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Mr J Mattocks
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Dear Mr Mattocks,

Response to Examiner's questions in respect of the examination of the Uplyme Neighbourhood Plan

Following receipt of your letter on the 11th April, please find herewith the responses to the questions you have posed to East Devon District Council. I would stress at the outset that these responses comprise the views of officers and have not been subject to member consideration.

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, Compyne 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

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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?

Affordable housing need is calculated on an individual parish basis and frequently these types of parish-specific surveys form the basis for justifying exceptions site housing in the district. Where similar surveys in geographically neighbouring parishes within the District have been undertaken, these can be taken into account in decision making. However, the lack of neighbouring parish surveys would not normally be seen as a reason to prevent a parish specific development scheme coming forward to meet such need.

The logic behind paragraph 16.29 is that there is a preference towards locating development in larger villages which have access to a greater level of services and facilities. Each 'parish group' reflects geographic proximity and where possible contains a larger village with a range of services and facilities.

In this instance, the only other recent affordable housing needs survey was undertaken in Axmouth in 2010, which showed a need for 3 houses. This is no longer be considered up to date due to the amount of time passed.

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?

The majority of affordable housing needs surveys in East Devon are produced by an organisation called Devon Communities Together, who use a set methodology for calculating need. Whilst the surveys they produce indicate that a housing needs survey represents a 'snapshot' of the current housing need at that particular point in time, the questions posed in the surveys asked residents if they require accommodation within the next 5 years.

Whilst we do not have an absolute time based definition of 'up-to-date' (and would question if such an approach could be reasonable) we would, in principle and typically, see a 2014 survey as providing needs evidence that is sufficiently current to justify an exceptions site for affordable housing coming forward. Over time the robustness of survey evidence does of course diminish though in larger rural villages and parishes, such as Uplyme, and in the absence of other major changes occurring (perhaps for example a larger market housing scheme including affordable housing coming forward) there might be expected to be a some degree of consistency in housing need over the years.

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?

Normal practice operated by the Council housing service is that priority will always be given to the residents within the parish first, then cascading to surrounding named parishes and then finally the district. This is reflected within the S106 agreement.

It should also be noted that Axmouth rather than Axminster is included within the parish Group for Uplyme.

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)*

The following is the response provided by West Dorset District Council officers:

'To clarify, the figure of 54 dates to September 2016. This figure has since increased and is currently standing at 70. This increase is due to households that are re-applying to go on the housing register after a change in policy at the end of 2014 meant that a significant number of applications were not valid to go on the register. A further change in policy has resulted in this figure beginning to rise again. This rise is also a reflection of the current builds at Timber Hill (WD/D/14/003254) and Woodberry Down (WD/D/15/001893).

The housing register provides an indicator of housing need as opposed to an accurate assessment. Consideration should be given to the affordable housing needs of Lyme Regis in addition to the need arising from the Uplyme area because of their close relationship.'

We would agree with the West Dorset response that waiting lists can be an indicator of need but we would stress that they do not replace an up to date robust assessment as being the most accurate and appropriate measure of need. Lyme Regis and Uplyme do have a close relationship and we as a Council and West Dorset do work collaboratively on planning policy matters. We understand that Uplyme Parish Council have engaged with West Dorset District Council and will have responded appropriately, from their perspective and as plan makers, in producing their Neighbourhood Plan.

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'?

Your interpretation is correct. Lyme Regis is not within the district therefore there will be no nomination rights, unless employed in area.

I should point out what I think is an error in your question in respect of referring to "Axminster" (which is Parish containing a reasonably sized town of the same name). Reference here should, I assume, be to Axmouth which is a medium sized

Parish in physical extent (compared to other in East Devon) but with a low population level and only one village (also called Axmouth) that has only a basic range of facilities. This point is of relevance because the Parish groupings in East Devon, broadly speaking, group together rural parishes that have limited facilities and which on account of the limited services they offer are seen as appropriate for only modest development geared around meeting local needs. The towns in East Devon, for the most part, are seen as appropriate to meet greater levels of development and needs and for the most part they are not grouped.

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?

We are of the view that the Uplyme Parish Council have been proactive in looking at the available sites within Uplyme and analysing them in terms of which sites they would consider acceptable to develop. Clearly there is a focus on providing affordable housing both within Uplyme but also recognition of a need within Lyme Regis, as stated within paragraph 6.1.4 of the Uplyme Plan.

