

EAST BUDLEIGH WITH BICTON NEIGHBOURHOOD PLAN

East Budleigh with Bicton Neighbourhood Plan Examination,
A Report to East Devon District Council

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1. Introduction

The Neighbourhood Plan

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.

This Report provides the findings of the examination into the East Budleigh with Bicton Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

East Budleigh with Bicton Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by East Devon District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the East Budleigh with Bicton Neighbourhood Area.

Role of the Independent Examiner

I was appointed by East Devon District Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the East Budleigh with Bicton Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies that the document comprises:

“A Plan for the Parish up to 2031”

In addition, Paragraph 1.2 of the Neighbourhood Plan, on page 3, states that:

“The EBB NP covers the same period from 2016 to 2031 (the Plan Period).”

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to East Devon District Council that I was satisfied that the East Budleigh with Bicton Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood 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);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.” (Planning Practice Guidance⁵).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

Two Screening Reports were undertaken by East Devon District Council, in May and August 2016. The latter of these took into account amendments to the Neighbourhood Plan in response to public consultation, which included the removal of a proposed site allocation for 10 dwellings.

The final Screening Report concluded that:

“The EBNP (East Budleigh (with Bicton) Neighbourhood Plan) is unlikely to have a significant environmental impact beyond that (which) has been identified through the SEA of the Local Plan. Although East Budleigh with Bicton is located in a sensitive area in the District, the impact of the allocation and policies in the plan is not considered to significant enough to warrant further analysis through a bespoke SEA.”

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

⁵ Paragraph 027, ibid

Each of the statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the Neighbourhood Plan. None of the statutory bodies disagreed with East Devon District Council's conclusion above and Natural England stated:

"We concur with the conclusions of this second screening report that the East Budleigh with Bicton neighbourhood plan is unlikely to have a significant effect on the environment and that SEA is not required."

Natural England also commented that:

"This advice is based on the comprehensive landscape sensitivity assessments as submitted with the final draft of the plan and the revisions made to the plan."

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

East Devon District Council undertook a HRA screening assessment. This notes that a HRA screening report was produced as part of the production of the adopted East Devon Local Plan 2013-2031 and that that has been taken into account as part of the screening assessment.

The HRA screening assessment recognises that part of the Exe Estuary and Pebblebed Heaths Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) lies within the Neighbourhood Area. It states that the proposed allocation for up to three houses the Neighbourhood Plan is:

"...within/adjoining the village and at around 2000m from the Pebblebed Heaths... considered to be sufficiently far away that any impact can be satisfactorily mitigated."

The screening assessment goes on to conclude that:

"The East Budleigh with Bicton Neighbourhood Plan does not require a Habitats Regulations Assessment...(it) is unlikely to have an adverse effect on a European site...alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan...Should adverse impacts arise, there is an agreed range of mitigation measures which will be implemented."

Further to consultation, the statutory bodies accepted and did not demur from the above conclusion. Natura England stated:

“We concur with the conclusion of the draft screening report that further HRA screening is not required. This is based on the fact that the development proposed is of small scale...”

In addition to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance⁶)

In undertaking the work that it has, East Devon District Council has considered the Neighbourhood Plan’s compatibility with EU obligations and has raised no concerns in this regard.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

⁶ Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

3. Background Documents and the East Budleigh with Bicton Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the East Budleigh with Bicton Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- East Devon Local Plan 2013-2031 (2016)
- Basic Conditions Statement
- Consultation Statement (and Response Reports)
- Strategic Environmental Assessment and Habitats Regulations Assessment
- Landscape Sensitivity Assessment
- Site Sustainability Appraisal

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the East Budleigh with Bicton Neighbourhood Area.

East Budleigh with Bicton Neighbourhood Area

A plan showing the boundary of the East Budleigh with Bicton Neighbourhood Area is provided on page 3 of the Neighbourhood Plan. The Neighbourhood Area covers East Budleigh Parish and Bicton Parish.

Further to an application made by East Budleigh with Bicton Parish Council, East Devon District Council approved the designation of East Budleigh with Bicton as a Neighbourhood Area on 30th June 2015.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

East Budleigh with Bicton Neighbourhood Plan Consultation

A Consultation Statement was submitted to East Devon District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁷.

I note that plan-makers also produced a series of reports providing detailed responses to Community, Landowner and Consultee representations. This adds a layer of detail to the evidence base supporting the Neighbourhood Plan and demonstrates the importance of public consultation and community engagement to the plan-making process.

Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "shared vision" for East Budleigh with Bicton, having regard to Paragraph 183 of the Framework.

The Neighbourhood Plan was produced by a Working Group comprising Parish Councillors and interested residents.

Following the Working Group's first meeting in July 2015, a questionnaire was produced and distributed to every dwelling in the Parish, together with the September 2015 issue of the Parish Magazine. A stamped addressed envelope was provided for responses, together with drop-boxes. By the end of October, 59% of questionnaires had been completed and returned. The information received was considered and it informed the emerging plan.

⁷Neighbourhood Planning (General) Regulations 2012.

Two public consultation meetings were then held in January 2016, to consider the results of the questionnaire and to enable further comments and discussion. Around 130 people attended the meetings. Views were taken into account and fed into the production of the pre-submission draft plan.

The pre-submission draft plan was consulted on over a six week period during April, May and June 2016.

