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EAST DEVON DISTRICT COUNCIL ECONOMY			
14 OCT 2016			
ACK	CIRC	SEEN	FILE

13 October 2016

Dear Tim

Submission Draft East Budleigh Neighbourhood Plan – Observations on Behalf of Clinton Devon Estates

Bell Cornwell LLP act as planning consultants on behalf of Clinton Devon Estates. As you will be aware from previous correspondence and discussions, Clinton Devon are the owners of a large amount of land in and around East Budleigh with Bicton Parish and they are therefore a major stakeholder in the area, not only in terms of their land interests but also through their role as a major local employer and as a provider of community facilities, open space and permissive paths. You will recall that Clinton Devon submitted representations on the previous draft of the Neighbourhood Plan (NP) and have separately set out their views on a number of issues relating to the NP directly to you.

We have been instructed to submit representations on the latest draft of the NP and these are set out below. We also attach duly completed copies of the relevant representation forms for the various policies we refer to.

Background to the Representations

You will be aware that Clinton Devon have been progressing, via a planning application, a scheme for an affordable housing-led development on land to the north of the Frogmore Road on the eastern edge of East Budleigh. This occupies part of the land identified within the NP as *Site C059: land adjacent to Syon House*. The current application (reference 16/1673/OUT) seeks approval for an exceptions development of five dwellings, of which three would be for affordable housing. The application accords with the provisions of Strategy 35 of the recently adopted East Devon Local Plan and was submitted with the benefit of supportive pre-application advice provided by East Devon's planning and housing officers. You will be aware of the extensive policy background to these proposals. However, given the approach which is proposed in the Neighbourhood Plan and which we expand on below, it is worth summarising the background here. The land north of Frogmore Road was first identified as being appropriate for development through discussions with Ed Freeman and Kate Little in 2011. Other potential



sites, notably those at Collins Cross Allotments and at Carters Yard (both of which are referred to in the Neighbourhood Plan) were discussed at this time but considered to be of lesser suitability due to their greater potential impact on the surrounding landscape and character of the village, with Carter's Yard also being subject to a long term business tenancy. As a consequence of this apparently useful advice, Clinton Devon therefore focused their efforts on bringing forward a scheme on the Frogmore Road land and have expended considerable effort in the last three years to that effect. During this time, the land received a positive assessment of its suitability for housing through the SHLAA process and East Devon then proposed to allocate the land for development within its draft Villages Plan. During the same period, East Devon also made it clear that there was a need to secure planning permission for a further 2,114 homes in order to address its inability to meet its five year land supply requirement, the effect of this being to act as an important signal that well considered housing schemes would be supported. In light of this context, it will be understood that the merits of the Syon House site as a potential location for housing have repeatedly been considered with the land having been judged appropriate for this purpose. The subsequent applications have also demonstrated beyond question that a housing development on the land is technically deliverable. That the land was never ultimately allocated for development is as consequence, not of any latent unsuitability, but rather of the belated change in approach within the (then) draft Local Plan which led to no land around any of the East Devon villages being allocated. This point goes to the heart of many of our observations on the current draft of the Neighbourhood Plan.

Overview on the Draft Neighbourhood Plan

Within the context set out above, we have reviewed with interest the latest draft of the NP. You will recall that, in our representations on the previous draft (copies of which were provided directly to you) our client expressed considerable concern about the approach which was proposed towards development in the village. We drew particular attention to the flawed basis upon which the NP indicated that there was a low need for housing in the area, including for affordable housing. We noted that the housing needs survey (HNS) was commissioned by Clinton Devon because the Parish Council had previously refused to co-operate with Devon Communities Together who had asked to undertake an HNS on behalf of East Devon. Clinton Devon were therefore required to carry out their own survey but using DCT's methodology as previously agreed with East Devon. We noted that the survey had been interfered with so that its conclusions (that there was a need for three further affordable housing units in the parish) were likely to under-represent the true level of housing need in the area. In practice, this has meant that whilst the HNS had shown that three more affordable dwellings were needed the actual number was likely to have been greater had the survey been completed without interference.

Having read the latest draft of the NP, it is clear that these shortcomings have not been addressed and that no additional evidence on the extent of housing need within the parish has been put forward to support its continued position. In fact, it strongly appears the NP is being deliberately worded with the intention of frustrating Clinton Devon's current application with elements of the NP skewed accordingly and without any real objective justification. We return to this issue later in these representations. We note that in the previous draft, two areas of land (at Franks Patch and at Carters Yard) were proposed to be identified for exceptions development. In the latest draft, only the site at Franks Patch is now proposed.



In short, and for the reasons set out below, it is entirely clear to us that the approach proposed in the parts of the NP which deal with development strategy and housing remain wholly unsound and in conflict with both national policy and the adopted East Devon Local Plan.

Key Changes Proposed and Required

Given the issues highlighted below, it is Clinton Devon's view that those parts of the NP which relate to development strategy and housing need to be amended along the following lines:

- That further work needs to be done on the housing evidence base before the NP can progress further and be judged sound and in conformity with the East Devon Local Plan;
- The land at Syon House and which is the subject of the current planning application should be identified for the development of five houses. Given Clinton Devon's ongoing planning application, allocation of this land is the only sure way of ensuring that the NP's target of delivering three new affordable homes can be met, albeit that there is a strong likelihood that additional need exists in the area;
- The land at Franks Patch should be identified for the development of four houses. However, the nature of the site means that it should be allocated on the standard basis and not identified as a site for exceptions (affordable housing-led) development. This site will provide an additional source of housing supply and therefore afford the NP will some additional flexibility to meet further housing need.

Specific Observations on Draft Neighbourhood Plan Policy

Policy P3 Protection of Highest Grade Agricultural Land

We note that since the previous version of the NP was published, this policy has been very significantly altered. The previous version of Policy 3 simply sought to prevent planning permission on "high grade agricultural land" and required a sequential approach to be applied to show that lower quality land could not be developed in preference. We note that the policy has been amended in this version of the NP to refer to the "*highest grade agricultural land*" and states that "*planning permission will be refused for development on Grade 1 agricultural land*" unless the development meets one of three criteria. Criterion c) makes it clear that development for exceptions housing will only be allowed under Policy D2 [which seeks to identify Franks Patch as the site for such schemes] and where it can be shown that the land has not been in used for the last five years and cannot be brought back into agricultural use. The policy also adds a specific clause to the effect that it must be proven that lower grade agricultural land (grade 2 and below) cannot be used first.

If the issue of protecting the best and most versatile agricultural land is important to the community, it is curious that the proposed change effectively reduces the weight to be attached to this issue by focusing on Grade 1 land specifically at the expense of other grades of land which are typically considered to be high quality. It is perhaps no coincidence that Figure 5.3 of



the previous version of the NP (and which is not included in the latest version) showed the land at Syon House as being with land classed as Grade 1 quality.

As currently worded, the specific criterion c) which requires evidence to demonstrate that the land has not been in use for agriculture for the last five years and is not capable of reuse is clearly unreasonable. For example, it would be impossible to demonstrate that land cannot be returned to an agricultural use unless it has been subject such significant change e.g. through built development as to render it not subject to this policy in this first place. Criterion c) should therefore be deleted in its entirety. It is clear that this policy has been drafted with the specific aim of frustrating development on the Syon House land.

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

This states that *“To ensure the proven needs of the Parish are met up to 2031...a Built Up Area Boundary is shown on the Proposals Map which represents the limits to development in the village”*

For the reasons set out previously and repeated below, the housing needs for the village are unproven. This part of Policy D1 should be reworded along the following lines:

“To protect the character of the village and to ensure development is of a scale appropriate for local services and infrastructure, a Built-up Area Boundary is shown on the Proposals Map...”

Policy D2: Mixed Open Market and Exceptions Sites and Supporting Text

We note that since the previous version of the NP was published, this policy has been very significantly altered, being considerably expanded and made more onerous than the previous version. We note that the Carters Yard site has been deleted.

