



# **East Devon District Council**

## **Dalwood Neighbourhood Plan Decision Statement**

### **1. Summary**

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

### **2. Background**

On 30 August 2016, East Devon District Council designated the area comprising the parish of Dalwood as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

Following the submission of the Dalwood Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 30 June 2021.

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

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

## **3. Decision and Reasons**

### **3.1 Modifications**

The District Council has made the modifications shown overleaf to the Submission Version of the Neighbourhood Plan, incorporating the examiner's modifications, to secure that the draft plan meets the basic conditions set out in legislation.

### **3.2 Referendum**

The District Council has considered whether to extend the area in which the referendum is to take place. Like the examiner, the District Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.

The examiner has concluded that with the below modifications made, the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question 'Do you want East Devon District Council to use the Neighbourhood Plan for Dalwood to help it decide planning applications in the neighbourhood area?' will be held in the parish of Dalwood.

The referendum will take place at the earliest opportunity in 2022 (provisionally 24<sup>th</sup> February 2022 at time of publication (to be confirmed)).

### **3.3 Referendum Version of the Plan**

This Decision Statement and a Referendum Version of the Dalwood Neighbourhood Plan, incorporating the changes set out in this Decision Statement, is now available on the [Neighbourhood Planning pages](#) of the District Council website ([www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)). In accordance with the Government's Neighbourhood Planning Guidance (updated May 2020), the effect of this Decision Statement is to give the Dalwood Neighbourhood Plan (Referendum Version) significant weight as a material consideration in decision-making on planning applications.

East Devon District Council is working with Dalwood Neighbourhood Plan Steering Group regarding the accessibility of the plan document. (Note: This may require

some changes in formatting and layout, together with addition of descriptive text ('alt text') for images, but will not otherwise amend any part of the plan)

## **4. Modifications Made**

The following modifications were agreed to be made to the Submission Version of the Dalwood Neighbourhood Plan by East Devon District Council, further to the findings of the independent examination and consideration of the plan and examiners report at EDDC Cabinet on 1 December 2021:

### **1. References to the emerging new Local Plan for East Devon**

Add wording to acknowledge that there is an emerging new Local Plan for East Devon and that the Parish and District Council will work to seek to ensure that the emerging new Local Plan's policies and the policies of Dalwood Neighbourhood Plan are complementary.

### **2. References to the latest National Planning Policy Framework July 2021**

The plan as a whole to reference the updated NPPF July 2021 which was issued during the course of the examination.

### **3. References to the East Devon Area of Outstanding Natural Beauty**

Add wording where relevant throughout the plan to acknowledge that the parish of Dalwood lies partially within the East Devon Area of Outstanding Natural Beauty (AONB), and not solely the Blackdown Hills AONB, but also to clarify that the Blackdown Hills AONB policies have been the main point of reference for the neighbourhood plan.

### **4. Plan Vision, Aims and Objectives**

Make minor wording changes to the vision and to aims 4 and 6 of the plan for clarity and accuracy. Add a new objective, as put forward by the Parish Council, to aim 11 to help create, support and sustain local businesses, to 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".

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

- i. Remove the clause, “where there is the opportunity to do so” from part 1(ii) of the policy to confirm that ‘development proposals will only be supported where they enhance the natural environment’.
- ii. Modify the first part of criteria 2 from, “Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting....” to, “Where any adverse landscape impact can be suitably mitigated, this must ensure compatibility with local landscape character.....”
- iii. Condense and correct the wording of criteria 4 to read, “There is a presumption of conservation of any existing natural features even where they are not afforded specific protection by law. Any removal must be justified in the planning application, and new or replacements must be of suitable locally present native trees, shrubs and hedges.”
- iv. Insert an additional criteria (new no. 5) relating to flooding to read, “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.”
- v. Insert an additional criteria (no. 6) relating to supporting biodiversity to read, “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.”
- vi. Remove reference to ash in the list of native species that should be used where the appropriate planting is part of mitigation planting/planting schemes in view of the fact that currently ash will not be a sustainable planting choice, given there are no disease tolerant ash on the market.
- vii. Correct reference to Devon County Council highways guidance to ‘Highway Management in Protected Landscapes Guidance’, and add footnote with weblink to this guidance.

