

EXAMINATION OF THE UPLYME NEIGHBOURHOOD PLAN 2016-2031

Responses from Uplyme Neighbourhood Group/Parish Council

Examiner's initial consideration of issues arising from the representations; initial conclusions; general comments and list of questions for clarification

I have undertaken an initial assessment of the submitted plan against the requirements of the Act¹ and Regulations². In this assessment account has been taken of the representations made on the plan following its submission to the East Devon District Council (EDDC). The questions are addressed to the Uplyme Parish Council (UPC) who, as the Qualifying Body, may wish to indicate whether or not they consider it might be appropriate or necessary for me to recommend that modifications be made to the plan in order that it meets the 'basic conditions'³ and otherwise satisfies the statutory requirements. Introductory notes and comments are given in *italics*. Where they express a preliminary opinion about compliance with basic conditions they are open to comment in turn.

Period covered by the plan and need for review

1. *Section 38B(1)(a) of the Town and Country Planning 1990 Act states that a neighbourhood development plan must specify the period for which it is to have effect. This is clearly stated on the front cover as being 2016-2031 and it is explained in the Foreward that the end date is to coincide with the adopted East Devon Local Plan period of 2013-2031. There are, however, some questions which arise from this:-*
 - a. It is now April 2017 and the plan has several stages to progress before it can be 'made' and come into effect. Would the QB wish the start date of the final plan to be 2017 or some other date? (*I would treat this as an 'error' for the purpose of any modification along with all other required updates*).

We are happy with the start date being 2017.

Also in the Foreward it is stated that although the plan runs until 2031 it 'may need to be reviewed before then'. However, the evidence for affordable housing allocations is derived from the 2014 Housing Needs Survey which identified need for a only a 5 year period, i.e. until 2019.

¹ The Town and Country Planning Act 1990, as amended by the Localism Act 2011 and the Housing and Planning Act 2016

² The Neighbourhood Planning (General) Regulations 2012 and amendment regulations 2015

³ See section 8(2) of Schedule 4B to the Town and Country Planning Act 1990

- b. Have any affordable houses for rent become available since 2014, either in the parish or elsewhere, to meet any of the identified housing need?

No affordable houses have been built but outline permission has been given for 3 affordable units and detailed planning permission been sought, so these should come forward in the short-medium term. This is on a site at Venlake which has consent for 4 units in total, 3 affordable for rent and 1 market house for sale.

The three 'exception' sites identified in Policy UHG4 would provide for between 16 and 19 houses, of which, if around 66% are affordable, would mean only between 11 and 13 in that category. That would be barely enough to meet the need identified in paragraph 6.1.4.

- c. Does this not suggest that a review will be required, including a new Housing Needs Survey, well within the next 5 years in order to ensure that Strategic Objective A. 'to satisfy the diverse housing needs for all' can continue to be met?

It is not expected or planned that Uplyme Parish would or would be expected to make provision for all of the affordable housing needs in both Uplyme and Lyme Regis. The purpose of referring to the Lyme figures was to demonstrate that there could be demand for more than the number identified in the Uplyme housing needs survey. The issue of 'local connections' as referred to in Section 6.14 of the Plan would need to be addressed by the local authorities.

The waiting list figures for Lyme were provided by West Dorset DC in September 2016. It is considered that the results of housing needs surveys and waiting list figures are guides only and not an exact method of assessing housing requirements. The NP group consider that the approach adopted in the plan, accords with the EDDC Local Plan policy for Uplyme, as a village settlement. WDDC are currently reviewing their own local plan and making provision for more housing in Lyme, to meet its general and affordable housing needs and indeed, a site for 17 affordable houses are currently under construction on an exception site, on the eastern periphery of Lyme Regis at Timber Hill.

- d. A number of policies in the plan appear to relate to proposals which are likely to be implemented within a relatively short time span. Is it realistic to state that the plan, in reality, provides an adequate policy framework for the development in the parish much beyond a 5 year time horizon?

It is not possible to say with certainty at this stage what the timescale for implementing the policies will be. It is expected however that in reality the development referred to would extend beyond the 5 year period, especially the proposed exception sites which are likely to be phased and will require further engagement and agreement between landowners and housing associations, or similar organisations.

