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Report on Budleigh Salterton Neighbourhood Plan 2017 - 2031

An Examination undertaken for East Devon District Council with the support of the Budleigh Salterton Town Council on the February 2017 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Budleigh Salterton Neighbourhood Plan and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the plan meets the Basic Conditions.

I have also concluded that:

- The plan has been prepared and submitted for examination by a qualifying body – [the Town Council];
- The plan has been prepared for an area properly designated – [the Budleigh Salterton Parish area shown on the map on Page 5 of the Plan];
- The plan specifies the period to which it is to take effect – [2017-31]; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the plan relates and have concluded that it should not.

1. Introduction and Background

Budleigh Salterton Neighbourhood Plan 2017- 2031

1.1 Budleigh Salterton is a small town with a population just over 5,000, of whom some 40% are aged 65 or more. Located on the coast with a pebble beach and sandstone cliffs, it has functioned as a seaside resort for some 200 years. Budleigh Salterton is unique as the only town lying entirely within the East Devon Area of Outstanding Natural Beauty (AONB). The estuary to the River Otter, immediately to the east, is a Site of Special Scientific Interest (SSSI). Coastal Preservation Areas lie to the west and east of Budleigh Salterton, with the beach and adjoining coastline forming part of the Jurassic World Heritage Site. A Green Wedge as defined in the East Devon Local Plan (the Local Plan), between Exmouth Road and Knowle Road, contains County wildlife sites. In addition to the very high quality of the local coast, landscape and natural environment, the town centre and adjoining area to the north-west form the Budleigh Salterton Conservation Area. Maps on Pages 72-74 of the Neighbourhood Plan show the extent of the designated areas.

1.2 The Vision and Objectives for the Neighbourhood Plan, set out in Chapter 4, reflect public consultation and are to maintain the balance and proportion of what the Town currently has, through sustainable development. Development and infrastructure that the community would like will be supported, whilst Budleigh Salterton's unique and special character will be retained. Beginning with Housing, Heritage and Design, the Plan addresses a number of relevant topics putting forward planning policies and proposed 'community actions' which go beyond planning policy but are aspirational. They are designed to help achieve the underlying Vision and Objectives. The Neighbourhood Plan has a clear structure and overall purpose; it is easy to read with useful illustrations and maps.

The Independent Examiner

1.3 As the plan has now reached the examination stage, I have been appointed as the examiner of the Budleigh Salterton Neighbourhood Plan by East Devon District Council, with the agreement of the Budleigh Salterton Town Council.

1.4 I am a chartered town planner and former government Planning Inspector, with previous experience of examining Neighbourhood Plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

The Scope of the Examination

1.5 As the independent examiner I am required to produce this report and recommend either:

(a) that the Neighbourhood Plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum; or

(c) that the Neighbourhood Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act').

The examiner must consider:

- Whether the plan meets the Basic Conditions;
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;

- it sets out policies in relation to the development and use of land;
- it specifies the period during which it has effect;
- it does not include provisions and policies for 'excluded development';
- it is the only Neighbourhood Plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.7 I have considered only matters that fall within paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further basic condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of East Devon District Council, not including documents relating to excluded minerals and waste development, is the Local Plan adopted in January 2016. The District Council is progressing

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a Proposed Submission Villages Plan DPD which is out for consultation until May 2017 but this does not deal with Budleigh Salterton. East Devon District Council are also partners in the emerging Greater Exeter Strategic Plan, along with Exeter City, Teignbridge and Mid Devon Councils. It is at a very early stage in preparation with a recent consultation on issues and a call for evidence

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Budleigh Salterton Neighbourhood Plan 2017-31, February 2017;
- the Parish Boundary map on Page 5 of the Plan identifying the area to which the proposed neighbourhood development plan relates;
- the Consultation Statement, [Appendix B, undated];
- the Basic Conditions Statement, [Appendix G, undated];
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) – Final Screening Report prepared by East Devon District Council, January 2017.

Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan area on 13th April 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the plan and evidential documents.

Written Representations or Public Hearing

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the plan, and presented arguments for and against the plan's suitability to proceed to a referendum.

