

## Dalwood Neighbourhood Plan - Responses to Jill Kingaby Independent Examiner Questions

Prepared by Dalwood NP Steering Group on behalf of Dalwood Parish Council

### Questions for Dalwood Parish Council

#### Question 1

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?

#### Response to Question 1:

Yes, the Parish Council agrees with EDDC that it would be appropriate for the DNP to include references to the emerging new Local Plan. Having discussed an appropriate form of words with EDDC officers, the following are proposed for inclusion in the Introduction within '1.6 The Plan's Status':

*"It should be noted that EDDC have embarked on the preparation of a new Local Plan for East Devon, to replace the adopted Local Plan (2013-2031). At the time of publication, the District Council envisage that a draft replacement Local Plan could be submitted for examination by March 2023 and adopted by February 2024. It is too early in the process for the DNP to be considered for conformity with this, as future strategy and policy are not yet available. No significant conflicts are currently anticipated. However, the Parish Council will continue to liaise with the District Council Planning Department as their work progresses to consider and manage the relationship between the plans."*

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

Also, now that the LP is under review and the NPPF has been revised, in the Monitoring and Review section of the NP (Section 11), we would like to update the paragraph that says, “A full or partial review of this Plan is unlikely to be considered necessary during its lifetime unless triggered by changes to legislation, changes to national or district-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and / or existing neighbourhood plan policies.” To read: -

*“ The need for a full or partial review and update of this Plan will be considered as and when necessary, during its lifetime, where triggered by changes to legislation, changes to national or district-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and / or existing neighbourhood plan policies. At the time of writing, it is anticipated that forthcoming changes to national planning policy and legislation, and the expected replacement of the Local Plan in 2024, will require the implications for and relationship with the NP to be considered. ”*

Finally, we will also make it clearer in the Plan that all references to the ‘Local Plan’, throughout the NP, relate to the adopted Local Plan (2013 – 2031). For example, top of plan page 6 – replace “The Plan covers the period between 2018 and 2031 and therefore aligns with the time period covered by the District Council’s Local Plan.” with *“The Plan covers the period between 2018 and 2031 and therefore aligns with the time period covered by the District Council’s adopted Local Plan (2013-2031).”*

## Question 2

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?

## Response to Question 2

In response to the points raised by EDDC, we can advise that the status of the identified locally valued heritage assets are as follows<sup>2</sup>:

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<sup>2</sup> EDDC has advised that we should be mindful that some properties can be ‘curtilage listed’ by virtue of being within the curtilage of a listed asset. Local list entries have been checked against online EDDC information by EDDC.

Asset	National designation (source: Heritage Gateway)	EDDC "Local List"? <sup>3</sup>	(Also) locally valued?
1. St Peter's Church and the adjacent cottages (Hill View and Old Yew Cottage)	Grade I Listed (St Peter's Church) Grade II Listed (Hill View) Grade II Listed (Old Yew Cottage)	No	Yes.
2. The Tuckers Arms	Grade II Listed	No	Yes.
3. Dalwood Village Hall	None. See for further details on HER. <a href="https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?resourceID=104&amp;uid=MDV30318">https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?resourceID=104&amp;uid=MDV30318</a>	No	Yes.  The building is important from an historic and cultural perspective being at the heart of the community to this day. The old village school was erected in 1833, and enlarged in 1870. When a new school was built in 1926 it became the church hall, and in 1970 it became the village hall.  On the front wall of the hall there is a stone Water Vessel ( not sure of its original use ) built proud of the wall dated 1837- 1897 in commemoration of Queen Victoria's 60 year reign . 1897 being her Diamond Jubilee year.
4. Loughwood Meeting House	Grade II* Listed (known as Loughwood Chapel)	No	Yes.

