

BUDLEIGH SALTERTON NEIGHBOURHOOD PLAN

Consultation Statement- Part 2



Pre- Submission Draft

Response to Statutory Consultee Representations

29th September 2016 – 11th November 2016

Summary of Statutory Consultees Representations

	Representation number	Name	Policy/Community Action/Page Number/Other	Support/Object/Comment
1	BSNP 006-01	South West Water		Supporting
2	BSNP 015-01	Historic England	Page 27 Pol B3	Supporting/Comment
3	BSNP 016-01	EDAONB	Page 73	Comment
4	BSNP 018-01	Otterton Parish Council		Supporting/Comment
5	BSNP 025-01	Natural England	Page 33 Pol NE2	Supporting/Comment
6	BSNP 025-02	Natural England	Page 35 Pol NE3	Supporting/Comment
7	BSNP 025-03	Natural England	Page 36 Pol NE5	Supporting/Comment
8	BSNP 025-04	Natural England	Page 37/38 Pol NE6/7	Supporting/Comment
9	BSNP 025-05	Natural England	Page 70	Comment
10	BSNP 026-01	EDDC	Page 8/9 Para 3.10	Comment
11	BSNP 026-02	EDDC	Page 18 Para 5.7	Comment
12	BSNP 026 -03	EDDC	Page 17 Pol H1	Comment
13	BSNP 026-04	EDDC	Page 20 Pol H2	Comment
14	BSNP 026-05	EDDC	Page 21 Pol H3	Comment
15	BSNP 026-06	EDDC	Page 22 Pol H4	Comment
16	BSNP 026-07	EDDC	Page 24-29 Chapter 6	Comment
17	BSNP 026-08	EDDC	Page 25 Pol B2	Comment
18	BSNP 026-09	EDDC	Page 27 Pol B3	Comment
19	BSNP 026-10	EDDC	Page 32-42 Chapter 7	Comment
20	BSNP 026-11	EDDC	Page 32 Pol NE1	Comment
21	BSNP 026-12	EDDC	Page 33 Pol NE2	Comment
22	BSNP 026-13	EDDC	Page 35 Pol NE3	Comment
23	BSNP 026-14	EDDC	Page 38 CA NE2	Comment
24	BSNP 026-15	EDDC	Page 38 CA NE3	Comment
25	BSNP 026-16	EDDC	Page 38 Pol NE7	Comment
26	BSNP 026-17	EDDC	Page 38 Pol NE8	Comment
27	BSNP 026-18	EDDC	Page 40 Pol NE9	Comment
28	BSNP 026-19	EDDC	Page 41 Pol NE10	Comment
29	BSNP 026-20	EDDC	Page 45 Pol EC1	Comment
30	BSNP 026-21	EDDC	Pages 50-68 Chapter 9	Comment
31	BSNP 026-22	EDDC	Page 50 Pol CLW1	Comment
32	BSNP 026-23	EDDC	Page 51 Pol CLW2	Comment
33	BSNP 026-24	EDDC	Page 59 CA CLW13	Comment

Responses to Recommendations by Policy

Representation Number	Paragraph/ Policy/ Community Action	Objecting/ Supporting/ Comment	Comments	Response	Plan Changes
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Policy H1					
BSNP 026-03	H1	Comment	The first paragraph of this policy reads more like a justification for the policy rather than the policy itself and should be moved to the supporting text. It is unnecessary to include the start of criteria point a) referring to the above average demographic in the town and this should be moved to the supporting text. The remainder of criteria points a) and b) also requires proposed development to meet the demand for elderly accommodation and family homes. Whilst this might be appropriate for larger schemes it is unreasonable to expect smaller schemes to achieve this, indeed it would be impossible for single dwelling schemes to meet both criteria. The impact on viability, particularly in relation to smaller schemes should also be bore in mind. Criterion c) requires at least 50% affordable housing in developments	Noted	Amendments made in accordance with recommendations