Evidence has been provided to demonstrate that the plan-making process was widely publicised. Parish Council meetings were open to the public and included a “public session” where topics could be raised for discussion. All meeting agendas and minutes were published on Parish Council Notice Boards and on the Parish Council website.

All documents related to the Neighbourhood Plan, including supporting evidence, were published on the Parish Council website. Hard copies were also made available in the East Bickton Community Shop, Information Point, Botanical Gardens and Budleigh Salterton Library. Articles were published in the Parish newsletter and local newspapers, and posters were displayed in prominent locations.

Taken together, the information provided comprises significant evidence to demonstrate that community engagement was encouraged throughout the plan-making process, that matters raised were duly considered and that the reporting process was transparent.

I am satisfied that the consultation process was robust.

5. The Neighbourhood Plan – Introductory Section

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The Introduction provides an informative opening section, but contains some factual inaccuracies. I recommend:

- **Paragraph 1.4, change to “...These procedures *take into account the Neighbourhood Planning...Compulsory Purchase Act 2004.*” (delete remainder of sentence)**
- **Paragraph 1.5, change to “The EBB NP *has been considered in the light of European Regulations...*”**
- **Paragraph 1.6, change to “...A Consultation Statement *was submitted alongside the Neighbourhood Plan and is available...gov.uk.*” (delete final sentence)**

Paragraphs 1.11 to 1.13 have been overtaken by events and I recommend:

- **Delete Paragraphs 1.11 to 1.13**

The Methodology chapter is a helpful inclusion. However, some of the wording is unclear and introduces confusion, therefore, for clarity, I recommend:

- **Paragraph 2.2, first line, delete “(Submission)” and “current”**
- **Paragraph 2.6, final bullet point, change to “*The need to be transparent and provide Objectives that are robust.*”**
- **Paragraph 2.9, change to “...in relevant cases, *considered* how the...”**
- **Paragraph 2.10, change to “*The Consultation Statement demonstrates the extent of the engagement undertaken, leading the Working Party to...*”**

The first Paragraph of the “*Policies and proposals*” section on Page 15 is confusingly worded and this detracts from the precise nature of the Neighbourhood Plan. I recommend:

- **Paragraph 4.6, delete first sentence (there are many things that a Neighbourhood Plan does not do and the reference in this sentence adds unnecessary confusion) and delete the last sentence, which is inaccurate. Paragraph 4.6 therefore to comprise a single sentence “*The Neighbourhood...Period will help to achieve the...Parish.*”**

The Policy chapters of the Neighbourhood Plan contain “*Conformity Reference*” information underneath each Policy. Whilst I acknowledge that the information provided may have comprised helpful references as the plan emerged through consultation, it appears as a subjective and limited selection of District-wide policies and National Planning Policy Framework references. As such, it is not comprehensive and is an unnecessary and potentially confusing inclusion.

I note earlier in this Report that it is the role of the Independent Examiner to consider the Neighbourhood Plan against the basic conditions – including whether the Neighbourhood Plan has regard to national policy and advice, and is in general conformity with the strategic policies of the development plan.

I recommend:

- **Delete all “*Conformity Reference*” sections from beneath each Policy in the Neighbourhood Plan**
- **Paragraph 4.7, delete “...and is accompanied...development plan.”**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The Policy chapters of the Neighbourhood Plan are clearly presented.

Policies are contained within blue boxes and are clearly distinguishable from the supporting text. Community Actions are provided within grey boxes and as such, can be distinguished from Policies and general text.

I note that Community Actions are not land use planning policies but that they provide an excellent way of capturing community aspirations within the Neighbourhood Plan. They serve to ensure that important objectives that have been raised during the plan-making process are not lost, but contained within a single, easy-to-navigate document.

Following each Community Action is a “*Responsibility.*” Whilst I acknowledge that East Budleigh with Bicton Parish Council can carry out its own responsibilities, the Neighbourhood Plan does not provide a mechanism for Community Action responsibilities to be imposed upon third parties. I recommend:

- **Delete “Responsibility” after each Community Action**

Policy P1: Supporting the development of small business enterprises

The Framework, in Chapter 3 “*Supporting a prosperous rural economy,*” promotes the growth and diversification of rural businesses. In addition, Policies E4 (*Rural Diversification*) and E5 (Small Scale Economic Development in Rural Areas) of the East Devon Local Plan 2013-2031, support business and economic development proposals that respect their rural surroundings.

Policy P1 sets out a positive, supportive approach to business development. It has regard to national policy and is in general conformity with local strategic policies. Whilst the criteria set out in the second part of the Policy serve to protect business development from causing undue harm, they fail to include reference to heritage assets.

Elsewhere in the Neighbourhood Plan, the heritage of East Budleigh with Bicton is identified as “*a fundamental quality of the Parish.*” Given this and the comprehensive approach adopted in the latter part of Policy P1, I recommend:

- **Policy P1, add criteria “*e) heritage assets.*” (and change “.” to “;” at the end of the preceding bullet point)**

Subject to the above, Policy P1 contributes to the achievement of sustainable development and meets the basic conditions.

Policy P2 – Mobile Telecommunications and Broadband Provision

The Framework states that:

“Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.” (Paragraph 42)

Policy TC1 of the Local Plan sets out criteria to be taken into account by proposals for the installation of telecommunications systems.

