



East Devon District Council

Newton Poppleford and Harpford Neighbourhood Plan Decision Statement

Summary

Following an independent examination, East Devon District Council now confirms that the Newton Poppleford and Harpford Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.

Background

On 4 June 2014, East Devon District Council designated the area comprising the parish of Newton Poppleford and Harpford 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.

Following the submission of the Newton Poppleford and Harpford Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The publicity period ended on 29 May 2020.

East Devon District Council appointed an independent examiner, Jill Kingaby, to review whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making the proposed modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

Decisions and Reasons

The District Council has made the following modifications to the Plan, as set out overleaf. These reflect the examiners recommendations in full. This ensures that the draft plan meets the necessary 'basic conditions' as set out in legislation.

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
PM1	Pages 6, 7 and 14	<p><u>Page 6</u></p> <p>In the first paragraph of section 1.2, Local and neighbourhood planning policy, amend the 2nd sentence to read, “The adopted East Devon Local Plan 2013–2031 (‘the Local Plan’), prepared by East Devon District Council (EDDC) which sets out policies and proposals for the future development of the whole district for the next fourteen years.”</p> <p>After ‘independent Planning Inspector.’ add a new sentence to read, “In addition, the East Devon Villages Plan was prepared by EDDC and, following examination, found sound and adopted on 26 July 2018.”. Add “and villages’ plan.” to the final sentence of this paragraph.</p> <p><u>Page 7</u></p> <p>At the end of the first sentence of the 2nd paragraph in Section 2 regarding the Built Up Area Boundary (BUAB) designation, add the words “when the East Devon villages Local Plan was adopted.”</p> <p><u>Page 14</u></p> <p>Under the heading ‘East Devon Local Plan’, add a new sentence at the end to say, “The Villages Plan was adopted in July 2018 and the BUAB for Newton Popleford is shown on Map 1a in Appendix 6 to this Plan.”</p>
PM2	Page 8 and Appendix 6	<p>Add a new sentence at the end of section 3.1 to read, “Map 10 in Appendix 6 shows the location of the principal community facilities and services.”</p> <p>Add new Map 10 “Newton Popleford & Harpford NP – Principal Facilities and Services” to Appendix 6.</p>
PM3	Page 9, page 22 and Appendix	<p><u>3.3 Overview of the Parish on page 9</u></p> <p>At the 4th paragraph of section 3.3 add, “, as shown on Map 4 in Appendix 6” after ‘The East Devon Way crosses the parish’.</p> <p><u>Page 22</u></p>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		<p>At the end of the 3rd paragraph on page 22, add a new sentence to read, “Map 4 in Appendix 6 shows the extent of the East Devon Way.”</p> <p><u>Appendix 6</u></p> <p>New map 4 with revised Legend should be added to Appendix 6.</p>
PM4	Pages 10 and 27	<p><u>Section 3.4 Facts and Figures on page 10</u></p> <p>In the 1st sentence of section 3.4, correct the number of households recorded in the 2011 census from 930 to 928.</p> <p><u>Section 7.3 Housing, Heritage and Design – Policy Overview on page 27</u></p> <p>In the first sentence under the Policy Overview heading, correct the number of households recorded in the 2011 census from 978 to 928.</p>
PM5	Page 16	<p><u>Policy T1 – Adequate Parking</u></p> <p>At the end of the first sentence of Policy T1, replace ‘e.g.’ with “This means that.”</p>
PM6	Pages 17 - 19	<p><u>Policy T2 – Traffic Calming</u></p> <p>In criteria a), replace the words “be designed with road safety as a priority” with, “road safety will be a priority in design terms,”.</p> <p>In criteria c) replace the words “not lead to an increase in HGV movements” with, “not generate new HGV movements”.</p> <p>Within the paragraph following criteria g), related to Transport Statements / Assessments, delete the words, “and parish council sign it off”.</p> <p><u>T2 – Policy Overview</u></p> <p>Add a final sentence to the Policy overview, to read, “When a Transport Statement or Assessment is submitted and/or a Travel Plan put forward with a development proposal, the Parish Council would wish to be consulted on its content and delivery.”</p>
PM7	Pages 19 and 20	<p><u>Policy T3 – Rights of Way</u></p> <p>Amend the 2nd sentence of Policy T3 to read, “The improvement and enhancement of existing</p>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		<p>public rights of way (footpaths and bridleways), the National Cycleway and pavements will be supported.”</p> <p>Amend the 4th paragraph of Policy T3 to read, “To enable safe walking and cycling, roads on new developments must be well-designed to allow convenient vehicle access, movement and parking, without mounting pavements. In addition, developments of 10+ houses and employment sites must have roads sufficiently wide to allow two vehicles to pass.”</p> <p>Delete the final sentence of Policy T3 which states, <i>‘A future Parish “Footpath and Cycling Strategy” will be supported, subject to consultation and agreement.’