.
- Natural England.

- South West Water.

Three representations were received by Landowners (2 representations relating to the same Landowner). These landowners, Clinton Devon Estates (CDE) and Mr and Mrs Hill were seeking the inclusion and/or exclusion of their sites within the Neighbourhood Plan.

In overall terms, it is recommended that the Pre-Submission Plan and Site Sustainability Appraisal be changed to incorporate minor modifications and to proceed to submission for examination. It is not considered that the modifications are of a significance that warrants the publication of a revised Pre-Submission Plan.

## Recommendations

The recommendations for minor modifications to the relevant policies of the East Budleigh with Bicton Neighbourhood Plan are set out below.

### Policy P1

**No objections.**  
**3 comments received.**

#### Community Representation

No mobile signal and slow broadband in Yettington makes working at home difficult.

#### Statutory Consultee Representation

**EDDC:-** 1) Clarification is required for criteria d) on what would constitute a significant negative impact on design 2) The term 'impact on' has also been duplicated in criteria's a) and c) and should be removed.

**Natural England:-** The protection and enhancement of geodiversity should be added to the Policy criteria

### Recommendation

Textual changes to:-

- Criteria c) to include reference to the protection and enhancement of geodiversity.
- Remove the words 'impact on' from criteria's a) and c).
- Criteria d) to state "*the design and setting of existing buildings on or adjacent to the site*".

### Policy P2

**No objections.**  
**1 comment received.**

#### Community Representation

There is a need for a good mobile signal and at least 1Mb broadband in Yettington to

meet Policy P2 objective.

**Recommendation**

No change.

**Policy P3**

**No objections.**

**1 comment made.**

**Statutory Consultee Representation**

**EDDC:** - 1) Clarification is required on what is meant by high grade agricultural land 2) A caveat is required in the first sentence to allow development associated with agriculture and forestry.

**Recommendation**

Textual changes to:

- Clarify policy to make it clear that development on Grade 1 will be refused except in exceptional circumstances.
- Include a caveat that would allow development associated with agriculture or forestry. This caveat to be extended, in exceptional circumstances, to uses related to recreation/ informal open space to meet an identified community need.
- Include a caveat to permit exception housing, under Policy D2, on small parcels of land where there is satisfactory evidence that the land has not been used and could not be brought into productive agricultural use.

**Policy C1**

**No objections made.**

**1 comment.**

**Statutory Consultee Representation**

**EDDC:** - References to Assets of Community Value regime should be removed from Policy C1.

**Recommendation**

- Textual changes to Policy C1 and paragraph 6.7 to remove reference to Assets of Community Value Regime.
- Additions to supporting text in paragraph 6.8 indicating the Parish Council will consider submitting nominations to EDDC for assets that meet the listing criteria.

**Policy E1**

**No objections made.**

**1 comment.**

**Statutory Consultee Representation**

**EDDC:-** 1) Development should be restricted to educational uses under class D1 or otherwise the Policy should be more specific as to what development would be

acceptable 2) A clearer map indicating the boundary should be included in the Plan.

### Recommendation

- Textual changes to the first sentence of Policy E1 to state “*The Neighbourhood Plan supports development proposals, for educational use under class D1,.....*”
- A higher definition map to be included in the Neighbourhood Plan.

### Policy L1

**No objections made.**  
**1 comment.**

### Statutory Consultee Representation

**EDDC:** - This policy is in general conformity with Strategies 3 and 4 of the local plan which seeks to support and promote the provision of leisure and open space facilities in the district.

### Recommendation

No change.

### Policy L2

**2 comments.**  
**1 objection.**

### Statutory Consultee Representation

**EDDC:** - This policy is in general conformity with Strategies 3 and 4 of the local plan, which seeks to support and promote the provision of leisure and open space facilities in the district.

**Budleigh Salterton Town Council:** - Current provision should be equivalent to current provision and in an appropriate location for recreational and social activities.

### Landowner Comments (objection)

**Clinton Devon Estates(CDE):-** 1) Flexibility is required given the constraints on available and suitable land 2) CDE do not have contractual obligations to re- provide facilities on the land that are the responsibility of the Cricket Club e.g. Pavilion.

Suggests rewording cricket ground relocation: 'Alternative provision will be required to meet the following criteria, except where specific circumstances dictate otherwise and where justification to that effect is put forward...' In addition criterion b) should be deleted.