The first part of Policy P2 is a supportive Policy that is in general conformity with Policy TC1 and that has regard to national policy.

However, the second part of Policy P2 seeks to establish an onerous requirement, whereby all forms of development will be required to provide for broadband and other communication networks and produce a connectivity statement. No evidence is provided to demonstrate that such a requirement will be viable, having regard to Paragraph 173 of the Framework, which requires that:

“Plans should be deliverable. Therefore, the...scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”

In this regard, I am mindful that provision for broadband and other communication networks may be neither possible nor relevant in the case of some development proposals – for example, new windows in a Listed Building, or a household extension.

I also note that the Framework requires that the provision of information to support a planning application should only be that which is:

“relevant, necessary and material to the application in question.” (Paragraph 193)

Taking all of the above into account, I recommend:

- **Policy P2, delete second paragraph “All new development...into account.”**
- **Delete Paragraphs 5.14 and 5.15**

Policy P3: Protection of highest grade agricultural land

Local Plan Policy EN13 (*Development on High Quality Agricultural Land*) affords protection to the best and most versatile agricultural land. Further, Paragraph 112 of the Framework requires:

“...the economic and other benefits of the best and most versatile agricultural land...”

to be taken into account.

Policy P3 seeks to protect Grade 1 agricultural land from development, other than in prescribed circumstances. Whilst distinctive to the Neighbourhood Area, this approach has regard to national policy and it is in general conformity with Local Plan Policy EN13, subject to clarification in regard of a proposal not needing to meet every criteria. Were this the case, development would be limited to that for agriculture or forestry. This would conflict with national and local policy and result in Policy P3 failing to meet the basic conditions.

Further to the above, the second part of criterion c) is unjustified. It effectively states that development as set out may take place on Grade 1 agricultural land as long as the Grade 1 agricultural land has not been used for five years and it could not be brought into agricultural use. This does not make any sense as Grade 1 agricultural land is simply that. In any case, criterion c) refers to Policy D2 and I recommend the deletion of that Policy later in this Report.

The final paragraph of the Policy then goes on to seek to prioritise the use of lower quality agricultural land for development, above that of higher quality land.

Whilst national policy only supports the use of:

“...poorer quality land in preference to that of a higher quality”

where significant development of agricultural land is demonstrated to be necessary, Local Plan Policy EN13 provides a slightly different approach, whereby prioritisation is applied regardless of the scale of development. This final part of Policy P3 is in general conformity with Local Plan Policy EN13.

I recommend:

- **Policy P3, replace full stop after each of a) and b) with “; or it”**
- **Delete criterion c) and delete “and c)” from the first line of the final paragraph of the Policy**

Policy C1 – Protecting and enhancing Community Facilities

Chapter 8 of the Framework, “*Promoting healthy communities,*” recognises that the planning system can play an important role in creating healthy, inclusive communities.

In Paragraph 70, the Framework requires planning policies to:

“...plan positively for the provision of...community facilities...and...local services to enhance the sustainability of communities and residential environments.”

Policy C1 seeks to protect and enhance community facilities. It has regard to national policy. However, the Policy is confusing in its use of the terms “*facilities*” and “*assets*.” The supporting text provides a definition of an Asset of Community Value. No evidence is provided to demonstrate that the facilities protected by Policy C1 appear on East Devon District Council’s Register of Community Assets and that they are, therefore, Assets of Community Value.

Consequently, I find that the reference to assets leads the Policy to appear imprecise and consequently, the Policy does not have regard to Planning Practice Guidance, which requires planning policies to be precise and concise⁸ and I address this point in the recommendations below.

Policy C1 also includes a requirement relating to Local Plan Policy RC6 (*Local Community Facilities*). The Neighbourhood Plan does not control the management of Local Plan Policies and the reference is therefore inappropriate.

I recommend:

- **Policy C1, change first line to “...following community *facilities* as...”**
- **Change first line of second paragraph to “...community value of the *facilities* will be...”**
- **Last line of second paragraph, delete “...which meet criteria...Plan.”**
- **Next line, change to “The loss of these community *facilities*...”**
- **Last word, change to “...*facility*.”**

⁸ Ref: Planning Practice Guidance 41-041020140306.

Policy E1 – Bicton College

National policy requires a proactive, positive and collaborative approach to development that will widen choice in education and gives:

“...great weight to the need to create, expand or alter schools;”
(Paragraph 72, the Framework)

Policy E1 is a supportive Policy which has regard to this.

However, the Policy criteria are imprecise in parts and having regard to Paragraph 173 of the Framework, there is no evidence to demonstrate that, in all circumstances, it would be viable, reasonable or even relevant for development to enhance the College’s position as a school and major local employer.

The Policy refers explicitly to the *“central built core”* of the Bicton College campus. However, the plan referenced does not show any central built core, but rather, simply refers to *“Bicton College.”* This results in an imprecise Policy and is addressed by the recommendations below.

I recommend:

- **Policy E1, change first bullet point to *“are sympathetic to the Listed Building and its rural setting;”***
- **Change second bullet point to *“avoid impacts on the AONB, including locally and historically significant views, and where this is not achievable, mitigate any harm arising;”***
- **Change penultimate bullet point to *“are landscaped having regard to local character;”***
- **Delete final bullet point.**
- **Change reference in Key to Map 7.25 to *“Bicton College central built core”***

Policy L1 – Protecting and Enhancing Recreational Facilities

As established above, national policy establishes the importance of community facilities. In this respect, Paragraph 73 of the Framework recognises that:

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”

Policy L1 simply states that outdoor sport and recreation facilities *“will be protected.”* However, it fails to set out how this will occur and consequently, the Policy is imprecise and fails to meet the basic conditions in this regard.

