

# INDEPENDENT EXAMINATION OF THE DALWOOD NEIGHBOURHOOD PLAN

Examiner: Jill Kingaby BSc (Econ) MSC MRTPI

Examination Ref:01/JK/DNP

Tim Leat  
Clerk to Dalwood Parish Council

Shelagh Fearnley  
Chair Dalwood Neighbourhood Plan Steering Group

Angela King  
East Devon District Council

Via email

22 July 2021

Dear Mr Leat, Ms Fearnley and Ms King

## DALWOOD NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Dalwood Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Dalwood Parish Council and East Devon District Council, to which I am seeking a response within **3 weeks** from the date of this letter.

### Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

### Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing 2 August 2021.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

### Written Representations

At this stage I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. Nevertheless, I will reserve the option to convene a hearing should a matter or matters come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

### Further Clarification

From my initial assessment of the Plan and supporting documents, I have a number of questions for Dalwood Parish Council and East Devon District Council. These questions are set out in the accompanying Annex. I would be grateful if a written response could be provided within **3 weeks** from the date of this letter.

### Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan.

However, in view of the additional information which I have requested I must provide the opportunity for you to reply. Consequentially, the examination timetable will need to be extended. Please be assured that I will seek to mitigate any delay as far as is possible. The IPe office team will keep you updated on the delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any subsequent response is placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

Jill Kingaby

Examiner

## Annex

From my initial reading of the Dalwood Neighbourhood Plan and the supporting evidence, I have a number of questions for Dalwood Parish Council and East Devon District Council. I have requested the submission of a response within **3 weeks** from the date of this letter.

### Questions for Dalwood Parish Council

1. East Devon District Council (EDDC) advised that the Dalwood Neighbourhood Plan (DNP) could usefully refer to the emerging new Local Plan for East Devon. It suggested that some wording should be added to the Plan's introduction and to the section on Monitoring and Review to acknowledge the ongoing working at District level. I note that the EDDC Local Plan 2013-31 was adopted in January 2016, and is complemented by the Villages Plan, adopted in 2018. Regarding the emerging new East Devon Local Plan, I understand that consultation on Issues and Options took place between January and March 2021, and a Consultation Feedback report was produced in May 2021. It seems to me that the new Local Plan is at a comparatively early stage of preparation, and therefore I shall be examining the DNP in terms of its general conformity with the adopted Local Plan 2013-31. However, Government Planning Practice Guidance advises local planning authorities preparing new Local Plans to work with neighbourhood plan qualifying bodies, so that complementary policies are produced.<sup>1</sup> It is important to minimise any conflicts between neighbourhood plans and local plans because s38(5) of the Planning and Compulsory Purchase Act 2004 requires any conflicts to be resolved in favour of the last document to be adopted as part of the development plan.

Does the Parish Council agree with EDDC that the DNP should include references to the emerging new Local Plan and, if so, what new wording would it propose?

2. EDDC has pointed out that Policy BHE2 of the DNP should be clear as to the status of heritage assets and, in particular, should inform whether the identified "valued assets" are designated or non-designated; if any assets are not nationally designated, it would be helpful to know whether or not they are locally listed. Please would the Parish Council provide additional information on this matter, and put forward revised wording to policy and supporting text?

3. Policy HP1 Housing development of the DNP refers to the Settlement Boundary in Figure 9. Pages 42 onwards explain the process for defining the boundary, referring to the Payhembury Neighbourhood Plan for a parish of similar size and character to Dalwood, which has defined a settlement boundary for its village. EDDC disputed the similarity, as Payhembury has more services and facilities than Dalwood, and is not located within the Area of Outstanding Beauty (AONB). It suggested that "the policy [for Dalwood] could start to erode the character of the village, have landscape impacts and lead to the loss of valued community assets". EDDC wishes the

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<sup>1</sup> PPG Reference ID: 41-009-20190509.

examination “to test further the justification for the setting of this boundary, and in particular, how it would promote the objectives of sustainable development in the local context”. The Local Plan includes Strategies 1 and 2 which set out expectations for growth and new development across East Devon. Strategy 6 identifies settlements with Built-up Area Boundaries where growth and development is considered appropriate. Dalwood is not included so that proposals for new development would need to be considered against Strategy 7 – development in the countryside. It seems to me that Strategy 7 should provide protection from over-sized or unsustainable development in Dalwood, or schemes which would be harmful to the natural environment and heritage assets of the Parish.

It would greatly assist my examination if the Parish Council could direct me towards any additional information which supports Policy HP1 and the Settlement Boundary shown in Figure 9. A response from the Parish Council to the detailed points on Policy HP1 raised by EDDC would also be helpful.

