

No.	Organisation	Comment
1	Clinton Devon Estates	<p>Policy H3: Infill Developments and Extensions</p> <p>This draft policy seeks to ensure that development should be sensitively designed to reflect the character of the area. Relevant proposals should adhere to a number of criteria which relate to potential issues such as (for example) loss of residential amenity and the character of the area. Clinton Devon Estates are generally supportive of this draft policy and recognise the importance of new development paying proper regard to the character of the area in which it would be built. However, we suggest that some additional flexibility needs to be introduced to specific parts of the draft policy so that it is reasonable. As currently worded therefore, Clinton Devon OBJECT to this policy.</p> <p>Currently, the draft policy requires that proposals for infill development meet the requirements of each of the six criteria within the policy and does not offer any flexibility with these provisions. Of the six criteria:</p> <p>Criterion b) states that proposals “retain trees of local amenity or ecological value”. Clinton Devon have no issue with these general objectives. However, some recognition needs to be given to the possibility of circumstances arising where there is justification for some or all of the trees on the site to be removed as part of development proposals, for example for reasons of sound arboricultural management or where the removal of a select number of trees can be justified through the wider benefits of the development and/or where any loss can be addressed through compensatory planting.</p> <p>Criterion c) states that “development, including garden size, reflects the existing grain / density / pattern of surrounding development.” The reference to garden size, whilst relevant in certain circumstances – for example in relation to proposals within a conservation area or affecting listed buildings – is not relevant in all instances. Furthermore, any assessment of the acceptability of the proposed development against the local grain and density will necessarily take account of garden size anyway. Although it is necessary for new dwellings to be provided with an adequate amount of amenity space, this is not in itself directly related to the urban grain of a particular area especially as home owners increasingly prefer to have smaller gardens than in the past.</p>

Taking into account, the above, we would therefore suggest that the relevant parts of draft Policy H3 be reworded along the following lines:

“...Development should be sensitively designed to reflect the character of the area and that of its neighbours. Proposals should normally meet the following criteria:”

and

“b) retain trees of local amenity or ecological value unless there is a clear justification which sets out why any trees should be removed and the benefits of doing this”

and

“c) the development reflects the existing grain / density / pattern of surrounding development...”

Policy H1: Meeting Local Housing Need Over the Period of the Plan

This draft policy seeks to support proposals for new housing development provided they are compliant with Strategy 21 of the East Devon Local Plan (the Local Plan) which relates to development in Budleigh Salterton. For schemes which propose five or more units, provision should be made for family homes and/or for the elderly.

For the reasons set out below, Clinton Devon OBJECT to this policy as currently worded but consider that with a number of modest refinements, the draft policy can be revised to be in a form which is acceptable.

We note that this policy supports proposals for new housing development but that it seeks to tie such support to there being a proven need for housing in accordance with the provisions of Strategy 21. However, in relation to housing proposals, Strategy 21 simply notes that the emphasis should be on securing ‘modest housing development’ and does not require to be justified via evidence of specific need. This aspect of draft Policy H1 therefore is unreasonably restrictive and could be used to inhibit housing proposals which could in all other respects be acceptable and beneficial. We would therefore suggest that this part of draft Policy H1 be deleted.

Draft Policy H1 also needs to acknowledge that there are other policies in the East Devon Local Plan, in addition to Strategy 21, which are potentially relevant to housing proposals in the town. For example, Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built Up Area Boundaries) could both be relevant to housing proposals. We would suggest that draft Policy H1 needs to be reworded either to remove the direct reference to Strategy 21 or alternatively to make an additional reference to other policies in the Local Plan.

We therefore suggest that criterion a) of draft Policy H1 be amended to read:

“Subject to other policies in this plan new housing will be supported where:

a) The relevant proposal(s) conform with the relevant policies in the Local Plan, including Strategy 21 and provide good quality homes.”

Changes along the lines described above are necessary to ensure that this part of the Neighbourhood Plan remains in general conformity with the East Devon Local Plan.

Policy B3: Heritage Assets

This draft policy seeks to prevent development which adversely affects heritage assets and their settings. The policy notes that heritage assets includes both designated and non-designated assets. It states that inappropriate development affecting heritage assets will not be supported.

Whilst the overall ambition of this policy - to provide protection to the town's historic features is welcome, Clinton Devon OBJECT to this draft policy as currently worded. In its current form, it seeks to apply an equal weight to designated and non-designated assets alike and to apply an equal degree of presumption against harm to these without regard to their relative importance.