<sup>3</sup> Based on working with EDDC officers and checking the following source: <https://eastdevon.gov.uk/media/3721755/east-devon-list-of-local-heritage-assets-december-2020.pdf>

Asset	National designation (source: Heritage Gateway)	EDDC "Local List"? <sup>3</sup>	(Also) locally valued?
5. Jubilee Pavilion and Field	None.	No	<p>Yes.</p> <p>Dalwood Recreation Trust was formed to purchase on the site of Dalwood Primary School a wooden building which was renovated to become The Pavilion. The old school field was gifted to the village by EDDC and became the Jubilee Field, as Queen Elizabeth celebrated her Diamond Jubilee in 2012.</p>
6. The Reading Room	None.	No	<p>Yes.</p> <p>Deed of Gift of a Site for a Recreation Room at Dalwood Devon, 1903.</p> <p>The site was gifted to Dalwood to build a Recreation Room on it.</p> <p>From subscriptions from the Dalwood community the Reading and Recreation Room was built to ' permit the room to be used for the benefit of the inhabitants of Dalwood Parish'.</p> <p>It is known today as the Reading Room , it is managed and maintained by a registered charity. It is used regularly by community groups who meet to play snooker and support</p>

Asset	National designation (source: Heritage Gateway)	EDDC "Local List"? <sup>3</sup>	(Also) locally valued?
			other community leisure activities. and fundraisers.
7. Methodist Chapel	None. See for further details on HER. <a href="https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?resourceID=104&amp;uid=MDV11193">https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?resourceID=104&amp;uid=MDV11193</a>	No	Yes. The Methodist Church, as a place of worship, was built by devout Bible Christian's donations and ready for services in 1868. Some seven years later '..the commodious schoolroom and vestry' were added'. All was refurbished in 1904. Over a period of time Bible Christians and others amalgamated and in 1932 it became the Methodist Church. It is known today as the Methodist Chapel, it welcomes all to weekly services and other fundraising events with and for the community.
8. Corry Bridge green open space	None.	No	Yes. The site of burial of a time capsule in October 1996. It contains a copy of the Mid- week herald paper dated on the day and items/writings from Dalwood Primary school children.

Asset	National designation (source: Heritage Gateway)	EDDC "Local List"? <sup>3</sup>	(Also) locally valued?
			<p>It was hoped it would be of interest to anyone in the future who might discover and read it, revealing a snapshot of life in Dalwood 1996.</p> <p>It remains a 'modern' site of local historic importance and needs recognition as such for future generations.</p>

On reflection of the above, and following discussion with EDDC officers, we consider that Corry Bridge green open space could also benefit from protection through policy CFS2. While we consider it to have some local heritage value, it is also locally valued as a green space and could be protected as an asset under CFS2. We would request that it can be added into policy CFS2 and Figure 10.

We also suggest a new heading for Figure 7, “Heritage Assets Most Valued by the Local Community” and that arrows could be added rather than just numbering them. This should help to clarify location. We understand that EDDC will be able to make these amendments to the Figure as they produced this map for us.

We are happy to use the wording suggested by EDDC in their Regulation 16 response and proposed the Policy be amended to:

### **Policy BHE2: Protecting Heritage Assets**

**Proposals for development affecting designated and non-designated heritage assets and their settings will only be supported where they demonstrate, as part of the planning application, that:**

- i) they have fully considered the Historic Environment Record (HER) as well as other available local evidence documenting local historic sites; and,**
- ii) they will not have an adverse impact on these assets or their setting.**

We have noted the concerns of EDDC of the NP seeking to give additional protection to certain heritage assets because they are ‘locally valued’. From our local perspective they remain important to the historic fabric of the Parish. The policy was not intended to imply that those on Figure 7 are more important or significant than others which already have national designation / protection, through listing for example. We are therefore happy to remove the reference to Figure 7 from within policy, but to retain it for reference in the supporting text and to reflect the views of the community. It remains important to recognise their value locally in heritage terms to those using and applying the policy. We suggest that an updated Figure 7 is provided to make it clear in the key which are designated assets, and which are not. The map was produced for us by EDDC and we anticipate that they will be able to forward a revised version to the Examiner in due course. This can be supplemented, in the text, by the table we have produced above for clarity.