</i></p> <p><u>T3 – Policy Overview</u></p> <p>Add new opening sentences to the policy overview, to read, “Devon County Council defines a public right of way as follows: “A public right of way is a right by which the public can pass along linear routes over land at all times. Although the land may be owned by a private individual, the public have a legal right across that land on a specified route”. The Parish Council will seek to work positively with landowners to ensure that access for all users is encouraged where practically possible.”</p> <p>Add at the bottom of Page 19, add new sentences to say, “Maps 3b – Parking & Problem Junctions and 3c – Lack of Pavements and Crossings on A3052, in Appendix 6 illustrate these difficulties.</p> <p>Some roads on recently built new housing developments have been too narrow to allow two vehicles to pass without mounting the pavement. This creates risk for pedestrian safety and must be avoided in the layout and design of future developments.”</p> <p>Modify last paragraph on Page 20 by adding a new heading to read, <u>“Future Parish Walking and Cycling Strategy”</u>, before the sentence which starts, <i>‘As a result of these deficiencies..’</i></p>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		<p>After the last bullet point of the last paragraph on page 20, add new sentences, to read as follows:</p> <p>“Improvements should allow for the maximum number of different users and, wherever possible, should be multi-use (walkers, cyclists and horse-riders), and take into account the needs of disabled users.</p> <p>Consultation with landowners and land managers will be carried out at an early stage of planning and discussion.”</p>
PM8	Page 20	<p>Modify the appeal reference in the first paragraph on page 20 to read, “..appeal for new housing at Down Close (appeal reference APP/U1105/A/14/2229080 Appendix 8),..”</p>
PM9	Pages 20 and 21	<p><u>Policy EP1 – Conservation and enhancement of the East Devon AONB and Natural Environment</u></p> <p>In criterion f) replace the words, ‘existing lines or groups of trees’ with, “skylines or significant lines or groups of large, mature trees.”</p> <p>Amend the penultimate sentence of the policy to read, “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>Delete the final sentence of the policy, which says ‘The creation of a new National Park which covers this parish would be supported.’</p>
PM10	Pages 21, page 22 and Appendix 6	<p><u>EP1 – Policy Overview</u></p> <p>Add a new paragraph to the policy overview as follows:</p> <p>“The Landscapes Review by Julian Glover reported to Government in 2019 and identified two AONBS that were strong candidates to become new National Parks. One of these was the combined Dorset and East Devon AONB. At its special meeting on 25 February 2020 EDDC agreed that further investigation of the benefits and drawbacks of becoming a new National Park should be pursued, with all meetings open to the public. Residents have indicated how much they wish to preserve the</p>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		<p>AONB, and uniqueness of our area, and the aspiration of National Park status would be to put more emphasis on rural employment and local housing for families who wish to remain in the area. The creation of a new National Park which covers the parish would be supported. The photographs and Map 9 in Appendix 6 show “Cherished Public Views” and illustrate the beauty of the AONB within the Parish.”</p> <p><u>Appendix 6</u></p> <p>Modify Map 9 by changing the title to “Cherished Public Views”. Also, number the viewpoints on the map and the photographs so that the locations can be identified.</p>
PM11	Page 23	<p><u>Environmental Protection policies</u></p> <p>Amend Policy EP3 title to read, “Minimising damage to existing properties”.</p> <p>Delete Policy EP2 and modify Policy EP4 as follows:</p> <p>Amend Policy title from ‘Flood Risk Assessment’ to “Flood Risk”.</p> <p>Amend the 2nd paragraph of this Flood Risk Policy to read, “Residential developments within flood risk zones 2 & 3 and 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 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>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		The Environmental Protection policies should be renumbered accordingly as a result of the deletion of EP4 (and the further, subsequent deletion of EP8 – see PM13 below).
PM12	Page 25	<p><u>Policy EP7 – Local Amenity</u></p> <p>Delete first sentence and substitute with, “Development proposals that adversely impact on residential amenity will not be supported.”</p>
PM13	Pages 25 and 26	<p><u>Policy EP8 – Protect agricultural land</u></p> <p>Delete Policy EP8 and modify the Policy Overview text on page 26 as follows, and place it as part of the Overview to Policy EP9:</p> <p><i>Add two new sentences at the start of the overview to read, “Planning permission will be refused for development on the best and most versatile agricultural land, meaning land in grades 1, 2 and 3a of the Agricultural Land Classification, unless it involves development for the purposes of agriculture and forestry. East Devon Local Plan Strategy 6 and Policy EN13 will be applied to safeguard the best and most versatile land.”</i> Amend the original 1st sentence of the deleted Policy EP8 overview to read, “The Parish of Newton Poppleford and Harpford contains much agricultural land which gives it much of its character.”</p> <p>After the next sentence ending, “in order to make development permissible”, continue the wording, “Appendix 6, Map 7, shows the agricultural land classification” with the words, “for the Parish. This map is based on the provisional agricultural land classification data held by Natural England. The NPPF Annex 2: Glossary defines Best and most versatile agricultural land.”</p>
