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## **Report on Dalwood Neighbourhood Plan 2018 - 2031**

**An Examination undertaken for East Devon District Council with  
the support of Dalwood Parish Council on the March 2021  
submission version of the Plan.**

Independent Examiner: Jill Kingaby BSc (Econ) MSc MRTPI

Date of Report: 11 October 2021

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## **Main Findings - Executive Summary**

From my examination of the Dalwood Neighbourhood Plan (the Plan/DNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Dalwood Parish Council;
- The Plan has been prepared for an area properly designated – Dalwood Parish as shown on Figure 2a of the Plan (Note: Figure 2a is recommended for replacement by Figure 2 - see Proposed Modification 3 in the Appendix to this report).
- The Plan specifies the period to which it is to take effect – 2018-2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

# 1. Introduction and Background

## Dalwood Neighbourhood Plan 2018-2031

- 1.1 The Plan Area is the Parish of Dalwood, as illustrated in Figures 2a and 2b of the submission version of the Dalwood Neighbourhood Plan (DNP). Nearly all of the Parish lies within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), except for a small portion of land to the south-east of the A35, which sits within the East Devon AONB. Dalwood is approximately midway between the market towns of Axminster (some 5 miles to the east) and Honiton (about 7 miles to the west). The Parish of Dalwood is very rural and tranquil, with the village built around the Corry Brook. Dalwood has a small population of 380 people in 196 households. The local economy is founded on agriculture, but also includes a public house, Swards Coaches, Bengel Landscaping, Burrow Farm Gardens, Andrewhayes Caravan Park, plus bed and breakfast accommodation. Home-working in the Parish is described as “above average (20%) level of those of working-age” (Page 60 of the Plan). Community facilities are modest but include a village hall, children’s nursery, 2 churches, a community shop and post office, and the Jubilee Pavilion and Field with children’s play area (Figure 10). A network of footpaths, bridleways and cycleways crosses the Parish, enabling enjoyment of the high quality landscape and wildlife.
- 1.2 Following public consultation, Dalwood Parish Council applied to East Devon District Council (EDDC) for approval of the Neighbourhood Area, as a first step towards producing a DNP. Approval was granted for the Dalwood Neighbourhood Area on 30 August 2016. The Parish Council set up a Neighbourhood Planning Steering Group in October 2016, which included members of the community and the Chair of the Parish Council. A communications’ engagement strategy was prepared in early 2017, and the Steering Group sought to ensure that residents and all other stakeholders were consulted regularly. The DNP Consultation Statement reports that the Steering Group also aimed to work closely with EDDC to progress its Plan preparation. Consultation on a first draft Plan took place in February 2019. Comments received and follow-up work led to refinements to the draft DNP, prior to Regulation 14 (Neighbourhood Plan (General) Regulations 2012 (as amended)) pre-submission consultation in early 2020. The responses to that exercise were analysed to produce the submission version of the Plan in March 2021, which is the subject of this examination.

### The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the DNP by EDDC, with the agreement of Dalwood Parish Council.

- 1.4 I am a chartered town planner and former government Planning Inspector, with previous experience examining neighbourhood plans in East Devon and elsewhere in England. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

#### The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions.
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development'; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
  - Whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan for the area;
  - Be compatible with and not breach European Union (EU) obligations (the existing body of environmental regulation is retained in UK law); and
  - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of East Devon District, not including documents relating to excluded minerals and waste development, is the East Devon Local Plan 2013-31, adopted in January 2016, and the Villages Plan, adopted in July 2018. EDDC carried out a consultation exercise on the Issues and Options for a future new Local Plan between January and March 2021. A Consultation Feedback Report on Local Plan Issues and Options was published in May 2021. As the emerging new Local Plan is at a comparatively early stage of preparation, I have examined this Neighbourhood Plan in terms of its general conformity with the adopted East Devon Local Plan 2013-31.
- 2.2 However, the Planning Practice Guidance (PPG) in Reference ID: 41-009-20190509 advises local planning authorities preparing new Local Plans to [Intelligent Plans and Examinations \(IPE\) Ltd, 3 Princes Street, Bath BA1 1HL](#) Registered in England and Wales. Company Reg. No. 10100118.  
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work with neighbourhood plan qualifying bodies so that complementary policies are produced. EDDC requested, in its response to consultation at the Regulation 16 stage of the DNP, that the Plan should make reference to the emerging new Local Plan. In reply to my letter of 22 July 2021, the Parish Council agreed with EDDC that this should be done, and proposed modifications to Page 6, paragraph 1.6 and section 11 – Monitoring and Review. I support these modifications, so that regard is had for national planning policy and guidance. The proposed modifications, **PM1, PM4 & PM22**, are detailed in the Appendix to this report.

- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Government PPG offers guidance on how national policy should be implemented. A revised NPPF was published on 20 July 2021, and all references in this report are to that version and its accompanying PPG.

### Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents which I regard as relevant to the examination, including:
- the draft DNP 2018-31, March 2021;
  - Figure 2a of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
  - the Consultation Statement, March 2021;
  - the Basic Conditions Statement, February 2021;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report prepared by EDDC, December 2019; and
  - the request for additional clarification sought in my letter of 22 July 2021 and the responses of 26 August from EDDC and the Dalwood NP Steering Group.

View at: [Neighbourhood Plans being produced in East Devon - Dalwood - East Devon](#)

### Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 3 August 2021 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations.



I considered hearing sessions to be unnecessary as the consultation responses clearly articulated people's objections to the Plan. I wrote to the Parish Council on 22 July 2021 seeking its views on a number of the points raised in the consultation responses, as well answers to my own questions. The Dalwood NP Steering Group, on behalf of the Parish Council, submitted a full set of replies on 26 August 2021, which I have taken into account in my examination. I have also taken account of EDDC's response to my question 12, concerning the Government's publication on 20 July 2021 of a revised NPPF and final version of the National Model Design Code.

### Modifications

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The DNP has been prepared and submitted for examination by Dalwood Parish Council, which is a qualifying body, for an area that was designated by EDDC.
- 3.2 It is the only neighbourhood plan for Dalwood Parish and does not relate to land outside the designated Neighbourhood Plan Area.

### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2018 to 2031.

### Neighbourhood Plan Preparation and Consultation

- 3.4 The Neighbourhood Plan Steering Group, formed by the Parish Council in October 2016, was established from community volunteers and Parish Council representatives. It has sought to engage with the widest range of people and groups in preparing the Plan. Stuart Todd Associates (town planning consultancy) provided guidance on the strategy and programme for Plan preparation. The Consultation Statement lists a series of actions taken in 2017, including a survey of residents in May 2017. In January/February 2018, a questionnaire was circulated to local businesses. An open consultation meeting was held to launch the Neighbourhood Plan on 25 May 2017, with a second public meeting on 19 March 2018, to give updates and

discuss aims and objectives. The third open consultation meeting of 14 February 2019 was held to publicise and discuss a first draft DNP.