Following discussion with EDDC officers, in terms of non-designated Heritage Assets, we wish to add to Community Action 13 to say “including to utilise the EDDC Heritage Strategy to proposed non-designated Heritage Assets for inclusion on the EDDC Local List.”

Comments have been made by EDDC on Aim 4 and objective 4a to revise them. Broad change to the aim does not alter the intention and we agree with that minor change for clarity. However, we do not agree with the change to the objective. Strictly speaking the aims and objectives come before detailed work has been done on the content of the Plan including the development of policies, and therefore the “tail is wagging the dog” if the objectives are changed at this stage. The objectives were subject to public consultation and have been agreed by the community. They provide the granularity and local specificity that Neighbourhood Plans are intended to present. We are not convinced that there needs to be a change to the objective – it is still our intent to protect those identified buildings / assets. It is the policy approach which has been amended. We suggest that the more appropriate

thing to do is to amend the supporting text to reflect this policy change, rather than amend the objective, particularly as we still intend to attempt to get any non-designated assets onto the EDDC local list to give them protection. We would suggest, therefore, changing 4.1.1 as follows. (additions underlined, deletions ~~struck through~~).

“Dalwood has several buildings of historic significance, some of which already have national protection through Listed Building status and others which are present on the Historic Environment Record. These include those of particular local importance to us: St Peter’s Church and the adjacent cottages, The Tuckers Arms, Village Hall, Loughwood Meeting House, The Methodist Chapel, and The Reading Room (see Figure 7). The green open space of the Jubilee Field, Green river-bank and Corry Bridge and St Peter’s cottages were all raised as significantly important, in historic terms, throughout consultations. Our objective above (4a) therefore reflects this desire to protect them. However, we are advised by the District Council that where heritage assets have existing protection, for example, through Listed Building status or inclusion on their “local list”, that they do not need to be named in policy in this Plan in addition. The Parish Council will therefore work with EDDC to secure the their inclusion of assets which do not currently have either protection in place on the “local list” to provide additional protection. that is not already the case. It is the expectation that Devon County Council Highways Authority will consider planning conditions, if necessary, as a result of proposed developments, including the potential impact of construction traffic while development takes place.”

### Question 3

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 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 are 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.

### Response to Question 3

The Settlement boundary was brought up in repeated consultations. Conversations were directed from the concern of the growing number of 2<sup>nd</sup> homes and holiday lets in the parish and inappropriate opportunities that some properties in the village could present to deliver them. At the same time, our local need for housing, outside of the CLT affordable housing brought forward some years ago, is focused on having sufficient flexibility to enable the supply of dwellings in the village to better fit the needs of existing residents, for example, by enabling very limited development to come forward within the curtilage of or between existing properties to enable downsizing and small “annexes” to ensure that people can keep living in the village when their needs change.

On that basis we held specific discussions with officers at EDDC and received useful guidance on the approach to take and wording to use in the Plan. We took this advice as sound and in good faith as appropriate steer on how we should develop this part of the Plan strategy. We sat with officers, at the EDDC office, and considered the criteria for drawing the boundary whilst considering where the line should be. This included concerns that large gardens could have been opportunities for developers to buy properties, demolish them and redevelop several houses on the same site in the future and so the boundary purposefully cuts across large gardens to reduce this possibility or its attractiveness at least while introducing a policy which enables this type of development to take place within the context of the restrictive Strategy 7 and Strategy 46 of the Local Plan which is understandably protective of the countryside and the character of the AONBs. We feel that the advice provided by EDDC officers during the Plan’s development was helpful, robust and balanced, and, although a little disappointed to now see District Council concerns raised at this late stage, we understand the concerns expressed and recognise that the policy “arena” has changed in recent years with settlement boundaries in other places being increasingly under threat from development on their edge, and being won at appeal.

We have therefore welcomed a recent constructive dialogue with EDDC officers to explore solutions which both respect our original position, community consultation evidence and intended aims with appropriate wording which now better reflects how best we can achieve the aspirations, while protecting Dalwood in line with the strategic policies of the Local Plan and our own other Neighbourhood Plan policies.