Modifications

2.6 Where necessary, I have recommended modifications to the plan (PMs) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have set out these modifications in full in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Budleigh Salterton Neighbourhood Plan has been prepared and submitted for examination by the Town Council which is a qualifying body. An application to East Devon District Council for the town to be designated a neighbourhood planning area was made, and accepted on 24th July 2015.
- 3.2 It is the only neighbourhood plan for Budleigh Salterton, and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 The plan specifies clearly the period to which it is to take effect, which is from 2017 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Budleigh Salterton Neighbourhood Plan has been prepared in response to the Localism Act 2011. Following designation of the neighbourhood planning area, a Steering Group was established in August 2015 comprising members of the Town Council and interested local residents. A variety of methods were used to communicate with the community during the plan preparation period. The Town Council met twice a month and its meetings included public sessions. A website was created to give background information, announce forthcoming events and give details of progress. E-mails, posters/flyers, press reports to the Budleigh Journal, questionnaires and public events at key stages were used to inform and consult the community throughout the Neighbourhood Plan process.
- 3.5 An initial questionnaire seeking views from residents elicited 800 responses and led to the creation of 4 Focus Groups to cover key topics and develop an initial draft plan. Public events in February and June 2016 were well attended (by more than 100 and 200 persons each) and led to the production of draft proposals. The Pre-Submission Neighbourhood Plan was approved by the Town Council in September 2016 and was widely publicised with individual online copies sent to key stakeholders. Some 33 responses were received from statutory consultees (including East Devon District Council, Natural England etc) with an additional 41 responses from people in the community. The Consultation Statement in Appendix B, Parts 1-3, sets out these Regulation 14 responses.
- 3.6 The submitted Neighbourhood Plan took account of the consultation responses and was revised where considered appropriate. The submitted plan was subject to further consultation in February/March 2017 under Regulation 16, and I take account of the 11 responses then received in writing this report, as well as the earlier Consultation Statement. I am satisfied that the consultation process has been open and transparent has

met the legal requirements for procedural compliance and has had regard to the guidance in the PPG on plan preparation.

Development and Use of Land

3.7 The plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.8 The plan does not include provisions and policies for 'excluded development'.

Human Rights

3.9 The Basic Conditions Statement, section 7, [Appendix G] states that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, and complies with the Human Rights Act 1998. The Equality Impact Assessment of the Plan [Appendix F] concludes that none of the objectives and policies in the Neighbourhood Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact. East Devon District Council has not suggested that the Plan breaches Human Rights (within the meaning of the 1998 Act). I have considered this matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Neighbourhood Plan was screened for SEA by East Devon District Council, which found that it was unnecessary to undertake SEA. With regards to HRA), the Council also found that the Plan was unlikely to have any significant negative impact on protected European Sites (Natura 2000 sites) and should not therefore be subject to HRA.

4.2 I have read the Strategic Environmental Assessment and Habitat Regulations Assessment Final Screening Report, with letters in Appendix A from Natural England and Historic England supporting the findings. On the basis of the information provided and my independent consideration, I am satisfied that the Plan is compatible with EU obligations.

Main Issues

4.3 Having read the Budleigh Salterton Neighbourhood Plan submission document, the consultation responses and other evidence, and having

undertaken the site visit, I consider that there are three main issues relating to the Basic Conditions for this examination. These are:

- Whether the policies for housing, and employment and commerce, have regard for national planning policy and the achievement of sustainable development and are in general conformity with the strategic policies in the Local Plan;
- Whether policies for the built and natural environment will secure high standards of design and protect heritage and environmental assets in accordance with national planning policy and are in general conformity with strategic policies in the Local Plan; and
- Whether provision for community, leisure and wellbeing and transport are sufficiently supportive of the Plan's aims for the town's future and its environmental protection and will contribute to the achievement of sustainable development, having regard for paragraphs 6-16 of the NPPF.