3.5 The Consultation Statement advises that the Steering Group endeavoured to ensure that residents and other stakeholders were consulted regularly; their comments noted; and, wherever appropriate, incorporated into the DNP. The Steering Group strived to ensure that minutes and notices were made widely available, and that residents and businesses were updated on Plan progress. A Neighbourhood Plan page was provided at an early date on the Parish website, which was easily accessed, and was kept up-to-date. The key methods for community engagement are described in the Consultation Statement, as:

- public exhibitions, meetings and events;
- community questionnaire sent to all households;
- updates on dedicated “Our Plan” page of the village website;
- contact with local businesses and groups via business questionnaire and e-mail; and
- direct contact with wider-than-local organisations and agencies, with an interest in planning issues in the Parish.

Parish and local newsletters, leaflets and flyers, Parish noticeboards and posters were used, in addition to face to face meetings and the internet, to secure engagement with the community.

3.6 The first community questionnaire delivered to 360 households in the Parish in 2017 elicited 113 returns, giving a response rate of 31.4%. The responses raised a number of issues and concerns and led to dialogue with a range of groups and organisations. It also prompted a local business survey, carried out online with 33 businesses in early 2018; a response rate of 40% was achieved. The information was used by the Steering Group to draft the vision, aims and objectives for the neighbourhood, which were discussed at two public meetings in March 2018. 20 people attended and written comments, questions and shared comments in open discussion were submitted. The Parish Council Steering Group used the feedback to produce a first draft neighbourhood plan, on which the local community was consulted in early 2019. Online and hard copies were made available and a face to face question & answer meeting, with an exhibition, was held in the village hall on 14 February 2019. 31 comments were noted during the discussions.

3.7 All comments and contributions were discussed fully at the Steering Group meeting on 28 August 2019 and taken into account in the production of a pre submission DNP, which was made available to read online or in hard copy. Regulation 14 consultation then took place with all local residents and businesses, as well as a range of organisations and agencies with an interest in the Parish, and EDDC. Consultation was carried out between 21 January and 3 March 2020, and four drop-in meetings were held on 28 January and 18 February 2020 to encourage participation. 9 written responses were received.

- 3.8 The Regulation 16 consultation exercise took place between 5 May 2021 and 30 June 2021 (extending the usual 6 week timeframe to make allowance for restrictions related to COVID-19). EDDC publicised the DNP through notices on the District Council website, a press release and social media, and e-mails were sent to all members, adjoining local authorities, Devon County Council and statutory consultees. The exercise was also publicised widely by the Parish Council, with hard copies on request at Axminster and Honiton libraries. 12 responses were submitted. I confirm that the consultation process has met the legal requirements i.e. for procedural compliance and has had regard to the advice in the PPG on plan preparation.

#### Development and Use of Land, and Excluded Development

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. The Plan does not include provisions and policies for 'excluded development'.

#### Human Rights

- 3.10 The Basic Conditions Statement notes that the DNP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. In its Regulation 16 response to the submitted DNP, EDDC observed that the Plan should be compatible with Human Rights requirements and raised no objections to it on these grounds. From my independent assessment, I agree with this position.

## 4. Compliance with the Basic Conditions

#### EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by EDDC, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment and Habitat Regulations Screening Report, December 2019, I support this conclusion.
- 4.2 The DNP was further screened for Habitats Regulations Assessment (HRA) by EDDC. EDDC commented that a draft screening report was produced as part of the production of the emerging new Local Plan for East Devon. Sites potentially relevant to the DNP are the Blackdown Hills AONB and several areas of ancient woodland, wild/semi-wild woodland and ancient orchards. Natural England were consulted, and they agreed with the conclusions of the Screening Report that the DNP is unlikely to have an adverse effect on a European site, alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the

adopted Local Plan, which was itself subject to HRA, and I am satisfied that further HRA of the DNP is not required.

## Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the DNP as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

## General Issues of Compliance

- 4.4 EDDC plans to replace the adopted East Devon Local Plan with a new Local Plan, as referenced in paragraphs 2.1 and 2.2 above. The Parish Council has proposed modifications to the DNP to add references to the emerging new Local Plan, with which I agree. Another significant change to the planning policy context relates to the Government's update on 20 July 2021 of the NPPF, alongside a final version of the National Model Design Code. Both Dalwood Parish Council and EDDC have provided me with comments as to the implications of this change for the DNP. EDDC reported in August 2021 that its officers had considered whether any modifications to the DNP would be needed in the light of the new Government publications. EDDC concluded that they would not, except that the Plan wording should be updated throughout to reflect the latest version of the NPPF. Dalwood Parish Council also considered that additional modifications due to the recent changes to the NPPF were unnecessary. I agree with this overall conclusion, but propose modifications to paragraphs 1.6, 1.7 (with its footnotes on Pages 14 & 15), 3.3.1 (with footnotes on Page 30), 4.1 (with footnotes on Page 32), 6.1 (Page 47) and 6.1.2, to recognise that the NPPF has recently been updated, and to give accurate references to text and paragraph numbers (**PMs 5, 10, 11, 14**). The modifications are necessary to ensure that the DNP has regard for current national planning policy.
- 4.5 Section 1 of the DNP: Introduction explains that the Plan sets out the community's vision and priorities for how it would like to see the area change in the coming years, and sets out local planning policies which should be considered when any proposals for development come forward. This section provides useful information as to the purpose and role of the DNP. The Introduction then goes on to describe the Plan area. Figures 2a and 2b of the DNP show the extent of the Neighbourhood Area and its relationship to adjoining areas. However, it seemed to me that some additional place names and a key or legend to the maps were needed to assist readers of the Plan. The Parish Council, in response to my preliminary questions, put forward a new Figure 2, to replace Figures 2a and b. This shows Parish boundaries clearly (highlighting Dalwood), names main features and locations, and includes a key. I propose that this map replaces Figures 2a and b, as in **PM3**, to provide clarity to all readers and users of the DNP, and to meet the Basic Conditions for neighbourhood planning.