While policy interpretation and applicability may have changed, our motivations and reasoning for having the boundary in place have not. We have tried to be clear in the Plan that the settlement boundary is not the same as the Local Plan’s Built-up Area Boundary and were referred to the difference accepted in the Payhembury Plan during our Plan’s development. The NPSG took the suggested settlement boundary to consultation, and it was readily accepted. The community indicated they felt listened to by the consultation for their NP process.

There is an accepted belief in the community that having such a boundary will help us protect against inappropriate development. With this aim at the heart of why we have it in the Plan, as its effectiveness as a policy tool seems to have changed (and so too has the degree of risk of inappropriate development coming forward), we are open to considering alternatives of how best to achieve the same outcomes.

We suggest that the following alternative wording should be considered in order to strengthen our policy position in the Plan and yet retain our overall focus for why we had set the boundary in the first place. The revised policy aims to retain the existing boundary, but renaming it to avoid confusion with a traditional “built-up area boundary” or

“settlement boundary”, avoiding misinterpretation and reducing the risk of proposals being submitted on its edge. It could be renamed “Dalwood Village Dwelling Downsizing and Annex Zone” (as would the title of Policy HP1) to spell out exactly what it is, without ambiguity, and the red line on the map could be replaced with fill / hatching. This is not a change of function of the policy the policy would need amending to reflect the change of name.

We would suggest that the justification text is reinforced to assert that the village in entirety remains within the defined countryside (Local Plan designation of Strategy 7: Development in the Countryside). Strategy 7 states that: “...countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations...” and Dalwood village will still fit within that definition, boundary, zone, absence of either, or not.

A revised Policy HP1 will also include reference to garden and infill development.

We are happy to remove references to Lymstone in the Plan. The Rockbeare NP has cited Garden Development Proposals and followed the same methodology and we are seeking the policy to be applied in a similar way – i.e. separate to the Local Plan BUAB.

Having discussed the wording and defining the policy with EDDC, we suggest that the supporting text also changes to include a definition of the term “annexe”. The following text could be added. “Within the context of Policy HP1, an annexe is defined as accommodation which is ancillary to the main residential dwelling and used for this purpose. It may be interconnecting within the property as a whole (for instance via doorways) or it may be accessed via a completely separate external entrance, but if it forms separate and additional accommodation for the main house, it will be viewed as an annexe. Annexes are typically proposed in order to allow relatives to live “with” or close to their family with a degree of independence. In Dalwood, this is particularly relevant to younger people and elderly people who may still wish to live “at home” and in Dalwood but also require an element of support from family members.” We remain open and happy to discuss or recommend any further changes necessary to the supporting text for Policy HP1 assuming that our suggested revised policy is accepted.

The proposed revised policy wording is as follows:

**Policy HP1: Dalwood Village Dwelling Downsizing and Annexe Zone**

- 1. The Dalwood Village Dwelling Downsizing and Annexe Zone is shown in Figure 9. The Zone does not replace or remove the village’s designation, as being in countryside, defined in Strategy 7 of the Local Plan, and Strategy 35 still applies.**
- 2. Development proposals for housing development in the Zone will be supported where they are for:**
  - i) annexes to existing dwellings, within the existing curtilage of a dwellinghouse, which provide additional dwelling space for family members being cared for but who wish to retain a degree of independence in their living arrangements; or,**
  - ii) 1 or 2 bedroom units, suitable by their size and design to meet the needs of existing residents wishing to downsize or to establish a first home to rent or buy.**
- 3. Proposals will be supported within the Zone where:**