Issue 1 - Housing, Employment and Commerce

4.4 National planning policy sets out the presumption in favour of sustainable development in paragraph 14. Neighbourhood Plans should support the strategic development needs set out in Local Plans, including policies for housing and economic development; they should also plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan (paragraph 16). Paragraph 47 onwards sets out the approach "To boost significantly the supply of housing" which local planning authorities should follow. Paragraphs 183-185 of the NPPF explain the role of neighbourhood planning, emphasising that such plans must be in general conformity with the strategic policies of the Local Plan. Critically, Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

4.5 The Local Plan adopted in January 2016 contains a Spatial Strategy aiming to "focus major development in East Devon's West End, although growth is also planned for the towns of East Devon" (paragraph 6.2). It is recognised that "without some development, geared around local needs, many towns and villages will increasingly become communities of the retired and wealthy commuters travelling ever longer distances to work". Paragraph 6.4 goes on to state that development, particularly affordable housing and provision of jobs in towns and villages, will help make them self-supporting places to live and work. Budleigh Salterton is one of East Devon's seven main towns, and Strategy 1 of the Local Plan expects the towns to be focal points for development to serve their own needs and the needs of surrounding rural areas.

4.6 Local Plan Strategy 1 plans for "a minimum of" 17,100 new homes between 2013 and 2031, and Strategy 2 shows the likely scale and distribution of new development. Some 4,700 new dwellings were allocated or in the

development pipeline in September 2014 in the seven towns, and only 133 of these (with no allocations) were in Budleigh Salterton. In section 9 of the Local Plan, the Vision for the town is to continue to serve as a focal point for local services and facilities serving a local catchment area and to act as a tourist destination. Provision is to be made for "modest future housing development". Strategy 21 repeats this goal for new homes in Budleigh Salterton and also supports modest development of new employment provision, giving priority to the enhancement of the town centre environment and business opportunities.

- 4.7 Chapter 5 of the Neighbourhood Plan concerning housing appropriately refers to the NPPF, the approved Local Plan and its Strategy 21, as well as to the results of community consultation. However, I consider that the Objective requires some re-wording to clarify its meaning, in particular to avoid a very narrow interpretation of housing need. Budleigh Salterton contains a high proportion of elderly people, so that a purely demographic assessment of the "future needs of the town" for new housing could imply that need for new housing would be negligible. If the town is to develop in a more balanced fashion, with support for employment, retail services, social and community facilities, in general conformity with Strategy 21 of the Local Plan, new wording is required to have proper regard to national policy. Strategy 1 of that Plan expects the main towns, including Budleigh Salterton, to "serve their own needs and the needs of surrounding rural areas" (my underlining). This could usefully be made clear in the Housing Objective in the Neighbourhood Plan, as I recommend in Proposed Modification 1 **(PM1)**.
- 4.8 My attention was drawn to the Government's recent Housing White Paper which recognises the potential advantages of new housing for older people. In spite of the evidence that fewer than 10% of new homes approved or built between 2000 and 2017 in Budleigh Salterton were specialist retirement homes, I see no need for the Neighbourhood Plan to promote this type of housing more specifically. Paragraph 4.3 identifies an ageing population as a challenge for the town, and the current housing policies should not prevent suitable schemes being taken forward.
- 4.9 Also in PM1, I propose that the objective and paragraph 5.3 are re-written so that they explain the setting of Budleigh Salterton and its very special landscape, coastal, environmental and heritage assets more precisely, having regard for the hierarchy of international, national and local designations. The last sentence requires modification, as it appears to rule out developments of over 5 houses. Policy H1 also requires some re-wording so that it is in general conformity with Strategies 6, 34 & 35 of the Local Plan in respect of development within built up boundaries and affordable housing, as well as with Strategy 21. PM1 achieves this.
- 4.10 Policy H2 is an important policy for Budleigh Salterton which has a very distinctive local character and landscape setting. I consider that the policy

requires some re-wording so that it is more specific about the assets and designations which are to be protected, and where possible enhanced. **PM2** would make the policy more direct and precise having regard for national policy (sections 7, 11 and 12 of the NPPF). The modification should secure general conformity with Strategies 48 and 49 of the Local Plan. I recommend that PM2 is made so that the Plan meets the Basic Conditions.

4.11 Policy H3 expects infill developments and extensions to be sensitively designed and respect the character of the town and the existing built form. I am satisfied that the policy allows some flexibility for situations where trees may need to be removed, as it refers to trees “of local amenity or ecological value”. I also agree that assessments of a development’s acceptability in terms of conformity with local grain and density will take account of garden size. Nevertheless, some readers of the Plan may find it helpful if the reference to garden size is retained, and I shall not recommend a substantive change to the policy. However, the District Council pointed out that the parking standards in the Local Plan are presented as a guide rather than a strict requirement, so that criterion e) of Policy H3 should be made more flexible. In addition, some minor re-wording is required, in my opinion, to clarify the policy’s criteria and ensure that sustainable development is secured. **PM3** sets out the necessary modification.

