

Kilmington Parish Council

26 May 2022

Ref: Kilmington Neighbourhood Plan Built UP Area Boundary (BUAB)

Dear Deborah,

Response by Kilmington Neighbourhood Plan Group, in liaison with East Devon District Council Officers

The Kilmington Neighbourhood Plan does not propose the Built Up Area Boundary (BUAB), but instead utilises the BUAB for the village set by East Devon District Council via the adopted Villages Plan, which was consulted on in the early stages of preparation of the neighbourhood plan.

The Villages Plan (adopted in 2018), sits alongside the adopted Local Plan, as part of the statutory development plan for the area:-

[edvp-adopted-version.pdf \(eastdevon.gov.uk\)](#)

The introduction (pages 4 to 7) sets out an overview, pages 24-25 relate to the Kilmington BUAB specifically, and the relevant adopted Local Plan policies (Strategy 6, 7 and 27) are shown in Appendix 2. As stated in policy VP01 on page 6/7, “the policies of Neighbourhood Plans [...] may also refer to the Built-up Area Boundaries defined in this plan”.

In setting these boundaries, EDDC undertook a site by site assessment for each relevant settlement, including Kilmington. The assessments were undertaken in accordance with an approach set out in the earlier consultation version of the Villages Plan, see chapter 4 (from page 11) “Built-up Area Boundaries and how they are defined”: [villages-plan-draft-july-2016-final-amended-east-budleigh.pdf \(eastdevon.gov.uk\)](#)

The report of the assessment for Kilmington ([kilmington-site-by-site-assessment-publication.pdf \(eastdevon.gov.uk\)](#)) explains in detail the rationale for the location of the built-up area boundary.

EDDC undertook consultation on both the methodology (shown here [Proposed criteria for revised built-up area boundaries - East Devon](#)) and on the details of individual boundaries, as summarised in the consultation statement [consultation-statement-publication-v2.pdf \(eastdevon.gov.uk\)](#)

There was therefore a recent and robust basis for relying on the Built-Up Area Boundary set in the Villages Plan during the preparatory stages of the Neighbourhood Plan, and dialogue has taken place between EDDC and the KNP group on a regular basis throughout the Plan process.

The criteria in the methodology and how they were applied in Kilmington set out in the documentation above clarifies why there are areas of built development that are not included in the boundary, including the Dares Field development adjacent to proposed site allocation HD3. As a Rural Exception Scheme, this was expressly excluded on the basis of Criteria B1.

EDDC officers and the Kilmington Neighbourhood plan group discussed the option of amending and extending the BUAB through the neighbourhood plan process to include both proposed allocation sites (HD3 and HD4). It was agreed through discussion not to do so due to the reduced control this would give to the community, by providing the land with in principle presumption in favour of

development, thereby increasing the likelihood that the sites could be developed for predominantly market housing, and not fulfil the intended purpose of the allocations. The allocations are exceptions to policy, under Strategy 6, “Where a local community prepare a Neighbourhood Plan they may specifically allocate sites and/or include criteria based on other policies for promoting development/land uses beyond the boundary”.

By retaining the sites within the area defined as countryside in the Local Plan, Strategy 7 will apply, in so far as, “Development [...] will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development”.

The sites have not been defined as Rural Exception Schemes, in terms of the definition of schemes that would be permitted under Strategy 35 of the Local Plan. Rather these are evidence-based proposals to meet specific community needs identified through the neighbourhood plan process and Housing Needs Assessment, with site HD4 in particular seeking primarily to provide accessible/adaptable housing for older people, rather than affordable housing per se.

The Built Up Area Boundary (or settlement boundary) for Kilminster will be reviewed in the near future through the live process of preparing a new Local Plan for East Devon. A proposed methodology for this work to inform a draft to go to consultation later this year has been approved for use in April this year by EDDC’s Strategic Planning Committee (SPC):

[Agenda for Strategic Planning Committee on Tuesday, 5th April, 2022, 10.00 am - East Devon](#) - see pages 41 to 46.

The paper includes a set of criteria which SPC have approved for use for the consultation draft, based on the approach used in the adopted Local Plan, which saw boundaries very tightly drawn, but enabling some limited very small scale opportunities for development (sites able to accommodate up to 4 or 5 homes) where they exist adjacent/well-related to the existing built up area. The idea being to enable some organic growth within the built up area boundary (to be known as settlement boundary in the new LP), whilst maintaining a clear presumption against development outside the boundary/in the open countryside (with limited exceptions). No work has yet commenced on proposing the location for the new settlement boundaries, but informal officer opinion at present is that for reasons set out above, the criteria / approach would reasonably be expected to mean the previous exception scheme, adjacent to HD3, together the NP allocation sites would continue to fall outside the settlement boundary. On this basis, should the existing/planned development outside the boundary be subject to redevelopment or alternative proposals in the future, for whatever reason, these schemes would then be able to be considered as exceptions to policy, rather than a presumption in favour of development.

On this basis, it is considered by both KNP Group and EDDC Officers that the BUAB employed in the Kilminster Neighbourhood Plan remains appropriate and justified.

We trust that this explains the background and our rationale to the Kilminster BUAB but if you have any other queries please let us know.

Best regards,

Peter Ball
Chairman Kilminster Neighbourhood Plan
Chairman Kilminster Parish Council

Copied to:

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