Such an absolute approach is contrary to that set out in both national policy (see for example paragraphs 133 and 135 of the NPPF) and local policy (see Policies EN8 and EN9 of the Local Plan). It is also contrary to best practice such as that set out by Historic England (see for example paragraphs 10 to 12 of 'The Setting of Heritage Assets'). In essence, these make it clear that a level of judgement needs to be applied to proposals which might affect heritage assets and that any assessment of harm needs to balance the importance of the affected asset against the benefits likely to accrue from the proposal. Crudely, the lower the level of significance, the lower the sensitivity of change to either the asset itself and/or to its setting.

As currently worded, draft Policy B3 does not allow for such a measured approach as set out above to be taken. For these reasons, we would suggest that draft Policy B3 be reworded along the following lines:

"Heritage assets and their setting: The special architectural and historic interest of the heritage assets of the town will be a primary development consideration. Proposals which have the potential to affect a heritage asset should identify their likely impact relative to its significance. Any harm will be weighed against the merits of the proposed development."

Policy NE2: Protection of Local Green Spaces

This draft policy seeks to identify a number of specific local green spaces in the town. It seeks to prevent any form of development from taking place on the identified spaces, for any other uses other than those which are ancillary to the use of the land as green space.

Clinton Devon OBJECT to this draft policy which seeks to establish a blanket presumption against development of a large number of open spaces areas, in both public and private ownership, in the town. We note that this draft policy seeks to be far more prohibitive than the Policy RC1 of the Local Plan which allows for some development of green spaces in certain, carefully controlled circumstances. Although there is undoubtedly strong justification that such spaces be retained in most

		<p>circumstances, given the role that many of these play in providing amenity resource to the community and to protecting the high quality character of the town. However, this does not mean development should be precluded regardless of the circumstances, for example whether there is actually a need for the relevant open space to be retained or the opportunities which might be accrued from limited development bringing forward qualitative improvements to open space provision. We also note that a formal open space assessment does not appear to have been done to inform this part of the neighbourhood plan and therefore provide evidence which might articulate in more detail whether or not the current approach is justified. It is useful to note that under the terms of the policy as proposed, it would not have been possible for the town to have secured the much improved allotments at Greenway Lane which formed part of, and was was the product of, Clinton Devon's development of the old allotments for a mixture of market and affordable housing. This is a good example which shows that having a degree of flexibility in relevant policies can be beneficial to helping in the delivery of wider objectives for the community.</p> <p>Given these concerns and the apparent absence of justification that every one of the identified spaces needs to be provided with complete protection, it is Clinton Devon's view that Policy NE2 should be reworded so that a more flexible approach is allowed where the necessary justification can be provided. It is their view that such flexibility can be applied without prejudice to the policy's primary objectives of ensuring the long term protection of the towns' amenity provision and character. We would therefore suggest that the wording of draft Policy NE2 be revised along the following lines: "Local Green Spaces allocated in this document should protected. Proposals for development will therefore normally be resisted unless they ancillary to the use of the land as a Local Green Space. However, development for other uses will be considered where there are particular circumstances which apply. These will be include: where alternative provision of the same or greater community benefit is proposed, where it can be shown that there is a surplus of the form of open space in the town or where development of part of the land can be used to provide enhancements to the retained area. Any proposals for development should seek to protect the character of the area in which they are located."</p>
2	Blue Cedar Homes	

It is requested that the 'Demography' heading under paragraph 4.3 is amended to read:

"Demography

An ageing population and correspondingly low proportions of young people. This has implications for meeting the needs of the population and for creating a balanced community. This highlights the need to promote housing for older people within the town in addition to sites for affordable housing, in order to free up family accommodation elsewhere in the town."

As not all developments of 6 dwellings or over have a significant townscape impact, it is requested that paragraph 5.3 is amended as follows:

Budleigh Salterton has unusual and significant geographical and regulatory constraints. Bounded on two sides by the sea and the River Otter, we are nestled in an AONB, World Heritage Site, Coastal Preservation Zone, Devon Wildlife Site, SSSI, Conservation Areas and within 10kms of the Pebbiebed Heaths, SPA/SAC conservation areas. Budleigh Salterton is a small town with a population of approximately 5,200, developments of over 5 houses have the potential to have a significant visual impact on the townscape.

Blue Cedar Homes supports criterion 3 of Policy H1 as it recognises the need to promote specialist housing for older people.