4.12 Policy H4 is in general conformity with the East Devon Local Plan as paragraph 5.18 explains. It demonstrates that regard has been had for the NPPF, especially section 11 on conserving and enhancing the natural environment and AONBs. There is no need to amend the thrust of the policy, but the wording requires minor change, as shown in **PM4**, to ensure that it will achieve sustainable development.

4.13 Chapter 8 of the Neighbourhood Plan addresses Employment & Commerce, and Policy EC1 supports sustainable small businesses. The supporting text, appropriately in my opinion, refers to paragraph 28 of the NPPF which is headed “Supporting a prosperous rural economy”. It is in general conformity with strategies in the Local Plan, including Strategy 21 which envisages modest development of new employment in Budleigh Salterton.

4.14 I was surprised that the Neighbourhood Plan makes hardly any reference to the tourism industry, except in describing the town’s history in section 3, and in acknowledging, in paragraph 10.9, that Budleigh Salterton “receives many visitors throughout the year”. Clearly, tourists can be expected to use High Street shops and restaurants and other facilities, thereby helping to boost the local economy. I am encouraged that proposed Community Action EC2 expects an integrated promotional plan “encompassing the town’s location on the unique World Heritage coastline and in the East Devon AONB ...” It envisages business groups working together, and I would expect that the opportunities for tourism development in the town, for improving the High Street shops and other local services (a main priority for the

community according to paragraph 2.4 of the Neighbourhood Plan), would be explored through this action.

4.15 Providing the modifications to housing policies are made, as described above and set out in the Appendix, I conclude that the Neighbourhood Plan's policies for housing, and employment and commerce, meet the Basic Conditions. They have had regard for national planning policy and the achievement of sustainable development, and are in general conformity with strategic policies in the Local Plan.

Issue 2 – Built and Natural Environment

4.16 Chapter 6 of the Neighbourhood Plan starts with an Objective which is clear in its aim to respect the town's setting within the AONB, enhance the overall character of the town and secure the highest design and build quality in new development. The final sentence refers to "Conservation Areas" and, although there is a quotation from the Budleigh Salterton Conservation Area Appraisal at the bottom of Page 26, it is not explicitly stated that the heart of the town is a designated conservation area. In view of the statutory requirement that the character and appearance of conservation areas should be preserved or enhanced, I consider that paragraph 6.1 and Policy B1 of the Plan should include references to Budleigh Salterton Conservation Area, and the title of the map on Page 72 should be clarified/corrected. Having regard for national policy and the 1990 Listed Buildings and Conservation Areas Act, **PM5** should be made.

4.17 Policy B2 aims to protect key views and vistas across Budleigh Salterton, and includes a cross-reference to the map on Page 74. I accept that more substantial evidence in the form of a landscape and visual impact assessment would have been helpful in support of this policy. However, taking account of the town's unusual position as (i) an historic town (ii) within an AONB, (iii) within a bowl in topographical terms, and (iv) beside the protected coastline with sea views, it is clear to me that there is an abundance of views and vistas which merit protection. The map focuses on a limited number of public viewpoints and from my site visit, I am satisfied that protection of these is appropriate. I consider that Policy B2 has had regard for national policy to conserve and enhance the natural and historic environments. It is in general conformity with strategic policies in the Local Plan, notably Strategy 48 – Landscape conservation and enhancement and AONBs, and should be retained.

4.18 I agree with those who pointed out that Policy B3 does not differentiate between heritage assets which have national importance, such as listed buildings, and non-designated assets. Paragraphs 128 and 129 of the NPPF make clear that the ranking and significance of assets is an important consideration when assessing the likely impact of development proposals; greater weight should be given to protecting assets with designated status.

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Policy B3 should be modified as set out in **PM6** in the interests of enabling sustainable development in line with the NPPF.

