

Annex 2 – Response to East Devon District Council Regulation 16 comments

No.	Regulation 16 Comment	Parish Council Recommended Action
1	<p>T1 Adequate Parking</p> <p>The Policy should state the specific requirements, in place of the examples given, in order to clarify what they are for developers and the LPA and therefore increase the ability to apply and enforce the policy. As previously agreed, replace ‘e.g.’ with ‘This means that’.</p>	<p>In the introductory sentence replace e.g. with ‘this means that’ as this then changes the rest of the policy into specific requirements.</p>
2	<p>T2 Traffic Calming</p> <p>Criterion a) road safety – change to ‘road safety will be a priority in design terms...’</p> <p>Criterion c) HGV movements - suggest replace the term increase with ‘will generate new’ and suggest that ‘existing’ is deleted, as these are not known, so that new movements can be assessed as part of the application and refused if it is deemed to be excessive.</p> <p>The requirement for parish council sign off of a Transport Statement or Assessment should be removed as final sign off is the role of the Local Planning Authority, following consultation with the Parish Council.</p>	<p>a) make change as requested</p> <p>c) change to not generate new HGV movements through the village;</p> <p>Prefer to make no change. Although it’s recognised that the Local Planning Authority have final sign off the Parish Council have a better knowledge of the transport problems in the Parish.</p>
3	<p>T3 Rights of Way</p> <p>Suggest move the aspiration for a “future Parish “Footpath and Cycling Strategy” out of the Policy and into an Objective.</p>	<p>Due to the importance of rights of way in the parish, we would prefer to keep this in the policy.</p>

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4	<p>EP1 Conservation and enhancement of the East Devon AONB and Natural Environment</p> <p>The reference to Map 9 detailing cherished public views is welcomed but the map title only describes them as seven 'sample views'. The map should make direct reference to the policy and describe the views as 'cherished public views'.</p> <p>Suggest the penultimate sentence be amended to state "Proposals to facilitate the RSPB taking over management of the Old Quarry in Venn Ottery will be supported, subject to compliance with other policies."</p> <p>Suggest a further revision of the wording of criteria (f) for clarity to: "not protrude above, or appear dominant when viewed against, skylines or significant lines or groups of large, mature trees"</p>	<p>Make changes as requested</p> <p>Make change as requested</p> <p>Change wording to: "not protrude above, or appear dominant when viewed against, skylines or significant lines or groups of large, mature trees"</p>

<p>5 & 7</p>	<p>EP2 Development on designated Floodzones</p> <p>This policy is not considered to fully reflect the sequential test approach as set out in the NPPF. However, in line with prior comments, Policy EP2 is considered to be made redundant by Policy EP4 and should therefore be deleted.</p> <p>EP4 Flood Risk Assessment</p> <p>As above, we would suggest that having regard to the contents of Policy EP4, Policy EP2 is made redundant and should be deleted.</p> <p>The policy should give appropriate emphasis to the sequential test which must always be applied. The Policy should be re-worded to make clear the sequential text must be done first with references to the advice in the PPG.</p> <p>To this end, the following amendments are suggested:</p> <p>Amend policy title to “Flood Risk”</p> <p>Amend wording to avoid pre-empting the outcome of an FRA to: “...Flood Risk Assessment that establishes whether the development will be safe, without increasing flood risk elsewhere and, whether it is possible for flood risk overall to be reduced”.</p>	<p>Combining EP2 and EP4 was also suggested during Reg 14 consultation and our preference was to keep both policies because:</p> <ul style="list-style-type: none"> - EP2 wording shows that the NHP does not support building on flood plains unless for flood alleviation or recreation. - EP4 deals with all types of development, including those identified in EP2 and any other development that might be imposed despite EP2. <p>However, as EDDC is keen to combine the two policies we would propose the following wording which takes into account EDDC’s comments (left):</p> <p>New – “Policy EP2 Flood Risk:</p> <p>A sequential approach will be taken to the location of development.</p> <p>Proposals for development on areas at risk of flooding will not usually be supported other than for flood alleviation schemes and recreation purposes.</p> <p>Residential developments within flood risk zones 2 & 3, in Flood Zone 1 (over 1 hectare in size), or in areas affected by other sources of flooding (for example surface water flooding), identified at risk of flooding in the Strategic Flood Risk Assessment for the area, or other more recent information, should be subject to a site-specific Flood Risk Assessment that establishes whether</p>
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<p>Amended wording to reflect the most up to date information available on flood risk as follows, “Residential developments within flood zones 2 or 3, in flood zone 1 (over 1 hectare in size), or in areas affected by other sources of flooding (for example surface water flooding), as identified in the Strategic Flood Risk Assessment for the area, or other more recent information, should be subject to a site-specific flood risk assessment.” The source of information currently quoted has been superseded.</p> <p>Suggest replace “wet spots” with “at risk of flooding” as more appropriate terminology</p> <p>Minor wording change to reflect the distinction in the role of the FRA from that of the LPA to, “The findings of the Flood Risk Assessment will show whether the Exception Test can be satisfied.”</p> <p>Suggest add the following concluding statement to the last sentence of the Policy: “The Exception Test also requires development to provide wider sustainability benefits to the community that outweigh the flood risk.”</p>	<p>the development will be safe, without increasing flood risk elsewhere and, whether it is possible for, flood risk overall to be reduced.</p> <p>The Flood Risk Assessment will be required to fully demonstrate that the Exception Test can be satisfied. The Exception Test also requires development to provide wider sustainability benefits to the community that outweigh the flood risk.”</p>
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6	<p>EP3 Minimise damage to existing properties</p> <p>Would query whether this policy needs to apply to all development – including changes of use and small house extensions.</p> <p>Suggest minor re-word of the policy title to “Minimising damage to existing properties”.</p>	<p>We think it should apply to all development because any development can change the flow of water drainage and cause it to flow into neighbouring properties.</p> <p>Make change as requested</p>
8	<p>EP7 Local Amenity</p> <p>Suggested further revision to assist application of policy by removing reference to ‘nuisance’, to read: “Development proposals that adversely impact on residential amenity will not be supported.”</p>	<p>Make change as requested</p>
9	<p>EP8 Protect Agricultural Land</p> <p>To note that this repeats Local Plan policy EN13</p>	<p>This was also raised earlier during Reg 14 consultation. We would still prefer to retain EP8 even though it does duplicate EN13 because it’s such an important issue for the parish (e.g. Alfred’s Gate developers are believed to have downgraded agricultural land to get planning permission)</p> <p>Make change as requested</p>