Plan content and policy wording

2. *Although it is recognised in Government guidance on the form and content of neighbourhood plans that they may be aspirational in content it is stressed that the plan can only contain policies which relate to the development and use of land. As stated in Planning Practice Guidance (PPG) 'Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land-use matters should be clearly identifiable. For example, set out in a companion document or annex.'⁴*

Most of section 9 in the plan and the two UTR policies are dealing with highway safety improvements including those for pedestrians. Matters relating to the management of traffic are either not land-use matters at all or of an aspirational nature. They are not, therefore, appropriate to include within the statutory part of the plan but, as quoted from the PPG, will need to be set out in an annex or companion document.

Q2. Is it accepted that the whole of section 9 of the plan should be moved to an appendix or annex to the plan?

This proposal is not supported by the Group. The content of transport section of the Plan is not simply aspirational within the local community and some of the projects involve physical works on the ground involving the use of land. This section has been prepared in consultation with Devon CC Highways Department, which included a highways engineer's visit to the village and examination of all the improvements planned.

The highways department was also asked specifically to agree to the transport section and this is stated in the plan as follows:
" DCC Highway Officers have been consulted and have approved the transport section of the Plan, but subject to further design and consultation on scheme options including formal County Council approval and the need to address funding, all of which is understood"

In particular the Highways Department has prepared the scheme for the project referred to near Crogg Lane in Policy UTR2 & Appendix E. It is quite common for local plans to contain highway and related improvements within the content of the plan. The provision of safe and attractive pedestrian routes, linked to

⁴ Reference ID: 41-040-20160211

policies which promote local activity to encourage a change in travel choices including measures for traffic calming and more sustainable mode of transport are all legitimate issues for local plans. It is not clear why this should not also apply to neighbourhood plans where it is appropriate to highlight more localised schemes that would be appropriate for the more strategic local plan. In Uplyme less walking trips are undertaken within the village than should be the case, due to the legitimate pedestrian safety concerns. The issue of transport, pedestrian danger and potential improvements has consistently been the top priority raised by the local community at every consultation event held about the Neighbourhood Plan.

As a 'Neighbourhood' Plan it is a community led document that should prioritise the issues of concern to the local community. It is considered therefore that, for the reasons stated above and the with the input from and approval of the transport section by the highway authority, that to relegate the section to an appendix would be most inappropriate and the Examiner is strongly urged not to make such a recommendation.

It is noted that the East Devon Local Plan contains policy TC3 that specifically promotes 'Traffic Management Schemes'. It is not considered that relegating these issues to an appendix in the Neighbourhood Plan is a requirement and in these circumstances, would simply undermine their value and importance.

Furthermore the National Association of Local Council's advice on neighbourhood Plans s advises that Plan can a include reference to...Transport and access (including issues around roads, cycling, walking and access for disabled people).

Likewise the Lypstone Neighbourhood Plan which has been supported by an Examiner and 'made' and approved by EDDC has a section on 'Getting Around' that includes statements about traffic management measures within the body of the Plan and not in an appendix. Consistency with this approach is therefore advocated and requested.

- 3. It is also stated in the PPG that 'A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.'⁵*

The 'decision-maker' will be the Local Planning Authority or an Inspector or the Secretary of State on appeal. Many policies are phrased in terms of development being 'supported' provided that certain criteria are met. This is an imprecise turn of phrase because the decision on an

application can only be to either refuse or grant permission, sometimes subject to conditions. It is not appropriate to use Neighbourhood Plan policies to indicate the response the Parish Council might make when consulted upon an application. Be that as it may, in most instances the word

'support' can be taken as being synonymous with 'approve' or 'permit'. In a similar vein, the only way development can be 'resisted' (Policy UEN7) is by a refusal of permission. Nevertheless, the intention behind these policies is not so unclear that the plan could be held to fail to satisfy a basic condition for that reason alone. However, there is some variation on the wording which may cause difficulty in policy application. The Qualifying Body is requested to consider alternative wording for the following policies with the PPG advice in mind:

Policies UHG5 - 'favourably considered' and UEM3 - 'should be favourably considered'. Does that mean 'approved'? All applications must be 'considered' and on their individual merit in the context of development plan policy. Why say 'should be'?

Policy UCF1 - 'fully supported' and Policy UCF3 - 'especially supported'. Such adverbs of degree are superfluous in policy terms. Permission is either granted or it is not.