- i) development is of a scale, density, massing and appearance in keeping with surrounding properties and the character of the village and consistent frontage is maintained;**
- ii) sufficient garden depth and area is retained within the curtilage of existing dwellings, commensurate with their size and character, where relevant;**
- iii) the proposal does not introduce a separate access to the existing dwelling and the remaining garden is shared;**
- iv) they demonstrate how they have taken into account the criteria of Policy BHE1, where relevant;**
- v) local amenity (including issues of overlooking, loss of light, outlook, or disturbance through noise) is not adversely impacted and the privacy and outlook from existing dwellings and gardens is maintained;**
- vi) consider the effect and cumulative impact of the development on the loss of garden habitats and biodiversity;**
- vii) access and egress arrangements do not give rise to safety issues; and,**
- viii) there is provision for sufficient off-street parking, meeting current adopted parking standards and exceeding them where feasible. There should be a minimum of one car parking space for one-bedroom properties and a minimum of two car parking spaces for two or three bedroom properties.**

Our proposals seem to be consistent with the NPPF (2021 version), which supports development in rural settlements to support their vitality, and acknowledges that access by public transport is not always possible, and does not preclude some/limited/minor levels of development with AONBs:

- paragraph 79 of the NPPF 2021 (same as paragraph 79 of the 2019 version) - To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- paragraph 85 of the NPPF 2021 (same as paragraph 84 of the 2019 version) - Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- paragraph 176/177 of the NPPF 2021 (updated from paragraph 172 of the 2019 Version) deals with protecting the character of AONBs and says: - The scale and extent of development within [...] these [...] areas should be limited, [...] sensitively located and designed to avoid or minimise adverse impacts on the designated areas. When

considering applications for development within [...] Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances

#### Question 4

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?

#### Response to Question 4

We have discussed accessibility of the document with EDDC officers to help determine local government requirements and they are content to ensure that the final made version of the Plan meets accessibility standards required of local government as far as possible. We will also seek to ensure that the Plan meets the Parish Council’s accessibility statement<sup>4</sup> at that time.

We support the suggested change to aim 4 - see our response to question 2.

We agree that Aim 6 needs to be amended on p19 to change wording to match that on p38. We agree to change “natural material” to “locally distinctive materials”.

With regard to the proposal for a change or additional objective to supplement objective 11a, we are happy to add a new objective for clarity. While the other aims in the section largely deal with how aim 11 would be delivered, a supplementary objective could be added which refers to these other aims. This will avoid a need for any substantial changes to the other aims and objectives in this section. A new 11b could read “Support the provision of improved connectivity for local businesses and people working from home through policies and community actions which respond to aims 12 – 14.”

#### Question 5

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?

#### Response to Question 5

We agree with the deletion of reference to Ash with the EDDC Landscape Officer stating that the planting of Ash is prohibited by national legislation. We also agree with the additional wording proposed by the Landscape Officer on p.26 of the Plan to read (~~deletions struck through~~, additional text underlined). “There is a preference for appropriate

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<sup>4</sup> See <https://dalwoodparish.co.uk/accessibility-statement/>

development to fit within the landscape, without having adverse impacts on its surrounding landscape and the natural and built character of the area within which the proposal is located. However, in some cases, it may be acceptable for appropriate landscaping to play a role as part of the solution to ensure that there is no adverse impact on the setting of the proposal. Where the use of planting is an appropriate part of that solution, native local species of plants should be used, such as hawthorn, blackthorn, ash, oak or beech, it should consist of native species typical of the surroundings."

We also agree with the other suggested changes.

We acknowledge that the Plan omits reference to the East Devon AONB. We suggest replacing Fig 2a and 2b with a single map (which we attach) reproduced below for ease of reference which identifies the AONB boundaries and inserts a key. This can replace 2a and 2b and also sets context for the AONBs. As the majority of the Parish is within the Blackdown Hills AONB, we consider it appropriate to retain references to the AONB and its Management Plan. Text could be introduced in existing references to AONB, prefacing it with "Blackdown Hills" where necessary. We also suggest amending the text in 1.2 as follows:

"The Parish of Dalwood lies almost entirely within the southern boundary of the Blackdown Hills Area of Outstanding Natural Beauty (AONB), with a small part of the Parish at the south-eastern end lying within the East Devon AONB. and The Parish is approximately midway between the market towns of Axminster (approximately 5 miles away) and Honiton (approximately 7 miles away) in the council district of East Devon.