			<p>over 10 houses, this is in conflict with the affordable housing requirements in Strategy 34 of the Local Plan where the 50% threshold is provided as a target subject to viability with the thresholds being set in line with Government guidance or where is no Government guidance on any net new dwellings. Current guidance allows the District Council to claim commuted sums for affordable housing on schemes between 6-10 units as Budleigh Salterton is considered to be a rural area. We feel that the inclusion of this criterion could prejudice the ability of the Council to claim affordable housing contributions for schemes that fall within this range and if Government were to lower the current thresholds in future then it would also make it difficult to claim in those instances. Criterion e) is vague in that it requires developments to be in a sustainable location and of a sustainable design and construction. 'Sustainable' in both instances has not been qualified or defined and therefore it does not provide the decision maker with a clear indication how to react to a development proposal. Suggested amendments: <input type="checkbox"/> Move first paragraph of policy to supporting text. <input type="checkbox"/> Consider including a threshold which should apply to criteria points a) and b) <input type="checkbox"/> Remove criterion c) <input type="checkbox"/> In criterion e), further clarification is required on what is considered to be a sustainable location and a sustainable design and construction.</p>		
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Policy H2					
BSNP 026-04	H2	Comment	It is felt that there are areas within the Town which may not fall under the headings provided in the bullet points and therefore it is unclear whether this policy would apply in those areas. Rather than list these areas, it is felt that a clearer approach would be to identify these areas on a map with the descriptions provided as supporting text. In the first sentence, the use of the term ad-hoc is unclear and should be removed. Suggested amendments: <input type="checkbox"/> Provide a map showing the character areas of Budleigh Salterton and move descriptions into supporting text to the map. <input type="checkbox"/> In first sentence, remove the term 'ad hoc'	Noted	Appropriate amendments made

Policy H3					
BSNP 026-05	H3	Comment	In the first paragraph, it is unclear how you can measure the culminated effect of proposals as applications should be judged on their own individual merit. The first sentence also indicates that housing on all existing developed land would be acceptable where this may not be the case. The second sentence also indicates that developments may be required to be larger than minimum standards but does not provide an indication of when this would be considered necessary. In the second paragraph there is a minor correction required.	Noted	Appropriate amendments made

			<p>Some trees may not have a particular ecological value and therefore it is unreasonable to refuse all applications where they would involve a loss of trees, particularly if the application would deliver a net gain in quantity and/or quality. It is also felt that requiring garden sizes to 'reflect' neighbouring properties may inhibit the ability for windfall sites to come forward in the built up area boundary if taken literally. Garden sizes will often vary considerably even in areas of similar character and therefore it may not be possible for new dwellings to reflect two adjacent properties both with different garden sizes. The focus of this section should rather be that a reduction in garden area should not harm the character of the street pattern. This paragraph is also worded to indicate that all criteria have to be met for an application to be refused. It would perhaps be wise to separate each point into individual criteria for clarity. The car parking standards provided are a duplication of Local Plan policy except they will apply in all circumstances as opposed to being a guide. It is felt that there may be some circumstances where an applicant may be able to justify fewer car parking spaces, as allowed for in Local Plan policy TC9. The final point regarding safe environments reads as a statement and requires rewording so that it forms a policy. It also doesn't indicate how 'pressure on existing parking' is measured. The use of the term 'may not be discouraged' in the final paragraph should be amended as it should provide a clearer indication to decision makers how to react to a development proposal. Suggested amendments: ☐ In first sentence remove reference to culminated effect. ☐ In first sentence remove reference to existing developed land and apply to all applications for</p>		
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			<p>housing. ☐ In second sentence, remove statement to say that development ‘may be required’ to be larger than minimum standards or provide instances when it would be required. ☐ In second paragraph, reword ‘amenities’ to ‘amenity’. ☐ In second paragraph, consider amending the phrasing to ensure that a reduction in garden area does not harm the character of the street pattern. ☐ Consider separating second paragraph into individual criteria ☐ In third paragraph remove car parking requirements as they duplicate those provided in the Local Plan ☐ In third paragraph, amend sentence indicating how ‘pressure on existing parking will be measured’. ☐ In third paragraph, remove final sentence or reword to read as a policy rather than a statement. ☐ Reword final paragraph to read ‘contemporary design may be appropriate provided that local character is respected</p>		
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Policy H4					
BSNP 026-06	H4	Comment	<p>The use of the words ‘justify the lack of impact’ is unclear and directly contradicts the following criteria which requires that development conserves and enhances the AONB. You cannot enhance the environment without have an impact on it, albeit positive. The last sentence is poorly worded in that it doesn’t explain where/what the gateways are. There is also a minor grammatical amendment required in the final sentence. Suggested amendments: ☐ Remove or amend first criteria</p>	Noted	Appropriate amendments made