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

Add a new sentence to the end of the policy to read, “New development should follow the guidance on lighting contained in the Blackdown Hills AONB Management Plan 2019-24, and its Design Guide for Houses.” and reference this in the corresponding footnote.

## **7. Built Environment chapter**

Modify the explanatory text relating to the background and reasoning for policies (at paragraph 4.1.1 of the plan to read, 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 of the Jubilee Field, Green river-bank and Corry Bridge and St Peter’s Church Cottages were all raised as significantly 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 the inclusion on the local list of assets which do not have protection in place, but which demonstrably merit protection.”

## **8. Policy BHE1 Maintaining the Built Character of the Parish through High-Quality Design**

- i. Amend the first sentence of the policy from, “To ensure that new housing development is of high-quality design and sympathetic to the traditional built character of the Parish, proposals will be supported where they:”, to, “All new development should achieve high-quality design and be sympathetic to the traditional built character of the Parish. Proposals will be supported where they:”
- ii. Extend the first criteria of the policy from, “take fully into account the Blackdown Hills AONB Design Guide for Houses (March 2012);” to, “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.”
- iii. Insert the words “for all development” for application of the remaining criteria.
- iv. Add a new criteria (vii) to read, “are designed to minimise the occurrence of crime, disorder or anti-social behaviour.”

## 9. Policy BHE2 Protecting Locally Valued Heritage Assets

- i. Amend the title of the policy to, “Protecting Heritage Assets”.
- ii. Remove reference to figure 7 showing locally valued heritage assets from the policy wording to the supporting text only, and amend policy wording from, “Proposals for development affecting these assets and their settings will only be supported where....” to, “Proposals for development affecting designated and non-designated heritage assets and their settings will only be supported where...”
- iii. Reverse the ordering of the 2 criteria in the policy and amend the new first criteria from, “where relevant, they have considered fully any additional local evidence documenting local historic sites” to, “they have fully considered the Historic Environment Record (HER) as well as other available local evidence documenting local historic sites..”
- iv. Amend Community Action 13 (CA13) to add the words, “including to utilise the EDDC Heritage Strategy to proposed non-designated Heritage Assets for inclusion on the EDDC local list” to the existing wording of, “The Parish Council will work in partnership with the community and Devon County Council, East Devon District Council, and other partners to ensure as necessary to protect the sites of local value.”

## 10. Housing and Population Chapter and Policy HP1

- i. Revise the wording of Policy HP1 (Housing Development in Dalwood), the associated Figure 9, and supporting text in line with that put forward by the Parish Council during the examination, including to rename the proposed ‘Settlement Boundary’ for Dalwood Village to a ‘Dwelling Downsizing and Annexe Zone’. The revised supporting text before the policy to read:

“The Lypstone Neighbourhood Plan set a precedent for the reintroduction of Built Up Area Boundaries within East Devon. The East Devon Villages Plan acknowledges this. “Lypstone has made a neighbourhood plan that defines the Built-up Area Boundary and other neighbourhood plans may be produced which define Built Up Area Boundaries. [sic.]” Whilst Lypstone was included within East Devon’s Local Plan as a Strategy 27 settlement, and Dalwood is not, it provided the catalyst for considering something similar for Dalwood.

However, a Built-up Area Boundary has a particular definition within East Devon’s Local Plan and Villages Plan. So as not to be confused with these prescriptive definitions with the associated strategies and policies, and avoid being subject to any future updates to the Local Plan that may alter the policy direction of these designations, the steering group decided to define a 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 (e.g. 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.”

And to add clarification stating that, “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.”

ii. **Revise Policy HP1 Housing Development in Dalwood**, to read:

- “1. Proposals for housing developments in the Zone 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 down size 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.”