We have the following key observations on this change:

- i) Clinton Devon support the identification of Franks Patch as a site for residential development. However, it is unlikely that it will be able to viably support an exceptions led development due to the characteristics of the site, its small size and the need for any housing scheme to reflect the high architectural standard of the existing housing in this part of East Budleigh, all of which impose value constraints. In Clinton Devon’s view, Franks Patch should be identified for residential development, but only in the normal way and not as a site for an exceptions scheme and they accept that this might include an expectation that an element of affordable housing will be provided where this can be shown to be economically viable. As well as providing an additional source of housing supply, it is recognised by all parties that there is merit in this site being brought forward for development anyway in order to remove the existing eyesore and provide an opportunity to provide a small, very high quality housing scheme which would replicate the line of cottages which historically were sited on Franks Patch;



- ii) The land at Syon House and which is currently the subject of an application for an exceptions housing development should instead be identified as the site required to meet the affordable housing need identified thus far. As we note below, given the technical work which has been done to support the schemes for this site, there can be no doubt as to the deliverability of a scheme on this site and hence on the lands ability to provide the housing required;
- iii) Affordable housing mix. In proposing to allocate Franks Patch, the policy states that this should be for one and two bedroom dwellings. There is no justification for such a narrow stipulation. We note that the NP relies upon the 2011 census to gain information on the property sizes in the area. However, this is not an indication of need but rather a statement of existing supply and cannot therefore be used to infer need. The only information on housing need is the HNS which has been completed albeit that, as we note above, this provides an incomplete picture. Although the results of the HNS which has been carried out are incomplete, the evidence which has been provided from the survey indicates a need for one, two and three bedroom units. In the absence of any alternative housing needs survey having been carried out, any housing mix stipulated should make reference to this mix. It is also necessary for additional flexibility to be allowed for to allow market housing to come forward of larger size, where this is needed to underpin the viability of the affordable housing element. Such an approach is normal in exceptions development which the NP states it is seeking to allow for and which is also explicitly provided for in Strategy 34 of the East Devon Local Plan. As currently worded, this part of Policy D2 also conflicts with NP Policy D3 which does allow for larger units to be provided where justified, for example due to reasons of viability. Both Policy D2 and D3 need to be consistent which currently they are not. Policy D2 therefore needs to be revised to allow for one, two and three bedrooms units to be provided within any affordable housing component and with flexibility for larger units to be provided where this is required in the market component. As indicated above, this change should be applied to the land at Syon House as the preferred site for the exceptions housing scheme.
- iv) Policy D2 a). This sets out a number of criteria against which proposals for housing exceptions sites will be assessed. Criterion a) stipulates that 66% of the dwellings should be affordable and of a mix which reflects an up-to-date and robust housing needs survey. It states that provision should be on site and "*commuted sums will not be permitted*", a clause which did not form part of the text of the previous draft NP. This restriction is clearly wholly unreasonable given that it might not be mathematically possible to meet the full 66% solely by on-site provision. It is perhaps a coincidence that Clinton Devon's current application proposes three units of affordable housing (or 60% of the total) with the balance (of 6%) affordable housing provision being provided in the form of a commuted sum, an approach which has been agreed by East Devon's Housing Enabling Officer but which, if this part of Policy D2 is approved, could be used to render Clinton Devon's current proposals unacceptable, which is perhaps the aim. However, it is an approach which is clearly in conflict with the provisions of Strategy 34 of the adopted East Devon Local Plan which states that:



"Affordable housing shall be provided on site unless it is...not mathematically possible..."

This part of Policy D2 therefore conflicts with Strategy 34 of the Local Plan, is unreasonable and appears – given its belated appearance in the policy - to be aimed at impeding Clinton Devon's application. For these reasons, this part of Criterion a) should be deleted.

- v) Policy D2 c). This states that proposals for exceptions development should be able to demonstrate that they will not have a significantly adverse impact on the landscape and biodiversity of the AONB. In an area such as East Budleigh Parish where the entire area is within the AONB, it is not appropriate to impose this requirement on exceptions proposals which are, by their nature, exceptional and therefore possible only as a departure from the normal to development in the area. This part of Policy D2 c) should therefore be deleted. Any reference to protecting the character of the AONB should be set out within a separate policy.

Criterion c) also adds that exceptions schemes *"will be supported particularly where they comprise 5 dwellings or less."* Clinton Devon support this part of the NP and welcome the recognition this would give to schemes such their current proposals on land at Syon House. This provides additional justification to support the allocation of that land as the best location for the proposed exceptions development.

In respect of the detailed wording of the policy relating to the specific provision at Franks Patch, we note that Policy D2 still proposes that it be identified for three units albeit in the form of an allocation for an exceptions development. However, the policy states that the units to be provided should consist of one and two bedroom units with two of the three being for affordable use. In our representations on the previous draft NP, we suggested that Franks Patch should be identified as being capable of accommodating four units. We note from the NP supporting document entitled *'Public Consultation on Draft Plan (Response to Landowner Representations)'* that the reason given for retaining the figure of three units is quoted (see page 25, *Availability of Franks Patch*) as being *"EDDC are of the view that the site is realistically developable for a maximum of 3 dwellings. This is due to an initial assessment of trees on the site by EDDC and a conclusion that there are two particularly important mature trees on the site which reduced land availability..."* It would be most unfortunate if the details of confidential pre-application discussions between Clinton Devon and East Devon officers have been released as this statement appears to suggest. Notwithstanding this point, detailed design studies have been completed by Clinton Devon's architects that demonstrate, even with the presence of the two trees referred to, the site has capacity for at least four units including some family sized dwellings. The basis for retaining the three unit figure is therefore incorrect. It is our clients' view that Franks Patch should be identified for four units as the Parish Council had originally accepted in the original version of their *Response to Landowner Representations Paper* which was published in response to the previous consultation and which stated *"In light of CDE representation RN025-09 Franks Patch will be identified in Policy D2 for upto 4 dwellings"*



Observations on Supporting Text to Policy D2

Paragraph 14.19

This sets out the background and justification to the NPs approach to meeting identified affordable housing need in the area, which is to allocate land for an affordable housing led-exceptions development. It states that this approach is 'robust' to ensure affordable housing can be delivered in the NP period.

As we have noted in previous observations on the draft NP, the approach of allocating land for an exceptions development is muddled and inconsistent with both national and East Devon policy. By their very nature, exceptions developments are able to be brought forward outside of the normal approach of allocating land. Whilst it is appropriate for the NP to be able to express preferences for possible sites or for it to directly allocate land in the normal way, it is not appropriate for it to seek to dictate where exceptions schemes should come forward particularly if it can be shown that alternatives are suitable in the extent to which they relate to other factors such as landscape impact, impact on highways and so on. Clinton Devon therefore OBJECT to the approach of seeking to 'allocate' land for exceptions development. This part of the draft NP is unsound.

The final sentence of paragraph 4.19 adds that delivery of affordable housing will "*depend on the continued landowner's willingness to bring this site forward.*" It is unclear to which site this sentence refers, though presumably it means Franks Patch. However, it is self evident that there are any number of reasons why that site or any other site might not come forward. In order to ensure that the NP is able to meet its stated objective of meeting what it considers to be the identified housing need, a much more flexible approach is required. As stated above, the NP should not seek to rely solely on a single site which it stipulates can only be brought forward as an exceptions development. In order to provide the necessary flexibility to meeting local housing need, the NP should not seek to 'allocate' land for exceptions development. It should adopt a more flexible approach along one of the following lines:

- Identify sites for housing development in the normal way. As part of this, it would be reasonable for the NP to seek an appropriate proportion of affordable housing. Clinton Devon therefore recommend that the only sound way for the NP to deliver the required affordable housing would be to formally allocate land at both Franks Patch and land at Syon House for development and to seek a component of affordable housing at both sites. As previous submissions to both East Devon Local Plan and the NP make clear, these are the only sites in the village which are both deliverable and appropriate for development;

Or



- Do not seek to identify any specific sites for development but rather provide a clear policy framework against which any proposal for development, in any location, can be judged for example in relation to the scale of development, impact on the character of the area and so on.