The most accurate picture of affordable housing need in Uplyme can be derived from the 2014 housing needs survey which only included a total of 7 residents requiring affordable housing. Whilst a further 7 residents may have signed up to the housing waiting list since then it is possible that there might be some crossover with those residents who filled out the initial survey in 2014.

Although there is clearly a close relationship between Uplyme and Lyme Regis, there is a notable limitation in that the affordable housing allocation processes for each respective authority prioritises existing residents of their own districts and therefore there is no guarantee that even if a greater level of provision in Uplyme was delivered that this would necessarily have a notable impact on meeting the affordable housing need for Lyme Regis.

Of great importance, as well, is the role of the two District Councils in understanding and planning to address their overall affordable housing needs through higher level plans and strategies. Planning authorities (East Devon and West Dorset) through their own local plans and strategies need to consider overall scales, levels and distributions for development and these do and invariably will take, and need to take, a far more holistic view than one of just providing development at and to respond to measured or perceived 'need' at or in specific localities. The wider Lyme Regis, West Dorset and East Devon affordable needs are best planned through such means.

Whilst understanding the close proximity of Uplyme to Lyme Regis, and the relationship between the two settlements, we would regard it as appropriate for the Uplyme Neighbourhood Plan, responding to the plan makers assessments, evidence and their public consultation, to not actively seek to address Lyme Regis affordable housing needs and would see this matters, quantified via robust evidence, far more appropriately addressed through higher level district Council plans and strategies.

6. 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)*

The following is the response provided by West Dorset District Council officers:

'Opportunities in Lyme Regis are limited however there are a number of sites where a total of 34 affordable housing units will be delivered in the coming years. Timber Hill is anticipated to deliver 15 affordable homes and Woodberry Down 19 affordable homes. There are no further applications anticipated in the near horizon.'

The West Dorset local connection test does not specifically exclude residents of Uplyme in East Devon however they would need to demonstrate a local connection to West Dorset, for example through employment or close family connection.

There is no specific bracket on the register to identify people as having an Uplyme connection apart from their current address, therefore of the 70 applicants currently registered for housing in Lyme Regis, there are 5 with Uplyme addresses.'

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,

¹ Ref. ID 41-084-20160519

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:-

7. 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?

Our view is that Neighbourhood Plans can amend the built-up area boundaries where justifiable and appropriate.

8. 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?

Any boundary amendment made in a Neighbourhood Plan would supercede the Local Plan boundary. It is our view that in this instance, the boundary amendment is in general conformity with the Local Plan but this might not be the case for every Plan, and would largely be dependent on how such a review was undertaken and the nature and characteristics of the changes being made.

9. What is the preferred approach of the EDDC and UPC to the treatment of the BUAB in the UNP?

We have included the Uplyme Neighbourhood Plan built-up area boundary in the proposed submission version of the Villages Plan, the consultation on which concludes on the 10th May with the submission following shortly thereafter. Our preference would be to adopt the Built-up area boundary in the Neighbourhood Plan.

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

Suggested wording shown below:

Policy UHG1- Built-up Area Boundary

The Built-up Area Boundary (BUAB) for Uplyme is shown on the Proposals Map. Proposals for development within the BUAB will be supported, subject to the requirements of Strategy 6 of the Local Plan and other policies in the Neighbourhood Plan being met.

6.1.1 Built-up Area Boundary

Uplyme has been identified as having Built-up Area Boundary in both the previous and current Local Plans. EDDC have recently undertaken a review of the built-up area boundaries as part of the Villages Plan Development Plan Document. The BUAB for Uplyme was also reviewed during the preparation of the Neighbourhood Plan, and subject to community and EDDC consultation. Following publication of the Plan, EDDC subsequently selected this reviewed boundary as their preferred approach for the Villages Plan. This revised BUAB is shown on the Proposals Map (Appendix I). It will be challenging to achieve a balance between the aims of managing future development within the BUAB over the next 10 to 15 years, whilst simultaneously achieving modest growth in building new houses.

The advantage of this approach is that BUABs are a clear planning tool for guiding, controlling and identifying the limits of development for an individual village. BUABs can prevent undesirable building sprawl at the edge of settlements and, in the case of the Uplyme, are likely to restrict building to small scale developments on infill sites within the boundary.

Whilst there is a presumption in favour of building within BUABs, all planning applications must still satisfy national, local and neighbourhood planning policies and requirements.

John R Mattocks

Examiner, 11.04.17

Yours sincerely

Tim Spurway
Planning Officer
East Devon District Council