This terminology has been specifically used because the Parish Council has prepared the Plan. It will use the plan but is only a consultee on planning applications and is not the local planning and determining authority for planning applications. It was considered that the terminology therefore reflected the role that the Parish Council and therefore the neighbourhood plan has, in respect of applications.

It is also suggested that such terms could be confusing to the public as if the NP states that certain types of development will be 'approved or refused' but the contrary decision is actually made by EDDC, then this will lead to misunderstanding and potentially discredit the neighbourhood plans and/or the planning process.

However the examiner's judgement on this matter will be respected.

Need for updating. It is clearly desirable that the plan should be as up-to-date as possible at the time it is finally 'made'. There are several references to procedural matters, for example in section 2.2, which will either be irrelevant or out-of-date by the time the plan is 'made'. I am only able to make recommendations for modifications to update the plan if I treat them as 'errors'.

The Parish Council is invited to provide a list of amendments that might be recommended as modifications in order to ensure that the plan is as

up-to-date as possible when finalised.

The Plan Group plan to generally update the Plan factually, prior to the next referendum stage, when other modifications are made; for example when describing the plan process in 2.2. However, the following list of updates is set out below and any other similar updates identified will be taken in.

- ***Foreword ...to be rewritten at next stage***
- ***Background change 15 to 14 and 2016 to 2017***
- ***Vision Change 2016 to 2017 and 15 to 14***
- ***Section 2.2 on Page 9 penultimate paragraph to be updated at next stage***
- ***Back page change 2016 to 2017***

Main Issues

4. Affordable Housing Provision. *Please refer to the questions addressed to the Local Planning Authority on this matter and to my questions 1b. and 1c. above. In particular, the Parish Council is invited to comment on the adequacy of the 2014 Housing Needs Survey as a basis for the identification of the affordable provision on the 3 'exception' sites listed under Policy UHG4. Question:-*

Q5a. It is stated in Policy UHG4 to the proposed development at Masters Close would 'round-off the recently developed affordable housing scheme'. Has that development been completed since the 2014 Housing Needs Survey and has it gone towards meeting any of the need identified at the time?

I have read the note produced by the UPC in response to representations that rural affordable housing exception sites cannot, by definition, be allocated in the plan. This provides me with sufficient information to be able to reach a conclusion on the issue in my report. However, the following question arises:-

Q5b. What work has been undertaken to establish whether there is any potential for further housing development within the BUAB either as existing or proposed?

The BUAB was examined in some detail when the review was undertaken as part of the work on the NP. Although there may be a number of modest infill sites within the BUAB, many of these form part of the curtilage of existing properties and it was not considered that these were of sufficient size or appropriately located, for sites for housing development schemes of any size. Also as the main aim, in accordance with community views, is to provide affordable rather than market housing on the identified sites, it was considered that identifying these as 'exception'

sites located outside the BUAB, meant that there was a greater chance of these being developed for rented social housing rather than private market housing.

5. Amendments to the BUAB. *The Parish Council is invited to comment on the position on the status of the amendments to BUAB as proposed in NP Policy UHG1. There is no reason, in principle, why the amendments cannot be confirmed by the Neighbourhood Plan but the position must be made clear.*

Q6. What is the preferred approach of the UPC to the treatment of the BUAB in the UNP?

The parish council fully supports the boundary of the BUAB as set out in the UNP and this was approved when the Regulation 15 version of the plan was considered an approved by the parish council in October 2016.

Comments and questions relating to individual plan policies

Policy USD1 Presumption in favour of sustainable development

6. *Although this policy is closely modelled on paragraph 14 of the NPPF with regard to decision-making and is clearly intended to signal a positive stance towards sustainable development, the precise wording may cause difficulties in implementation. That is because paragraph 14 relates to*

'the development plan' as a whole, of which the Neighbourhood Plan is only part. As currently worded the policy provides that the 'presumption in favour' will apply if the Neighbourhood Plan in isolation is silent on a particular matter. That may not be what was intended.

Q7. In what way is policy USD1 intended to assist the decision-maker when determining planning applications? Does it add to the guidance in paragraph 14 of the NPPF or might it cause uncertainty should a proposal require assessment against a local plan policy covering a matter upon which the Neighbourhood Plan is silent?