### Recommendation

Textual changes to Policy L1 to:-

- Delete criterion b) and 'pavilion' removed from line 2.
- Second paragraph to be reworded “*Alternative provision will be required to meet the*

*following criteria unless exceptional circumstances dictate otherwise and justification to that effect is put forward”.*

### **Policy L3**

**No objections made.**

**1 comment.**

#### **Statutory Consultee Representation**

**EDDC:** - This policy is in general conformity with Strategies 3 and 4 of the local plan, which seeks to support and promote the provision of leisure and open space facilities in the district.

#### **Recommendation**

No change.

### **Policy G1**

**No objections made.**

**1 comment.**

**1 supporting comment.**

#### **Community Representation**

Supports the protection and enhancement of footpaths in the Parish and suggests if development is proposed adjacent to a footpath, a green space should be created as a buffer zone to protect the rural character of the path.

#### **Statutory Consultee Representation**

**EDDC:** - The Policy as it stands could prevent all development that can be seen from a public right of way. The word ‘important’ should be added before ‘views’

#### **Recommendation**

Textual changes to Policy G1 to:-

- Insert the word ‘important locally significant’ before ‘views’.
- Include examples of how to protect the rural character/biodiversity of public rights of way through (for example) buffer areas of informal open space, wildlife corridors.

### **Policy G2**

**1 objection.**

**1 comment.**

#### **Statutory Consultee Representation**

**EDDC:** - 1) No justification is provided for the higher levels of on-site car parking than those contained in Policy TC9. Consideration should be given to the removal of increased car parking spaces or they should be revised to focus on affected areas where on-street parking causes congestion issues. The standards could be presented as

guidance rather than a minimum requirement. 2) Increased standards could impact on the viability of future housing schemes and on the risk of flooding due to an increase in the level of impermeable surfaces leading to greater surface water runoff. 3) The promotion of higher car parking standards is contrary to Paragraph 29 of the NPPF and Strategy 5B of the Local Plan that seeks to promote sustainable modes of travel and transport and promote sustainable development.

### **Landowner Consultee Representation (Objection)**

**Clinton Devon Estates** 1) No justification is provided for the higher levels of on-site car parking than those contained in Policy TC9 2) Higher standards could undermine the objectives of the Local Plan and lead to more suburban designs not in keeping with the vernacular of the area.

CDE suggest re-wording the policy to say “*New developments should provide off-road parking to ensure that pressure on limited existing parking is not increased. 1 bed 1 space; 2 or more beds, min 2 spaces*”.

### **Recommendation**

Textual changes to Policy G2 as per CDE and EDDC comments to bring Policy G2 in conformity with the standards in Development Management Policy TC9 of the Local Plan.

### **Policy N1**

**No objections made.**

**2 Comments.**

**2 Supporting representations.**

### **Community Comments (supporting comment)**

Supports the protection of AONB, particularly wildlife habitats and their incorporation into new developments.

### **Statutory Consultee Comments**

**EDDC:** - The word ‘housing’ should be added at the start of the 2nd paragraph.

**Natural England:-** A criteria should be added to Policy N1 to refer to the protection and enhancement of geodiversity.

**Environment Agency (supporting comment):-** suggested that criteria N1f) be clarified so it is clear whether it is expected that new development will have to create a new habitat or create new habitat only as compensation for any habitat lost.

### **Recommendation**

Textual changes to Policy N1 to:-

- Add the words “(excluding minor development)” after the words “Development Proposals” in the 2nd paragraph.
- Add a new criterion to protect and enhance geodiversity.

- Make changes to criteria f) to clarify when a new habitat should be created.

## Policy N2

**2 objections.**

**3 supporting comments.**

### Community Representation

Object to developing Frank's Patch. Doesn't tally with Policy N2. Trees, owls an issue. Should be made into Community asset e.g. Nature Reserve.

Support for the protection of local green space from the threat of development.

### Statutory Consultee Representation

**EDDC (supporting comment):-** This policy is in general conformity with Strategy 3 and 4, which seeks to secure recreational open spaces for the benefit of the local community. The areas are well justified with reference to the criteria outlined in the NPPF for local green spaces designation.

**Environment Agency (supporting comment):-** green infrastructure is important to managing flood risk and protecting water quality and this importance should be incorporated into the supporting text.