4.19 Chapter 7 includes policies to protect and enhance the natural environment. The objective and Policy NE1 emphasise the importance of the character and beauty of the surrounding countryside and coast, with NE1 stating that “conservation of the outstanding natural environment will be a primary planning consideration”. This policy also, appropriately in my view, refers to green infrastructure and the need to enhance or maintain biodiversity. I am satisfied that Policies NE3: Conservation of biodiversity, NE4: Maintain trees and hedgerows, and NE5: Development within the Coastal Preservation Area, should assist Budleigh Salterton to maintain and enhance its special and high quality natural environment. Similarly, as I saw at my site visit, the former railway corridor provides an attractive access from the town centre towards the River Otter, with abundant wildlife and habitats in evidence. I support Policy NE6 to protect this corridor, as well as Policy NE7 which will safeguard the Green Wedge and County wildlife sites to the west of the town, in conformity with the Local Plan. Policy NE8 should prevent the loss of allotments. There is much overlap between Policy NE2: Protection of local green spaces and Policy NE8, but I am satisfied that the allotments have much green infrastructure and local community value and should be included in both policies. I consider that the above policies (NE1, NE3-NE8) meet the Basic Conditions and should be retained in the Neighbourhood Plan.

4.20 Policy NE2: Protection of local green spaces, lists 16 places (or 17 including the Burial Ground) as allocated local green spaces within Budleigh Salterton. These are varied in character and include The Green, Station Road, and Jubilee Fields, as well as more specialist sports grounds, a burial ground and allotments. A brief description and justification for selecting each place is given in paragraph 7.8 of the submitted Plan.

4.21 The NPPF, paragraph 76, enables local communities to identify local green spaces which are of special importance to themselves. They should only be designated when a plan is prepared or reviewed and their designation will rule out new development other than in very special circumstances. Thus, policies identifying local green spaces must be consistent with planning for sustainable development and must complement investment in sufficient homes, jobs and other essential services. Paragraph 77 of the NPPF states that local green space designation will not be appropriate for most green areas or open space. As the Neighbourhood Plan identifies so many diverse areas as potential local green spaces but identifies no sites for housing or other development, I questioned the rationale for their inclusion in Policy NE2¹. The NPPF sets out stringent criteria for local green spaces and the PPG gives additional advice. The Town Council replied with proposed

¹ Examiner’s letter to Neighbourhood Planning Officer, East Devon DC, 18th April 2017.
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modifications to Chapter 7 and to the map on Page 36, providing more detailed information on the proposed sites.

4.22 I consider that the map on Page 36 should identify each place which is to be designated as local green space with a number, as the Town Council has helpfully offered to do. I agree that all the proposed sites should be numbered on the map, to assist users and readers of the Plan. However, I remain concerned that so many spaces have been identified in this relatively small town. After reviewing the additional information, I am satisfied that the following spaces meet the criteria in paragraphs 76-78 of the NPPF and should be named in Policy NE2 and the supporting text: (1) Jubilee Fields, (2) The Green (Station Road), (3) Little Common (Exmouth Road), (4) Budleigh Salterton Community Gardens, (5) Greenway Gardens, (6) Frewins Gardens, (7) Barn Lane Playing Field, (8) Norman Crescent Playing Area, and (9) The Burial Ground, Dark Lane. These local green spaces should be numbered 1-9 on the map on Page 36.

4.23 Bearing in mind that the NPPF cautions that "Local Green Space designation will not be appropriate for most green areas or open space", I note that a number of the nominated local green spaces in Budleigh Salterton lie within the Conservation Area where the character or appearance of heritage assets should be protected. Policy B3, as well as Policies B1 and B2, should ensure that the following special, local assets are safeguarded from inappropriate development: Cliff Terrace Gardens and Bays, East & West Gardens & Bays and The Spinney. It is unnecessary in my view to also designate them as local green spaces and I propose modification to Policy NE2 (**PM7**) and the supporting text to secure this.