3	East Devon District Council	Policy H1: criterion c) It is not entirely clear what is meant by applicants having to demonstrate a proven need in compliance with Strategy 21 of the Local Plan, as the Local Plan strategy does not require applicants to meet any particular need other than stating that affordable housing will be given priority over other uses- and this is covered in criterion c). Policy H1: criterion c) The start of the criterion should be amended so they grammatically follow the first sentence of the policy. i.e. ...will be supported where... C) the proposal is primarily for affordable housing...
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		<p>Policy H1: criterion d) This criterion should be a separate statement within the policy as it is encouraging something rather than setting a particular requirement.</p> <p>Policy H3: criterion a) The use of the term ‘lead to’ does not provide sufficient clarity and should be amended to ‘result in’.</p> <p>Policy H3: criterion d) In the interests of clarity the words ‘should be incorporated’ should be added onto the end of the sentence.</p> <p>Policy H3: criterion e) The parking standards in policy T9 of the Local Plan are provided as a guide rather than requiring strict compliance. There are instances where applicants could potentially be able to justify a lower level of parking provision.</p> <p>Policy H4 In the final sentence, remove the word ‘of’.</p> <p>Policy CLW2: criterion d) Remove ‘to ensure that’.</p>
4	Highways England	<p>Thank you for consulting Highways England on the submission version of the Budleigh Salterton Neighbourhood Plan.</p> <p>Highways England is responsible for operating, maintaining and improving the strategic road network (SRN) which in East Devon comprises the A30, M5 and A35. As the plan area is some distance from the SRN, we are satisfied that the proposed plan’s policies will not impact on our network and we have no comments to make.</p> <p>This response does not however prejudice any future responses Highways England may make on site specific applications as they come forward through the planning process, and which will be considered by us on their merits under the appropriate policy at the time.</p>
5	Gladman Developments ltd	<p>This letter provides the response of Gladman Developments Ltd. (hereafter referred to as “Gladman”) to the current consultation held by East Devon District Council (EDDC) on the submission version of the Budleigh Salterton Plan (BSNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Through this response, Gladman seeks to clarify the relationship of the neighbourhood plan to both national and local policy requirements highlighting areas in which we feel that the document currently lacks clarity. In this regard, we consider that the Plan would benefit from modifications to several policies to ensure that it can be found consistent with the Neighbourhood Plan Basic Conditions.</p> <p>Legal Requirements Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that the BSNP must meet are as follows:</p>

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
- b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
- c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- d) the making of the order contributes to the achievement of sustainable development,
- e) the making of the order 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),
- f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
- g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

National Planning Policy Framework & Planning Practice Guidance

National Planning Policy Framework

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so, it sets out the requirements for the preparation of neighbourhood plans and provides communities with the power to develop a shared vision for their neighbourhood and deliver sustainable development they need and to assist in the overall delivery of strategic housing needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to the preparation of neighbourhood plans.

Paragraph 16 of the Framework further sets out that qualifying bodies preparing neighbourhood plans should develop plans that support the strategic development needs for housing and economic development and to plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of a Local Plan.

Within the overarching roles that the planning system ought to play, the Steering Group should have regard to the core planning principles that underpin plan-making set out at paragraph 17 of the Framework. The core planning principles seek to ensure that a neighbourhood plan sets out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical policy framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Planning Practice Guidance

The Government published its final suite of Planning Practice Guidance (PPG) on 6th March 2014, clarifying how specific elements of the Framework should be interpreted when preparing Local and Neighbourhood Plans. Further updates to the PPG have been made in the intervening period. The Neighbourhood Planning chapter in particular provides a clear indication of how the Government expects qualifying bodies to take account the requirements of the Framework when preparing a neighbourhood Plan.

On 11th February 2016, the Secretary of State published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan, in particular, the changes to the PPG stress the importance of considering housing reserve sites and providing indicative delivery time tables to ensure that emerging evidence of housing needs is addressed in order to help minimise any potential conflicts that can arise so that these are not overridden by a new Local Plan. In this circumstance, we refer to the emerging Site Allocations Plan.

The PPG also makes clear that up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development¹.

Furthermore, the PPG makes clear that all settlements can play a role in delivering sustainable development in rural areas, and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence². Where a need for market and/or affordable housing is identified the neighbourhood plan should seek to deliver this need in full otherwise there is risk that the Plan will be found contrary to basic conditions (a) and (d).

Development Plan

Adopted Development Plan

The current Development Plan relevant to the preparation of the BSNP consists of the East Devon Local Plan (EDLP) which was adopted by East Devon District Council (EDDC) on 28th January 2016. The EDLP covers the period from 2013 to 2031 and provides the overarching spatial strategy for the East Devon District.

Strategy 21 of the adopted Local Plan states that in order to assist in helping EDDC meeting its full OAN, Budleigh Salterton is required to secure modest housing development.

The Inspector in his final report to EDDC, stated that the Council should be prepared to undertake an early review of the Local Plan if new homes are not delivered at the required rate, and therefore Gladman recommends that the BSNP be worded as flexibly as possible to reduce conflicts should an early review be necessary. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that:

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).'