### Landowner Comments(objection)

**Clinton Devon Estates:-** 1) local green spaces 3, 6, and 8 should not be designated as local green space 2) There should be more flexibility in the development permitted in these local green spaces.

CDE suggest rewording the policy to state: *'Proposals for built development in a Local Green Space will be resisted, unless they are ancillary to the use of land or for a public recreational purpose.'*

### Recommendation

- Textual changes to Policy N2 to insert the word 'built' into the last sentence.
- Changes to supporting text to reflect Environment Agency comments.

## Policy N3

**1 Objection.**

**1 Comment.**

### Statutory Consultee Representation

**EDDC:** - Remove final paragraph referring to Assets of Community Value regime.

### Landowner Representation (objection)

**Clinton Devon Estates:** - The replacement of any allotment space should be for an equivalent number and quality of plots rather than for an equivalent size of site.



They suggest rewording as follows:-: *'Alternative allotment provision proposed as part of such proposals will be required to meet the following criteria: a) The number of plots provided must be equivalent or greater than the existing allotment provision...'*

### **Recommendation**

Textual changes to Policy N3 to:-

- Remove reference to Assets of Community Value Regime.
- Criteria a) to take account of CDE comments and b) the traditional size of individual allotment plots.
- Add supporting text indicating the Parish Council will consider submitting nominations to EDDC to list the allotments.
- Add supporting text to justify the size of individual allotment plots proposed.

### **Policy N4**

**No objections.**  
**2 supporting representations.**  
**1 comment.**

#### **Community Representation**

Supports the green corridor and agrees that the local green space Area 6 (in Policy N2) is incorporated into the corridor.

#### **Statutory Consultee Representations**

**EDDC:** - 1) The wording is vague and greater clarity is required to guide policy makers  
2) Greater clarity is needed in respect of the green corridor in the Proposals Map. A bespoke map would be useful  
3) Clarify if the developer contributions sought are those that make up the parish council's meaningful proportion of CIL.

#### **Environment Agency**

Supporting representation from the Environment Agency who stress the importance of green infrastructure (green corridor) to managing flood risk and protecting water quality.

### **Recommendations**

- Textual changes to Policy N4 to provide greater clarity.
- The addition of supporting text in Paragraph 11.17 to highlight the importance of GI to the management of flood risk and protection of water quality.
- A bespoke map to be included and the Proposals Map to be clarified.
- Local Green Space marked 6 on the Proposals Map to be included in the Green Corridor.

### **Policy B1**

**No objections made.**  
**1 Comment.**

### **Statutory Consultee Representation**

**EDDC:** - The third paragraph of the policy refers to 'inappropriate extensions or revisions' but does not refer to what they would deem inappropriate in this instance. This requires clarification.

### **Recommendation**

Paragraph 3 to be reworded to state '*Inappropriate extensions or revisions that adversely impact on the setting and any special architectural or historic features of significance...*'

### **Policy B2**

**1 objection.**

**1 Comment.**

### **Statutory Consultee Representation**

**EDDC:-** 1) Information is required in the policy justification as to why the minimum thresholds for garden sizes stated in criterion h) are appropriate. 2) Remove last paragraph.

### **Landowner Representations**

**Clinton Devon Estates:** - Criteria h) on garden size should be more flexible to reflect site specific constraints.

CDE suggest the following wording: - 'h) "*For new build developments of 5 or more dwellings, gardens should consist of usable space. Normally, gardens should be of a minimum size of 100 sq. m for 3+ bed dwellings and 50+ sq. m for 1-2 bed dwellings unless specific circumstances dictate otherwise. In such circumstances, the amount of garden space provided should be maximised as far as other design considerations allow*"

### **Recommendations**

- Textual changes to Policy B2 to:- a) introduce more flexibility, but in exceptional circumstances, into the minimum garden standards in criteria h); b) to remove the last paragraph.
- A new paragraph will be added under Policy B2 to provide the policy justification for minimum garden thresholds.

### **Policy B3**

**No objections.**

**2 Comments.**

### **Community Representation**

Inappropriate 'back land' development in gardens should be resisted and private amenity should not be adversely impacted upon by infill development.

### **Statutory Consultee Representation**

**EDDC:** - a) Reword second part of criteria c) to focus on ensuring that any obstruction to the path of direct sunlight would not cause a significantly adverse impact on amenity  
b) Remove last paragraph.