4.24 I am highly supportive of Policy CLW1 seeking to protect and enhance recreational facilities, including a range of outdoor sports' facilities, but note that there is a considerable overlap with Policy NE2. I am aware that sports' clubs do change over time and seek to provide features such as new clubhouses, indoor sports' facilities and floodlights to enhance their facilities. Even though the PPG states that local green spaces may contain structures such as sports' pavilions, proposed additions to them may not be seen as consistent with maintaining the land as "local green space". In my view, it would benefit the Croquet and Bowls Club and the Football Ground of Budleigh Salterton AFC, Greenway Lane, in the future if they were protected by Policy CLW1 and not also by Policy NE2. This would achieve greater consistency with the NPPF, paragraph 77, and I propose a modification accordingly (PM7).

4.25 The PPG advises that there is no need to designate linear corridors as local green space simply to protect rights of way, as they are protected under other legislation. I fully accept that the former railway line is an area of tranquillity and richness of biodiversity which merits protection and enhancement to habitats and wildlife. Policy NE6 should achieve this aim

without the corridor also being identified as local green space. PM7 will remove the corridor from Policy NE2.

4.26 I have considered carefully the case for including the Hospital Garden site as a local green space. I am aware that the hospital has closed so that the recreational use of the gardens by in-patients has ceased. The hospital is expected to re-open this year as a Health and Wellbeing hub for out-patients, but a recent planning application indicates that part of the site could be used for new housing development whilst the remainder would be retained as open space for out-patients (Age Concern and users of the dementia memory cafe are referenced). I make no comment on the merit of the planning application but, in the interests of sustainable development, consider that the case for designating all the former hospital gardens as local green space is insufficiently robust. Designation would remove flexibility from future use of the site, as paragraph 78 of the NPPF would apply. I have had regard for Bell Cornwell's letter (on behalf of Clinton Devon Estates) to East Devon District Council, following my request for more information on 18th April 2017 about the designation of local green spaces. That letter supports the designation as local green space of the part of the site nearest the Hospital and fronting Boucher Road. I consider that this should secure an area of open space for out-patients that will be special to the community, and accord with national planning policy. The map on Page 36 should be amended to show a smaller Hospital Garden site (site number 10) as illustrated in the Bell Cornwell LLP letter (PM7).

4.27 Concerning Blueberry Downs seaside garden, this may overlook the Otter Mouth and SSSI, but extensive public views are available from the highway alongside and from the beach. Policies B1, B2 and B3 should adequately safeguard the key views and vistas as well as the WW2 pillbox, without the need to allocate this garden in Policy NE2. I recommend that Blueberry Downs are removed from Policy NE2 (PM7).

4.28 Paragraph 7.12 refers to PPG17 (or Planning Policy Guidance 17), which was replaced as Government policy in 2012 (see Appendix 3 of the NPPF). The reference should be removed. I conclude that Policy NE2 should be modified along with the supporting text (as in PM7) so that the Neighbourhood Plan safeguards a limited number of local green spaces which are of particular importance to the local community, and is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services, as set out in the NPPF. Providing the above-mentioned modifications are made, I conclude that policies for the built and natural environment in the Neighbourhood Plan will secure high standards of design, and protect heritage and environmental assets, in accordance with national planning policy and in general conformity with strategic policies in the Local Plan. The Basic Conditions will be met.

Issue 3: Community, Leisure and Wellbeing and Transport

- 4.29 The introduction to Section 9 of the Neighbourhood Plan, and Policy CLW1, show that Budleigh Salterton includes a range of sports and recreational facilities. Clearly, these are valued by the local community and many, for example, those along the seafront, are appreciated by visitors. East Devon District Council proposed a minor change to the wording of Policy CLW2: Relocation of Budleigh Salterton Cricket Club, which I recommend as **PM8**, because it clarifies how the policy will ensure that any adverse effect of relocation is satisfactorily mitigated. With this modification in place, the policy contributes to sustainable development and meets the Basic Conditions.
- 4.30 Section 9 contains a large number of “community actions” representing aspirations that require members of the community and stakeholders to undertake actions not covered by planning policy. These include exploring opportunities for the public to use certain school facilities, to ensure that the seafront and beach are kept clean and safe, and to be involved in developing the future of Budleigh Salterton library and providing medical services. I consider that these proposed actions should complement the planning policies, improve wellbeing in the town and provide useful information for readers of the Neighbourhood Plan.
- 4.31 Turning to traffic and transport, Strategy 5B of the Local Plan expects development proposals to contribute to promoting and securing sustainable travel and transport. It seeks efficient, safe and accessible means of transport with overall low impact on the environment, referring to walking and cycling, low and ultra low emission vehicles, car sharing and public transport. Paragraphs 29 onwards of the NPPF also promote sustainable transport. The Neighbourhood Plan contains no specific policies for traffic and transport, and will therefore rely on the Local Plan or the policies of higher authorities including Highways England, if any significant changes to transport infrastructure are necessary in future. I see no reason to modify this approach, and note that a number of community actions are envisaged beginning with TT1, to support the improvement of footpath provision. TT8 encourages Devon Public Transport consortium to maintain and improve bus services, and TT9 supports initiatives to integrate and improve cycle routes. TT10 supports the installation of electric vehicle charging points. I consider that these, and the other proposed actions, comply with the pursuit of sustainable transport to meet the needs of the local community and visitors.
- 4.32 Providing the modification described above is made, I conclude that the policies and proposed action for community, leisure and wellbeing and transport are sufficiently supportive of the Neighbourhood Plan’s aims for development and environmental protection, and will help achieve sustainable development having regard for paragraphs 6-16 of the NPPF. The approach