All Policies of the Neighbourhood Plan should be read together and there is therefore no need for Policy L1 to include a reference to one other Policy in the document.

Taking the above into account, I recommend:

- **Title of Policy L1, change to *“Enhancing Recreational Facilities”***
- **Policy L1, change first line to *“Proposals to enhance and improve outdoor sports and recreation facilities will be supported where they:”***
- **Delete *“The following outdoor...”* and delete a) to d)**
- **Delete the last line of the Policy**

Policy L2 – Budleigh Salterton Cricket Ground

Policy L2 seeks to either prevent the loss of Budleigh Salterton Cricket, or to provide for an alternative and equivalent space.

The Policy has regard to national policy which states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless...the loss resulting from the proposed development would be replaced by equivalent or better provision...”

(Paragraph 74, the Framework)

Policy L2 contributes to the achievement of sustainable development and meets the basic conditions. No changes are recommended.

Policy L3 – Bicton Park Botanical Gardens

National policy, in Chapter 12 of the Framework, “*Conserving and enhancing the historic environment,*” recognises heritage assets as irreplaceable and requires the conservation of heritage assets in a manner appropriate to their significance.

Policy L3 recognises the importance of Bicton Park Botanical Gardens and provides for the Gardens’ changing needs over time. It has regard to national policy and meets the basic conditions.

No changes are recommended.

Getting Around the Parish

Policy G1 – To protect and enhance the network of public rights of ways and bridleways around the Parish

Paragraph 75 of the Framework requires planning policies to:

“...protect and enhance public rights of way and access.”

The first sentence of Policy G1 has regard to this. However, the Policy then goes on to state that the rural setting, biodiversity and views from public rights of way will be protected.

No detailed information in respect of precisely what the *“rural setting”* of all public rights of way comprises is provided. Similarly, there is nothing setting out what the biodiversity of public rights of way actually is. Furthermore, *“important locally significant views”* from public rights of way are not defined.

Taking the above into account, part of Policy G1 is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

I recommend:

- **Policy G1, delete “This includes the...wildlife corridors.”**

Policy G2 – Off Road Parking

The first part of Policy G2 largely repeats the requirements of Local Plan Policy TC9 (*Parking Provision in New Development*) and is in general conformity with that Policy.

The second part of Policy G2 seeks to resist the loss of public car parking spaces. This reflects the value local people place on their public car parks as community facilities and contributes to the achievement of sustainable development.

No changes are recommended.

Natural Environment

Policy N1 – Protecting and enhancing the landscape, biodiversity and countryside character

Policy N1 is a long Policy. Its opening sentence comprises a sweeping statement that presents an onerous requirement for all development to enhance landscape, biodiversity and countryside character wherever possible. No definition of “*wherever possible*” is provided, rendering this first part of the Policy unmanageable. It is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

I note that no evidence is provided to explain why Policy N1 does not apply to “*minor development.*” However, whilst I am mindful that development with a footprint of up to 250 square metres could comprise significant development in the context of the AONB and the Neighbourhood Area’s heritage assets, as the Policy is, to some extent, a supportive Policy, there is nothing that leads me to conclude that it fails to meet the basic conditions in this regard.

The first criterion requires all development to enhance the components of natural beauty within the AONB. As these are not defined, it is unclear how every proposal for development can achieve this requirement.

The second criterion seeks to prevent any development outside the Built Up Area Boundary and requires all development to “*be of a scale to complement the historic core*” of East Budleigh. It goes on to require a Local Plan Policy to be taken into account, although this is not within the capabilities of a Neighbourhood Plan. There is nothing in national or local planning policy which prevents any form of development outside a built-up area boundary. Furthermore, no indication is provided of what scale of development would complement East Budleigh’s historic core.

The third criterion seeks to prevent development on prominent sites on the edge of the village, but does not set out what these sites are. The village has an edge all around it and there is nothing to indicate what leads a site to be “*prominent*” in Policy terms.

The fourth criterion refers to locally significant views, but it provides no indication of where such views are from and/or what they include.

Whilst the remaining criteria generally provide for the protection and enhancement of biodiversity and local character, they include imprecise and onerous requirements without having regard to the requirements of Paragraph 173 or 193 of the Framework, identified earlier in this Report.

Further to the above, it is not clear why all forms and processes that constitute and shape the earth ("*geodiversity*") must be enhanced. This Policy criterion effectively comprises a sweeping requirement. It lacks appropriate detail and is imprecise.

Taking all of the above into account, I recommend:

- **Policy N1, delete first sentence.**
- **Delete criteria a), b), c), d) and g)**
- **Criteria f), change to "*Development should seek to protect and enhance existing wildlife and habitats and where this is not possible or practical, lost habitats should be replaced within the development. New...new habitats and...*"**
- **Criteria f), delete "A biodiversity appraisal...rural buildings."**
- **Criteria h), change to "*The provision of a landscaping scheme to ensure that development complements local character and enhances biodiversity.*"**
- **Delete Paragraph 11.9, which reads as though it is a Policy, but is not.**

Policy N2 – Protection of Local Green Spaces

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)

Consequently, when designating Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

Policy N1 designates ten areas of Local Green Space. Each site is identified as being special to the local community and of particular significance in the supporting text preceding the Policy. None of the sites comprise extensive tracts of land and each of them are local in character and are within close proximity of the community they serve.