In preparing the plan, the UNP group was mindful of the fact that it was a community based plan and that the vast majority of the local community would not be familiar with policies in the NPPF or indeed the East Devon Local Plan. In setting the scene for the plan's policies therefore, it was considered appropriate to include an overarching policy relating to sustainable development which does indeed reflect what is in the NPPF and the local plan. It was recognised that the NP could not be expected to have policies which apply to every conceivable development that may arise and therefore the policy is intended to broadly accord with and support similar policies in the NPPF

and Local Plan. These more strategic policies will apply where the NP does not address a particular issue. The group has reconsidered this issue and policy and considers that it is important to retain it in the plan, for the reasons set out above, but it is appreciated that Examiner may wish to amend the precise wording.

Policy UHG1 – Built-up Area Boundary

7. *Please refer to the questions raised on this policy with the EDDC. As currently framed the policy will cause uncertainty for landowners and plan-users.*

Q8. Is it the wish of the Parish Council that the Neighbourhood Plan should be taken as introducing amendments to the BUAB now?

Yes and in the light of close consultation with EDDC during the whole preparation of the Plan, it is intended that the NP BUAB will be the version of the BUAB which will be adopted by EDDC as part of its 2017 Villages Plan document that it has recently produced. When preparing the Neighbourhood Plan it was not seen to be appropriate to base the BUAB on the previous old boundary and it was agreed with EDDC that an amended version would be produced as part of the NP preparation process. It is clearly important that the NP and the EDDC BUABs are the same and it is understood that EDDC agree with this approach and indeed have reflected the UNP BUAB in their Villages Plan document.

Policies UHG3 and 4 – Exception housing development (sites)

8. *Whereas Policy UHG4 clearly allocates three 'exception housing sites' the purpose of Policy UHG3 requires clarification. In particular, the inclusion of the reference to self-build, conversions and agricultural/forestry dwellings as 'exceptions' may cause confusion. I have no particular difficulty with the inclusion of cross-references to the NPPF or EDLP policies in brackets but it appears that the main reference should be to EDLP Policy Strategy 35.*

Questions:-

9a. What exactly is intended by policy UHG3? Is it saying that rural housing exception sites in addition to those listed in Policy UHG4 will be approved provided that they meet all other NP policies?

The intention was that policy UHG3 would apply to and set the scene for the 3 identified sites, but if there were to be a proposal for another exception site elsewhere in the parish, then yes, Policy UHG3 would also be the appropriate policy for considering

such a proposal. If recollection is correct, the agricultural/forestry reference was included at the suggestion of EDDC during consultation on earlier drafts of the plan.

The cross-references in brackets in policy UHG3 are to EDLP Strategy Policies 6 and 7 rather than to Strategy Policy 35. Under those EDLP Policies development in the countryside (outside a BUAB) is only permitted where it is in accordance with a Neighbourhood Plan policy 'that explicitly permits such development'. Policy UHG3 permits 'the conversion of suitable existing buildings' but does not specify where or for what use(s). Conversions of existing buildings in the countryside are explicitly permitted by UNP Policies UHG5 and UEM3 although not for use as holiday accommodation and there is no explicit policy to permit other types of development in the countryside.

9b. What is the intention behind the reference to self-build schemes, conversions and agricultural/forestry dwellings in the second paragraph of the text under paragraph 6.1.3 (*which is not policy*)?

In the context of Policy UHG3, the conversion of existing buildings related to conversion to residential use. The issue of self-build and also comments made by EDDC are understood. The reason why self-build was included was because the housing needs survey did highlight the fact that there was interest in and demand for, this type of development in the locality. The plan was therefore aimed at responding to this local expression of interest.

However, if the examiner considers that this is inappropriate and does not meet national criteria, then the Group is content for this reference to be removed, as a modification to the Plan.

9c. Are those categories of development intended to be permitted 'exceptions' to EDLP Policy Strategy 7 by virtue of the last paragraph in EDLP Policy Strategy 6?

9d. Does the term 'exception sites' in Policy UHG2 apply to those covered by Policy UHG3 as well as UHG4?

9e. Is it intended that housing development outside the BUAB should be permitted purely on the basis that the proposal is for a self-build dwelling? Does that mean that provided it is self-build it can be built anywhere in the parish provided other NP policies are satisfied? Would such a policy be in general conformity with the EDLP and/or have had regard to national policy?

Yes, the term exception site in UHG2 does apply to those referred to in UGH3 &4. With regard to self-build, in response to

this question and in the light of the query above, this clearly has potential unintended consequences and it would be best if the self-build references were removed from the plan as a modification.