PM14	Pages 13 and 27	<p>In Objective 3 on page 13, replace the word ‘parishioners’ with the words, ‘the Parish’.</p> <p>On page 27 under the heading, ‘Housing, Heritage and Design – Policy Overview’ amend the number of households at the time of the 2011 census from 978 to 928.</p>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		<p>Modify the 4th paragraph under this heading to read, “Any new housing will be required to meet the needs of the Parish. The Local Housing Need to allow people with a local connection to live or to continue living in the Parish...”</p> <p>Delete the last sentence of the 5th paragraph under this heading, which says ‘However, as 67 houses have been authorised since the 2013, residents requirements have already been exceeded.’</p> <p>Modify the 7th paragraph under this heading to replace the words ‘imposed on’ to read, “If further housing is permitted within the Parish then this should meet...”</p>
PM15	Pages 28 and 29	<p><u>Policy H1 – Meeting Demand for Smaller Dwellings</u></p> <p>Amend 1st sentence of policy to spell out sq.m as “square metres” and add “(Gross Internal Area)” after ‘internal space’ and replace “with no more than three bedrooms” with “have no more than three bedrooms.”</p> <p><u>Policy H2 – Housing which caters for those with mobility issues</u></p> <p>At the start of the 2nd paragraph, delete the words ‘Strategy 36 must be adhered to.’</p> <p>In the 3rd paragraph, delete the words ‘complying with Local Plan Strategy 36’.</p> <p>Modify reference to ‘East Devon Local Plan – H2’ at bottom of the policy by adding a reference to Strategy 36.</p> <p><u>Policy H3</u></p> <p>Add the word ‘Housing’ to the title of Policy H3 to read, “Housing Outside the Built-up area boundary”.</p> <p>In criteria b) remove the ‘s’ from ‘AONBs’</p> <p>In criteria d) after ‘must meet the needs of the Parish, delete the words ‘community taking figures from Devon Home Choice or other choice-based letting scheme’ and add the words “as demonstrated by a Housing Needs Survey.”</p>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		<p>Amend the paragraph starting, 'Subject to the other policies of this Plan' to read, "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><u>Guidance Note 1 – Affordable Housing (page 29)</u></p> <p>Modify the existing note by substituting with the following wording:</p> <p>"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 connection with the parish because of family ties or a need to be near their workplace, according to Local Plan Strategy 35."</p>
PM16	Pages 30 and 31	<p><u>Policy TD1 – Infill and garden developments and extensions within the Built-up area boundary</u></p> <p>Amend the first sentence of Policy TD1 to start, "Development on previously developed land..."</p> <p><u>Policy TD2 – Affordable homes to meet Local Need through a Community Land Trust</u></p> <p>Amend the first paragraph of Policy TD2 to, "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...."</p>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		Amend the last sentence of Policy TD2 to read, “To assist in ensuring that these dwellings remain affordable....”
PM17	Pages 33	<p><u>Policy HQD1 – Maintain the built character of our parish through High Quality Design</u></p> <p>Modify the wording in the following criteria as follows:</p> <p>a) - “they are of high quality design, in line with the results of the Housing Styles Consultation Survey for house design....”</p> <p>g) “services, such as power and telephone land lines, would be underground;”</p> <p>l) “they conserve or enhance heritage assets in the parish, having regard for their status as designated or non-designated assets and their settings...”</p> <p>t) end this criteria at the end of the 1st sentence ending with the word ‘garages;’, remove the 2nd sentence and create a new criterion ‘y)’ as follows:</p> <p>“y) Modern design will be supported or enhanced provided the local character is respected or enhanced;”</p> <p>Modify last sentence in Policy HQD1 to read, “All major developments within the Neighbourhood Plan Area should be of a high standard of design reflecting the principles set out in BfL(12) (Building for Life 12).”</p>
PM18	Page 42	<p><u>Policy GS1 – Protection of Local Green Spaces</u></p> <p>Modify the introductory sentence to Policy GS1 to read, “The following Local Green Spaces include local amenity spaces identified by EDDC and are designated...”</p> <p>Modify the reference at the bottom of the policy to East Devon Local Plan – EN1 to add the policy title, “(Land of Local Amenity Importance)...”</p> <p>Modify Map 5a in Appendix 6 to show the location of ‘LGS10 Shrubbery, Station Road, opposite Oak Tree Villas.’</p>
PM19	Page 43	<u>Policy TH1 – Trees and Hedgerows</u>