Currently, the approach taken in Policy D2 – of allowing development only at Franks Patch and for no more than three dwellings - and reflected in the text is very inflexible and seeks to artificially restrain development around the village. As indicate above, this approach is wholly unsound and needs to be revised along the lines set out above.

Paragraph 14.23

This states that within AONB designated areas: *“National guidance is that planning permission should be refused except in exceptional circumstances.”* This is incorrect. National guidance as set out in the NPPF actually states (see paragraph 116) that applications for major development within AONB locations should normally be refused. Although there is no set guidance on what constitutes major development, it is notable that East Devon set this as being any development for 10 dwellings or more. Paragraph 14.23 should therefore be amended to refer to the correct position as set out in national guidance.

Paragraphs 14.25 to 14.29

These state that the evidence supporting the NP shows a low need for affordable housing in the Parish. The NP relies on the conclusions of the housing needs survey (HNS) carried out by Clinton Devon Estates as evidence to support **this statement**.

As Clinton Devon have emphasised previously and strongly, the outcome of the HNS, upon which the NP seeks to rely, has been undermined by the Parish Council’s own actions during the period in which the HNS was being carried out. These actions have, in great probability, led to the extent of housing need in the area being under reported.

An extract of Clinton Devon’s observations on this issue and provided in response to the previous consultation are enclosed. We note that in considering these observations (see *Response to Landowners Representations* document), the Parish Council dismiss Clinton Devon’s concerns most notably on the grounds that the return rate was ‘acceptably high’ and that East Devon officers accepted the identified level of need. As you will recall, we have previously written to you setting out Clinton Devon’s concerns about the District Council’s stance in this regard.

Given that the NP’s entire approach to development, to housing and to affordable housing provision is based solely on the outcome of Clinton Devon’s HNS, it is fundamental that the HNS must be capable of providing a complete picture of housing need in order that the NP policies which seek to rely upon its conclusions can be judged sound. This issue is not incidental to the overall form of the neighbourhood plan but goes to the very heart of the soundness of its key policies. If – as there must be - there is any doubt whatever as to the completeness of the evidence, then the position needs to be checked. It is self-evident from reading the circular issued by the parish council to every household in its area that such doubt must exist, that there



is potential for the results of the HNS to be undermined and that it cannot be relied upon to provide a complete picture of the full extent of housing need in the way it otherwise would have done had there been no interference. As a result of this doubt, it is not sufficient for the NP to bat away Clinton Devon's legitimate concerns simply on the grounds that a return rate of 28% was secured. To illustrate the point, if only one further response had been returned, then this could very well have had a fundamental impact on the level of housing need identified so far and hence on the strategy set out in the NP. For example, an apparently minor increase in need of one additional affordable home (from the three currently referred to four) – resulting from a single further HNS return - would mean that the NP's current proposal to identify Franks Patch as a site suitable to meet the affordable housing requirement of three homes would have been rendered unachievable at a stroke. This would have had the consequential effect of requiring an alternative approach and/or site to be provided in order to meet this requirement. Notwithstanding Clinton Devon's objections to the proposed approach and to the capacity of Franks Patch, this example does clearly illustrate why it not acceptable for the NP to dismiss Clinton Devon's concerns and to continue to rely on the currently incomplete evidence.

We note that no other HNS has been undertaken as part of the NP to rectify this mistake and there is therefore no other evidence available which might support the NP's stance that there is little need for affordable housing in East Budleigh, one of the most affluent parts of East Devon.

For these reasons, Clinton Devon are strongly of a view that the NP is unsound and that any attempt to make it sound on its current basis would leave it open to legal challenge.

Paragraph 14.30

This notes that under NP policy D2, affordable housing need within Budleigh Salterton will not be permitted to support a scheme for exceptions development in the Parish. This is in direct conflict with the provisions of the recently adopted East Devon Local Plan which states at paragraph 16.29 that:

"For affordable housing in rural areas account will be taken of the specific need within the Parish in which the application land is sited and in addition regard will also be paid to need in surrounding Parishes. The grouping of geographic parishes will be used for assessing housing need is as follows...d) Budleigh Salterton and East Budleigh." [Our underlining]

On this basis alone, this stipulation is unjustified and unsound and therefore needs to be deleted.

Paragraph 14.31 of the NP seeks to justify the approach of excluding need from Budleigh Salterton on a number of grounds, most notably that the town can meet its own affordable housing needs through various developments which would fulfil the requirement identified in a 2011 housing needs survey for 13 affordable housing units. We note that the 2011 HNS referred to is now five years old. Under good practice guidance, it is therefore out of date and has yet to be replaced. There are no plans under the current draft Budleigh Salterton Neighbourhood Plan for any updated housing needs survey to be carried out. Notwithstanding the East Devon Local Plan's established position on the pairing of the two parishes, the NP cannot therefore claim that there is robust evidence to support the view that there is no need for further affordable



housing in Budleigh Salterton and which land in East Budleigh might need to provide for. As with East Budleigh, the town is one of the most affluent settlements in the area and it would be most surprising if this was shown to be the case.

Location of Identified Rural Exceptions Sites

In this section, the NP seeks to present the evidence for concluding that Franks Patch should be identified as the preferred site for “allocating” land for any future exceptions development. As other parts of the NP make clear, this is in order to meet its stated requirement for three affordable homes. It does this by attempting to compare/summarise the respective merits of various sites which have been previously proposed for development.

Five sites are identified. However, of these we note that in the case of one of these: C058: the Allotments, this is identified as a site but no review is undertaken simply on the grounds that it was not considered developable in the previous SHLAA assessment. Another site (C082: land to the north of East Budleigh Village) was also considered not to be developable in the SHLAA process but is considered in more detail in this section as (paragraph 14.40) *“New information has now come forward...”*

In its assessment of the various sites, the NP is therefore using the views of the SHLAA panel as its starting point. It is notable that Franks Patch was not considered as part of the SHLAA process but is still considered by the NP in more detail presumably as the Parish consider it to be deliverable irrespective of whether any SHLAA analysis was undertaken. On this basis, the merits of C058 need to be considered further or alternatively C082 needs to be discounted. Either way, the assessment methodology has been carried out on an inconsistent, and therefore unsound, basis. The NP therefore needs to be revised so that all five sites are considered and judged on the same basis. This shortcoming needs to be addressed before the NP is capable of being found sound.

Paragraphs 14.47 to 14.47 Land North of Vicarage Road / North of East Budleigh Village

Incredibly, we note that the NP states that a scheme on this site (and which was previously the location of a planning application for development) would be supported by the Parish Council if it came forward for a mixed affordable and open market proposal. In essence, it seeks to allocate the land for development, an approach wholly inconsistent with the NP’s stated stance elsewhere in the document.

Furthermore, and unlike (for example) the assessment of Syon House and other sites, there is no analysis of the various merits of the land when compared with the other sites considered. However, we note that the land north of Vicarage Road is at a much greater distance from village facilities than other sites and would therefore presumably be graded accordingly in any sustainability assessment. We note also that in the Landscape Sensitivity Analysis (see below) it was given a Medium sensitivity rating, somewhat higher than that which is appropriate for the land at Syon House. This would suggest strongly that, together with the site being found unsuitable for development in the SHLAA assessment, that objectively, the NP should rank this land as being less suitable for development than that now being proposed by Clinton Devon. This illustrates the deficiency in the general approach used in the NP to set out development



strategy. In the absence of any consistent comparison of the merits of this site alongside the others, there is no justification whatever for the NP to effectively allocate the land for development. To continue with this approach would be to render the NP flawed and unsound.

