

EXAMINATION OF THE UPLYME NEIGHBOURHOOD PLAN 2016-2031

Questions for clarification by East Devon District Council (EDDC)

A. The significance of Parish Groupings for Affordable Housing

In the Regulation 16 representation (No. 3) made by the EDDC to Policy UHG4 in the Uplyme Neighbourhood Plan (UNP) attention is drawn to Policy Strategy 35 in the adopted East Devon Local Plan (EDLP). That policy is not explicitly referenced in the UNP.

EDLP Policy Strategy 35 provides for exception sites for mixed affordable and open market housing schemes outside Built-up Area Boundaries (BUABs) where defined. The policy requires local need to be demonstrated through an up-to-date robust housing needs survey. It also sets occupancy conditions and defines a 'local connection' in respect of either a parish or a parish grouping.

In Paragraph 16.29 of the EDLP Uplyme is included in group p) along with Axmouth, Combyne and Rouson. It is stated that 'The grouping of geographic parishes will be used for assessing housing needs'.

This gives rise to the following questions:-

1. What exactly is the meaning of EDLP paragraph 16.29 for the assessment of local housing need? Does it mean that needs should not be assessed for individual villages, as has been done at Uplyme, but should be aggregated across the whole group? If that is the case, what is the assessment of housing need in the other settlements in group p) and what are the implications for Uplyme?
2. In the consideration of any proposal for the development of an 'exception site' under EDLP Policy Strategy 35 what, generally, is regarded as an 'up-to-date, robust, housing needs survey'? The allocations made in the UNP are based on a needs survey which dates from 2014. Would an applicant for development in accordance with UNP Policy UHG4 be required to show, at the time of application, that there remained a need? Does the District Council take a view on what would constitute an 'up-to-date' survey?
3. A reading of EDLP Policy Strategy 35 suggests that an applicant for the tenancy of an affordable rented house in Uplyme and who satisfies the 'local connection' criterion because they live within the parish group, that is including Axminster, would have exactly the same priority as an applicant from Uplyme itself. Is that correct?
4. West Dorset District Council, in their Regulation 16 representation, draw attention to the acknowledgment in paragraph 6.1.4 of the UNP that there is

a housing waiting list of those who live in, or have local connections with, Lyme Regis, of 54. At what date was that waiting list compiled and is it still valid? How reliable or accurate is a waiting list as an assessment of housing need? *(This question may need to be answered in consultation with the WDDC)*

5. If my interpretation of the meaning of 'local connection' under EDLP Strategy 35 is correct, does it not mean that a person in housing need from Axminster would be given priority for a house in Uplyme but someone in need from Lyme Regis would not qualify at all unless, under the third paragraph, they were judged to 'need to be near their workplace'?
6. In the light of question 6 above, what is the EDDC response to the suggestion by the WDDC in the third paragraph of their representation, although implicit rather than explicit, that some provision should be made in Uplyme to meet affordable housing needs arising in Lyme Regis?
7. Are there any proposals for affordable housing development within Lyme Regis, either with permission or planned, which might go some way towards meeting the needs of Uplyme residents? Would that be precluded by any 'local connection' rules set by West Dorset DC? *(This question may need to be answered in consultation with the WDDC)*

B. Definition of the Built-up Area Boundary

(A similar question will be asked of the Uplyme Parish Council and I would expect discussion to take place between the UPC and the EDDC on the way to proceed in view of my comments below)

In the paragraph 6.1.1 of UNP it is stated:-

'The suggested revised BUAB is shown on the Proposals Map (Appendix I). This has been informally confirmed by EDDC Planning Officers, but EDDC as Planning Authority will be responsible for formally amending and confirming the revised boundary.'

Also, in Policy UNG1 the word 'proposed' qualifies the word 'amendments' and says that the BUAB 'will be retained in the position shown on the Proposals Map'.

This approach would leave a decision-maker in a great deal of uncertainty as to the area to which UNP Policy UHG1 applies, and for that matter, EDLP Policy Strategy 6. In that respect, it fails to meet one of the requirements

for Neighbourhood Plan policies as set out in the Planning Practice Guidance¹ and, therefore, fails to meet a basic condition. The plan will need to be modified in this regard. The options are either:-

- a) that the Neighbourhood Plan is taken as formally amending the BUAB with consequential amendments to the wording of the policy and text,

or
- b) that Policy UHG1 and its accompanying text is treated as of an aspirational nature, as a suggestion by the Parish Council as to the way in which the BUAB might be amended when it is formally reviewed as part of the East Devon Villages DPD, as mentioned in EDLP Policy Strategy 27. Under this option NP Policy UHG1 and paragraph 6.1.1 would need to be deleted from the statutory NP and BUAB amendments deleted from the Proposals Map.

Questions:-

- 8. Does the wording of EDLP Policy Strategy 6 mean that the BUABs shown on the existing village inset maps cannot be amended through the Neighbourhood Plan process rather than having to await formal review by way of the Villages DPD?
- 9. Would an amendment to a BUAB through a Neighbourhood Plan mean that the plan would not be regarded as being in general conformity with the EDLP? If so, what are the grounds for taking such a view?
- 10. What is the preferred approach of the EDDC and UPC to the treatment of the BUAB in the UNP?

(If option a) is chosen amended wording for Policy UHG1 and text paragraph 6.1.1 is requested)

John R Mattocks

Examiner, 11.04.17

¹ Ref. ID 41-084-20160519