Taking the above into account, the designations have regard to national policy. However, the final sentence of the text introduces a form of development control that fails to have regard to national policy. With regards Local Green Space, national policy is explicit:

“Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.” (Paragraph 78, the Framework)

Policy N2 is not consistent with Green Belt policy and there is neither any evidence to the contrary nor any justification for the different approach Policy N2 seeks to introduce.

I note that the supporting text to the Policy describes Local Green Space 6 as a “*conservation area*,” which it is not and I address this in the recommendations below.

I recommend:

- **Policy N2, delete last sentence and replace with “*Development within Local Green Space is ruled out other than in very special circumstances.*”**
- **Local Green Space 6 description on Page 60, delete “(used as a conservation area outside the curtilage of nearby dwellings)”**

Policy N3 – Protection of Allotment Space (as shown on Proposals Map)

The Framework requires positive planning to support the provision and use of community facilities. Policy N3 seeks to protect or provide for the appropriate re-provision of allotments and in so doing, it has regard to national policy and contributes to the achievement of sustainable development.

No changes are recommended.

East Devon District Council has identified a small error in the text and I recommend:

- **Page 65, annotation to photograph, delete “be”**

Policy N4 – Green Corridor

Policy N4 seeks to allocate land as a Green Corridor.

However, no evidence is provided to demonstrate that Policy N4 is viable or deliverable, having regard to Paragraph 173 of the Framework. Whilst the supporting text states that “*funding can be obtained*” to create a green wildlife corridor, there is no evidence to demonstrate that this is the case.

There is no reference in the Neighbourhood Plan to the ownership of the proposed land allocation, or to the willingness of the landowner to provide the land as a “*green corridor*,” nor is there any evidence that the Parish Council has negotiated an agreement to purchase the land so allocated. The Policy simply sets out an aspiration, rather than a land use planning policy that the Neighbourhood Plan can control.

Taking the above into account, Policy N4 does not meet the basic conditions.

However, in Chapter 11 of the Framework, “*Conserving and enhancing the natural environment*,” national policy promotes net gains in biodiversity planning positively for green infrastructure. Part of the purpose of Policy N4 is to promote the conservation and enhancement of biodiversity.

Taking this into account, I recommend:

- **Policy N4, change to “*The provision of a green wildlife corridor, to include a green informal open space planted with native trees and wildflowers, to protect and enhance the biodiversity and character of Footpath EB14 that links Middletown Lane to EB15 and the open countryside, will be supported.*”**

Policy B1 – Heritage Assets and their Setting

National policy, in Chapter 12 of the Framework, “*Conserving and enhancing the historic environment*,” recognises heritage assets as irreplaceable and requires the conservation of heritage assets in a manner appropriate to their significance.

Together, Local Plan Policies EN8 (*Significance of Heritage Assets and their Setting*), EN9 (*Development Affecting a Designated Heritage Asset*) and (EN10 (*Conservation Areas*)) afford protection to designated and non-designated heritage assets and their settings.

The first part of Policy B1 seeks to introduce a new requirement for heritage assets and their settings not referred to in either national or local strategic planning policy. It requires any development affecting heritage assets to enhance the assets, and their settings, and any special features. No justification is provided for this departure from national or local strategic policy and there is no substantive evidence to demonstrate that such an onerous requirement would be viable or deliverable, having regard to national policy.

The second paragraph of Policy B1 does not set out any land use planning requirement but seeks to establish that the Policy applies to designated and non-designated heritage assets. However, this then conflicts with the final part of the Policy, which seeks to protect any “*properties*” that make a contribution to local character, whether heritage assets or not. This is all very confusing and ultimately results in an unclear and imprecise Policy.

The first sentence of the last paragraph of the Policy seeks to prevent “*inappropriate*” development, but only where it impacts on both a designated or undesignated heritage asset, or any property that makes a contribution to local character, *and* the setting of that asset, or non-asset. As such, it fails to protect against harm to say, just the setting, or just the “*property*.” The Policy then becomes even more confusing, by stating that development must not harm the setting of “*important heritage sites*” (but does not refer to harm to the heritage asset itself). No indication of what an “*important heritage site*” might comprise, as opposed to an unimportant heritage site, is provided.

Altogether, Policy B1, as worded, is unclear and imprecise. It does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

I recommend:

- **Delete the wording of Policy B1 and replace with *“Development that results in harm to, or the loss of, the significance of designated and undesignated heritage assets or their settings will not be supported.”***
- **Delete Paragraph 12.2 (there is only one heritage Policy)**

In making the above recommendation, I note that, together, national and local strategic land use policies provide for the appropriate control of development in relation to heritage assets and their settings.

Policy B2 – General Design Principles

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Local Plan Policy D1 (*Design and Local Distinctiveness*) promotes good design.