is in general conformity with the strategic policies of the Local Plan and satisfies the Basic Conditions.

5. Conclusions

Summary

5.1 The Budleigh Salterton Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies and text to ensure the Neighbourhood Plan meets the Basic Conditions and other legal requirements. I recommend that the plan, once modified, proceeds to referendum.

The Referendum and its Area

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the plan relates. The Budleigh Salterton Neighbourhood Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the plan should be the boundary of the designated neighbourhood plan area.

5.4 I recognise that the Neighbourhood Plan is the product of much hard work undertaken by the Town Council, the Neighbourhood Plan Steering Group and Focus Groups. Considerable effort on a voluntary basis has been put in over two years to achieve the submitted plan and, in the process, there has been engagement with a large number of local people and stakeholders to ensure that it satisfies their ambitions. The output is a plan which should help guide the town's future development in a positive way with the support of the local community. It should also assist good decision-making on planning applications by East Devon District Council.

Jill Kingaby

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 18-20	<p>Objective: Housing</p> <p>To meet the future needs of the town <u>and its surrounding rural areas having regard for its demographic profile</u>, sensitive to its demographic needs setting within the EDAONB setting, whilst enhancing the overall character of the town residents.</p> <p>5.3 Budleigh Salterton has unusual and significant, we are nestled in an<u>the East Devon AONB</u>. <u>The beach and adjoining coast line form a World Heritage Site with Coastal Preservation Zones Areas to the west and east. Three Devon Wildlife Sites are within the Parish boundary and Otter Estuary Site of Special Scientific Interest (SSSI) lies to the east. Budleigh Salterton is within 10kms of the Pebblebed Heaths which are internationally important as a Special Protection Area/Special Area of Conservation, (SPA/SAC) conservation areas. The town centre and land to its north-west constitute Budleigh Salterton Conservation Areas.</u> Budleigh Salterton is a small town with a population of approximately 5,200, <u>where small housing developments of over 5 houses have the potential to have a significant visual impact on the townscape.</u></p> <p>Policy H1: Meeting local housing need over the period of the plan</p> <p>Subject towill be supported where:</p> <p>a) There is proven need <u>It is of modest scale in compliance with the Local Plan, notably Strategies 1, 6 21, 34 and 35; it will provide good quality local new homes for local people.</u></p>

		<p>b) on developments of 5 or over dwellings, that it there should be include a proportion elderly.</p> <p>c) primarily be for provide affordable housing as outlined in Strategies 21, 34 and 35 of the now adopted Local Plan.</p> <p>d) h</p> <p>Housing proposals that exceed current technical standards be encouraged.</p>
PM2	Page 22	<p>Policy H2: Maintaining local character</p> <p>Presumption that New housing development should maintain the local distinctiveness of the town, the local characteristics and heritage of the various areas in order to conserve and enhance the AONB. Ensure that, and its setting. In particular, it should:</p> <p>a) <u>Safeguard the character and biodiversity of the Dorset and East Devon WHS as well as the Coastal Preservation Area and the Otter Estuary SSSI;</u></p> <p>b) <u>Conserve the landscape and scenic beauty of the East Devon AONB;</u></p> <p>c) <u>Preserve or enhance the character and appearance of Budleigh Salterton Conservation Area and its setting.</u></p> <p><u>New housing development should not have a harmful impact on listed buildings or their settings.</u></p> <p>Ensure that It should also have regard for the scale, massing, density, height, design and materials of buildings <u>in other distinctive areas of the town outside the conservation area.</u></p>
PM3	Page 23	<p>Policy H3: Infill developments and extensions</p> <p>The effect following criteria:</p>