4. EDDC commented on “Accessibility”, that reference should be made to the latest Government standards. It also proposed some changes to the wording of Aims 4, 6 and 11. Please would the Parish Council advise me as to its views on Accessibility, and whether it would support modifications to the Plan’s aims, as suggested?

5. The Blackdown Hills AONB Partnership drew attention to Page 26 of the Plan, and the specific species of trees described as suitable for landscape planting. It queried the suitability of all the species mentioned, notably “Ash”. The Partnership also suggested that part 5 of Policy NE1 should refer to “Devon County Council Highway Management in Protected Landscapes Guidance” ; that 9.1.1 should reference the Devon Landscape Policy Group; and the Plan should clarify (in paragraph 1.2 and elsewhere) that part of the Parish is located within East Devon AONB. What is the Parish Council’s response to these points?

6. The Devon Countryside Access Forum put forward a modified version of Figure 11: Footpaths and Bridleways as, it argues, the map in the submitted DNP includes a Parish boundary which obscures some of the public rights of way details. Should the modified map replace the one in the submitted version of the Plan? And should the old Built-up Area Boundary for Dalwood be removed?

7. The Environment Agency pointed out that green infrastructure provides more than recreational, amenity and wildlife benefits but also benefits in terms of flood risk management and protecting water quality. I agree with the Agency that it would be helpful if the Plan acknowledged this, in support of sustainable development. It could embed the aim of flood protection and mitigation in one of its policies, highlighting the importance of the Corry Brook green corridor. Please would the Parish Council comment on this, and suggest which policy should be extended/modified if it agrees?

8. Does the Parish Council consider it necessary to modify Policy HP1 to refer to designing out crime, disorder and anti-social behaviour, as proposed by Devon and Cornwall Police?

9. Does the Parish Council consider that modifications should be made, as sought by the RSPB, either to Policies NE1 or HP1 or other parts of the DNP, to address the matter of protection for birds, bats and invertebrates in built development. If so, what precise modifications should be made?

10. Aim 9 and section 7 of the Plan concern Transport and Accessibility. The Plan explains that Dalwood Parish is relatively remote and rural, and its population is highly dependent on travel by car. The principal policy in section 7, TA1, addresses Off Road Parking. National planning policy, as set out in the National Planning Policy Framework (NPPF), describes the purpose of the planning system as to contribute to the achievement of sustainable development (paragraph 7). Section 9 of the NPPF is titled "Promoting sustainable transport" and begins by citing five criteria which should be considered from the earliest stages of plan-making. These include considering "opportunities to promote walking, cycling and public transport use". Whilst Policy TA2: Rights of Way (Public Footpaths and Bridleways) seeks to promote improvements to the network for travel on foot, bicycle or horseback, the Plan in general shows no ambition to reduce travel by private car or encourage public transport usage, even though Page 55 indicates that a "Ring and Ride" service is available locally.

Vehicular travel causes noise, air pollution and harm to human health (through road accidents and vehicle emissions). Even though Dalwood is a highly rural location, I consider that a statement in favour of sustainable travel behaviour would be appropriate for the DNP. It already acknowledges that fewer parked cars would create a safer environment and improve the visual appearance of this Parish within the AONB. Even if the Plan is unable to take specific action now to reduce car usage, it could include a Community Action or Project to investigate the scope for more sustainable transport in the future. This might consider measures such as car sharing, expanding the Ring and Ride service, or using travel plans to increase awareness of sustainable transport when new development is permitted. Paragraph 26.4 of the East Devon Local Plan, and Policies TC2, TC4 and TC9 cover matters of sustainable transport and parking provision in new development, with which the DNP should be in general conformity. Please would the Parish Council consider this matter and inform me of their views on additional text expressing support for greater transport sustainability.

11. Figures 2a and 2b helpfully explain to the reader the extent of the neighbourhood area and its relationship to adjoining areas. In my opinion, it would be helpful if both maps included keys (or legends). Figure 2a could usefully add one or two place names (eg. Dalwood village, Corry Brook, Kilmington, A35) so that the reader can identify the location more easily. Figure 2b appears to show Parish boundaries, but this should be confirmed on a key. I note that Figures 6a, 6b, 7 and 10 provide clear

illustrations and include keys/legends. It would provide consistency in presentation if Figures 2a and 2b did the same. I would be grateful if the Parish Council could consider this matter.

#### Question for Dalwood Parish Council and East Devon District Council

12. A revised version of the National Planning Policy Framework was published by the government on 20 July 2021, alongside a final version of the National Model Design Code.

I would be grateful if both Councils could please advise me whether they consider any modifications in relation to the non-strategic matters covered by the draft DNP are necessary as a result of the publications and, if so, what these are?