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	<p>Suggest amending policy title to “Protecting Agricultural Land” and definition of agricultural land should be amended to reflect the NPPF definition.</p>	
10	<p>H1 Meeting Demand for Smaller Dwellings</p> <p>Suggest minor wording amend for clarity to “Residential development will be supported within the Built-up Area Boundary providing that dwellings are small, defined as a maximum 93 square metres* internal space (Gross Internal Area), and have no more than three bedrooms. All dwellings should provide a high standard of amenity for the occupants.”</p>	<p>Make change as requested</p> <p>New wording “Residential development will be supported within the Built-up Area Boundary providing that dwellings are small, defined as a maximum 93 square metres* internal space (Gross Internal Area), and have no more than three bedrooms. All dwellings should provide a high standard of amenity for the occupants.”</p>
11	<p>H3 Outside the Built-up area boundary</p> <p>In accordance with prior comments, suggest the policy title is amended to “Housing Outside the Built-Up Area Boundary” for clarity.</p> <p>In addition:</p> <p>Assuming this policy is intended to relate to new dwellings and not housing extensions as it currently would via using the term all ‘residential development’, suggest the policy is amended to make that explicit to say “Any new dwellings outside the BUAB:”</p>	<p>Make change as requested, assuming that ‘housing’ includes all types of residential property.</p> <p>We would prefer to keep all ‘residential development’ as house extensions are often designed to be turned into separate houses later.</p>

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	<p>Suggested further revision of wording to criteria d) to say “meet the need as demonstrated by a Housing Needs Survey” to reflect Strategy 35 of the Local Plan and clarify the requirement.</p> <p>In respect of the 3 particular needs highlighted, suggest re-wording to “Subject to the criteria above and the other policies of this plan, proposals that help meet the following particular needs will be more favourably considered...”</p>	<p>Make change as requested</p> <p>Make change as requested</p>
12	<p>Guidance Note 1 Affordable Housing</p> <p>Suggest policy be amended to reflect the broader definition of affordable housing (to include social-rented dwellings and affordable rent dwellings) as set out in the NPPF.</p>	<p>Make change as requested</p> <p>New wording “The affordable housing element of a development, comprising housing for sale or rent, for those whose needs are not met by the market and which complies with one or more of the NPPF categories:</p> <ul style="list-style-type: none"> a) Affordable housing for rent; b) Starter homes; c) Discounted market sales housing; d) Other affordable routes to home ownership. <p>Affordable housing within this parish will additionally be restricted to a person(s) who is in housing need and is a resident of the parish of Newton Poppleford and Harpford or has a local</p>