		<p>a) not lead to <u>result in</u> overdevelopment</p> <p>c) the development, including garden size <u>should</u> reflects the existing</p> <p>d) principles of designing out crime <u>should be incorporated</u></p> <p>e) comply with <u>have regard for</u> the parkingobjectives.</p> <p>f) m <u>Modern design</u>or enhanced.</p>
PM4	Page 24	<p>Policy H4: Built-up area boundary</p> <p>Developments outside the BUAB must be able to demonstrate EDAONB. The semi-rural character <u>of the area</u> surrounding of the town, and the gateways to the town outside the BUAB is to be maintained - ie land alongside the B3179 road from Exmouth and the B3018 road from Sidmouth - <u>are to be maintained.</u></p>
PM5	Pages 26 and 72	<p>6.1 The desire by the communityany new development. <u>Budleigh Salterton Conservation Area is located at the centre of the town as illustrated on the map on Page 72.</u> The town has 40</p> <p>Policy B1: Identity of town and seafront</p> <p><u>New development should preserve or enhance the character and appearance of Budleigh Salterton Conservation Area and its setting.</u> Developments should take into consideration</p> <p>6.2 Para 56 <u>of the NPPF</u> states "The Government</p> <p>Change the heading to the map at the bottom of Page 72:</p> <p>Historic Features and Conservation Areas</p> <p><u>Budleigh Salterton Conservation Area and Listed Buildings</u></p>

PM6	Page 29	<p>Policy B3: Heritage assets</p> <p>Heritage assets and their setting: The specialconsideration. Inappropriate developments ...will not be supported. <u>Proposals for development which have the potential to affect a heritage asset should identify their likely impact relative to its significance. Any harm will be weighed against the merits of the proposed development.</u></p> <p>Heritage Assets Include:</p> <p>The designated, designated Conservation Areas and the World Heritage Site.</p>
PM7	Page 35-37	<p>Policy NE2: Protection of Local Green Spaces</p> <p>Local Green Spacesare:</p> <p><u>(1) Jubilee Fields, (2) The Green (Station Road), Cliff Terrace Gardens, Blueberry Downs (flats), (3) Little Common (Exmouth Road), East & West Terrace Gardens, Hospital Garden (4) Budleigh Salterton Community Gardens, (5) Greenway Gardens, (6) Frewins Gardens, The Spinney, (7) Barn Lane Playing Field, (8) Norman’s Crescent Playing Area, (9) the Burial Ground, Dark Lane Railway Line Amenity walk, Croquet and Bowls Club. Football Ground and (10) Hospital Garden.</u></p> <p>Map on Page 36: Local Green Spaces</p> <p>Modify in accordance with the amended Policy NE2, including a reduced size Hospital Garden site, and add numbers to the map to assist the location of spaces.</p> <p>7.8 The community allotment gardens and the railway line make an unique and</p> <p>Cliff Terraceroad layout.</p> <p>East & West Terracelayout.</p>

		<p>Blueberry Downsin garden.</p> <p>Little Common (Exmouth Road)</p> <p>Hospital Garden.....</p> <p>Budleigh Salterton Community Gardens</p> <p>Frewins Gardens ...</p> <p>The Spinney</p> <p>Barn Lane Playing Field</p> <p>Norman's Crescent</p> <p>Railway Line</p> <p>Croquet and Bowls Club</p> <p>Football Ground Justification recreational value.</p> <p>7.12 Para 4.24 says-PPG 17 notes that planning for open space,by the Local Authority.</p>
PM8	Page 53	<p>Policy CLW2: Relocation of Budleigh Salterton Cricket Club</p> <p>Modify criterion d):</p> <p>To ensure that any adverse impact of a new site mitigated.</p>