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

- i. Modify the first part of point 1 of the policy from, “Figure 10 identifies the Parish’s valued community assets, facilities and amenities.”, to, “Figure 10 identifies the Parish’s community assets, facilities and amenities valued for protection/retention and/or improvement.”
- ii. Modify the first part of point 2 of the policy from, “Proposals which seek to enhance or improve Dalwood’s existing local community facilities, amenities and assets will be supported where:”, to, “Proposals relating to but not limited to the assets named above which seek to enhance or improve Dalwood’s existing local community facilities, amenities and assets will be supported where:”
- iii. Modify point 3 of the policy from, “Proposers of development should consult with the Parish Council at the earliest opportunity to ensure that proposals meet the aims and objectives of this Plan and take into account the views of the local community”, to read, “Applicants for development 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.

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

- i. Modify criteria ‘i’ of point 1 of the policy from, “it does not have an adverse impact on the special character of the area’s natural and built environments”, to “they would not have an adverse impact on the special character of the area’s natural and built environments”

- ii. Modify point 2 of the policy to read same as the modified part 3 of Policy CFS2 (above) in respect of pre-application consultation and consideration of the neighbourhood plan.

### **13. Transport and Accessibility Chapter**

- i. Extend the last sentence on page 55 of the plan (“This Plan’s intent is to recognise the necessity of the motor car and enhance both the intra-support within the Parish whilst continuing to make walking, riding and cycling safer and more appealing”) 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 (e.g. 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 for local people within the Parish, whilst it will continue to make walking, riding and cycling safer and more appealing.”
- ii. Add a new Community Action relating to sustainable transport, 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, working with partners within the community.”

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

- i. Insert a requirement when proposals for development affecting rights of way can be supported, to make this, “Subject to compliance with all other relevant policies” in the Plan;
- ii. Make the relationship between all 3 criteria of the policy for assessing proposals affecting Public Rights of Way ‘and/or’;
- iii. Add wording to the 3rd criteria of the policy to make it explicit that proposals for or affecting rights of way should “include measures designed to” ‘prevent motorised vehicles (except those specifically designed for the disabled) illegally using designated footpaths, bridleways and cycleways (where established).’

### **15. Policy EE1: Superfast Connectivity**

Add an additional sentence to the policy wording to state:

“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.”

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

Add two additional criteria at the start and end of the policy respectively to require proposals to demonstrate how they will, “meet an agricultural need and be commensurate in size with the intended future use” and “include minimal new lighting, and comply with Policy NE2: Preserving Tranquillity and Dark Skies”.

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

- i. Add, “heritage assets (including their settings and any archaeology needs)” to the list of factors in point 1 of the policy that renewable and low carbon energy schemes would need to demonstrate that they have ‘no adverse impact on’ in order to be supported.
- ii. Modify the supporting text to ensure the ‘Devon Landscape Policy Advice Group’ is correctly titled.

## **18. Amendments to Figures**

- i. Amalgamate figures 2a and 2b to show the location and key features of the parish of Dalwood / Dalwood Neighbourhood Plan Area into a single map (Figure 2), entitled, “Dalwood Neighbourhood Plan Area”.
- ii. Modify Figure 7 to retitle it, “Heritage Assets Most Valued by the Local Community”, add arrows to the map so that the location of individual assets is clearer, and amend the key so that it is clear which assets are listed.
- iii. Insert a table provided by the Parish Council during the examination after Figure 7 to set out information on the ‘Status of Local Heritage Assets’ shown.
- iv. Replace the map on page 58 (Figure 11) with the updated map provided to the examiner by East Devon District Council on 7 October 2021, entitled ‘Dalwood Map – Oct 2021 – PROW’ which takes account of comments made at the Regulation 16 consultation by Devon Countryside Access Forum and East Devon District Council.

**EAST DEVON DISTRICT COUNCIL**

**6 December 2021 (effective date of decision)**