The Parish is very rural, the predominant activities being arable and livestock farming. The character of the village's buildings is a mixture of old and new with several modern residences either side of the road that runs through the village, with a historic core formed by a church, adjacent cottages and a public house on the opposite side of the road. Corry Brook runs to the east of these buildings providing an attractive green corridor through the heart of the village and greatly enhancing the settlement's rural character.

Figure 2a shows the Parish, AONB boundaries and neighbourhood area boundary. The Parish boundary is the Plan area. ~~and Figure 2b shows the Parish and its wider context."~~

Figure 2



We would also suggest that the first paragraph on page 13 of the Plan has the following changes for clarity:

“The policies set out by the Blackdown Hills AONB in its Management Plan (2019-24)<sup>5</sup> and other guidance documents (which are advisory rather than carrying statutory weight in the planning system) add a further layer of policies which are particularly important in Dalwood. While the policies of the East Devon AONB are of course important, we consider that the Parish, being almost wholly within the Blackdown Hills AONB has greatest synergy with its policy framework and so we have used it as the lens through which to project our policies.”

### Question 6

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?

### Response to Question 6

We agree that the map can be updated to be clearer. As EDDC produced this map for us, we understand that they can update as necessary and forward to the Examiner.

<sup>5</sup> See <https://blackdownhillsaonb.org.uk/our-work/management-plan/>

## Question 7

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?

## Response to Question 7

We agree that there is no harm in adding some text to acknowledge what they suggest in the supporting text if it is considered necessary. However, there is already reference to the role of green infrastructure in mitigating flood risk – e.g. on p.26 and in CA27. That may or may not be sufficient, but if not we could say a little more if necessary in section 3 in the text. We do not consider additional policy to be absolutely necessary given the coverage on flood risk matters in both national and Local Plan policies, but are content with the additional wording highlighted by EDDC officers in their email to the Environment Agency (EA) of 13<sup>th</sup> August, agreed by the EA in their reply of 23<sup>rd</sup> August – see extract below. We also agree that the inclusion of the most recent flood risk mapping from the flood mapping website could be a useful reference point to insert into the Plan (although recognise that this is subject to change over time and that a weblink may perhaps be more appropriate).

At the LPA, our overall view is that there is no need or particular merit in the Dalwood NP of including flood risk & mitigation policy when this is already provided for at national and local level, including through non-strategic policy EN21 of our [adopted Local Plan](#). We also note that flood risk is referenced currently within Dalwood NP policy BHE1 which includes a criteria in relation to design of new housing, that proposals will be supported where they – “includes the use of appropriate sustainable drainage systems (SuDS) and other measures to reduce surface water run-off”. Could your requirements be met by adding to this e.g. to say “includes the use of appropriate SuDS and other measures **including mitigation planting** to reduce surface water run-off **and flood risk, where appropriate support by a flood risk assessment**”? Or some variation or extension of? I have looked at flood-related policies in other made neighbourhood plans in our district and attach this extract in case any form of words here would appear to be appropriate for use in this case. I also wonder if you feel it would be of benefit for the plan to include a map of flood zones as currently exist to highlight the important role of the Corry Brook? – see attached .png file by way of example.

## Question 8

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?

## Response to Question 8

We agree with the proposed additional reference to designing out crime. However, we consider that reference will be more appropriately be placed in policy BHE1 which sets out design criteria which housing development should follow.

## Question 9

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?

## Response to Question 9

We agree that policy NE1 can be amended by adding in the following text agreed between EDDC officers and RSPB.

“Opportunities to incorporate provision for nesting birds and roosting bats must be considered, and included wherever possible/practical, in all new developments, to protect and enhance biodiversity. A minimum of 1 integral bird box designed for swifts shall be incorporated into each new build residential unit, and/or where existing buildings are being repaired/extended, an ecologist should be instructed to check for existing nests/roosts of birds/bats which should be retained where possible or replaced with an integral box, or if not practical an external box. Wherever possible/practicable, this minimum requirement should be exceeded through other appropriate measures, including but not limited to, external nest cups for house martins and swallows and internal or external "tubes" for crevice roosting bat species, at all times in accordance with current legislation for specially protected species.”