			having to justify the lack of impact on the surrounding AONB. ☐ Provide clarification on what/where the gateways are ☐ In final sentence, remove the word 'of'.		
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Policy B2					
BSNP 026-08	B2	Comment	A map showing key views and vistas would be useful to provide to help inform decision making. Suggested amendments: ☐ Provide map showing key views and vistas.	Noted	Map included as suggested

Policy B3					
BSNP 015-01	Pol B3	Supporting/ Comment	We are impressed by the extent to which it sets out to recognise and define the importance of the area's distinctive historic environment, and to reflect this in the objectives and policies which the Plan contains. We have only one observation: to clarify in Policy B3 that Conservation Areas are in fact Designated Heritage Assets. Elsewhere we note the aspiration to enhance the performance and appearance of the High Street and appreciate that success here will depend on the nature of the proposals which come forward under policy BE1 and the associated Community Actions. It therefore remains only for us to offer your community our congratulations and to wish it well in the completion of	Noted	Appropriate amendments made

			its Plan-making process.		
BSNP 029-09	Pol B3	Comment	The policy prevents harm to the setting of the heritage asset but doesn't provide protection to the asset itself. The final bullet point is confusing as it seems to include an action in a section which is meant to identify what the heritage assets are. Suggested amendments: ☐ In second sentence, consider including statement preventing harm to the heritage asset and not just its setting. ☐ Remove final bullet point.	Noted	Appropriate action taken

Policy NE1					
BSNP 026-11	Pol NE1	Comments	The final sentence requires habitats to be replaced but does not mention whether they should of equal size and quality. It is also questionable whether it will always be possible or appropriate to replace all habitats- for example, a dormant badger sett may be closed as part of a development without causing harm to the badger population. In this regard, a more general policy approach ensuring that development maintains or enhances the biodiversity of the site might be favourable. If not already done, it might be working with Natural Devon to explore and consider appropriate ways to develop this policy approach. Consideration should be given to including a criteria ensuring that new development take into account EDDC's and DCC's landscape character	Noted	Changes carried out as per suggestions

			assessments management guidelines Suggested amendments: <input type="checkbox"/> In final sentence, consider revising policy to ensure that development maintains or enhances the biodiversity of the site. <input type="checkbox"/> Consider inclusion of additional criteria ensuring that new development takes into account EDDC's and DCC's landscape character assessments management guidelines		
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Policy NE2					
BSNP 025-01	Pol NE2	Supporting/ Comment	We recommend that this policy more clearly designate Local Green Spaces. The policy could be amended to read: 'Local Green Spaces allocated in this document should be protected. Proposals for development will be resisted unless they are ancillary to the use of the land as a Local Green Space. The Local Green Spaces allocated in this document are, and are shown on map...' The explanation of Local Green Space and the NPPF definition of them is best detailed in the policy justification.	Noted	Textual changes made
BSNP 026-12	Pol NE2	Comment	This policy does not actually identify Local Green Space but states that any spaces matching the Government definition should be protected. In order to provide certainty, the Neighbourhood Plan process should be used to identify the location and extent of these areas and to rationalise their inclusion as Local Green Space. The policy then goes on to	Noted	Appropriate textual changes made.

			<p>identify other areas of open space and recreation which should be protected against development, presumably many of which would qualify as Local Green Space. It also identifies and seeks to protect the cricket ground which is situated outside of the parish and therefore outside the remit of the Neighbourhood Plan. The group should seek to identify those sites most important and justify them using the Local Green Space designation criteria. The following page also includes a map but makes no reference to it in the text and it appears to be different to the map on page 70. Suggested amendments: <input type="checkbox"/> Replace policy and identify and designated spaces which meet the criteria for inclusion as Local Green Space. <input type="checkbox"/> Remove cricket ground from consideration. <input type="checkbox"/> Remove or clarify meaning of map on page 34.</p>		
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Policy NE3					
BSNP 025-02	Pol NE3	Supporting/ Comment	<p>We recommend that this policy could be clearer in what it seeks to do. The policy could be amended to read: 'Development should conserve and enhance the biodiversity and geodiversity of the town, surrounding countryside and coastal area, including maintenance and enhancement of habitat connectivity on a landscape scale'.</p>	Noted	Textual changes made in line with response.
BSNP 026-13	Pol NE3	Comments	<p>This policy reads like an aim and does not give a clear</p>	Noted	Appropriate changes