Paragraphs 14.53 to 14.58 Land Adjacent to Syon House

In its assessment of this site, the NP concludes that the land is not suitable to be allocated for development to meet the stated need for three homes on a number of grounds:

- That the land is in a less sustainable location than Carters Yard. However, Carter's Yard is no longer being considered as a possible site for development, Clinton Devon having confirmed that that site is no longer available. The NP has accepted this and therefore deleted Carter's Yard as a proposed allocation as was shown in the previous draft document. The merits of Carter's Yard in relation to Syon House are therefore now irrelevant and cannot be used as a means of downgrading the merits of the Syon House land. As we have previously, noted, the land at Syon House is well related to the settlement boundary and is within easy walking distance to the key village facilities notably the Rolle Arms, the garage, the shop and Drake's Primary school;
- That the development of the land would lead to the loss of Grade 1 agricultural land "*...while adaptation of Carter's Yard would partly redevelop a brownfield site.*" Again, the analysis seeks to undertake a comparison with a now removed, and therefore irrelevant, site. Furthermore, a detailed agricultural land quality assessment has been carried out by Clinton Devon's advisors for the land which is subject to the current exceptions application for five units, proposed to meet the affordable housing need identified so far. This demonstrates that the land which is subject to the current planning application cannot be classed as of being of a high agricultural land quality for a number of reasons including its position close to existing mature trees and field boundaries, potential for soil erosion and susceptibility to crop damage from rabbits. All of these factors reduce substantially the value of this land for agricultural use to a level well below that which the much more generalised land classification maps for the area would suggest. Information to this effect has been provided as part of the planning application submission.
- That the land at Syon House "*directly borders flood zone 2*" and "*access is onto Frogmore Road which is Flood Zone 2/3*". This is a meaningless objection and can carry no weight whatever. The facts are that the Syon House land is not liable to flooding and can be access safely from Frogmore Road;
- That the land at Syon House is unsuitable due to its impact on wider landscape and AONB. Again, the NP seeks to make a meaningless comparison with the now deleted Carters Yard site. In relation to merits of the Syon House land itself, the NP refers (see paragraph 14.58 b)) to the Landscape Sensitivity Assessment (LSA) document provided as part of the NP evidence base. A review of this work has been carried out by Clinton Devon's qualified landscape advisors Lacey Hickey Caley (LHC) and a copy of their review is attached. It will be understood that LHC are members of the Landscape Institute and are therefore fully qualified and experienced in assessing the landscape sensitivity of



areas of land. As advisors on Clinton Devon's current and previous applications on the land they are intimately acquainted with the site specific issues. We would therefore ask you to note the following:

- As part of the LSA document, the merits of Franks Patch have been considered. However, as the document itself makes clear (at paragraph 1.5), this was not done by East Devon officers as was the case with other sites within the document but presumably by those involved in the preparation of the NP. It is therefore most doubtful whether the conclusions for Franks Patch can be considered to have the same degree of validity as those for the other sites which are referred to. This is important where (as is the case here) a comparison of the respective merits of each is being used as part of the evidence to recommend a preferred site for allocation - in this case Franks Patch;
- The NP concludes that *"when all individual landscape sensitivity criteria are taken into account Carter's Yard and Franks Patch were identified as having less landscape sensitivity than the field below Syon House."* From the review carried out by LHC, this statement cannot be shown to be correct with the conclusions in the LSA being deficient in a number of critical areas:
 - The most obvious shortcoming is that the site which is analysed is very much greater in extent than currently being proposed for the exceptions scheme (see Site EB05 on page 27 of the LSA). Although the introductory text notes the change in site area it is clear that assessment itself is still based on the larger area and hence the conclusions which flow will vastly overstate the potential impact of development of this land. This is a fundamental flaw in the assessment used in NP to eliminate the Syon House land;
 - In relation to a large number of the other assessment criteria, including those relating to the land's special qualities, the impact on the skyline, the experiential landscape character, relationship with the existing settlement and so on, LHC conclude that the conclusions of the LSA are inaccurate, presumably as a result of the much smaller area of land now proposed for development than the entire field which is shown in the LSA document;
 - They note that the photography used is misleading as it has not been carried out using a 50mm lense. As a results, the photographs provided as part of the LSA to do not provide an accurate indication of the land visibility;
 - Critically, LHC conclude that the land at Syon House as now proposed for development has a sensitivity of Low-Moderate rather than the Moderate sensitivity attributed to it in the LSA. It is therefore much less sensitive than the NP states. The NP cannot therefore credibly state that the land at Syon House is any more sensitive than the Franks Patch site or others



such as the Land North of Vicarage Road . This is especially case given that it is far from clear that the assessment carried out for Franks Patch has been undertaken by persons with the appropriate credentials.

- The NP questions the highways acceptability of the land at Syon House. In this regard, it should be noted that in respect of the current application for five dwellings, the Highways Authority have advised that it does not have any objections to the proposed development. The NP cannot therefore question the suitability of the Syon House land in this regard.

It is clear from the assessment set out above that the methodology used to assess the likely landscape impacts of various possible sites for providing the three affordable houses is deeply flawed. In weighing up these impacts, the NP seeks to apply out-of-date information, to use comparisons with land which is no longer available for consideration and to misapply conclusions from early studies which are no longer applicable. Notwithstanding all our other concerns, it is very clear that the evidence used to eliminate the land at Syon House on grounds of likely landscape impact is deeply flawed. Clinton Devon's view is that when objectively considered, the land at Syon House is entirely suitable for development and the NP should reflect this and recognise its potential to deliver the affordable-led scheme as currently proposed for the land.

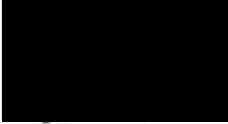
In summary therefore, Clinton Devon are increasingly of a view that the NP has been drafted in a manner which is far from objective in the way in which it seeks to identify land for development. In fact, it appears to have, as a particular aim, an objective of frustrating any development of the land to the north of Frogmore Road irrespective of its objectively assessed merits. As Clinton Devon have always maintained, the evidence used to support the neighbourhood plan's approach (of constraining or stopping all development) is deeply flawed and no attempt seems to have been made to rectify this situation. Furthermore the analysis used to weigh the merit of one site against another is also deficient with different sites being considered on different bases, presumably with the intention of securing a pre-agreed outcome. For all these reasons, in its current form the NP cannot be judged to be a sound document and is incapable of progressing to its final stages.

As the over-arching authority, Clinton Devon expect East Devon District Council to exercise its authority to ensure that where evidence is put forward in this (or any other) neighbourhood plan, that it is produced and considered on sound and fair basis. We would therefore trust that you will ask East Budleigh with Bicton Parish to review its methodology and approach with a view to the issues described above being comprehensively and adequately addressed.

We trust that these submissions are of interest and look forward to receiving confirmation of their receipt. If you have any queries in the meantime, please do not hesitate to contact us.



Yours sincerely



Iestyn John
Partner

Enc.

cc L Rix, Clinton Devon Estates

Accession	Rep No.
For Council Use Only	For Council Use Only

East Budleigh Neighbourhood Plan – Submission Version Representation Form



EAST DEVON DISTRICT COUNCIL ECONOMY			
14 OCT 2016			
ACK.	CIRC.	SEEN	FILE

The East Budleigh Neighbourhood Plan has been produced by East Budleigh Parish Council. It has now been formally submitted to East Devon District Council who are legally required to undertake public consultation.

Please return this form to East Devon District Council by Monday 17 October 2016. Representations received after this time will not be accepted.

Part A – Personal Details Please note we cannot accept anonymous responses.

Personal Details	
Title	
First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	Clinton Devon Estates
Address	Rolle Estate Office Bicton Arena East Budleigh Devon
Postcode	EX9 7BL
Tel. No.	
Email Address	

Agent's Details (if applicable)*	
Title	Mr
First Name	Iestyn
Last Name	John
Job Title (where relevant)	
Organisation (where relevant)	Bell Cornwell LLP
Address	Sowton Business and Technology Centre Capital Court Bittern Road Exeter
Postcode	EX2 7FW
Tel. No.	
Email Address	

*if an agent is appointed, please fill in your title, name and organisation and the full contact details of the agent. Where an agent is used the agent will be the point of contact for correspondence.

Name/Organisation Please complete for each sheet	Clinton Devon Estates
--	-----------------------

Please indicate whether you wish to be notified of any of the following:

- The publication of the recommendations of any person appointed to carry out an independent examination of the East Budleigh Neighbourhood Plan
- The adoption of the East Budleigh Neighbourhood Plan.
- Other planning policy issues.