Proposed Modification (PM) number	Plan Page no./ other reference	Examiner's Modification Recommended and Agreed
		<p>Delete the word 'natural' from point no.2 of Policy TH1 to start as follows:</p> <p>2. "The woodland in the field above Down Close..."</p> <p>Amend the wording in point 3.b of the policy to start as follows:</p> <p>3. b) "where trees/hedgerows do not meet the above criteria and are proposed for removal, they should be replaced by an equal or greater quantity...."</p>
PM20	Page 47	<p><u>Policy EM1 – Conversion from residential use</u></p> <p>Modify the 1st paragraph of the Policy to read,</p> <p>"The change of use of existing residential buildings, or part there-of, to small scale employment-generating uses including E(g)(i) (offices); E(g)(ii) (research and development); and E(g)(iii) (industrial process) will be supported, provided proposals ensure that they do not have a significant adverse impact on the character and appearance of the area and are not detrimental to the amenity of neighbouring residents."</p> <p><i>(*This modification includes an update to reflect The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757), which came into effect on 1 September 2020.)</i></p>
PM21	Page 48	<p><u>Policy EM2 – Development of Small Business Enterprises</u></p> <p>Remove the last sentence of policy EM2 and substitute with the following: "Opportunities to secure the provision of new employment locally will be supported, providing all other criteria can be met."</p>
PM22	Page 49	<p><u>Policy EM3 – Superfast Connectivity</u></p> <p>Modify second sentence of Policy EM3 to read:</p> <p>"Suitable ducting to accommodate FTTP broadband should be provided in all new development."</p>

Referendum

The District Council has also 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.

The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The District Council concurs with this view and a Referendum Version of the Plan has now been prepared which incorporates all the agreed modifications. 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 Newton Poppleford and Harpford to help it decide planning applications in the neighbourhood area?' will be held in the parish of Newton Poppleford and Harpford.

The date on which the referendum will take place is expected to be after 6 May 2021 (or earlier if circumstances allow). This is due to the Coronavirus Act 2020 and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, made in response to the coronavirus crisis, which currently prevents referendums taking place until 6 May 2021.

However, in accordance with the Government's Neighbourhood Planning Guidance (updated May 2020), the effect of this Decision Statement is to give the Newton Poppleford and Harpford Neighbourhood Plan significant weight as a material consideration in decision-making on planning applications.

EAST DEVON DISTRICT COUNCIL CABINET
Effective Date of Decision: 16th October 2020

Updated Accessible Version 1.1