- 4.6 The Blackdown Hills AONB Partnership drew attention to the fact that a small portion of Dalwood Parish is located within the East Devon AONB. Therefore, it is inaccurate for paragraph 1.2 of the DNP to state that the Parish “lies entirely within the Blackdown Hills AONB”. The AONB boundaries are clearly shown on the proposed new Figure 2, and I propose that paragraphs 1.2, 1.9 and 3.2.1, as well as the Vision Statement on Page 18, and paragraph 5.1 on Page 37, are modified to refer also to the East Devon AONB, or to “AONBs”, and to provide additional information. **PMs 2, 6, 8 & 12** should be made so that the DNP has regard for national planning policy.
- 4.7 Paragraphs 1.3 to 1.9, supported by Figures 3 and 4, explain the process for preparing and developing the DNP, its status within the planning system and the structure of the Plan. Paragraph 1.9 refers to delivery of the Plan’s aims, objectives and policies, drawing attention to community actions which have been identified through local consultation and Plan development. The DNP correctly advises that not all community actions will be implemented by the Plan itself because they are not specific to “land-use”. I recognise that community actions outside the remit of planning policy can nevertheless play an important role in fulfilling neighbourhood planning objectives. With the proposed modifications described above, I conclude that section 1 will provide a clear and helpful introduction and meet the Basic Conditions for neighbourhood planning.
- 4.8 Section 2 describes the vision, aims and objectives for the Plan, making clear that these are based on the community’s aspirations. I have already proposed that the Vision Statement should refer to the East Devon AONB as well as the Blackdown Hills AONB. The aims are set out under a number of topic headings, which are then taken forward in sections 3 to 10, where objectives, planning policies and other community actions and projects are fully described. I consider that section 2 follows a clear structure for plan making which should be helpful for readers and users of the DNP.
- 4.9 EDDC, in its response to the Regulation 16 consultation exercise, proposed a number of modifications to the wording of Aims 4 and 6, and the objectives following from Aims 6 and 11. The Parish Council stated, in its letter to me of 26 August 2021, that it was content for Aim 4 to be modified to read “Protecting the area’s heritage assets and their settings”. Having regard to national policy, I support this modification. I also agree that Aim 6 on Page 19 should refer to “the overall scale and character of the village” as in **PM7**, so that it aligns with the description on Page 38. Objective a) following Aim 6 (Page 38) should be modified to refer to “locally distinctive” rather than “natural” materials, as proposed by EDDC and shown in **PM7**. EDDC requested that an alternative, more relevant objective to Aim 11 should be added to help create, support and sustain local businesses. The Parish Council put forward a new 11b) objective “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”. As objective 11a) is focused solely on farming, I consider that the proposed new 11b)



should be added, so that the Parish's wider business sector is supported. **PM18** should be made to add 11b) to the table on Page 60 so that the Plan contributes to the achievement of sustainable development.

- 4.10 Section 11 states that the Parish Council will periodically monitor the impact of policies on change in the Parish by considering the policies' effectiveness in decision-making on planning applications. It will also monitor community actions. Even if a full or partial review is unlikely to be necessary over the next 10 years (2031 is the end date for the Plan), I consider it to be good practice to monitor ongoing local activity, and the national and district-wide planning policy context. Section 11 has my full support.
- 4.11 Section 12: Appendices, comprises the Blackdown Hills AONB Design guide for houses. Section 12 of the NPPF, Achieving well-designed places, states that plans should set out a clear design vision and expectations, so that applicants have as much certainty as possible what is likely to be acceptable. Design policies should be developed with local communities so that they reflect local aspirations and knowledge. Paragraph 127 of the NPPF refers to neighbourhood planning groups, who can play an important role in identifying the special qualities of an area and engage in the production of design policy, guidance and codes by local planning authorities and developers. I am satisfied that section 12 of the DNP has regard for national policy and should enable high standards of design for future new development in Dalwood to be secured.

## Specific Issues of Compliance of the Plan Policies

### *Section 3 Natural Environment*

- 4.12 Section 3 of the DNP includes two policies on the Natural Environment. Policy NE1 seeks to conserve and enhance the natural beauty of the Parish. In view of Dalwood's deeply rural location within the distinctive Devon landscape, which has AONB status, I consider this to be a good starting-point for the DNP. Figures 6a and 6b show the Key Natural Environment Assets of the Parish. EDDC proposed amendments to the text of paragraph 2 in Policy NE1, to replace "unavoidably required" with a more positive phrase; to paragraph 4 to remove the list of possible instances of natural features and change "sustainable" to "suitable"; and to paragraph 5, to add a footnote or textual reference to the Devon County Council Highways Protocol. The Blackdown Hills AONB Partnership suggested that paragraph 5 should refer to the Devon County Council Highway Management in Protected Landscapes Guidance, rather than the Highways Protocol. I agree with the AONB Partnership on that point. In addition, the reference to ash trees on Page 26 should be removed as in most cases ash will not be a sustainable planting choice, given there are currently no disease tolerant ash on the market.
- 4.13 The Environment Agency, noting that Aim 1 outlines the objective for flood protection/mitigation, requested that this should be embedded in one of the Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL Registered in England and Wales. Company Reg. No. 10100118.  
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DNP's policies. The Corry Brook constitutes a green corridor which, among its other benefits, enables flood risk management and protection of water quality. I consider that Policy NE1 should be modified to refer to flood risk management to contribute to the achievement of sustainable development. The Environment Agency also proposed a modification to criterion 1. ii) of Policy NE1 to delete "where there is the opportunity to do so", citing the Government's 25 year Environment Plan to embed net gain in biodiversity in its strategic policy. I consider that Policy NE1 should be modified as suggested and as shown in **PM9**, to meet the Basic Conditions.

- 4.14 The RSPB sought a stronger policy for the protection and enhancement of biodiversity where it relates to new building, significant repairs or extensions. It put forward a strong case for more bird boxes, as well as information related to bat tubes, bee bricks and hedgehog friendly gardens. In its letter of 26 August 2021, the Parish Council proposed additional text to Policy NE1, to secure a minimum of one bird box for each new residential unit and to protect existing nests or roosts of birds and bats when buildings are being repaired or extended. **PM9** should be made to secure all the above modifications to Policy NE1 and its supporting text, for the achievement of sustainable development and having regard for section 15, Conserving and enhancing the natural environment, within the NPPF. With modification, Policy NE1 will be in general conformity with Strategy 5 of the Local Plan.
- 4.15 Policy NE2 seeks to preserve the tranquillity of the Parish and dark skies. EDDC recommended that reference to the "Blackdown Hills guide on limiting light pollution from new and replacement lighting" could be a requirement in the policy to strengthen it. Paragraph 3.3.1 of the DNP which provides background and reasoning for Policy NE2 refers to the Blackdown Hills AONB Management Plan and provides a web link. Section 12 of the DNP: Design guide for houses includes advice on external lighting to help preserve the AONB's dark starry skies (Page 19). I consider that a cross-reference to this information should be added to paragraph 3.3.1, and that reference to the Management Plan and Design Guide should be added to the policy. **PM10** would secure these modifications and ensure that the DNP contributes to the achievement of sustainable development. Providing the modifications above are made, I am satisfied that section 3 of the DNP will meet the Basic Conditions.