Generally, Policy B2 seeks to ensure that good design is integral to development in the Neighbourhood Area and in this respect, the Policy has regard to national policy and is in general conformity with Local Plan Policy D1. However, it is a very unusual Policy, given that it lists fourteen different criteria, all of which *“development”* is expected to *“demonstrate compliance”* with. The nature of many of the criteria is such that they relate to reasonably sized residential developments, whereas the Neighbourhood Plan only seeks to allocate one very small site for up to three dwellings.

It is therefore very difficult to understand what Policy B2 is actually trying to achieve. It may not be relevant to many forms of development within the Neighbourhood Area and yet it applies to *“all developments.”* In this regard, it is entirely unclear why, say, an application for a new shop sign must demonstrate compliance with criteria b), c), d), e), f), g) h), k), l), m) or n). Similar questions could be asked of other forms of development.

Taking the above into account, Policy B2 fails to have regard to Paragraphs 173 and 193 of the Framework.

The title of the Policy refers to *“General Design Principles”* and yet the Policy does not set out general principles, but ones that are largely very specific to reasonably large residential development schemes. I also note that Paragraph 12.16 is worded as though it is a Policy, which it is not and I make a recommendation in this regard below.

I recommend:

- **Policy B2, delete opening paragraph and replace with *“All new development should incorporate good design. Development proposals should, where appropriate, demonstrate that they have taken the following into account:”***
- **Paragraph 12.16, change opening sentence to *“The Parish Council would like to seek all new buildings and extensions:”***

Policy B3 – Infill Development

Whilst Policy B3 supports “*infill development on previously developed land*” it fails to set out what is actually meant by “*infill*.” No definition is provided in the Neighbourhood Plan. This is of fundamental importance – for example, the Policy goes on to refer to “*inappropriate ‘back land’*” development, but it does not distinguish how this differs from “*infill*” development and under what circumstances (other than those referred to in Policy D1, elsewhere in the Neighbourhood Plan) ‘*back land*’ development might be appropriate. As a consequence, this part of the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

Further, the supporting text to Policy B3 provides no clarity in terms of what “*infill*” comprises and includes a significant amount of text that is written as though it was a Policy, which it is not. Also, it is not clear what “*planning permission will be supported*” actually means in land use planning policy terms. Once a development has planning permission, support for it or otherwise is not a land use planning consideration. I address this absence of clarity and precision below.

Notwithstanding all of the above, national policy, in Paragraph 17 of the Framework, recognises the effective use of previously developed land as one of the core principles of planning and to some considerable extent, Policy B3 has regard to this.

Taking the above into account, I recommend:

- **Change title of Policy B3 to “*Previously Developed Land*”**
- **Policy B3, change opening sentence to “*Within the Built-up Area Boundary, the development of previously developed land will be supported, subject to the following being taken into account:*”**
- **Delete Paragraphs 12.19 to 12.24 inclusive. Replace with a new paragraph “*Paragraph 17 of the National Planning Policy Framework recognises the effective use of previously developed land as a core planning principle. The Neighbourhood Plan supports the regeneration of brownfield land and establishes a specific policy for its reuse within the Built Up Area.*”**

Policy B4 – Extensions

Policy B4 is not a land use planning policy. It specifically relates to what East Budleigh with Bicton Parish Council will “*usually recommend.*” In any case, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal as no indication is provided of under what circumstances the Parish Council will not “*recommend permission*” despite the various criteria being met. The Policy does not meet the basic conditions.

Given the above, I recommend:

- **Delete Policy B4**
- **Replace Policy B4 with a “*Community Action*” and replace all of the text of the former Policy 4 within the new Community Action.**

In the above regard, I note that the recommendations of a Parish Council do not amount to the same thing as the policies within a development plan. Also, the role of the Independent Examiner is set out at the beginning of this Report. The consideration of the Neighbourhood Plan against the basic conditions does not provide for the re-interpretation of Policies on the basis of what plan-makers might possibly have been meant to state, but didn't.

Policy F1 – Flood Risk Assessment

The Framework states that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.” (Paragraph 100)

Local Plan Policies EN21 (*River and Coastal Flooding*) and EN22 (*Surface Run-Off Implications of New Development*) seek to prevent new development from increasing the risk of flooding.

In seeking to reduce flood risk and not increase flood risk elsewhere, Policy F1 has regard to the Framework and meets the basic conditions.

The final sentence of Policy F1 requires development to contribute to the overall reduction of flood risk in the Parish. This is an onerous requirement for development that has otherwise demonstrated that it will be safe from flood risk and not increase flood risk anywhere else. No evidence is provided to demonstrate that such a requirement has regard to Paragraph 173 of the Framework.

A Neighbourhood Plan must meet the basic conditions. Consequently, it is unnecessary for Policies to state that they are *“in line”* with the Framework or the Local Plan.

I recommend:

- **Policy F1 – end first sentence “...in an area subject to *flooding*.” (delete rest of sentence)**
- **Policy F1 – last sentence, change to “...lifetime *and* not increase the flood risk elsewhere.” (delete rest of sentence)**

Policy F2 – Surface Water Run-Off

Paragraph 103 of the Framework requires that flood risk is not increased elsewhere and Local Plan Policy EN 22 (*Surface Water Run-Off Implications of New Development*) seeks to ensure that surface water run-off from development is clearly and appropriately managed.

Policy F2 requires the control and mitigation of surface water run-off and in doing so, it largely meets the basic conditions.