9f. What NP policy applies to proposals for the conversion of existing buildings for holiday accommodation and for agricultural or forestry buildings or are EDLP Policies E16 and H4, respectively, adequate for the purpose?

The term 'rural exception site' (for affordable housing) has a particular meaning in the NPPF and EDLP Strategy 35. The EDDC have pointed out, correctly, that the Government have not, to date, indicated that self-build housing would be appropriate on rural exception sites and that category is not included under EDLP Policy Strategy 35.

9g. Is the absence of reference to EDLP Policy Strategy 35 from the cross-referenced policies (in brackets) in NP Policy UHG4 an error? Does the UPC accept that, for the time being at least, self-build housing does not come within the definition of affordable housing for the purposes of Government policy?

Yes this is accepted with regard to Strategy 35 and see response above...what was seen as a helpful addition in relation to self-build is clearly a potential complication, that was not intended.

9h. A representation has been made against the inclusion of a paragraph at the bottom of page 19 in the plan, under paragraph 6.1.5, to a site on Harcombe Road, Raymond's Hill. What is the justification for the inclusion of this paragraph? Although the site is included as site 8 in Appendix 6 of the SEA appendices the statement has no policy status.

Might it increase uncertainty and prejudice the LPA consideration of any application?

This site was viewed with policy planners from EDDC on the site visit when all the potential exception sites were visited and discussed. There was some support for the possibility of this site being developed for housing, but it is not included as an allocation, either as an exception site or for market housing.

There was recognition that Raymond's Hill is a quite substantial area of development with, in this particular locality, housing extending along the opposite side of this road for a considerable distance. However, in the light of the representation and this question, the Group would be content for the reference to possible development at this site at Raymonds Hill being removed from the Plan as a modification, and the matter dealt

with in the usual way, if and when a planning application were to be submitted, at some time in the future.

(I will deal in my report with the issue as to whether exception sites can be allocated or should be called something else.)

Policy UHG5 – Rural building conversions for residential use

9. Q10a. Is it accepted that, for clarity, the term 'in rural areas' should read 'outside the built-up area boundary'?

Yes, this would be appropriate

10.

Q10b. In the plan text, paragraph 6.1.6, it is stated that 'the Plan proposes that the conversion of rural buildings, other than those in isolated locations with no nearby built development' (*My emphasis*). Should that be stated in policy and does it adequately reflect

Government policy? How should the words 'isolated' and 'nearby' be interpreted? Would the visual impact of the formation of a completely new access be a factor to be considered?

Uplyme is located with the AONB so the more relaxed permitted development for agricultural building does not apply. The wording was included to address the potential of for example; a barn in the middle of a field away from any other development being proposed for development. The question of whether a proposal was considered to be 'isolated' would be addressed in each case as and when applications were submitted.

However, the policy does contain a series of criteria against which to judge applications and these include landscape impact, suitability of buildings, design and access etc. Therefore, these may well be sufficient to address these concerns.

Policy UEM1 - Business development

Policy UEM2 - Promote range of businesses

Policy UEM3 - Conversion of rural buildings (for business uses)

11. The EDDC raise an issue about the sustainability of the development of businesses in the countryside and the provisions of EDLP Policy E5 which requires them to be well related in sustainability terms to the village. (*Examiner's note: EDLP Policy E5 is not a strategic policy. These NP policies would, therefore supersede EDLP policy*)

Q11a. Should a criterion be included in these policies relating to the

sustainability of the particular location?

In preparing this policy, the Group was mindful that Uplyme is geographically a very large parish [indeed it is the largest in Devon], and it was not considered appropriate or realistic to totally restrict the possibility of some development in the more rural parts to just areas that were in close proximity to the village of Uplyme itself. It is pointed out that the northern part of the Parish is on the A 35 and Axminster, with regular bus services is very close by and indeed closer than Lyme Regis. Other parts of the Parish are on and close to the Sidmouth Road which again has bus services to Lyme and Seaton/Sidmouth.

Therefore, the proximity to Uplyme village itself is not necessarily the only or most relevant factor and it is quite possible for a project to be proposed some way from the village, but still be in an acceptable and sustainable location.

Q11b. Is Policy UEM2 intended to apply only to existing businesses?

No this policy is intended to apply to potential new businesses but could also apply to the expansion of existing buildings

Q11c. Does the term 'in rural areas' in policy UEM3 mean outside the BUAB of Uplyme?