Further, PPG states that conflicts should be kept to a minimum to ensure that the hard work that has gone in to the preparation of the BSNP is not overridden upon adoption of the updated Local Plan following review.

Budleigh Salterton Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the BSNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Neighbourhood Plan Policies

Policy B2 – Protection of key views and vistas

New development can often be located in areas without eroding the loss of openness, landscape character or views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views.

Gladman consider that this policy lacks sufficient evidence to demonstrate which views are of particular importance to the local community and indeed why these views are of such value. Opinions on landscape are

1 PPG Paragraph: 009 Reference ID: 41-009-20160211

2 PPG Paragraph: 001 Reference ID: 50-001-20160519

highly subjective, therefore, without further evidence to demonstrate why these views are considered special will likely lead to inconsistencies in the decision-making process.

The Neighbourhood Plan does not set out justification or reasoning as to which or indeed why these said views are of particular importance to the local community and the basis of how these views were selected. The Guidance states that “Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

Accordingly, Gladman consider that this matter should be investigated and based on appropriate evidence prior to the Plan being submitted for Examination.

In addition, Gladman consider that to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contains physical attributes that would ‘take it out of the ordinary’ rather than selecting views which may not have any landscape significance and are based solely on community support. An area’s pleasant sense of openness to open countryside cannot on their own amount to a landscape which should be protected.

Policy NE2 – Local Green Space

This policy seeks to allocate land as Local Green Space (LGS). The designation of land as LGS is a significant policy designation and effectively means that once designated, they provide protection that is comparable to that for Green Belt land. As such, the Plan should ensure that the proposed designations are capable of meeting the requirements of national policy.

The Framework is explicit in stating at paragraph 77 that ‘Local Green Space designation will not be appropriate for most green areas or open space.’ With this in mind, it is imperative that plan-makers can clearly demonstrate that the requirements for LGS designation are met. The designation of LGS should only be used:

- Where the green space is in reasonably close proximity to the community it serves;

		<p>- Where the green area is demonstrably special to the local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</p> <p>- Where the green area concerned is local in character and is not an extensive tract of land.</p> <p>For the policy to be considered in accordance with the Framework it should state the circumstances upon which development of these sites would be permitted, as it does not there is not enough information for a decision maker to be able to apply the policy to a full extent and it should be deleted from the plan.</p> <p>Conclusion</p> <p>Gladman recognise the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national policy and the up-to-date strategic requirements for the wider local authority area.</p> <p>Through this consultation response, Gladman have sought to clarify the relationship of the BSNP as currently proposed with the requirements of national planning policy and the wider development needs and strategic policies set out in the strategic policies for the wider area.</p> <p>In order to meet the Neighbourhood Plan Basic Conditions, Gladman have suggested several policy modifications to the Plan for the Steering Group's consideration. These modifications are considered necessary to ensure that the BSNP meets the basic conditions when the Plan is submitted for Independent Examination.</p> <p>Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.</p> <p>Yours Faithfully, Gladman Developments Ltd</p>
6	Historic England	<p>Thank you for your Regulation 16 consultation on the Budleigh Salterton Neighbourhood Plan.</p> <p>I can confirm that there are no comments that we wish to make.</p> <p>I attach our comments on the Regulation 14 consultation for information.</p>
7	Natural England	<p>Thank you for your consultation on the above dated 03 February 2017.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We welcome this submission version of the Budleigh Salterton Neighbourhood Plan and have no further comments to make.</p>

8	South Somerset District Council	Thank you for your consultation with South Somerset District Council regarding the Budleigh Salterton Neighbourhood Plan. Having duly considered the neighbourhood plan, we wish not to comment. Please do not hesitate to contact me with any queries.
9	South West Water	No comment at present
10	Sport England	<p>Planning Policy in the National Planning Policy Framework identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.</p> <p>It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Pars 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, 'A Sporting Future for the Playing Fields of England – Planning Policy Statement'.</p> <p>http://www.sportengland.org/facilities-planning/planning-for-sport/developmentmanagement/planning-applications/playing-field-land/</p> <p>Sport England provides guidance on developing policy for sport and further information can be found following the link below:</p> <p>http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p> <p>Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations.</p> <p>http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-andguidance/</p>

		<p>If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes.</p> <p>http://www.sportengland.org/facilities-planning/tools-guidance/design-and-costguidance/</p> <p>If you need any further advice please do not hesitate to contact Sport England using the contact details below.</p>
11	West Dorset District Council	<p>Having reviewed the Budleigh Salterton neighbourhood plan submission version, we consider the impact on West Dorset will be minimal and therefore have no reason for any objection to the plan proceeding.</p>