### **Recommendation**

- Reword second part of criteria c) to focus on ensuring that any obstruction to the path of direct sunlight would not cause a significantly adverse impact on amenity.
- New criterion to prevent inappropriate 'back land' development and to ensure no significantly adverse impact on private amenity.
- Remove last paragraph of the Policy.

### **Policy B4**

**No objections.**  
**1 Comment.**

### **Statutory Consultee Representation**

**EDDC:** - 1) The term 'compatible' in criteria d) is subjective and may lead to inconsistency in decision making. Reword criterion d) to read 'materials are sympathetic to the materials...' 2) Remove last paragraph.

### **Recommendation**

- Rewording of criterion d) to read 'materials are sympathetic to the materials...'
- Remove last paragraph of the Policy.

### **Policy F1**

**No objections.**  
**1 comment.**  
**1 supporting representation.**

### **Statutory Consultee Comments**

**EDDC:** - 1) The Policy is more onerous than national policy and there is no compelling reason for this requirement. 2) Remove 3rd paragraph of policy.

**Environment Agency (supporting representation):-** While supporting the Policy as it is more onerous than national policy justification is required to take this approach.

### **Recommendation**

Textual changes to Policy F1 to bring the Policy into general conformity with national policy and to reflect the NPPG definition of an Exception Test.

### **Policy F2**

**No objections.**  
**1 comment.**  
**1 supporting representation.**

### **Statutory Consultee Representations**

**EDDC:** The first paragraph is unreasonable as existing run off may be insignificant or can be mitigated. Amend first paragraph to refer to development proposals ensuring that the impact from any additional runoff can be satisfactorily mitigated.

**Environment Agency (supporting representation):**- while supporting the policy they suggest minor changes to the wording of the Policy to refer to control of surface water and impact on water quality.

### **Recommendation**

Rewording of first paragraph to refer to development proposals ensuring that the impact from any additional runoff can be satisfactorily controlled and mitigated

### **Policy F3**

**No objections.**

**1 comment.**

**1 supporting representation.**

### **Statutory Consultee Representations**

**EDDC:** 1) The first sentence should be reworded to add 'where appropriate' or 'where practical' to reflect SuDS may not be appropriate for all development proposals 2) Remove final sentence requiring percolation tests and capacity checks to be made available to the Parish Council.

**Environment Agency (supporting representation):**- while supporting the policy they suggest minor changes to the wording of the Policy to refer to the value of SuDs in improving water quality.

### **Recommendation**

- Amendment to paragraph one requiring SuDs for new development unless it can be demonstrated that they are inappropriate.
- Removal of final sentence requiring percolation tests and capacity checks to be made available to the parish council.
- Amendments to Paragraph 13.6 and Policy F3 to refer to SuDs being able to benefit water quality and not just flood risk.

### **Policy D1**

**No objections.**

**1 comment.**

**1 supporting representation.**

### **Community Representation**

Supports the BuAB as the village is inappropriate for larger scale development. In particular agrees that large gardens should not be included in the BuAB.

## **Statutory Consultee Representation**

**EDDC:** To avoid conflict and consistency of approach the BuAB should be reviewed through the Villages Development Plan. A statement should be included in Policy D1 which allows for the boundary to be superseded by one proposed in the Villages Development Plan.

Consider adding an additional statement in the policy along the lines of the following (as included in the Clyst St Mary Neighbourhood Plan) 'The built-up area boundary for East Budleigh is shown on the proposals map. This will remain as the recognised limit to development until and unless it is replaced by a revised built-up area boundary in the East Devon Villages Plan.'

## **Recommendation**

The BUAB in the Proposed Submission Plan is consistent with the boundary proposed by EDDC in the Habitat Screening Report, July 2016. There is currently a small drafting error in the boundary contained within the Draft East Devon Villages Plan produced by EDDC. EDDC have however confirmed in writing that the boundary in the Habitat Screening Report is the correct boundary and they will be correcting the boundary in the Draft East Devon Villages Plan to ensure consistency with the Habitat Screening Report and the Proposed Submission Plan.

Textual changes in paragraph 3 to provide guidance on the need, in appropriate circumstances, to exclude large gardens from the BuAB to prevent inappropriate 'back land' development and to emphasise large gardens can be more akin to the open countryside in character, rather than the built environment and can provide a 'soft' landscape edge to settlements.