			indication how to react to a development proposal. The policy should be clearly reworded providing the criteria or conditions which applications will need to meet. Suggested amendments: <input type="checkbox"/> Reword policy to include criteria or conditions and to provide a clear indication on how to react to a development proposal.		made see response to BSNP 025-02
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Policy NE5					
BSNP 025-03	Pol NE3	Supporting/ Comment	This policy uses the term Coastal Preservation Area. To assist users of the plan who are not familiar with this Local Plan designation, it would be helpful if the policy justification referred the reader to the map on page 73.	Noted	Action implemented
BSNP 025-04	Pol NE5	Supporting/ Comment	Could these two policies be covered by policy NE2 as allocated Local Green Spaces?	Noted	It was considered necessary to have a separate policy for this issue.

Policy NE7					
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BSNP 026-16	Pol NE7	Comment	This policy reads like an aim and does not give a clear indication how to react to a development proposal. The policy should be clearly reworded providing the criteria or conditions which applications will need to meet, alongside local justification as to why this is considered desirable. Suggested amendments: <input type="checkbox"/> Reword policy to include criteria or conditions and to provide a clear indication on how to react to a development proposal	Noted	Textual changes made
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Policy NE8					
BSNP 026-17	Pol NE8	Comment	For the avoidance of doubt, when discussing replacement allotments it is advised that reference should be made to an equivalent area of land being provided rather than number of plots. Otherwise there might be debate about plot sizes or half-plots being provided which are equivalent in number but smaller in area. Reference could also be made to quality of provision as well as area. The second sentence of this policy reads more like a statement than a policy and should be amended or moved to the supporting text. In the justification, the Town Consultation section is confusing as it gives the impression that the entire justification is built upon a single comment in the consultation exercise. It would be useful to provide some primary waiting list data alongside this to reinforce the policy direction. Suggested amendments: <input type="checkbox"/> Amend policy to refer to area and quality of provision being	Noted	Appropriate amendments made in line with suggestions

			equal or greater. ☐ Amend or move second sentence to supporting text. ☐ Provide further clarification on the Town Consultation section and consider including additional allotment waiting list data to support policy		
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Policy NE9					
BSNP 026-18	Pol NE9	Comment	<p>This policy seeks to protect agricultural land much in the same way as Local Plan policy EN13 does by directing development onto lower grade agricultural land. There is a small error where it references grade '3' land when it should be '3a'. The policy then also states that the only development that can happen on graded agricultural land are developments associated with agriculture and forestry or small areas of land that cannot be brought into meaningful agricultural use. This conflicts with Local Plan strategies which can allow some economic-related development, recreation uses and affordable housing to come forward outside of built up area boundaries. It also appears to conflict with Policy BE1 in the plan which seeks to promote small business enterprise. In some instances graded agricultural land can be found within built-up area boundaries where there is a general presumption in favour of development. On the whole, we consider that Local Plan policy EN13 provides decision makers with a clearer indication of how to react to a development proposal and therefore recommend deletion of this policy. Suggested amendments: ☐ Amend or remove policy.</p>	Noted	Policy removed

Policy NE10					
BSNP 026-19	Pol NE10	Comment	<p>This policy seeks to protect agricultural land much in the same way as Local Plan policy EN13 does by directing development onto lower grade agricultural land. There is a small error where it references grade '3' land when it should be '3a'. The policy then also states that the only development that can happen on graded agricultural land are developments associated with agriculture and forestry or small areas of land that cannot be brought into meaningful agricultural use. This conflicts with Local Plan strategies which can allow some economic-related development, recreation uses and affordable housing to come forward outside of built up area boundaries. It also appears to conflict with Policy BE1 in the plan which seeks to promote small business enterprise. In some instances graded agricultural land can be found within built-up area boundaries where there is a general presumption in favour of development. On the whole, we consider that Local Plan policy EN13 provides decision makers with a clearer indication of how to react to a development proposal and therefore recommend deletion of this policy. Suggested amendments: ☐ Amend or remove policy.</p>	Noted	Policy removed