Representation details

Please use a separate form for each representation

1. To which section of the Neighbourhood Plan does this representation relate?

(Please note that a separate form must be completed for each representation)

Policy Number (Include policy, paragraph or other reference no. if appropriate)	Policy P3
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2. Please use the box below to set out why you are supporting or objecting to this part of the plan. If your comment relates to a specific area of land or site if possible please identify it on a map. Continue on a separate sheet if necessary

<p>Object - Please accompanying letter.</p>

Name/Organisation Please complete for each sheet	Clinton Devon Estates
--	-----------------------

3. What changes would you suggest should be made to the plan?

It will be helpful if you are able to put forward your suggested revised wording of any policy or text or suggested alternative policy boundary. Please be as precise as possible.

Please see accompanying letter.

Continue on a separate sheet if necessary

4. If your representation is seeking a change, do you consider it necessary to speak at the examination? (please tick one box only)

Please note this will not be regarded as a binding decision but will help us in our planning.

If you select No your representation(s) will still be fully considered by the independent Planning Inspector by way of written representations.

- No, I do not wish to speak at the examination:
- Yes, I wish to speak at the examination:

Name/Organisation Please complete for each sheet	Clinton Devon Estates
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5. If you wish to speak at the examination, please outline why you consider this to be necessary:

<p>There are a range of complex and contentious issues which need to be reviewed and highlighted.</p>

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Signed	Iestyn John
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Date	13th October 2016
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Please e-mail the completed form(s) and any additional information to localplan@eastdevon.gov.uk or send to Tim Spurway, Planning Policy Section, East Devon District Council, The Knowle, Sidmouth, EX10 8HL

Accession	Ref No
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East Budleigh Neighbourhood Plan – Submission Version Representation Form



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First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	Clinton Devon Estates
Address	Rolle Estate Office Bicton Arena East Budleigh Devon
Postcode	EX9 7BL
Tel. No.	
Email Address	

Agent's Details (if applicable)*	
Title	Mr
First Name	Iestyn
Last Name	John
Job Title (where relevant)	
Organisation (where relevant)	Bell Cornwell LLP
Address	Sowton Business and Technology Centre Capital Court Bittern Road Exeter
Postcode	EX2 7FW
Tel. No.	[REDACTED]
Email Address	[REDACTED]

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Name/Organisation <small>Please complete for each sheet</small>	Clinton Devon Estates
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1. To which section of the Neighbourhood Plan does this representation relate?

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Policy Number <small>(include policy, paragraph or other reference no. if appropriate)</small>	Policy 21
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Name/Organisation Please complete for each sheet	Clinton Devon Estates
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Continue on a separate sheet if necessary

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 Yes, I wish to speak at the examination:

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Representation details

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(Please note that a separate form must be completed for each representation)

Policy Number <small>(include policy, paragraph or other reference no. if appropriate)</small>	Policy DZ and paragraphs 14.19 to 14.31
--	---

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Object - please see accompanying letter.
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Name/Organisation Please complete for each sheet	Clinton Devon Estates
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Please see accompanying letter.

Continue on a separate sheet if necessary

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- Yes, I wish to speak at the examination:

Name/Organisation Please complete for each sheet	Clinton Devon Estates
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Tel. No.	
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Agent's Details (if applicable)*	
Title	Mr
First Name	Iestyn
Last Name	John
Job Title (where relevant)	
Organisation (where relevant)	Bell Cornwell LLP
Address	Sowton Business and Technology Centre Capital Court Bittern Road Exeter
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1. To which section of the Neighbourhood Plan does this representation relate?

(Please note that a separate form must be completed for each representation)

Policy Number (include policy, paragraph or other reference no. if appropriate)	Location of 'identified' rural reception sites section. Paragraphs 14.39 to 14.61
---	---

2. Please use the box below to set out why you are supporting or objecting to this part of the plan. If your comment relates to a specific area of land or site if possible please identify it on a map. Continue on a separate sheet if necessary

Object - please see accompanying letter.
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Name/Organisation Please complete for each sheet	Clinton Devon Estates
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EAST DEVON DISTRICT COUNCIL ECONOMY			
14 OCT 2016			
ACK	CIRC	SEEN	FILE



LHC Review of East Budleigh with Bicton Neighbourhood Plan Landscape Sensitivity Assessment

12th October 2016

LHC act as Clinton Devon Estates advisor on design and related matters. In this capacity, we are providing advice in connection with their current planning application for five dwellings on land to the north of Frogmore Road (also known as the land at Syon House). We are a Landscape Institute Registered Practice and are therefore qualified and experienced in providing advice in connection with landscape matters including carrying out formal landscape and visual appraisals.

We note that a Landscape Sensitivity Assessment (LSA) has been prepared to inform part of the draft East Budleigh with Bicton Neighbourhood Plan, July 2016, which considers 5 potential development sites within East Budleigh. This review considers the scope and accuracy of the LSA and provides comments on a number of the points made. By way of summary, we note that there appear to be a number of flaws in the way in which the assessment has been carried out and that this has the effect of over-playing the sensitivity of the land at Syon House and the extent to which the site would be visible within the wider landscape. This is obviously relevant in any comparison of the pros and cons of the suitability of different areas of land around the village for development.

The field below Syon House is identified as C059 (reference from the 2011 SHLAA).

The Summary (see page 3) indicates that C059, with C058 - Collins Cross Allotments, have the greatest landscape sensitivity impact.

The Introduction and Methodology sections (pages 4-5) state that the appraisal follows the East Devon Landscape Sensitivity Analysis Template, and provides key landscape characteristics and sensitivity levels. However, we note that the LSA but does not provide any detail of the methodology or basis for the assessment of the sites against these characteristics. There is no information explaining who has undertaken the Landscape Sensitivity Analysis and their competence to undertake the assessment. In the absence of these details it is impossible to confirm the validity of the conclusions of the LSA.

With regard to the assessment of C059 the Neighbourhood Plan assessment considers the whole site, and not the proposed development site which now covers only a small part of C059 and which is situated in the southern part of the field on the lowest, least visible area and which is adjacent to existing dwellings along Frogmore Road.

Some points to note regarding the assessment of C059 against the eight criteria assessed are as follows:

For the criteria 'Special qualities / significance of designated landscapes' category, site C059 is described as 'generally tranquil'. However, with the B3178 Budleigh Salterton to Newton Poppleford road running along the western site boundary, with the main junction into the village adjacent to the Rolle Arms public house within 80m of C059 and existing homes to the west and along the southern boundary of the site clearly visible, it is considered that the site is not generally tranquil. In the related document prepared in support of the Neighbourhood Plan and entitled 'Site Sustainability

11th October 2016
www.lhc.net

LHC UD13706



Appraisal (July 2016), we note that Objective 6 (To reduce noise levels and minimise exposure of people to unacceptable levels of noise pollution) site C059 is given a negative result for the following reason: "Site is adjacent to B3178 which can create a noise nuisance". So while the site is in the AONB (as is the whole of the village of East Budleigh), its location on the settlement edge and adjacent to existing homes and B3178 road means that C059 has a lower sensitivity than that assessed.

For the criteria 'Skylines and landform' the assessment states that "There are open skylines to the South and East from the site". Existing homes are located adjacent to the southern site boundary for approximately two-thirds of its length, the distant skyline is visible above these rooflines from the upper part of the site and the B3178 only. The proposed development area in the south-east corner of the site, with the proposed two-storey properties, would not impact upon the skyline resulting in minimal change. The views out from the site to the east are largely screened by existing mature trees which enclose views. We therefore consider that the scheme site within C059 would therefore score much better than the LSA currently concludes.

The 'Landscape pattern and complexity' criteria articulates that the site exhibits irregular field patterns reflective of the landscape character type however, can it be noted that the historic field pattern has been lost due to the merging of smaller fields in the past.