## **Policy D2**

**5 objections.**

**3 comments.**

**5 supporting representations.**

### **Community Representations**

1 supporting representation stating development is only supported in the village if it meets an affordable housing need and is small in scale. The 'exception site' only approach should be the criterion and preference is for small scale development up to 10 dwellings to minimise impact on AONB.

### **Frank's Patch(representations- 2 objections)**

- Object to developing Frank's Patch. No impact on affordable housing; generate more traffic and parking problems; increase danger to cyclists and pedestrians.
- Object as worried about the parking & congestion at Frank's Patch now and feel it would only be made worse if built on.

The main objections to Frank's Patch being developed are the impact on the biodiversity on the site and the increase in traffic and parking problems along Middle Street.

### **Carter's Yard(representations( 1 objection and 4 supporting comments)**

- We support Carter's Yard.
- Support Carter's Yard as the best place to build the houses. Brownfield site that will not impact the unspoilt nature of the rest of the Village. Also has access to and from Budleigh Salterton Road that is more visible from approach and exit to the Village and therefore safer.
- Would support 5 houses on Carter's Yard as long as it is not turned into a large development.
- Would support 5 houses on Carter's Yard but strongly suggest it should be limited to a small scale development (5 or 6 houses).
- Strongly disagrees with Carter's Yard for housing on visibility and being detrimental to surrounding area and AONB. Points out that EDDC had previously not supported this site for that reason.

The general view as the result of these community representations is for support for Carter's Yard subject to the site being reduced in size to accommodate 5-6 houses.

### **Statutory Consultee Representations**

**EDDC:** - 1) There is a clear disconnect between the levels of housing allocated in the plan to the identified affordable housing need in the Parish. The Plan should be amended to meet identified need. Amend policy to provide for a single allocation on the existing footprint of the Carter's Yard site for 4 dwellings, comprising 1 open market and 3 affordable. Ensure that this is clearly indicated on the proposals map 2) The allocated sites have not been properly assessed in terms of their impact on the landscape.

**Natural England:** - Significant landscape evidence is required to enable an assessment of the impact of the allocations on the AONB.

### **Landowner Representations**

1 comment and 1 objection(same landowner) for the land north of Vicarage Road to be included in the Plan either in Policy D2 or by amending text in Paragraph 14.28

1 objection by Clinton Devon Estates to exclude Carter's Yard, to allocate Frank's Patch for up to 4 dwellings and to include the land adjacent to Syon House. CDE consider that the Neighbourhood Plan seeks to establish a housing policy based on the unproven premise there is a low level of affordable housing need in the Parish. This evidence is either incomplete (level of affordable housing need in East Budleigh) or wholly out of date (level of affordable housing need in Budleigh Salterton). Due to this incomplete needs evidence they suggest both Frank's Patch and land adjacent to Syon House should be allocated and included in the BuAB and rely on District wide need under Strategy 34.

### **Recommendation**

Textual changes to policy D2 to:-

- Delete Carter's Yard from the Policy in light of CDE representation RN025-09.
- In light of the deletion of Policy D3 the Policy will reiterate that any affordable dwellings identified as needed by a robust housing need survey will be required to be provided on site and commuted sums will not be permitted.

- Support small scale 'exception' schemes particularly where they comprise 5 dwellings or less.
- Require robust evidence of housing need in the Parish alone to justify an 'exception' scheme.
- Require applicants to prove that any development would not have an inappropriate adverse impact on the landscape of the AONB and biodiversity.

All the landscape appraisals will be incorporated into new supporting documentation entitled 'Landscape Sensitivity Assessments'.

### **Policy D3**

**1 objection.**

**1 comment.**

#### **Statutory Consultee Representation**

**EDDC:-** Policy D3 duplicates policy already set out in East Devon Local Plan and should be deleted.

#### **Landowner Representation**

**Clinton Devon Estates:-** Policy D3 duplicates policy already set out in East Devon Local Plan and should be deleted.

#### **Recommendation**

Policy D3 to be deleted from the Plan but text to be inserted in Policy D2 to reiterate that any affordable dwellings identified as needed by a robust housing need survey will be required to be provided on site and commuted sums will not be permitted.

### **Policy D4**

**No objections.**

**1 comment.**

#### **Statutory Consultee Representation**

**EDDC: -** The term 'favour' should be clarified.

#### **Recommendations**

Textual changes to Policy D4 to clarify the text and the term 'favour'.