#### *Section 4 Built and Historic Environment*

- 4.16 Section 4: Built and Historic Environment recognises that national planning policy, the East Devon Local Plan and Blackdown Hills AONB Management Plan, all seek to protect the heritage assets and the character of Dalwood. It is also a high priority for the local community. Paragraph 4.1.1, the supporting text to Policies BHE1 & BHE2, lists the buildings of historic significance in the Parish and refers to Figure 7, which shows their location. EDDC commented, in its Regulation 16 consultation response, that Policy BHE2: Protecting Locally Valued Heritage Assets should be clear as to the status of heritage

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assets. In particular, the Plan should confirm whether the assets are designated or undesignated, and, if undesignated, whether they are locally listed. Section 16 of the NPPF, titled Conserving and enhancing the historic environment, recognises that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites. The NPPF is clear that assets should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated assets when planning applications are determined, and “balanced judgments” reached when the effect on non-designated assets is assessed. Paragraphs 189 to 205, and paragraph 200 in particular, explain the need for a hierarchical approach to be taken. Having regard for the NPPF, I agree with EDDC that the status of all the heritage assets requires clarification.

- 4.17 In its reply to my preliminary questions on 26 August 2021, the Parish Council provided information as to the status of all the buildings and sites named in paragraph 4.1.1 and Figure 7 of the DNP. The information is included in a table which, in my view, should be added to the DNP. Paragraph 4.1.1 should also be modified to state which assets are listed buildings (Grade I, II\* or II) and to state whether or not the non-designated heritage assets are included on EDDC’s local list. I support the modification proposed to the wording of Policy BHE2, as made by EDDC and agreed by the Parish Council. Figure 7 should be revised so that designated and non-designated assets are distinguished, and the reference to Figure 7 should be removed from the policy. **PM11** should be made to achieve these modifications so that Policy BHE2, Figure 7 and the supporting text have regard for national planning policy and are in general conformity with the East Devon Local Plan 2013-31.
- 4.18 EDDC suggested that Policy BHE1: Maintaining the Built Character of the Parish through High-Quality Design should be applied to all development proposals, not just to residential development. Even though the policy includes a cross reference to the AONB Design Guide for Houses, all the criteria in the policy would be applicable to schemes for any purpose eg. commercial or mixed-use development, in my view. In addition, Devon and Cornwall Police sought a reference to designing out crime, disorder and anti-social behaviour in the DNP, and the Parish Council agreed that this should be done in Policy BHE1. I conclude that Policy BHE1 should be modified so that regard is had for section 12, Achieving well-designed places, in the NPPF. I also consider a reference to the recently published National Design Guide and the National Model Design Code should be added, given these post-date the AONB Design Guide for Houses, as in **PM11**.

### *Section 5 Housing and Population*

- 4.19 Section 5: Housing and Population begins by setting out two aims – to support new local housing development which respects the characteristics and constraints of Dalwood’s built and natural environment, yet allows continual evolution of the Parish; and to preserve the overall character and scale of the



village within the AONB. Paragraph 5.1.1 sets out the Local Plan policy background, noting that Dalwood is not considered a settlement suitable to accommodate growth and development. Therefore, it does not have a defined Built-up Area Boundary (BUAB). Proposals for housing development in Dalwood would be considered in terms of Local Plan Strategy 7: Development in the countryside. In line with national planning policy, new housing development would only be considered acceptable in the Parish if it were regarded as exceptional. Strategy 35 of the Local Plan sets out the exceptional circumstances when housing in countryside locations could be considered suitable.

- 4.20 However, Figure 9 of the DNP defines a Settlement Boundary, tightly drawn around the existing village. The text on Page 42 states that the Parish looks favourably on new housing developments which meet housing needs and/or support the ageing population as well as young families. To help respond positively to feedback from the community on future housing provision, the installation of a settlement boundary to define the “village” is considered appropriate. Although the DNP states that its approach is based on that used by the Payhembury Neighbourhood Plan, a Parish with a similar size and character to Dalwood, EDDC queried the comparison. EDDC contended that Dalwood village has fewer services and facilities, and is located in the Blackdown Hills AONB, so that new development there would be less sustainable than in Payhembury.
- 4.21 EDDC conceded that Strategy 27 of the adopted Local Plan and the associated Villages Plan acknowledge that neighbourhood plans may propose new development boundaries. However, it raised concerns over the approach in Dalwood, including the potential for confusion over the role of the settlement boundary compared with a BUAB, and the potential for unintended consequences for this small village with limited services and facilities located within the AONB. From the response to my preliminary questions, I appreciate that there has been ongoing dialogue between EDDC planning officers and the Parish Council Steering Group on this matter, as well as consultation with the local community. An underlying concern around growth in second homes and holiday lets in the village was mentioned, as was the aim to enable the supply of dwellings in the village to fit the needs of existing residents, eg. for small development within the curtilage of existing dwellings, which would enable down-sizing and/or the creation of small annexes. Such small developments would enable existing residents to keep on living in the village as their needs changed.
- 4.22 The Parish Council has put forward a revised Policy HP1, with the new name: Dalwood Village Downsizing and Annexe Zone, with cross-references to Figure 9 (which would also have a modified title to refer to the Zone rather than settlement boundary), as well as Local Plan Strategies 7 and 35. I support the principle of the revised policy, and consider that it should remove the potential confusion of a settlement boundary with the BUABs. However, in view of the fact that a new Local Plan could shortly be produced, I consider

that the references to Strategies 7 and 35 should not be added to the revised policy, but should be referenced in the supporting text. I put forward modified wording to the policy and supporting text so that Policy HP1 should have some longevity. The revised policy includes strict criteria for new development, which should ensure that inappropriate new development does not take place. A reference to meeting the design criteria in Policy BHE1 should also be added to the text. I support the new wording, in particular the additional description of “local amenity”. I recommend that Policy HP1 be modified along with the supporting text and Figure 9, as shown in **PM13**, to secure general conformity with the East Devon Local Plan, having regard for the NPPF’s paragraphs 79, 85, 176/7, and for the achievement of sustainable development.

### *Section 6 Community Facilities and Services*

4.23 Section 6 of the DNP concerns Community Facilities and Services, and the introduction advises that there are numerous community organisations and regular community activities in Dalwood, which the Plan wishes to see maintained and increased, not decreased. The two aims for this section are - to encourage retail and/or hospitality development to meet local and visitors’ needs, in character with the area and safeguarding the natural environment; and to resist the loss of local facilities and amenities, and protect assets of community value. I appreciate the need for a balanced approach to accommodating new facilities and services, which do not have a harmful impact on this rural Parish within the AONB landscape. I also recognise the need to support existing facilities and services as much as possible, especially in current circumstances with increases in online shopping and the decline of traditional high streets. I saw at my site visit the community shop and post office, the Tuckers Arms, St Peter’s Church, Methodist Chapel, Folly Nursery, Village Hall, Jubilee Pavilion and Field, and the Reading Room, and can understand their value to Dalwood. All are illustrated on Figure 10 of the DNP.