The second sentence of the Policy unnecessarily repeats the content of the first sentence and as noted previously, it is unnecessary for Policies to state that they are “*in line*” with the Framework or the Local Plan.

I recommend:

- **Policy F2, begin first sentence “*The impact from any additional...*”**
- **Delete second sentence (“Planning...development.”)**

Policy F3 – SuDS Design and Management

National planning policy:

“...gives priority to the use of sustainable drainage systems.”
(Paragraph 103, the Framework)

Policy F3 has regard to this and meets the basic conditions.

No changes are recommended.

Policy D1 – Built-up Area Boundary of East Budleigh Village

The Local Plan establishes, in Strategy 27 (*Development at the Small Towns and Larger Villages*) that East Budleigh is a settlement where land does not need to be specifically allocated for development. The Strategy states that settlements like East Budleigh will have a “*Built-up Area Boundary*” designated in the emerging East Devon Villages Development Plan Document “*though they will not have land specifically allocated for development.*”

Policy D1 establishes a Built-up Area Boundary and in so doing, is in general conformity with Strategy 27. The Built-up Area Boundary takes into account a wide range of information, including the previous Built-up Area Boundary from the East Devon Local Plan 1995-2011 and that considered by the Local Plan Habitats Regulations Screening Report in 2016. I note earlier that the Neighbourhood Plan has undergone robust consultation and is supported by various submitted assessments and appraisals.

The wording of Policy D1 is confusing. The Policy suggests that the very presence of a Built-up Area Boundary will “*ensure the proven housing needs of the Parish are met up to 2031.*” However, this is not the purpose of a Built-up Area Boundary and furthermore, no substantive evidence of “*the proven housing needs of the Parish*” is provided.

Taking into account the Local Plan and having regard to Paragraph 17 of the Framework, the provision of a Built-up Area Boundary helps to provide for:

“...thriving rural communities...”

The purpose of a Built-up Area Boundary is to focus appropriate development within it. Such an approach can help to sustain the settlement whilst affording protection to the countryside around it.

In the above regard, I am mindful of East Devon District Council’s comment that:

“The policy should include a statement advising that housing development will be acceptable within the proposed boundary.”

As worded, Policy D1 suggests not only that the Built-up Area Boundary, by representing “*limits to development,*” serves to prevent any development elsewhere, but introduces uncertainty re: the whole point of designating a Built-up Area Boundary by stating that some areas “*will not necessarily be assumed to fall within the developable confines of the village.*” Further reference to “*areas on the edge of the village*” adds to the confusion.

This results in the Policy appearing imprecise.

The final sentence of the Policy is unnecessary as it is a requirement that applications for development must be considered against the development plan as a whole.

Whilst part of the supporting text to Policy D1 is informative and accurate, other parts are confusing and detract from the clarity of the Neighbourhood Plan. For example, Paragraph 14.8, which states that the Built-up Area Boundary will be defined at some stage in the future, is in direct conflict with Policy D1, which designates the Built-up Area Boundary.

Paragraph 14.9 comprises unnecessary historic information that adds little but confusion and much of the text from Paragraph 14.10 to 14.12 is repetitive. For example, a drafting error by East Devon District Council is referred to on six separate occasions. Also, some of the language, for example “*admitted,*” appears inappropriate in the context of land use planning. Also, part of Paragraph 14.13 reads as though it is a Policy, which it is not.

The Plan on page 84 refers to “*Preferred Approach Boundary*” whereas the Policy relates to the “*Built-up Area Boundary*” designated in the Neighbourhood Plan.

Taking all of the above into account, I recommend:

- **Policy D1, delete and replace with “*The Built-up Area Boundary for East Budleigh is shown on the Proposals Map and on the Map on Page 84. Appropriate new development within the Built-up Area Boundary will be acceptable.*”**
- **Delete Paragraphs 14.8 and 14.9 and replace with, “*Together, the policies of the development plan, which includes the Neighbourhood Plan and the East Devon Local Plan, seek to ensure that development is only permitted where it is appropriate. The Parish Council will expect proposals for development within the Built-up Area Boundary to demonstrate due regard for residential amenity, local character - including the appropriate safeguarding of heritage assets and their settings – and highway safety, amongst other things.*”**
- **Paragraph 14.10, line 6, change to “*...has confirmed in writing...*”**

- Paragraph 14.10, delete “EDDC had previously...this Submission Plan.”
- Paragraph 14.11, from line 4 onwards, change to “...the *corrected* Draft East Devon Villages Plan, July 2016. *The map above illustrates the Built-up Area Boundary and compares it to the previous boundary shown.*”
- Paragraph 14.12, line 4, delete “(except on the eastern edge...is not supported by this Plan.”
- Paragraph 14.12 first bullet point, change to “*EDDC’s confirmation that they intended for the boundary to be drawn tighter...*”
- Delete from line 8 of the third bullet point “It is considered...” to the end of the last bullet point “...extend the built form).”

In recommending the above, I am mindful that the Local Plan allocates land for housing across East Devon and that there is no requirement for the East Budleigh with Bicton Neighbourhood Plan to allocate land for housing in order to meet the basic conditions. I also note that there is no substantive evidence to demonstrate further housing could not be provided within the Neighbourhood Area in a manner that accords with the development plan.