For the criteria 'Experiential landscape character' the assessment calls the site "generally tranquil", which has been discussed above, and states that the "site is generally open but features such as the mature trees and southern boundary development do give the site as sense of enclosure." It is considered that with existing residential development on the southern and western boundaries, together with mature trees to the north and the west, the site is actually generally enclosed. We therefore consider that this criteria does not accurately reflect the correct circumstances

For the criteria 'Relationship to existing settlement edge and cultural pattern' reason C4 used by East Devon District Council (EDDC) to explain the exclusion of site C059 from the Built Up Area Boundary (BUAB) states that areas to be excluded are "Parts of settlements that might comprise of groups of houses or buildings but which are separated by fields or open space from the main core of the village". However, the site is located adjacent to the B3178 and existing residential development of the village so there are no homes or proposed homes which would be separated by fields or open space.

For the criteria 'Visual sensitivities and intervisibility' the assessment has concluded a Moderate value. The scheme specific visual appraisal undertaken by LHC in support of Clinton Devon's current scheme for five houses concludes that "small scale residential development will have limited visibility in the wider landscape, with views largely confined to areas within the existing village boundary immediately adjacent to the site." Views of the site are constrained by existing buildings to the south and west, and landform and mature trees in the north and west. Long distance views from further south and west are screened by intervening mature trees and vegetation and any partial views of new development would be seen in context with the existing village edge. Most Public Rights of Way (PROWs) are on low lying land alongside the River Otter, which have very limited screened views or no visibility of the site. Higher lying land has limited PROW access with only one



bridleway across the higher land between Colliver Cross and Clamour Bridge from which views towards East Budleigh are heavily screened by mature hedgerows bounding the PROW on both sides. Following this evaluation we consider the sensitivity is instead Low-Moderate and that the LSA should be amended accordingly.

For the criteria 'Overall landscape sensitivity to residential development' site C059 has been assessed as Moderate. However our visual analysis, as described above and which is based around a specific and focused assessment of the site as now envisaged, identifies that views into the site from PROWs are very limited and the site is bounded by existing residential development and vegetation. The retention of existing boundary vegetation and trees will help mitigate the impacts of development. For these reasons we consider a sensitivity of Low-Moderate to be more appropriate.

The proposals for five residential units in the south of the site together with associated green infrastructure and SUDs, would meet the Landscape Guidance given for site C059 listed as:

- Good design will be important with the density/scale/height of any development reflecting the surrounding built form, existing field position within the AONB.
- Development should be concentrated in the south.
- The site should not be over-developed and should integrate green infrastructure.
- Hedgerows and trees on the periphery of the site need to be retained and where possible enhanced.
- A landscape buffer is required to the north and eastern side of the site.
- Flood alleviation measures such as SUDs are essential.
- Walking access into the village should be provided - The character of the village is that roads are shared by vehicles and pedestrians, so pedestrian access into the village could be obtained along Frogmore Road.

Also of note, the photographs within the assessment include telephoto lens (or cropped) views along the B3178. These over-emphasise the visual impact of the site when compared to the actual views from this location, and removes existing buildings from the views. A more accurate representation for this view would be a provided by photograph taken with a 50mm lens or equivalent (in accordance with the Landscape Institute's Guidance on Landscape and Visual Impact Assessment). This would illustrate that the north of the site is visible from the B3178 when entering the village from the south. The site is then hidden from view once descending into the village before visually opening up again after passing the Rolle Arms public house. In the current proposals this visible land is designated to be a landscape buffer and therefore would result in no negative visual impact for these users.

Paul Osborne FLI

11th October 2016
www.lhc.net

LHC UD13706

Vision for the Parish

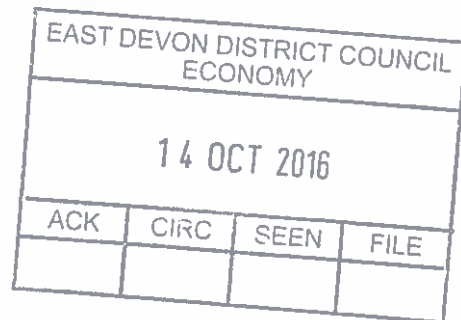
We note that the Vision for the parish is to *"maintain the balance and proportion"* of the community. The Vision then notes the need to protect the character of the village and that the community will strive to meet the future needs of the village by supporting the sustainability of the Parish and its values and principles.

As currently worded, this statement is very unclear and does not read as a coherent vision for the village but rather as a very woolly statement of intent.

If it is possible to discern any meaning at all from the Vision statement, then it must be a desire to maintain the status quo. If this is the case, it is at clear odds with a number of the challenges which the parish faces, identified at page 16 of the draft Neighbourhood Plan, including meeting the future needs of the population, supporting local employment opportunities and addressing highways issues. Meeting these and the other challenges will require a pragmatic response from the community and the vision needs to reflect this whilst still retaining the emphasis on protection of the area's environmental quality. We note also that the 13 Objectives which flow from the Vision propose a similarly and overly conservative stance.

The vision therefore needs to be reworded. We suggest wording along the following lines:

"Our vision is to have a balanced community which is able to adapt to the needs of all its residents but do so in way which protects the unique and intimate character of the Parish. Where change is necessary, this will need to be justified and will be carefully controlled."



Policy L2 – Budleigh Salterton Cricket Ground and Pavilion

This policy seeks to establish controls on the circumstances leading to the loss of the existing cricket ground. It makes it clear that any alternative facility must be at least equivalent in size and quality and that a replacement pavilion of at least of equivalent quality much also be provided. Any alternative site much also be accessible by foot.

It is accepted by all parties, including the Cricket Club that the existing facilities will have to relocate at some point due to the increased incidences of flooding, irrespective of whether the proposed Lower Otter Restoration Project (LORP) goes ahead (see page 80 of the neighbourhood plan). The LORP offers the opportunity to facilitate a relocation. As the primary landowner involved in the LORP, Clinton Devon are therefore currently examining a number of potential alternative sites for a new cricket ground. However, given the constraints on available and suitable land for this, it is unreasonable for Policy L2 to require that such schemes “*must*” meet each of the policy requirements and some flexibility is required in this regard. It is necessary that the policy include a caveat to the effect that the various requirements should be adhered to except where the specific circumstances dictate otherwise. Furthermore, it needs to be understood that, as a responsible landowner Clinton Devon may be willing to provide the alternative land. However, they are under no contractual obligation to re-provide the other facilities which currently exist, most notably the pavilion, which are the sole responsibility of the Cricket Club. It is therefore for the Cricket Club alone, rather than this plan or other organisations to determine whether new pavilion facilities should be provided. This is not a planning issue and it is unreasonable for the provision of the pavilion to be a pre-requisite to the relocation of the cricket ground.

We suggest the policy be reworded with the following additions:

“Alternative provision will be required to meet the following criteria, except where specific circumstances dictate otherwise and where justification to that effect is put forward:...”

In addition, Criterion b) should be deleted.

Future Developments for Footpaths and Bridleways

Community Action 18

Community Action 18 aspires to provide improved pedestrian links within the Parish.

As a provider of over 9 miles of permissive paths across its land, many of which are within the Parish, Clinton Devon are supportive of the principle of further links being provided in the area. However, it needs to be understood that in relation to any new links across their land, it is necessary to have regard to the requirements of their tenants and occupiers and to the safety of prospective users. Clinton Devon have some reservations about a number of the routes shown on Map 10.B of the draft Neighbourhood Plan in relation to the issues outlined above and also in relation to the lack of connectivity of the a number of the proposed routes to the wider footpath network.

Clinton Devon will therefore look at each proposal for a new permissive path across its land on its individual merits.

Policy G2 – Off Road Car Parking

This policy seeks to require quite high levels of on-plot car parking for all forms of new residential development. Although the intention – to reduce parking congestion in an area of high car dependence – is understandable, provision of such high levels of car parking in all circumstances is likely to undermine other design objectives of the Neighbourhood Plan by (for example) encouraging more suburban design solutions such as the provision of substantial garages or large parking spaces.