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		connection with the Parishes because of family ties or a need to be near their workplace, according to Local Plan Strategy 35.
13	<p>TD2 Affordable homes to meet Local Need through a Community Land Trust</p> <p>For clarity and to facilitate application and further the intention of the policy, suggest revision to the wording to:</p> <p>“In suitable locations within the Built-up Area Boundary and outside, but adjacent to, the Built-up Area Boundary, Community Land Trusts may be supported to bring forward small schemes of up to 5 affordable and/or self-build dwellings for people who meet the local connection criteria set out in Strategy 35 of the Local Plan.</p> <p>Such schemes must comply with other policies in this plan including those relating to flood risk, protection of the East Devon AONB and dwelling size.</p> <p>To assist in ensuring that these dwellings remain [delete relatively] affordable in perpetuity, planning conditions will be sought to restrict future extensions and outbuildings.”</p>	<p>Make change as requested.</p> <p>New wording “In suitable locations within the Built-up Area Boundary and outside, but adjacent to, the Built-up Area Boundary, Community Land Trusts may be supported to bring forward small schemes of up to 5 affordable and/or self-build dwellings for people who meet the local connection criteria set out in Strategy 35 of the Local Plan.</p> <p>No change requested as all policies apply to all developments.</p> <p>Make change as requested New wording is “To assist in ensuring that these dwellings remain affordable in perpetuity planning conditions will be sought to restrict future extensions and outbuildings.”</p>
14	HQD1 Maintain the built character of our parish through High Quality Design	

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	<p>In line with prior comments, at criterion g) replace 'should' with 'would' for consistency.</p> <p>In addition, suggest minor amends to:</p> <p>Remove reference to modern design from within criterion t) and reinstate it as a separate new criterion or statement within the policy, stating "Modern design will be supported provided the local character is respected or enhanced"</p> <p>Amend last sentence of the policy to: "All major developments within the Neighbourhood Development Plan Area should be of a high standard of design reflecting the principles set out in BfL(12) (Building for Life 12).</p>	<p>g) make change as requested</p> <p>t) make change as requested</p> <p>Make change as requested. New wording is "All major developments within the Neighbourhood Development Plan Area should be of a high standard of design reflecting the principles set out in BfL(12) (Building for Life 12)."</p>
15	<p>EM1 Conversion from residential use</p> <p>We support the aims of the employment use policies EM1 and EM2. We recognise that there is limited scope to create new business premises and would support more positive wording to promote employment uses, if there were opportunities to do so without conflicting with other Plan policies.</p> <p>Suggest pre-submission version of Policy EM1 wording is reinstated to include use B1b (light industrial).</p>	<p>Proposed rewording for first paragraph:</p> <p>"The change of use of existing residential buildings, or part thereof, to small scale employment-generating uses; including B1a (offices), B1b (light industrial) and c (Research and Development), will be supported, provided proposals ensure that they do not have a significant adverse impact on the character and appearance of the area and the amenity of neighbouring residents."</p>

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16	<p>EM2 Development of Small Business Enterprises</p> <p>General observation applies as per EM1 above.</p>	<p>Proposed rewording of policy:</p> <p>“New business development and employment generating uses will be supported within the Built-up Area Boundary subject to fulfilling all the following criteria:</p> <ul style="list-style-type: none"> a) the development is in an accessible and sustainable location; b) the scale of development is small and proportionate to existing activity and the immediate locality; c) the scale and nature of the proposals would not have significant adverse impacts on the amenities of adjoining businesses and householders; d) the scale and nature of the proposals would be compatible with other land-use activities; <p>Developments which use sustainable forms of construction and provide energy conservation measures and renewable energy will be encouraged.</p> <p>Opportunities to secure the provision of new employment opportunities locally will be supported, providing all other criteria can be met.”</p>
17	<p>EM3 Superfast Connectivity</p> <p>Suggest further minor amend to facilitate application of policy to “Suitable ducting to accommodate FTTP broadband should be provided in all new development.”</p>	<p>Make change as requested.</p> <p>New wording is “Suitable ducting to accommodate FTTP broadband should be provided in all new development. “</p>
18	<p>Appendix 6 Map 7 Agricultural Land Classification</p>	

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	<p>This map is based on the provisional agricultural land classification data held by Natural England. Where the map is referenced after Policy EP8, it should say that the classification is provisional.</p>	<p>Make change as requested</p> <p>New wording is “Appendix 6, Map 7 shows the provisional agricultural land classifications.”</p>
19	<p>Various</p> <p>As a matter of style, ‘e.g.’ should be replaced with ‘For example,’; ‘etc.’ should be replaced with ‘and so on’ and ‘i.e.’ should be replaced with ‘in other words’ or ‘that is’. Full stops should not be used in policy headings</p>	<p>Make changes as requested</p>
20	<p>Various</p> <p>Noted multiple instances of references within policies to applying other policy either from the Neighbourhood Plan (for example in Policy EP3 it states “Policy EP6 should also be applied”) or from the Local Plan (for example, Policy H2 which refers to Strategy 36). Noted these can be deleted as this will happen as a matter of course.</p>	<p>Make changes as requested</p>