Policy D2 – Mixed open market and exception sites

With regards housing in rural areas, national policy requires plans to be responsive to local circumstances and to plan:

“...to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”

(Paragraph 54, the Framework)

Taking this into account, the Local Plan, in Strategy 35 (*Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-Up Area Boundaries*) supports the delivery of mixed affordable and open market housing schemes where there is a proven local need demonstrated through an up to date robust housing needs survey. In this way, the Local Plan provides for mixed affordable and market housing adjacent to villages with a Built-up Area Boundary.

Policy D2 is confusing. Whilst it clearly draws from Local Plan Strategy 35, it commences by allocating a *“rural exception site.”* By definition, a rural exception site is one that does not comply with, and is an exception to, policy. The allocation of a site would mean that its development would be policy compliant and would not therefore, comprise an exception.

Were an application to come forward at *“Frank’s Patch”* for two affordable dwellings and one market house, then it could do so on the basis of Local Plan Strategy 35, as the site is adjacent to the Built-up Area Boundary. However, for the reasons set out above, the allocation of the site as a *“rural exception site”* does not make sense. It results in Policy D2 appearing imprecise and it does not provide a decision maker with a clear indication of how to react to a proposal – for example, would an application be policy-compliant, or would it comprise an exception to policy ?

The Policy goes on to partially repeat elements of Local Plan Strategy 35, but in a less clear and less comprehensive manner. For example, Policy D2 simply refers to dwellings only being available to people with *“a connection to the Parish.”* Unlike Local Plan Strategy 35, no detail is provided in respect of what such a connection might comprise – lifelong residency or enjoying the occasional pint at the Sir Walter Raleigh? The Policy is imprecise and is not made significantly less so by the text provided in 14.32.

Further to the above, Policy D2 applies to *“all rural exception sites.”* Such an approach is not in general conformity with Local Plan Strategy 35, which, very specifically, will allow the development of exception mixed market and affordable housing development. By way of contrast, Policy D2 seeks to require any application for a rural exception site - which is not necessarily the same thing as a mixed market and affordable housing scheme – to demonstrate something; and is not in general conformity with Local Plan Strategy 35’s positive planning context, whereby development that meets the criteria will be allowed.

Taking all of the above into account, Policy D2 is confusing. Rather than provide for a more detailed and locally distinctive approach than Local Plan Strategy 35, it is considerably less precise, to the point that its inclusion within the development plan would provide for obfuscation rather than clarity. The Policy does not meet the basic conditions.

I recommend:

- **Delete Policy D2**
- **Delete Paras 14.14 to 14.34**
- **Remove “Allocated Site” from Proposals Map**

The recommendation above does not, in any way, prevent rural exception sites or exception mixed market and affordable housing from coming forward. Nor, for example, does it prevent an application for development at Frank’s Patch.

Paragraphs 14.39 to 14.61 comprise an assessment of various sites and conclude with opinions on whether the development of the sites considered would be appropriate or supported. However, this section does not contain any Policies and consequently, it does not contain any Policy requirements.

As a consequence, the inclusion of Paragraphs 14.39 to 14.61 is confusing, as it seems to be prioritising development sites and establishing requirements, without any Policy basis upon which to do so. The text is largely background information more commonly found within an evidence base and the recommended deletion of Policy D2 results in of these paragraphs appearing even more confusing.

Taking the above into account, Paragraphs 14.39 to 14.61 detract from the clarity of the neighbourhood plan and I recommend:

- **Delete Paragraphs 14.39 to 14.61.**

The above recommendations will result in there being no allocations of residential land in the Neighbourhood Plan. I note earlier that there is no requirement for the Neighbourhood Plan to include residential land allocations.

Policy D3 – Dwelling Size

Chapter 6 of the Framework, “*Delivering a wide choice of high quality homes,*” requires housing to meet current and future trends and meet the needs of different groups in the community.

Policy D3 seeks to prioritise the provision of 1, 2 and 3 bedroom homes, having regard to identified local factors, including there being lower than average levels of smaller houses in the Neighbourhood Area. In so doing, Policy D3 also allows for flexibility, having regard to national policy, by providing for viability or other material considerations to be taken into account.

There is no need for the Policy to refer to other Policies in the Neighbourhood Plan and I recommend:

- **Policy D3, change first sentence to “*New residential development should...*”**

In relation to the Development Policies, I note that an objection has been made which refers to the Neighbourhood Plan as being “*unsound.*” The objection states that:

“...the NP is unsound and...any attempt to make it sound on its current basis would leave it open to legal challenge.”

This is simply not the case.

“*Soundness*” is not a test that is relevant to neighbourhood planning. As set out at the beginning of this Report, in order to progress to Referendum, a Neighbourhood Plan needs to meet the basic conditions.

7. The Neighbourhood Plan: Other Matters

I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents. I recommend:

- **Update the Contents page (page 1) to reflect the recommendations above**

8. Summary

I have recommended a number of modifications further to consideration of the East Budleigh with Bicton Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood 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);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the East Budleigh with Bicton Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to East Devon District Council that, subject to the modifications proposed, the **East Budleigh with Bicton Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the East Budleigh with Bicton Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the East Budleigh with Bicton Neighbourhood Area approved by East Devon District Council on 30 June 2015.

Nigel McGurk, December 2016
Erimax – Land, Planning and Communities

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