Yes, as above re BUAB.

Policy UEM4 – Tourism Uses and development

12. See note under 11 above. The same would apply to EDLP Policy E16.

Q12. Should a locational criterion be included in Policy UEM4 in order to ensure that the plan 'contributes to sustainable development' or are there particular factors applying in Uplyme which justify a different approach?

As above with regard to the proximity of sites to Uplyme village itself, which is not the only hub close to some parts of the parish and therefore should not always be seen as the determining locational factor.

Policy UEM5 – Business Centre

13. A specific issue has been raised in a representation on the future use of the existing school site buildings which casts doubt on the suitability of the buildings for re-use as a business centre?

Q13a. To what extent does the implementation of this proposal depend upon the resources available for the building of a school on a new site as proposed in policy UCF2?

Although there has been a planning consent for the school, the issue of funding has yet to be resolved at a national level and no approval from the Department of Education has yet been forthcoming, despite bids for the scheme to proceed. If the school project is to be supported nationally which is required, then the assessment of how much funding is needed will be assessed and bid for, taking account of the circumstances at the time.

Q13b. In view of the wishes of the school trustees with regard to the redevelopment of the school site for housing how likely is it that this policy can be implemented?

To a degree, that would depend upon the final wording of the policy in the NP. See also response below

Q13c. What is the justification for re-using the buildings as a business centre? Has the viability of such a scheme been tested?

In preparing the plan the group was very conscious of the need to have regard to business and the economy and to not just focus on housing or community issues. Having a small employment base within the parish ensures a more balanced mix of uses within the village and wider area and a more diverse interest and community.

Work in connection with the local business survey highlighted the fact that there were over 80 businesses operating in Uplyme; many self-employed people operating from, or based at home. The older existing school buildings could lend themselves to small office/business based uses perhaps with shared services and this would retain the integrity of what is an historic community building, compared with its conversion to a dwelling.

It was also understood from discussions earlier in the plan preparation process the school trustees were supportive of a more community focused use and were not opposed to such a business orientated proposal, especially in relation to the older school building which sits very much in the shadow of the adjacent church.

To simply allow the site to revert solely to residential use would seem therefore to be a loss for the village and parish and for the potential for a business hub to be provided.

However as noted in the UNP Group's response to Regulation 15 comments, there could be scope for a compromise solution with the potential for a mix of uses on the site. To abandon the

potential of some business related use would seem to be a missed opportunity. It is emphasised that it is not being proposed as an 'industrial site'.

Q13d. Irrespective of the views of the plan steering group, why has the redevelopment of the school site for residential development not been evaluated as an option in the plan?

The background to this policy and reasons for the policy in the plan are explained above.

Policy UCF3 – Sporting/recreational facilities

14. The EDDC raise a point about the distinction between 'support and 'especially support' (see note 3 above). Degrees of support are irrelevant for plan purposes.

Q14. Is it accepted that any new sports or recreational facilities should be locationally well-related to the village? Would other locations 'contribute to sustainable development'?

Access or proximity to Uplyme Village may not necessarily always be the overriding factor, though it is supported by the policy. This could restrict additional facilities at for example, Raymond's Hill which is not considered appropriate.

Section 10.1.2 – Conservation Area

It is recognised in the last paragraph in this section that the Neighbourhood Plan is not the place to propose the designation of a Conservation Area. Any reference to it should, therefore, be distinct from the statutory land-use policies of the plan, which it is not at present. It will need to be moved to an appendix. As it is not a 'proposal' of the plan it should not be shown on the Proposals Map.

The wording of the text associated with the proposed conservation has been very carefully considered and there is no 'Policy' as such relating to the conservation area. The plan rightly states that the NP is not the mechanism for designating the Conservation Area and the Plan does not contain any policy that does or proposes this.

However, it is considered that there is no reason why there should not be text in the main body of the plan that describes the heritage assets of this part of Uplyme and discusses the concept of a conservation area. The approach adopted has been specifically commended by Historic England in their representations on the Plan.

This is no different to the text and discussion within the main body

of the plan about issues of nature conservation interest. If it is relegated to an appendix, it is likely to be read by far fewer people, as it will not be seen as an integral part of the plan and be of less importance. The idea of a conservation area has been subject to informal consultation with all those properties that may be affected and no adverse comments were received. The discussion about the concept of a conservation area is a recognition of the importance of a valued aspect of the village's heritage. The reference is distinct from land use policies in the plan as there is deliberately and specifically no policy in the plan, relating to a conservation area.