We note that this policy is much more onerous than Policy TC9 of the adopted East Devon Local Plan. We would therefore suggest that a more flexible approach needs to be adopted to allow for the circumstances of individual sites and to enable higher quality housing designs to come forward in a way which better reflects the vernacular of the area. We suggest that this policy be reworded along the lines used in the now made Lympstone Neighbourhood Plan. This is as follows:

“New developments should provide off-road parking to ensure that pressure on limited existing parking is not increased. 1 bed properties should have 1 parking space; 2 or more bedrooms should have a minimum of 2 spaces.” (See Objective 9 of the Lympstone Neighbourhood Plan)

It will be appreciated that Lympstone is a village with a similarly historic character as East Budleigh and which suffers from acute parking issues and their policy on parking therefore provides a useful template in this instance. As an approved policy elsewhere, it is much more likely to be supported at Examination than Policy G2 as currently worded.

Policy N2 - Protection of Local Green Spaces

Clinton Devon note the 10 sites listed in this policy as Local Green Spaces. They do however note the final sentence of the policy which states that *"Proposals for development in a Local Green Space will be resisted..."*

Clinton Devon are the owners of Sites 3, 6, 8 and 10 and therefore have considerable interests in many of the green spaces which are proposed to be subject to this policy. In particular, they would like it noted that:

- Site 3 (Recreational ground, Vicarage Road). Clinton Devon are happy to continue to lease the land to the Parish Council. However, it has to be recognised that they may choose to re-provide the recreational ground at a new location in the event that a change of use is proposed for the land;
- Site 6 (Conservation area to the rear of Middletown Lane) is a privately owned garden and not a public space. Given its private use and the limited contribution the land makes to the character of the area, it should not be referred to in this policy and should be deleted from it;
- Site 8 (The Pound). Clinton Devon are happy to continue to lease this land to Britain in Bloom and the Parish Council. However, it should be noted that they continue to have a vehicular right of access across the land for the purposes of serving the adjoining Pound Barn.

In relation to the application of the draft policy, strictly speaking there will be a range of reasonable alterations within these spaces which may require planning or similar permission in the future and which may therefore constitute development for the purposes of town planning legislation. These will include works to improve facilities within the areas, minor changes of uses, listed building permissions and so on. These could be perfectly acceptable within the context of what the policy seeks to achieve but may not necessarily be ancillary to the land. To provide for these circumstances, we would suggest a minor refinement of this policy so that it reads:

"Proposals for built development in a Local Green Space will be resisted, unless they are ancillary to the use of the land or for a public recreational purpose."

Policy N3 – Protection of Allotment Space

This policy seeks to prevent any loss of the Collins Cross Allotments (identified as Area 11 on the Proposals Map) unless alternative facilities are provided. Criteria a) and b) of the policy require that any alternative provision must be equivalent in both size and quality.

Clinton Devon are the owners of the Collins Cross Allotments and therefore have a good understanding of their day-to-day operation. They consider that, given the specific characteristics of the existing allotments, the existing policy is too onerous. Currently, the allotments are laid out in an ad hoc manner. It is recognised that as part of any proposal which would lead to the loss of allotments, replacement facilities would need to be provided. However, it is considered that in this instance, both the number and quality of the allotment plots required could be re-provided for without requiring the same total site area. The key requirement of the policy should therefore relate to the requirement to provide, as a minimum, an equivalent number and quality of plots rather than basing the policy on the much cruder site area which the policy currently implies. This reflects modern expectations on allotment provision whereby smaller but well serviced plots are increasingly sought instead of the larger sized allotments envisaged historically, a situation which, by way of example, is reflected in the successful allotments provided recently as part of Clinton Devon's development at Greenway Lane in Budleigh Salterton. In that case a mixture of smaller sized plots have been provided.

We would therefore suggest that the wording of Policy N3 is clarified along the following lines:

"Alternative allotment provision proposed as part of such proposals will be required to meet the following criteria:

- a) The number of plots provided must be equivalent or greater than the existing allotment provision..."*

Policy B2 – General Design Principles

The wording of this policy makes it clear that its purpose is to ensure that development is sympathetic to the character of the area within which it is located. The policy sets out various criteria which seek to establish a range of design parameters which development should adhere to. In particular, Criterion h) sets out minimum garden sizes which should be provided within new build houses of various sizes.

As with the proposed policy on parking, having an inflexible requirement to adhere to the provisions of Criterion h) may have the unintended impact of actually harming the wider purpose of protecting the character of the village. Whilst it is obviously important that an appropriate amount of garden space is provided, especially for family sized dwellings, there may be a number of reasons why the space requirements set out in the policy cannot, or should not, be met for example due to the character of the adjoining houses, the presence of listed buildings or specific site constraints any of which will inform the overall scheme design.

We would suggest that this part of Policy B2 be reworded to read:

“h) For new build developments of 5 or more dwellings gardens should consist of usable space. Normally, gardens should be of a minimum size of 100 sqm metres or for 3+ bed dwellings and 50+sqm metres for 1- 2 bed dwellings unless specific circumstances dictate otherwise. In such circumstances, the amount of garden space provided should be maximised as far as other design considerations allow.”

Paragraph 13.8 Lower Otter Restoration Project

This paragraph makes reference to the Lower Otter Restoration Project (LORP). Although no formal policy is set out in the Neighbourhood Plan in respect of the LORP, it does note the Parish Council's stance on the project. Paragraph 13.8 notes that the Parish Council will continue to support the LORP subject to a number of conditions. Condition c) states that tenant farmers be compensated for loss of pasture. The extent of any obligation in this regard is a commercial matter between the two parties only. As a responsible landowner, Clinton Devon will always stand by its obligations and where compensation is due or judged appropriate, this will be paid. However, this is not a matter for a land use document and it is therefore wholly inappropriate for the Neighbourhood Plan to seek to apply obligations on this issue.

Condition c) of the paragraph 13.8 should be deleted.

Policy D2 – Housing Supply and Site Allocation

Policy D2 proposes to allocate two sites for development: Franks Patch (for three dwellings) and Carters Yard (10 dwellings). The policy seeks to keep these sites outside the proposed settlement boundary and to rely on the adopted East Devon Local Exceptions Policy (see Strategy 35) to bring the sites forward. As a result, development of both sites will be subject to the 66% affordable housing requirement which Strategy 35 imposes. The policy also asserts that there is a low level of affordable housing need in the village.

Level of Affordable Housing Need in East Budleigh

Paragraph 14.15 of the supporting text to this policy states that *“The evidence below shows there is currently a low need for affordable housing in Parish and this Neighbourhood Plan has allocated sufficient ‘exceptions sites’ under Policy D2 to meet any current and any foreseeable future need during the Plan Period.”* The following paragraphs 14.16 to 14.18 then refer to the Housing Needs Survey (HNS) carried out by Clinton Devon in 2015 and which identified a need for three affordable units in the next five years. However, as a result of actions by the Chair of Parish Council at the time of the survey, in which every household of the parish was provided with a letter (see copy enclosed) asking them not to complete the HNS, it is most likely that the survey under-represents true levels of affordable need in the Parish. Whilst it is clear that there is evidence for at least three affordable housing units, as a result of the Chair’s letter, it is highly likely that a need greater than this exists.

Furthermore, paragraph 14.27 also states that *“Taking all the evidence into account the Parish Council’s view is that no more than 13 extra dwellings will be needed in the Parish over the next 1015 years”*. For the reasons set out below, there does not appear to be any justification or evidence to support this statement which is either a simple reflection of the (now out-of-date) assessment of affordable housing need for Budleigh Salterton (see our comments below) or simply an arbitrary figure.

It is notable that no further HNS has been carried as part of the neighbourhood plan process. In the absence of this or other further information on specific need, the assessment of affordable housing need in the village cannot be said to be complete and the evidence to this effect is therefore inadequate to support the assertion that there is a *‘low need for affordable housing in the Parish’*. In any event, this statement is at odds with common sense in that East Budleigh is one of the most affluent and least affordable parts of the East Devon.