4.24 I consider that Policy CFS1: New retail and commercial development in Dalwood village takes a suitably positive approach to new development and sets out appropriate criteria for development within the area. Regarding Policy CFS2: Improvements to existing local community facilities, EDDC proposed modifications as follows:

- Paragraph 1 – explicitly state that the valued community assets are identified for protection/retention and/or improvement;
- Paragraph 2 – for clarity, either state that it relates to the assets in paragraph or state that it is “including but not limited to”; and
- Paragraph 3 – use alternative wording as there is no enforceable requirement for the pre-application stage.

In order to meet the Basic Conditions, and to assist decision-making on relevant planning applications, I consider that CSF2 should be modified on the lines proposed by the EDDC, as set out in **PM15**. I also support modification to paragraph 2 of Policy CFS3, because there is no enforceable requirement

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for pre-application consultation. Policy CFS3 should be modified as in **PM15**, so that it has regard for national policy.

### *Section 7 Transport and Accessibility*

- 4.25 Section 7 addresses Transport and Accessibility. The introduction explains that the A35 near Axminster provides the main point of access for vehicles in and out of the Parish of Dalwood. Otherwise, the area is served by narrow lanes, often with tall hedges. A network of footpaths and bridleways enables people to walk through the rural areas and appreciate the high quality natural environment. Car ownership is high, and there is no public transport (bus or train) within a reasonable walking distance of the village, although a “ring and ride service” and Trip Community Transport Association service are available. The aims for the DNP are to minimise parking problems in the village when development is proposed and improve parking provision; and to maintain and enhance a network of public rights of way and bridleways.
- 4.26 In my preliminary questions to the Parish Council, I asked whether a statement in favour of sustainable travel behaviour should be added to the DNP. Section 9, Promoting sustainable transport, in the NPPF states that transport issues should be considered from the earliest stages of plan-making so that, among other things, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental effects of traffic and transport infrastructure can be identified, assessed and taken into account. East Devon Local Plan also supports sustainable transport, stating that one of the key means by which the District Council can positively influence travel and movement patterns is by promoting development in the most sustainable locations.
- 4.27 It is clear that Dalwood, within the countryside and within a village that has no defined BUAB, is not a sustainable location for substantial new development because of its remoteness and inaccessibility. Notwithstanding the availability of its local community facilities and services, I appreciate that most local households will be highly reliant on car travel for work, school attendance and other purposes. I also understand the need for safe car parking provision, which Policy TA1 of the DNP addresses. However, the negative impacts which vehicular traffic can bring – noise, air pollution (harm to the planet and human health), road accidents and visual impairment – cannot be overlooked. My experience is that there are few neighbourhood plans which encourage the provision of additional parking space. To counter any perception that the DNP is promoting more car ownership and usage, I consider that the Plan should make a more positive statement in favour of sustainable transport. A new Community Action as proposed by the Parish Council, should be referenced after Policy TA1, to stimulate interest in new initiatives for sustainable travel. I also propose some additional text for the Introduction to section 7, as in **PM16**, so that the Plan will contribute to the achievement of sustainable development and have regard for national policy.

- 4.28 Regarding Policy TA2: Rights of Way, EDDC proposed some changes to its wording for clarity. I support the Council's proposed modifications which should facilitate the application of the policy in planning decision-making and contribute to the achievement of sustainable development. **PM17** should be made accordingly. Figure 11 shows the footpaths and bridleways in the Parish. The Devon Countryside Access Forum welcomed the inclusion of the map but commented that the Parish boundary obscured some of the public rights of way. Although the legend refers to Regional Routes and the National Cycle Network, none are present in this area so the legend should be modified. I consider that Figure 11 should be modified, as in **PM17**, based on the observations made by the Devonshire Countryside Access Forum.

### *Section 8 Economy and Employment*

- 4.29 The Introduction to Section 8: Economy and Employment advises that Dalwood is a rural economy based on agriculture, with the largest employer in the Parish, Dalwood Hill Nursery, employing around 70 people. A relatively high proportion of people (some 20%) already work from home. Four aims are set out for the economy. These are, in brief: to help create, support and sustain local businesses; to improve broadband connectivity; to establish sustainable broadband connectivity in new builds; and to help sustain arable and livestock lifestyles. I consider that Aim 11 should recognise the needs of local businesses and those engaged in home working who are not in the farming industry. A new objective b) should be added, as in **PM18**, so that the whole economy is addressed by Aim 11 and the Plan contributes to the achievement of sustainable development. Faster broadband is identified as the biggest need to support employment within the economy. It is acknowledged that the visual impact of new infrastructure, such as cabling, telecoms boxes or hubs, requires care and attention within the setting of the AONB. I consider that, overall, Policy EE1: Superfast Connectivity should achieve this ambition, and the listed Community Actions and Projects should provide useful back-up.
- 4.30 EDDC suggested that the policy should relate not only to proposals for internet connectivity but also require new development to be connected. The Newton Poppleford and Harpford Neighbourhood Plan was mentioned as an example where this point is addressed. Its relevant policy states that, where practicable, all new residential, educational and business premises will be required to make provision for the latest high-speed broadband and other communication networks. This requirement should be added to Policy EE1, in my view, as in **PM19**, to assist development of the local economy and contribute to the achievement of sustainable development.
- 4.31 Policy EE2: Farming (New Development Proposals) seeks to encourage the sector's development, providing it will protect or reinforce the natural beauty, biodiversity and special character of the AONB landscape. I understand the concern of EDDC that development proposals should have to demonstrate an agricultural need for new building of the size which is proposed. Also, I agree

that any additional lighting should be kept to a minimum to safeguard the landscape from intrusion. A cross-reference to Policy NE2: Preserving Tranquility and Dark Skies should be made. I recommend that Policy EE2 is modified, as in **PM20**, to ensure that new development achieves a high standard of design within the AONB, and the DNP contributes to the achievement of sustainable development.

### *Section 9 Energy and Low Carbon*

- 4.32 Section 9: Energy and Low Carbon includes two aims. In brief: to support small scale unobtrusive renewable or low carbon energy schemes; and to support a provider or village initiative for card access electric vehicle charging points. Paragraph 9.1.1 states that the DNP endorses the findings of the Renewable Energy in the Blackdown Hills report, and Figure 12 from that report helpfully explains what is meant by small scale and large scale renewable energy installations, and what types of renewable technology might be suitable in the Parish. Policy ELC1 is supportive of renewable and low carbon energy schemes subject to detailed criteria which, in my view, have a good evidence base. EDDC proposed some small modifications, principally to confirm that impacts on heritage assets and their settings, and on archaeology, would need to be considered and avoided. The Environment Agency expressed its support for the policy, but suggested that any renewable proposals will need to demonstrate that they would have no adverse impact on natural processes, such as fish pass (hydroelectric power), flood flow (solar panels, hydro-electric power) and groundwater quality (wind turbines), and would provide a net gain for biodiversity. I propose modification to the policy (**PM21**) to achieve these aims and contribute to the achievement of sustainable development.
- 4.33 Blackdown Hills AONB Partnership pointed out that paragraph 9.1.1 should refer to Devon Landscape Policy Group, rather than Devon Policy Advice Group. Community actions and projects relating to the policy are shown on Page 70. I consider that Policy ELC1 and paragraph 9.1.1, with the modifications shown in **PM21**, are suitably forward-looking and should contribute to the achievement of sustainable development in Dalwood.