Likewise the Lympstone Neighbourhood Plan which has been supported by an Examiner and 'made' and approved by EDDC has a section on Environment' that includes explicit statements about extending the Lympstone Conservation Area with EDDC within the body of the Plan and not in an appendix. Consistency with this approach is therefore advocated and requested.

The Group have reconsidered this issue carefully and would therefore wish to see the text about the concept of a conservation area retained within the plan as currently presented within the main body of the Plan.

Policy UEN5 – Trees and hedgerows

15. *The EDDC make a point about the clarity of the wording in this policy which appears to apply to any development of whatever scale.*

Q15. Is it accepted that the wording of this policy should be amended to make it clear that it only applies to 'new housing or business development' and not to minor development or the re-use of existing buildings?

Yes this is accepted

Policy UEN7 – Green Space in Uplyme

16. *It is clear from paragraphs 76-78 of the NPPF that the designation of Local Green Space should only be applied if it meets all of number of strict policy criteria. Additional guidance is to be found in the PPG. It is not a designation which is appropriate in most cases and should not be applied to extensive tracts of land. The policy context is also clear.*

Q16a. Should the policy make reference to the need to demonstrate that 'very special circumstances' should be demonstrated to justify inappropriate development in such areas?

The proposed allocation of greenspace in the plan was very carefully considered with regard to criteria the NPPF, the PPG and the Open Spaces Society Guidance and it is considered that all the areas proposed do meet the required criteria. The sites do not apply to extensive tracts of land or open countryside.

The Group is however content with any fine tuning that any be considered appropriate to make the policy more robust.

EDDC has suggested that the following be added which is acceptable...

'... proposals for permanent built development within this Green Space area will be resisted except in special circumstances where a community benefit will result and the area protected...'

Q16b. What forms of development might be regarded as 'not inappropriate'

As noted in the plan, some form of additional recreational development might be 'not inappropriate' at the Playing fields greenspace area.

Q17c. Are there any factual points the UPC would wish to make regarding the planning history of 'area E'?

Yes the situation is as follows.....

The fact that a planning appeal inspector has just recently overturned previous refusals of permission for a dwelling on Area E, [which is a site where a previous appeal was also dismissed], at the same time as the neighbourhood plan allocated the site as green space, is most unfortunate and has somewhat undermined the confidence that the local community had in the value and robustness of the planning system. However, the Group recognises that this section of the plan does now need amending and the reference to Area E being greenspace needs to be removed from the plan as a modification.

Appendices

The appendices in the submitted plan fall within two categories. There are those which identify, by way of an OS map, the geographical extent to which particular plan policies apply. Those are only Appendices A, F and I. All of the others are of a non-statutory, informative nature. That will need to be made clear.

That is understood.

John R Mattocks Examiner 18.04.17

**Response provided by Uplyme Neighbourhood Plan Group on
Behalf of Uplyme Parish Council**

**Chris James
Chair Uplyme Neighbourhood Plan Group
Chair Uplyme Parish Council**

26 April 2017

Addendum

Further query from the Examiner via EDDC

Would you please check with the plan steering group whether the area shown on the proposals map (Appendix I) for the exception site off Lime Kiln Lane is correct. I ask because the description in the SEA appendix is for a site at the lowest part of the field with access at the junction with the farm track. The plan at Appendix I shows a mustard-coloured box which does not abut the farm track but is somewhat further to the west on steeply rising land.

Tim Spurway of EDDC has advised as follows:

“I have had a look into this and have tracked down a request I received from you in September asking to alter the map and move the Lime Kiln site further along the field to the west. Can you please advise what prompted this change and if you want the boundary to remain? I’m aware that a small section of the eastern part of the site is in a floodzone so am happy to make further amendments to bring the boundary of the allocation closer to the edge of the floodzone if this was what prompted the change.”

EDDC is correct in stating that this was moved slightly to take the site further away from possible flood zone, though the Environment Agency has not raised this as an issue. The Group has been working with small scale plans so an amendment as suggested by EDDC to bring the site further down the slope would be acceptable.

The UNP group is appreciative of EDDC’s offer to mark up the 3 exception sites on a 1:10,000 scale plan so that their v boundaries can be seen more clearly.