For these reasons, the evidence base used to identify the allegedly low level of affordable housing need in the village is highly unsound and appears to rely solely on some factual information derived from the 2011 Census and some local survey information on the type of dwelling which residents would wish to see. If the Neighbourhood Plan seeks to rely on housing need data to support its proposals for minimising housing supply in the village and to ensure that what housing does come forward is provided in the form of exceptions housing only, then this data needs to be complete and also, in line with Government guidance on the preparation of neighbourhood plans, robust. Currently, it is neither.

Affordable Housing Provision in Budleigh Salterton

At paragraph 14.19 the Neighbourhood Plan correctly notes that the Parish is grouped with Budleigh Salterton for the purposes of assessing affordable housing need. It then notes that the existing need for the town was assessed in 2011 as being for 13 affordable units and goes on to add that this need *“has been more than met through the recent building of 19 affordable housing units.”*

It will be noted that the Budleigh Salterton Housing Need Survey referred to is now very out-of-date and does not, for example, take account of the updated information provided at various times in support of the East Devon Local Plan, most notably the March 2015 Strategic Housing Market Assessment or other relevant sources of information.

Paragraph 40 (Reference ID 41-040-20160211) of National Planning Practice Guidance (NPPG) notes that where neighbourhood plans do contain policies relevant to housing supply, as in this case "*these policies should take account of latest and up-to-date evidence of housing need.*" This requirement obviously applies equally to need within Budleigh Salterton as well as that within East Budleigh.

In light of the lack of up-to-date information on housing need in Budleigh Salterton, the statement in the Neighbourhood Plan that the delivery of the 19 affordable units in that town "*...indicates no need for the Neighbourhood Plan to meet any of the affordable housing needs of Budleigh Salterton currently or in the foreseeable future.*" cannot be shown to be an accurate reflection of the facts. Given that the Neighbourhood Plan seeks to rely on this position as part of its wider justification for providing low levels of housing means that this part of the plan is unsound.

Overall, the Neighbourhood Plan seeks to establish a housing policy which is based on the unproven premise that there is a low level of affordable housing need in the Parish. However, the evidence used to do this is either incomplete (the Clinton Devon HNS) or wholly out-of-date (reference to the Budleigh Salterton HNS). As a result therefore, Policy D2 is unsound as it is not robust and not based on a proper assessment of the evidence.

Sites Proposed to be Allocated for Residential Use

Notwithstanding their concerns about the inadequacy of the evidence used to allocate land for housing in the Plan (see above) Clinton Devon support the desire to allocate some land for residential development. However, as part of any process to allocate land, the relevant sites should be sited within the built up area boundary and we suggest that the Proposals Map is amended accordingly so that it includes the identified sites.

The Availability of Carter's Yard

Criterion b) of the Policy D2 proposes to allocate Carter's Yard for the development of 10 units.

In relation to the specific proposal within Policy D2 to allocate Carter's Yard, Clinton Devon Estates have repeatedly made it clear previously through, for example, previous direct discussions with the Parish Council and in representations to the (then) emerging East Devon Local Plan, that the site at Carter's Yard is the location of an existing business and is therefore subject to an ongoing business tenancy. It is therefore unavailable for development and will remain so.

The Neighbourhood Plan should not therefore make reference to the Carter's Yard site and, as Policy D2 makes express reference to that site, this part of Policy D2 is unsound.

Notwithstanding this key point, it will be noted that Carter's Yard is in an elevated position at the extreme southern end of the village. The development of this site would therefore conflict with the Plan's Visions and objectives for protecting the character of the area and, by seeking to allocate the least well located of the available sites, would also conflict with the Plan's vision to embrace sustainability.

It is notable that in choosing to allocate Carter's Yard despite having been previously and clearly advised about its' unavailability, the Neighbourhood Plan has the appearance of being drafted in a

way to deliberately avoid having to allocate alternative land where there is a reasonable and technical prospect of housing actually being delivered.

The reference to Carter's Yard should therefore be deleted from Policy D2 as this makes this part of the policy unsound.

Frank's Patch

Reference under Criterion a) to the site at Frank's Patch is welcome. There is a strong desire from both the landowners (Clinton Devon) and the community to see this site brought forward for development. As the site is to be allocated, it should be included within the built up area boundary. The Proposals Map should therefore be amended accordingly.

Clinton Devon also note that the policy seeks restrict development of the site to three, one and two bedroom terraced houses. This is unduly onerous. Whilst this is a sensitive site and one where quality of any scheme design will be key, there is no evidence whatever that either the number of units or the style of design suggested in the policy is the right approach for the site. The form and number of units within any scheme should flow from a careful assessment of the site's technical constraints and architectural options.

Criterion a) of the Policy D2 should therefore be amended to read:

"Franks Patch – for up to 4 dwellings."

Land Adjacent to Syon House

The land adjacent to Syon House should be identified for residential development. Unlike the land at Carter's Yard, the site is deliverable and following the submission of a now-withdrawn planning application, has been shown to be technically achievable in all regards. Given its low lying position - in relation other possible sites - and sustainable location, much closer to the village centre, this site is inherently more suitable for development than the Carter's Yard or other sites. Furthermore, whilst the Neighbourhood Plan suggest that flood sensitivity is another constraint to selecting the land adjacent to Syon House (see paragraph 14.34), it has been demonstrated as part of the technical work done to support the planning application that it is in fact within Flood Zone 1 and that any residential development of the land can be properly and safely drained.

The suitability of the land adjacent to Syon House for residential development has been assessed a number of times. The land (identified as C059) was assessed as part of the Council's SHLAA process and was deemed appropriate for development. Subsequently, it was proposed to be allocated for residential development within the draft East Devon Villages Plan (2014). As part of the then proposed allocation, its various merits were considered alongside those of the Carters Yard site (which was identified as Site C307) in which it was concluded:

"Site C059 [Land Adjacent to Syon House] is preferred to Site C307 [Carters Yard] as it is in closer proximity to village facilities and is in a less elevated and prominent position in the landscape. Development of Site C307 would increase the linear expansion of East Budleigh...and liner development is not a settlement feature of East Budleigh."

In relation the highways merits of the Syon House site relative to Carter's Yard, the draft east Devon Village Plan noted:

“C059 [Syon House] is fine as access can be derived from the south. C307 [Carter’s Yard] is acceptable in principle but there will need to be new footways, pedestrian crossing facilities, alterations to speed limits etc.”

The analysis set out above neatly summarises the merits of the land adjacent to Syon House when compared to the more problematic and technically complex Carter’s Yard site. Notwithstanding that Carter’s Yard is not available for development, allocation of the land adjacent to Syon House for residential development would be inherently more sympathetic to protecting the character of the village and doing so in a sustainable manner and would be capable of providing a very modest amount of development sufficient to meet the proper needs of residents, for example in relation to affordable housing demand. It also provides further evidence to counter the assertion at paragraph 14.34 of the Neighbourhood Plan that Carter’s Yard is a more sustainable location for development than the land adjacent Syon House, which it clearly is not.

Clinton Devon therefore propose that the land alongside Syon House, as shown on the attached plan, be allocated for development.

Land North of East Budleigh Village

Paragraph 14.36 of the Neighbourhood Plan refers to a planning application for three dwellings on land on the northern side of the village. Clinton Devon note that this application has now been withdrawn. Currently therefore there is no permission on that site and no prospect of it making any contribution to meeting the village’s affordable or wider housing need.

Community Action 28

This seeks to dictate the form and content of any housing needs survey which is carried out in Budleigh Salterton. It therefore seeks to impose actions on a parish which is beyond the jurisdiction of the East Budleigh Parish. This is clearly inappropriate and its inclusion is unsound.

Community Action 28 should therefore be deleted.

Policy D3 – On Site Affordable Housing Provision

This states that on exceptions sites identified in the plan should be subject to 66% affordable housing, to be provided on site.

As Policy D3 itself notes, this requirement is in accordance with Strategy 35 of the adopted East Devon Local Plan. This policy therefore duplicates policy already set out in the East Devon Local Plan. It is unnecessary duplication and should therefore be deleted.