### *Section 10 Waste and Plastic*

- 4.34 Section 10 explains that minimising waste is a topic of importance to the local community and was reported in consultation exercises. I agree that waste recycling and disposal matters are County matters, and not the subject of neighbourhood planning policies. However, I consider it appropriate for the DNP to express its Aim to increase recycling levels, and for the Parish Council to work with the local community in the development of a recycling collection area, which is properly screened and has no significant adverse impact on the area. Such measures are consistent with the achievement of sustainable development and have my support.



- 4.35 Having appraised all the policies in the DNP, I conclude that, as long as the modifications described above are made, they will meet the Basic Conditions for neighbourhood planning.

#### Factual and Minor Amendments and Updates

- 4.36 I have not identified any typographical errors in the text of the DNP that would affect the Basic Conditions. Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between Dalwood Parish Council and EDDC (PPG Reference ID: 41-106-20190509). These may include revised descriptive and updated paragraph references to the 2021 NPPF, (in the event that they are all not captured by paragraph 4.4 above and **PMs 5, 10, 11, 14**), where no substantive changes in policy have occurred.

## 5. Conclusions

### Summary

- 5.1 The Dalwood Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The DNP as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 5.4 I congratulate Dalwood Parish Council, in particular its Neighbourhood Plan Steering Group, for producing a Plan which covers the wide range of planning policy matters relevant to Dalwood. I appreciate the time and effort which the Steering Group members and other people have spent (more than 5 years) in

evidence gathering, engaging with the local community and taking the Plan through the required stages of plan preparation. Dalwood, as a deeply rural Parish within two AONBs, has many distinctive and unusual characteristics, and I am pleased to note that its special features have been taken into account in developing appropriate policies. Subject to a positive outcome from a future referendum, I consider that the DNP should contribute positively to decision-making by the EDDC planning department, and enable the effective management of future development which respects the knowledge and wishes of the local community.

*Jill Kingaby*

Examiner

## Appendix: Modifications

PM means Proposed Modification.

Page references are to those in the submitted draft Dalwood Neighbourhood Plan.

### [PM1, Page 6](#)

Paragraph 1.1, modify the last sentence to read:

The Plan covers the period.....covered by the District Council's Local Plan. ***This current Local Plan 2013-31 was adopted in January 2016, and is supported by the East Devon Villages Plan, adopted in July 2018. EDDC is preparing a new Local Plan, and consultation on Issues and Options took place from January to March 2021. Dalwood Parish Council will work with the District Council and seek to ensure that the emerging new Local Plan's policies and the policies of Dalwood Neighbourhood Plan are complementary.***

### [PM2, Pages 6 & 13](#)

Paragraph 1.2, modify the first sentence to read:

The Parish of Dalwood lies ***almost*** entirely within the Blackdown Hills ....(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 ....

Add a new sentence to the end of the first paragraph on Page 13:

***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.***

### [PM3, Page 6-8](#)

Paragraph 1.2, modify the last sentence on Page 6 to read:

Figure 2a shows the Parish and neighbourhood area boundary and ~~Figure 2b~~ its wider context.

Replace Figures 2a and 2b with the revised Figure 2, and add the title ***Dalwood Neighbourhood Plan Area.***



[PM4, Page 12](#)

Paragraph 1.6, modify the fourth sentence to read:

***At present, it sits with the district-wide East Devon Local Plan 2013-31 and the East Devon Villages Plan, produced by East Devon District Council ..... relevant to the area. The Parish Council will work with the District Council and monitor progress on the new emerging Local Plan to seek to ensure that the Neighbourhood Plan will complement it.***

[PM5, Pages 12-15](#)

Paragraph 1.6, add a new sentence at the end of the first paragraph to read:

***The Neighbourhood Plan has had regard for the revised NPPF, published on 20 July 2021, and all references in this Plan relate to the revised version.***

Modify footnote 3 on Page 14 and footnote 5 on Page 15 to refer to the National Planning Policy Framework 2021. (Paragraph reference numbers remain correct).

[PM6, Pages 16-18](#)

Page 16, modify the third paragraph to read:

In addition to the scope ... Parish as part of the Blackdown Hills ***and East Devon*** Areas of Outstanding Natural Beauty (AONB).

Page 17, modify the fourth paragraph to read:

This Plan therefore also helps to inform the local authority's duty to "have regard to" the purposes of the AONBs, ***in particular the Blackdown Hills AONB which covers most of the Parish.***

**Vision Statement**

Modify to read as follows:

Dalwood is a vibrant .... and the Blackdown Hills ***and East Devon*** AONBs.

[PM7 Pages 19, 33 & 38](#)

## **2 Vision, Aims and Objectives**

Pages 19 & 33, modify to read as follows:

Aim 4: Protect the area's heritage ~~sites and locations~~ **assets and their settings**.....

Aim 6: Preserve the overall **scale and** character of the ~~Parish's settlements~~ **village** within the AONB.

Page 38, modify the wording of objective a) to Aim 6 as follows:

a) Any new development should use ~~natural~~ **locally distinctive** materials ....

[PM8, Pages 24 & 25](#)

### **3.2 Retaining and Enhancing the Natural Beauty of the Parish**

Modify the second sentence of the second paragraph to read:

The Plan also recognises that while the approved **Blackdown Hills** AONB Area Management Plan provides principles ....

Modify the first sentence at the top of Page 25 to read:

The Aims and Objectives identified .... the agreed **Blackdown Hills** AONB .....

Modify the second sentence of the second paragraph on Page 25 to read:

However, it is equally clear ....proposed within the Parish, as part of the **Blackdown Hills or East Devon** AONBs, requires ...

On Page 25, The Planning and development (PD) management objective and policies, and Farming, forestry and land management (FLM) management objective and policies should refer to **AONBs** not AONB.

[PM9, Pages 26 & 27](#)

Page 26, modify the last sentence of the penultimate paragraph by removing the reference to "ash".