Policy EC1					
BSNP 026-20	Pol BE1/EC1	Comments	The 4th and 5th bullet points need to have the 'impact on' removed. It is unclear what is meant by having a significant negative impact on design- whether this is the design of the proposed or existing dwellings. The policy fails to mention the location of proposals and this should be included in the policy as a consideration to ensure they are well related to the existing settlement. The final sentence is unnecessary to include as policies should not be viewed in isolation. Suggested amendments: <input type="checkbox"/> Amend or move second sentence to supporting text. <input type="checkbox"/> Include criterion ensuring new development is well related to existing settlement. <input type="checkbox"/> Remove final sentence.	Noted	Textual amendments made

Policy CLW1					
BSNP 026-22	Pol CLW1	Comment	This policy appears to duplicate policy NE2 in many respects by providing protection to recreational facilities in the Parish already covered in that policy. A single policy should be provided incorporating elements of both, or two separate policies covering different aspects. It should be noted that the recreation ground behind the play area off Greenway Lane has been missed. Suggested amendments: <input type="checkbox"/> Consolidate CLW1 with NE2 to provide a single overarching policy or create separate policies	Noted, Both policies to be kept but references to recreational facilities to be taken out of	Changes made as suggested.

			veering different aspects.	Policy NE2.	
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Policy CLW2					
BSNP 026-23	Pol CLW2	Comment	Criteria point c) should be amended so that 'adequate parking facilities' are provided. The fourth criteria to policy d) could be particularly restrictive were an application to come forward, as if a suitable location for a cricket pitch that is well related to the settlement is to be found then it is likely that this will have some adverse impact on residential amenity. This criterion should instead focus on ensuring that any adverse impact is satisfactorily mitigated. It should be noted at this stage that we would encourage the group to proactively discuss potential sites for this use and potentially include them as an allocation in the Neighbourhood Plan. Suggested amendments: ☐ Amend criteria point c) to read '...accessible by foot and adequate parking facilities should be provided.' ☐ Amend policy d) to ensure that any adverse impact is satisfactorily mitigated.	Noted	Textual changes inserted as suggested.

Responses to Recommendations by Community Action

Representation Number	Paragraph/ Policy/ Community Action	Objecting/ Supporting/ Comment	Comments	Response	Plan Changes
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CA NE2					
BSNP 026-14	CA NE2	Comment	This community action appears to be unnecessary as this is tackled by policy NE6. Suggested amendments: ☐ Remove community action	This CA concerns designating a green corridor. The Policy NE6 concerns protection this green corridor	No action

CA NE3					
BSNP 026-15	CA NE3	Comment	Community Action NE3 This point appears to require an action to be undertaken by East Devon District Council which is beyond the remit of what a Neighbourhood Plan can achieve. It is advised that the action for this plan should be for the Parish Council to lobby the District Council to this effect. Suggested	Noted	Appropriate amendment made

			amendments: <input type="checkbox"/> Amend community action.		
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CA CLW13					
BSNP 026-24	CA CLW13	Comment	It should be noted that our Local Plan Strategy 36 relating to Budleigh Salterton identifies that the Town requires an additional 10 care/extra care home bed spaces and consideration should be given to finding a suitable location for them.	Noted	Changes made in line with suggestions

Representation Number	Paragraph/ Policy/ Community Action	Objecting/ Supporting/ Comment	Comments	Response	Plan Changes
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Page 8/9 Para 3.10

BSNP 026-01	Page 8/9	Comment	This section of the plan provides an interesting and informative history describing how the Town has evolved and changed over time and includes a spatial profile. The key to the map on page 9 is difficult to read and too small to distinguish the individual colour, a recommendation is made below in this regard. The section does not acknowledge the important landscape setting (AONB, Jurassic coast., etc.) or its landscape character although these form key features of the neighbourhood planning area. Suggested amendments: ☐ Provide map on page 9 as a full page for clarity and provide a copyright. ☐ Mention key characteristics of landscape and AONB	Noted	Textual changes to be made. Enlarge map if formatting allows, otherwise it can be viewed online where it can be enlarged.
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Page 18 Para 5.7

