

EAST DEVON DISTRICT COUNCIL

MEMBURY NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

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

2. Background

- 2.1 On 2 April 2014, East Devon District Council designated the area comprising the parish of Membury 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 Membury Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 16 March 2018.
- 2.4 East Devon District Council appointed an independent examiner, Mr Andrew Mead, 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>The Examiner has some reservations about the locational principles of the housing policies which seek to enable dwellings to be built in open countryside, albeit in four named hamlets.</p> <p>Strategies 6 and 27 of the EDLP enable development to be proposed at settlements without a BUAB by the production of a Neighbourhood Plan.</p> <p>The Examiner accepts that Membury is a settlement, however he considers that the identified hamlets of Rock, Furley, Webble Green and Longbridge represent isolated locations in the open countryside where the EDLP would not normally seek to locate new houses. Therefore, in this regard, Policy HP1 is not considered in general conformity with strategic policies and the Examiner recommends the deletion of the named hamlets.</p>	<p>PM1 Delete the Statement of Principle.</p>

<p>The Examiner concludes that any new housing development as provided for in the Plan should only be located at Membury village. There may still be issues of flood risk and, given the narrow and steep roads, access. However, for development management purposes, this Plan has to be read alongside the EDLP as part of the development plan. Proposals for development would have to satisfy Policies 21 and 22 regarding flooding and surface water run-off, Policy TC7 which concerns the adequacy of the road network and site access and other relevant policies of the EDLP. Accordingly, the Examiner recommends the deletion of the Statement of Principle focussing new housing development on Membury and the four named hamlets. (PM1)</p>	
<p>NP Policy HP1 requires that new housing development should be built as infill, which is defined as a plot between houses within the existing hamlet developed envelope, capable of taking up to six dwellings.</p> <p>Infill is normally taken to mean minor housing development in an appropriate location surrounded by other houses, whereas building six dwellings at any of the named hamlets would be far from small scale in relation to what currently exists. The Examiner therefore recommends that the definition of infill should be deleted. (PM2)</p>	<p>PM2 Delete the Definition of Infill.</p>
<p>Policy HP1 4) limits the “new builds” to no more than 3 in the village or named hamlets over the Plan period. Consequent on the Examiner’s recommended deletion to the reference to named hamlets, criterion 4) should be deleted.</p> <p>Policy HP1 5) states that the cumulative “new build” within the whole parish over the Plan period should not exceed 10 to 15 new properties.</p> <p>Given that the Examiner is recommending that the focus of new housing should be at Membury village, he suggests modifying the policy accordingly. Furthermore, relating the new housing limitation to the whole parish would not take into account any dwellings permitted under EDLP Policy H4 for those employed in rural businesses.</p> <p>In order to be sufficiently clear, the Examiner has placed the housing limitation at 15 new dwellings permitted over the Plan period which would meet the aspirations of the NP for the parish and which would still be subject to criteria 1) and 2) of Policy HP1. The Examiner has recommended appropriate modifications to the policy to reflect his conclusions outlined above. (PM3).</p> <p>The Examiner’s recommended modification maintains the cumulative maximum of 15 new build properties within the whole parish (point 3).</p>	<p>PM3 Delete policy HP1 and substitute: “Policy HP1 – Meeting new build within Membury Any proposals for new housing development must meet the requirements and standards of the Design Statement, not detract from the landscape and not increase flood risk to others and will be supported: 1) where they are of appropriate type, design, and scale to the village, and 2) providing the cumulative effect does not harm the heritage or character of the village, and 3) the cumulative new build within the whole parish over the plan</p>

	period does not exceed 15 properties.”
<p>Policy HP5 aims to support small scale self-build housing development which is encouraged in paragraph 50 of the NPPF.</p> <p>Criterion 5 of the policy refers to building in the named hamlets which the Examiner has recommended to be deleted from Policy HP5 for the same reasons as outlined for Policy HP1.</p> <p>Paragraph 55 of the NPPF states that local planning authorities should avoid new isolated homes in the countryside. The phrase “are located within the built extent and be well related to...” is considered too imprecise for effective development management, the Examiner recommends adoption of the criteria for new housing development in Policy HP1. (PM4)</p>	<p>PM4 Delete point 5) and substitute: “5) are located within Membury village and meet the criteria of Policy HP1.”</p>
<p>The aims of Policy NE2 have regard to paragraphs 123 and 125 of the NPPF, subject to the introduction of the test of significance. This would also ensure general conformity with the EDLP paragraph 22.18.</p>	<p>PM5 Change “... no adverse effect ...” in points 1) and 2) to: “... no significantly adverse effect...”</p>
<p>Policies BHE1 and BHE2 seek to protect historic assets and maintain high quality design. The protection of the setting of listed buildings and monuments is referred to in the title of Policy BHE1 but not the text. Therefore, the Examiner recommends the modification of point 2).</p>	<p>PM6 Include in point 2): “... historic assets and their settings in the parish...”</p>
<p>Point 1) of the policy considers the impact of the delivery of construction materials on lanes leading to and from a site of development. As mentioned by Membury Parish Council in response to one of the Examiner’s questions, it is a matter for the highway authority and not the NP and so should be deleted from the policy. The point is also considered too imprecise for any effective development management.</p> <p>Nevertheless, considering the very narrow lanes and high Devon banks in the area, the Examiner appreciates the concern and suggests (rather than recommends) that the point could be developed as one of the Community Actions listed following the policy. Policy BHE1 3) states that proposals for development will only be supported where they encourage the enhancement of listed assets. The Examiner concludes that firstly, there is no basis for seeking such enhancement where proposals have no adverse effect on a heritage asset or its setting. Secondly, it would be unreasonable to seek enhancement of a heritage asset in one part of the NP area, e.g. Membury, if the proposed development was located in the north of the parish. Therefore, the Examiner recommends the deletion of the point from the policy.</p>	<p>PM7 Delete point 1) from the policy. Delete point 3) from the policy.</p>

<p>There are three policies which consider community services and facilities. Policies CFS1 and CFS3 seek to protect, maintain and increase the range of facilities which serve the local community. Policy CFS2 supports the provision of facilities at Membury Primary Academy. The policies have regard to NPPF paragraph 70 and are in general conformity with EDLP Strategy 32, subject to the change in the period of marketing in Policy CF3 point 2 in order to be consistent with point 3 of Strategy 32. This would alter “at least two years” to “at least 12 months (and up to 2 years depending on market conditions)”.</p>	<p>PM8 Delete “... at least two years ... ” and substitute: “... at least 12 months (and up to 2 years depending on market conditions) ...”</p>
<p>Policy F1 seeks to remove permitted development rights in cases where development is permitted within the area delineated on Map F1. It is not clear which classes of development are sought to be included, given that there are many types of building works and changes of use which could fall within “permitted development”, many of which would not have any impact on flood risk. In any event, if planning permission is sought for development on land within the zone shown on Map F1, standard EDDC development management procedures would enable the consideration of whether certain permitted development rights should be withdrawn and would be assessed depending on the circumstances of the case. The Examiner recommends the appropriate modifications to Policy F1.</p>	<p>PM9 Delete a) 2 from the policy.</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.
- 3.2 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Parish and District Councils concur with this view, however both organisations felt a maximum 10 dwellings was appropriate in Policy HP1, rather than the 15 suggested by the Examiner. This was subject to 6 weeks consultation, from 29th November 2019 to 10th January 2020 and no objections were received.
- 3.3 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 Membury to help it decide planning applications in the neighbourhood area?’ will be held in the parish of Membury.
- 3.4 The date on which the referendum will take place is agreed as Thursday 12 March 2020.