## **Policy NE1: Conserving and Enhancing the Natural Beauty of the Parish**

Modify the policy as follows:

1. Development proposals will .....

ii) they enhance the natural environment, ~~where there is the opportunity to do so.~~

2. Where ~~mitigating measures are unavoidably required~~ ***any adverse landscape impact can be suitably mitigated, this must ensure compatibility with local landscape character.....***

4. There is a presumption of conservation of any existing natural features i.e. orchards, trees, hedgerows and boundaries even where they are not afforded specific protection by tree protection orders or through being in a protected area (AONB), or as a cartilage to a designated listed building....the Parish ***by law.....*** must be of sustainable ***suitable*** locally present ....

Insert new points 5 and 6:

***5. Proposals for development should not increase flood risk or undermine flood protection/mitigation measures, especially in the Corry Brook corridor, where green infrastructure which will give benefits in terms of flood risk management and protecting water quality will be supported.***

***6. Opportunities to incorporate provision for nesting birds and roosting bats must be considered, and included wherever possible/practical in new developments, to protect and enhance biodiversity. A minimum of one integral bird box designed for swifts shall be incorporated into each new build residential unit, and/or where existing buildings are being altered/extended, an ecologist should be instructed to check for existing nests/ roosts of birds or bats. These should be retained where possible or replaced with an integral box, or if not practical, an external box. Wherever possible and 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 oxygen “tubes” for bats, at all times in accordance with current legislation for specially protected species.***

~~5.~~ ***7. For the avoidance of doubt .....Devon County Council Highways Protocol for Highway Management in Protected Landscapes Guidance.***

Add a footnote to Page 27 giving a weblink to the Highway Management Guidance.

### **3.3 Preserving Tranquillity and Dark Skies**

In Paragraph 3.3.1, expand footnote 13 as follows:

***Appendix 1 to this Plan: Blackdown Hills AONB Design Guide for Houses provides guidance on lighting at Page 19 (Page 95 of the Dalwood Neighbourhood Plan).***

Footnotes 12 and 14 should refer to paragraphs 185(b) and 185(c) of the National Planning Policy Framework (July 2021).

### **Policy NE2: Preserving Tranquillity and Dark Skies**

Add a new sentence to the end of the policy as follows:

***New development should follow the guidance on lighting contained in the Blackdown Hills AONB Management Plan 2019-24, and its Design Guide for Houses.***

Modify footnotes 16 and 17, so that references to the NPPF are updated from February 2019 to July 2021.

#### ***4.1.1 Background and Reasoning for Policies BHE1 and BHE2***

Modify as follows:

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. Of particular importance to us are: St Peter's Church (Grade I listed) and the adjacent cottages (Grade II listed), The Tuckers Arms (Grade II listed), Village Hall, Loughwood Meeting House (Grade II\*), The Methodist Chapel and The Reading Room (see Figure 7). National planning policy requires assets to be conserved in a manner appropriate to their significance. The table following Figure 7 provides additional information as to the status of the named assets.*** The green open space .....important, ***in historic terms***, throughout consultations. ***Our objective above (4a) therefore reflects the desire to protect them.*** The Parish Council will work with EDDC to secure ~~their~~***the*** inclusion on the local list ***of assets which do not have protection in place, but which demonstrably merit protection.***

Modify Figure 7 so that it has a new heading: ***Heritage Assets Most Valued by the Local Community.***

Modify the legend to the Figure so that it is clear which assets have listed status (Grade I, II\* or II).

Add arrows to the map so that the location of individual assets is clearer.

Insert the table submitted by the Parish Council to the Examiner on 26 August 2021, in response to preliminary Q2. The table should follow Figure 7 and be headed ***Status of Local Heritage Assets.***

### **Policy BHE1: Maintain the Built Character of the Parish through High-Quality Design**

Modify as follows:

~~To ensure that new housing~~ ***All new*** development ***should achieve*** is of high-quality design and ***be*** sympathetic ..... Parish. ~~Proposals~~ ....

i) ***in the case of housing development***, take fully into account the Blackdown Hills AONB Design Guide for Houses (March 2012) ***alongside the National Design Guide and the National Model Design Code.***

Then insert before (ii), ***for all development:***

ii) ensure that ....

vi) includes the use of .....

***vii) are designed to minimise the occurrence of crime, disorder or anti-social behaviour.***

Amend Policy BHE2 title to read:

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

Replace the existing policy wording with:

***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 settings.***

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## Community Actions and Projects

Modify CA13 to read:

The Parish Council ....the sites of local value ***including to utilise the EDDC Heritage Strategy to proposed non-designated Heritage Assets for inclusion on the EDDC local list.***

[PM12, Pages 37, 38 & 41](#)

## 5 Housing and Population

Paragraph 5.1, in the third paragraph of the Introduction modify as follows:

The Local Plan requires special ....within the AONBs, ....

Page 38, Aim 6, Objective a) modify as follows:

Any new development should use ~~natural~~***locally distinctive*** materials ....

Page 41, in the second paragraph, modify the first sentence:

Dalwood is a rural Parish ... status within the ~~ANOB~~***AONBs*** reflects this....

[PM13, Pages 42-46](#)

Page 42, in Paragraphs 4 and 5 modify to read:

~~The Lympstone Neighbourhood Plan .....Such an approach has been taken in Payhembury, a Parish with a similar size and character to Dalwood, and the Payhembury Neighbourhood Plan was recently successfully made.~~

However, a Built-up Area Boundary ....the steering group decided to define a ~~Settlement Boundary...provisions in the Plan.~~ ***Zone or part of the Parish where limited housing development would be permitted, providing it meets the requirements of Policy BHE1 for high quality design and sympathy to the traditional built character of Dalwood. The Zone is shown in Figure 9, and its boundary is tightly drawn around the existing village. Policy HP1 will permit “annexes” to existing dwellings, subject to the stated criteria. Within the context of the policy, an “annexe” is defined as accommodation which is ancillary to the main dwelling and used for residential purposes. It may be inter-connecting within the property as a whole (eg. via doorways) or it may be accessed by a separate external entrance and form separate, additional accommodation. Annexes are typically proposed to allow relatives to live “with” or close to their family with a degree of independence. In Dalwood, this***

***is particularly relevant to younger and elder people who may still wish to live at home or in the village, but also require an element of support. The availability of additional annexes could enable some downsizing by elderly or single people from larger family accommodation, enabling young and growing families to meet their housing needs by occupying the main residential premises.***

In the penultimate paragraph on Page 44, modify to read:

These criteria have been used ....identify an appropriate ~~Settlement Boundary~~ ***Dwelling Downsizing and Annexe Zone*** for Dalwood, shown below in Figure 7-9  
.....

The previous Built-up Area Boundary .....introduction of a ~~Settlement Boundary~~ ***Dwelling Downsizing and Annexe Zone*** in this Plan ....

Figure 9: ~~Settlement Boundary~~–***Dalwood Village Dwelling Downsizing and Annexe Zone.***

Modify the title and name on the diagram.