## Question 10

**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.

## Response to Question 10

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.

We recognise that the consideration of transport is important, but we are not clear about why this, in particular, has been singled out as an omission in the Plan, or a requirement. Transport is, of course, becoming increasingly important in light of not only the climate change response but also from a health perspective, with a growing appetite, through good design, for more active design and walkable neighbourhoods etc. As far as we understand, the NPPF at no point lists requirements for Neighbourhood Plan content. This is clear in use of the word “should” rather than “must” across many topic sections of the NPPF. We are keen to encourage improved accessibility and movement up the sustainable transport hierarchy across the Parish, which our policies seek to recognise, and we have considered transport issues during the Plan’s development. The transport section also recognises that there needs to be a practical balance between the necessity of car use in a rural Parish for some journeys, the need for on-road safety and a desire to see less use of cars for shorter journeys and increasing access to walking and cycling opportunities.

There are particular challenges facing a very rural community such as Dalwood, as we state in 7.1, for example, our nearest bus stop is nearly 2.5km away. Our policy to retain valued community services and facilities is also at the heart of our considerations in relation to sustainability and transport – retaining them in the village will prevent longer and more frequent journeys by car to other villages and towns with those services and facilities if lost (already referenced in section 6.1).

It should be noted that the village of Dalwood already sees many journeys on foot to get to local services and the shop. In responding to the NPPF’s criteria quoted above<sup>6</sup>, however, we support the principles set out and elaborate further in response to them as follows:

- a) It is difficult to address within such a small community with restricted expectations of development, and national policy and the other parts of the development plan (e.g. the Local Plan) provide good policy coverage in this regard.
- b) we have said in Aim 16 to support initiatives to provide access for electrical vehicle charging points.
- c) we do promote walking and cycling in CFS1. We also offer transport to shops, hospital appointments, a prescription collection and delivery service all of which contributes to a significant reduction in car usage and environmental impact. These could of course be

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<sup>6</sup> The NPPF states that “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed.
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated.
- c) opportunities to promote walking, cycling and public transport use are identified and pursued.
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed, and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking, and other transport considerations are integral to the design of schemes and contribute to making high quality places.”

referenced in section 7.1 if it is considered that it adds any weight to the policies in the Plan.

- d) we consider that these issues are adequately dealt with in the Local Plan;
- e) while the Local Plan goes some way to respond positively to these, policy BHE1 could be strengthened to reflect changes in Government guidance relating to the elevation of good design in planning policy.

We agree that we can include reference to other community initiatives e.g., prescription service hospital visits, community shop to ease car use, shopping assistance.

We also suggest that policy BHE1, as mentioned above, could be strengthened to reinforce the “direction of travel” now being set by changing national policy guidance. BHE1 could have additional criteria such as the need for proposals to demonstrate how they have taken into account, where relevant, the National Design Guide and Code and Public Health England’s / Sport England’s “Active Design” Guidance.

Reference to a new community action as suggested can be made. However, it should be recognised that as a small Parish Council, time and resources will be limited to bring about such change in the short-term and that such proposals typically require extensive work with other bodies and organisations and are not normally the sole responsibility of the Parish Council to bring about. We can add a new Community Action on p.62 after Policy TA1 which could state that “The Parish Council will continue to explore sustainable transport schemes and solutions to retain and improve accessibility for residents to local facilities and services to build on our already successful projects.” We can also ensure that existing and future schemes are referenced on the Parish Council website.

### **Question 11**

**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 (e.g., 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.

### **Response to Question 11**

As suggested above, we have produced a new Figure 2 to replace Figures 2a and 2b.

### **Question 12 (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?

**DPC Response to Question 12**

We do not consider that any modifications are necessary in light of recent changes to the NPPF beyond those suggested in this response to questions.