

## **EAST DEVON DISTRICT COUNCIL**

### **BUDLEIGH SALTERTON NEIGHBOURHOOD PLAN DECISION STATEMENT**

#### **1. Summary**

- 1.1 Following an independent examination, East Devon District Council now confirms that the Budleigh Salterton Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.

#### **2. Background**

- 2.1 On 26 August 2015, East Devon District Council designated the area comprising the parish of Budleigh Salterton as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Budleigh Salterton Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 20 March 2017.
- 2.4 East Devon District Council appointed an independent examiner, Ms Jill Kingaby, to review whether the Plan should proceed to referendum.
- 2.5 The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

#### **3. Decision and Reasons**

- 3.1 The District Council has made the following modifications, (incorporating the examiners modifications and the additional minor correction), to secure that the draft plan meets the basic conditions set out in legislation, for the reasons given:

Examiner's Reason for Change	Recommended change
<p>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).</p> <p>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 &amp; 35 of the Local Plan in respect of development within built up boundaries and affordable housing, as well as with Strategy 21.</p>	<p>PM1- Objective: Housing</p> <p>To meet the future needs of the town and its surrounding rural areas having regard for its demographic profile, 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 the East Devon AONB. 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. Budleigh Salterton is a small town with a population of approximately 5,200, where small housing developments of over 5 houses have the potential to have a significant visual impact on the townscape.</p> <p>Policy H1: Meeting local housing need over the period of the plan</p> <p>Subject to .....will be supported where:</p> <p>a) There is proven need 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.</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>
<p>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. <b>PM2</b> 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.</p>	<p>PM2-</p> <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) Safeguard the character and biodiversity of the Dorset and East Devon WHS as well as the Coastal Preservation Area and the Otter Estuary SSSI;</p> <p>b) Conserve the landscape and scenic beauty of the East Devon AONB;</p> <p>c) Preserve or enhance the character and appearance of Budleigh Salterton Conservation Area and its setting.</p> <p>New housing development should not have a harmful impact on listed buildings or their settings.</p>

Examiner's Reason for Change	Recommended change
	Ensure that It should also have regard for the scale, massing, density, height, design and materials of buildings in other distinctive areas of the town outside the conservation area.
<p>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. <b>PM3</b> sets out the necessary modification.</p>	<p>PM3-  Policy H3: Infill developments and extensions  The effect .... following criteria: ....  Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NB  Registered in England and Wales. Company Reg. No. 0100118. VAT Reg. No. 237 7641 84  20  a) not lead to result in overdevelopment ....  c) the development, including garden size should reflects the existing ....  d) principles of designing out crime should be incorporated  e) comply with have regard for the parking ....objectives.  f)m Modern design .....or enhanced.</p>
<p>There is no need to amend the thrust of the policy, but the wording requires minor change, as shown in <b>PM4</b>, to ensure that it will achieve sustainable development.</p>	<p>PM4-  Policy H4: Built-up area boundary  Developments outside the BUAB must be able to to demonstrate .... EDAONB. The semi-rural character of the area 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 – are to be maintained.</p>
<p>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, <b>PM5</b> should be made.</p>	<p>PM5-  6.1 The desire by the community .....any new development. Budleigh Salterton Conservation Area is located at the centre of the town as illustrated on the map on Page 72. The town has 40 ....  Policy B1: Identity of town and seafront  New development should preserve or enhance the character and appearance of Budleigh Salterton Conservation Area and its setting. Developments should take into consideration .....</p> <p>6.2 Para 56 of the NPPF states “The Government .....</p> <p>Change the heading to the map at the bottom of Page 72:  Historic Features and Conservation Areas  Budleigh Salterton Conservation Area and Listed Buildings</p>
<p>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.</p>	<p>PM6-  Policy B3: Heritage assets  Heritage assets and their setting: The special .....consideration. Inappropriate developments ...will not be supported. Proposals for development which have the potential to affect a heritage asset should</p>

Examiner's Reason for Change	Recommended change
<p>Policy B3 should be modified as set out in <b>PM6</b> in the interests of enabling sustainable development in line with the NPPF.</p>	<p>identify their likely impact relative to its significance. Any harm will be weighed against the merits of the proposed development.</p> <p>Heritage Assets Include:</p> <p>The designated ....., designated Conservation Areas and the World Heritage Site. ....</p>
<p>The justification for the revised text is set out later in the report.</p>	<p>PM7-</p> <p>Policy NE2: Protection of Local Green Spaces</p> <p>Local Green Spaces .....are:</p> <p>(1) Jubilee Fields, (2) The Green (Station Road), Cliff Terrace Gardens, Blueberry Downs (flats), (3) Little Common (Exmouth Road), East &amp; 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.</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 Terrace .....road layout.</p> <p>East &amp; West Terrace .....layout.</p> <p>Blueberry Downs .....in 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</p>
<p>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 <b>PM8</b>, because it clarifies</p>	<p>PM8-</p> <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>

Examiner's Reason for Change	Recommended change
<p>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.</p>	

- 3.2 The District Council has considered whether to extend the area in which the referendum is to take place. Like the examiner, the District Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.
  
- 3.3 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want East Devon District Council to use the Neighbourhood Plan for Budleigh Salterton to help it decide planning applications in the neighbourhood area?' will be held in the parish of Budleigh Salterton.
  
- 3.4 The date on which the referendum will take place is agreed as 6 September 2017.

**EAST DEVON DISTRICT COUNCIL CABINET**  
**13 July 2017**