Modify the Text on Page 45 below Figure 9 as follows:

The new ~~Settlement Boundary~~ ***of the new Dwelling Downsizing and Annexe Zone*** excludes the existing .....Strategy 35 for exception sites.

***The Zone, shown on Figure 9, does not replace or remove the village's designation as being in the countryside, as defined in Strategy 7 of the adopted East Devon Local Plan 2013-31.***

### **Policy HP1: Housing Development in Dalwood**

Revise wording as follows:

***1. Proposals for housing development in the Zone shown in Figure 9 will be supported where they are for:***

***i) annexes to existing dwellings, within the existing curtilage of a dwellinghouse, which provide additional residential 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, developed on land within the curtilage of an existing dwellinghouse and suitable in their size and design to meet the needs of the***



*existing residents wishing to downsize or to establish a first home to rent or buy.*

**2. 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) with regard to annexes, 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, daylight and sunlight, outlook or noise disturbance) is not adversely impacted, and the privacy of occupiers of dwellings is maintained;***

***vi) the impact of the development on garden habitats and biodiversity has been considered and kept to a minimum;***

***vii) access and egress arrangements do not compromise road safety for pedestrians and vehicle users; and***

***viii) provision for off-street vehicle parking meets current adopted parking standards and exceeds them where feasible. There should be a minimum of one parking space for 1 bedroom properties, and a minimum of two spaces for 2 bedroom properties.***

[PM14, Pages 47 & 51](#)

## **6 Community Facilities and Services**

The second paragraph should read:

Paragraph ~~92-93~~ of the NPPF states....Paragraph ~~83(d)~~ **84(d)** of the NPPF recognises that planning .....

In 6.1.2, delete the second paragraph beginning “Paragraph 28 of the NPPF...”.

Modify the third paragraph to read:

~~This is echoed in Policy CC3 of the Blackdown Hills AONB Management Plan, 2019-24 which advocates the need to .....~~



**Policy CFS2: Improvements to Existing Community Facilities, Amenities and Assets**

Modify to read:

1. Figure 10 identifies the Parish's ~~valued~~ community assets, facilities and amenities ***valued for protection/retention and/or improvement***. They are: .....
2. Proposals ***relating to but not limited to the assets named above*** which seek to enhance ....
3. ~~Proposers of~~ ***Applicants for*** development should ***will be expected to demonstrate how their proposals meet the aims and objectives of the Neighbourhood Plan and how they have consulted and engaged*** with the Parish Council, ***users of the facility, and with the wider community***. ~~at the earliest opportunity.....local community.~~

**Policy CFS3: Loss of Local Community Facilities through Redevelopment or Change of Use**

Modify to read:

1. Proposals for.....
  - i) ~~it does~~ ***they would*** not have .....
2. ~~Proposers of~~ ***Applicants for*** development should ***will be expected to demonstrate how their proposals meet the aims and objectives of the Neighbourhood Plan and how they have consulted and engaged*** with the Parish Council, ***users of the facility, and with the wider community*** . ~~at the earliest opportunity.....local community.~~

**7 Transport and Accessibility**

Last sentence on Page 55 should be modified to read:

This Plan's intent is to ***encourage sustainable travel and minimise the use of the car wherever possible, having regard for national planning policy (section 9 of the NPPF) and the East Devon Local Plan (eg. Policy TC2). The adverse effects of increased road traffic – noise, air pollution (causing harm to biodiversity, human health and climate change), road accidents and loss of visual amenity) – could also undermine the tranquillity and beauty of Dalwood within the AONBs. This Plan, nevertheless,*** recognises the necessity of the

motor car and enhance both the intra-support **for local people** within the Parish, whilst continuing **it will continue** to make walking, riding and cycling safer and more appealing.

### **Community Actions and Projects**

Page 57, after CA15, insert a new CA:

***The Parish Council will continue to explore sustainable transport schemes and solutions to retain and improve accessibility for residents to local facilities and services, working with partners within the community.***

[PM17, Pages 58 & 59](#)

### **Figure 11: Footpaths and Bridleways**

Replace the map on page 58 of the DNP with the map provided to the examiner by East Devon District Council on 7 October 2021, entitled 'Dalwood Map – Oct 2021 – PROW'.

### **Policy TA2: Rights of Way (Public Footpaths and Bridleways)**

Modify to read:

The improvement and ....supported. ***Subject to compliance with all other relevant policies in this Plan, proposals for development ....***

- i) they promote, protect .....horseback; ***and/or***
- ii) they improve and enhance .....or extended routes; ***and/or***
- iii) they ***include measures designed to*** prevent .....

[PM18, Page 60](#)

### **8 Economy and Employment**

In Aim 11. Help create, support and sustain local businesses, add new objective:

***b) 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.***

[PM19, Page 62](#)

### **Policy EE1: Superfast Connectivity**

Modify to read:

The development of a superfast ....designed. ***Where practicable, all new residential, educational and business premises will be required to make provision for the latest high-speed broadband and other communication networks.***

[PM20, Page 65](#)

### **Policy EE2: Farming (New Development Proposals)**

Modify to read:

Proposals for new agricultural ... how they will:

***i) meet an agricultural need and be commensurate in size with the intended future use;***

~~i)-ii)~~ protect and/or enhance ....; and

~~ii)-iii)~~ protect or reinforce ....landscape; ***and***

***iv) include minimal new lighting, and comply with Policy NE2: Preserving Tranquillity and Dark Skies.***

[PM21, Pages 67-69](#)

### **9.1.1 Background and Reasoning for Policy ELC1: Renewable and Low Carbon Energy Schemes**

Modify third sentence of second paragraph to read:

Advice produced by the Devon ***Landscape*** Policy Advice Group .....

### **Policy ELC1: Renewable and Low Carbon Energy Schemes**

Modify to read:

1. Renewable and low carbon energy schemes .... wildlife habitats, ***heritage assets (including their settings and any archaeology needs)*** and neighbouring amenity..... landscape.

**2. Renewable energy and low carbon scheme proposals should demonstrate that they would have no adverse impact on water supply and water quality, such as fish pass (Hydro-electric power – HEP), flood flow (solar panels/HEP) and groundwater quality (wind turbines), and should provide a net gain for biodiversity.**

32. Where appropriate landscaping should be used to ~~lessen~~ **mitigate** the impact ....

43. In addition .....Devon Landscape Policy Group, **or equivalent**.

Renumber existing points 4 and 5 to 5 and 6.

[PM22, Page 72](#)

## **11 Monitoring and Review**

Add a new sentence at the end:

***Dalwood Parish Council will work with East Devon District Council and seek to ensure that the policies in the new emerging Local Plan and the policies in the Dalwood Neighbourhood Plan are complementary.***