BSNP 026-02	Page 18	Comment	<p>This chapter sets out the priorities for housing in the parish over the course of the plan period. The section on page 17 outlining the history of recent housing development in the town does not provide a number for windfall sites. We hold monitoring data for housing completions at the Council and therefore we would advise the group to contact us for this data. Para 5.7 refers to a survey undertaken in 2011 which cannot still be considered to be an accurate reflection of housing need in the parish. It gives off the impression that there is little housing need in the Town which could potentially inhibit the ability of the Council to claim affordable housing contributions for future development. Indeed, housing developments in the larger settlements of East Devon are driven by other factors than just providing local needs housing like in the Villages. Para 5.8 draws similar conclusions that there is low affordable housing need in the parish but this conclusion is drawn from survey opinions and not from primary housing needs data so cannot be considered to give an indication of low affordable housing need.</p> <p>Suggested amendments: ☒ Provide figures showing windfall sites. ☒ Revise conclusion drawn that housing needs for the parish will be more than covered by the houses built, those in the pipeline and from the turnover of the existing stock due to the lack of primary evidence</p>	Noted	Para 5.7 deleted as advised
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Pages 24-29 Chapter 6

BSNP 026-07	Pages 24-29 Chapter 6	Comment	This chapter sets out the priorities for the built environment in the parish over the course of the plan period. The policy justification on page 25 opens with para 56 but does not state it is from the NPPF. The first sentence of para 6.4 uses the term 'One of the best three things about the town was the most popular reason being...' which doesn't make sense. Paras 6.5 and 6.11 have no title. Suggested amendments: ☐ In para 6.2 include NPPF as the source. ☐ Amend para 6.4. ☐ Include title to paras 6.5 and 6.11.	Noted	Appropriate amendments made
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Pages 32-42 Chapter 7

BSNP 026-10	32-42 Chapter 7	Comment	This chapter sets out the priorities for the natural environment in the parish over the course of the plan period. The first sentence is confusing as it appears to list 4 features and then say that they are rated one of the best three things about Budleigh Salterton. Suggested amendments: ☐ Reword first sentence.	Noted	Amendments made as suggested
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Pages 50-68 Chapter 9

BSNP 026-21	50-68 Chapter 9	Comment	This chapter sets out the priorities for leisure in the parish over the course of the plan period. In this chapter the justifications appear muddled and do not correspond to their respective policies or community actions. Suggested amendments: ☑ Review justifications to ensure they are related to the correct policy or community action.	Noted	Amendments made as suggested
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Page 70 Maps					
BSNP 025-05	Page 70	Comment	Map on page 70 This map is called Recreation Areas. This map could however be renamed and show the Local Green Spaces, as designated in policy NE2.	Noted There is a difference in the two maps. They are appropriate as they are.	No action

Page 73 Glossary of Terms

BSNP 016-01	Page 73	Comment	<p>AONB reference is used to describe the area in these definitions but throughout the document it is used interchangeably to represent either the AREA or, in particular for example with Policy BE2, and others, to represent the ORGANISATION. i.e the East Devon AONB Partnership. Unless you plan to refer to this here, you may wish to refer to the East Devon AONB Partnership, or for short EDAONB Partnership – either way, your acronyms/definitions need to be consistently used throughout.</p> <p>A very well presented document</p>	Noted	Textual changes made
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General No-Specific Responses

Representation Number	Paragraph/ Policy/ Community Action	Objecting/ Supporting/ Comment	Comments	Response	Plan Changes
General Comments					
BSNP 006-01	n/a	Supporting	We have no comments at present but as and when you have any site-specific proposal for developments happy to review at that time.	Noted	No Action
BSNP 018-01	n/a	Supporting/ Comment	The Council welcomed the opportunity to comment on the pre-submission draft of the Budleigh Salterton Neighbourhood Plan. Members found it a well-presented document, and supported its objectives, in particular the enhancement of recreational facilities; the encouragement for small businesses; maintaining public transport and providing a free car park.	Noted	No Action

