

LUPPITT PARISH COUNCIL

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Via email

09 June 2022

Ms Mary O'Rourke, BA (Hons) Dip TP MRTPI
Intelligent Plans and Examinations (IPE) Ltd
3 Princes Street
Bath
BA1 1HL

Dear Ms O'Rourke

Luppitt Neighbourhood Plan Examination

Thank you for your letter dated 24 May 2022 and your helpful comments.

On behalf of Luppitt Parish Council, I am pleased to provide answers to the questions you raised. These are attached to this letter.

Luppitt Parish Councillors trust that this additional information is helpful but will, of course, be more than happy to comply with any future requests for clarification that may be made.

Yours sincerely

Rosalind Buxton

Rosalind Buxton (Mrs)
Clerk and Responsible Financial Officer to Luppitt Parish Council

INDEPENDENT EXAMINATION OF THE LUPPITT NEIGHBOURHOOD PLAN

Procedural Letter from Examiner, Mary O'Rourke, Dated 24th May 2022

Parish Council's Response to Examiners Questions (in black text)

Questions for Luppitt Parish Council (16)

3. Please confirm that the Plan period is for the ten year period from 2021 to 2031.

Correct.

4. Please correct the paragraph and page numbers referred to in the note under the plan of the Parish on page 9.

Agreed, we will correct this error (from page 46 to page 50) at the same time as any other amendments are made to the submitted documents.

5. Please provide a working e-link to the Luppitt Landscape Character Assessment (Appendix 17 to the Plan) as, other than the listed 2022 documents, none of the links on LNP Document Library webpage work.

There was an unforeseen issue with some of the links on the website and we are grateful for drawing this to our attention. This has now been rectified and the Luppitt Landscape Character Assessment can be accessed here:

[Luppitt-Parish-Landscape-Character-Assessment_Final_August-2019_compressed.pdf](http://luppittneighbourhoodplan.org.uk/Luppitt-Parish-Landscape-Character-Assessment_Final_August-2019_compressed.pdf) (luppittneighbourhoodplan.org.uk)

6. Please provide a working e-link to the Transform Research Analysis Report.

The same comments apply as point 5 above and the Transform Research Analysis Report can be accessed here:

[Final-Report-on-Luppitt-Parish-Residents-Survey-1.pdf](http://luppittneighbourhoodplan.org.uk/Final-Report-on-Luppitt-Parish-Residents-Survey-1.pdf) (luppittneighbourhoodplan.org.uk)

7. Please confirm the start and finish dates of the Regulation 14 consultation period.

9th April 2021 to 28th May 2021.

As EDDC did not receive the notice of consultation at the commencement of this period, the period was extended to 11th June to allow the council adequate time to respond.

8. Please confirm the number of Regulation 14 consultation responses received from members of the public and from statutory consultees and provide a working e-link to those Regulation 14 Pre-Submission consultation responses.

32 responses received in total. These were detailed in a report submitted to the parish council by the steering group on 23 June 2021. This report is contained in Appendix 11 of the Consultation Statement and an e-link can be accessed here:

[Luppitt Neighbourhood Plan Consultation Statement](#)

9. Please confirm the date and source of the data in paragraph 4.3, and referred elsewhere in the LNP, of the numbers of second homes and holiday accommodation in the Parish.

The number of second homes and holiday homes (30) was calculated by the steering group between in 2017 and 2018. The figure was arrived at by considering the type of occupancy of each property in the parish individually. Given the time lag since 2018 the proportion may have changed a little but we believe it is still approximately correct and it is the only guide available as whilst EDDC has indicative data from business rates and council tax records it does not publish such information for this purpose.

10. Please confirm what progress there has been, if any, on the commissioning of an up-to-date Housing Needs Survey for the Plan area.

Intentionally, there has been no progress in commissioning a Housing Needs Survey prior to the referendum. After much discussion between the steering group and parish council at an early stage it was agreed to concentrate on the LNP and to allow for the commissioning of a Housing Needs Survey as the requirement of a Community Action to be carried out by the parish council at the most appropriate time. This course of action was agreed by EDDC. If the referendum is successful, the parish council will commission a Housing Needs Survey, and if 'need' is established, endeavour to progress the delivery of affordable housing as described in 7.5.4 on page 48.

11. The Parish Map at Appendix 16 shows the Commons. However, its scale and lack of definition make it difficult to read. It would be helpful to have a clearer A3 copy of the plan.

An e-link to a 'scalable' copy of the plan can be accessed here:

[Layout \(luppittneighbourhoodplan.org.uk\)](http://luppittneighbourhoodplan.org.uk)

12. Part 1 of policy NE1 refers to there being no adverse impact on 'distant views'. I note that EDDC suggests in its comments that this is a reference to the Landscape Character Assessment. Please clarify by reference to that Assessment what views are being referred and provide clear mapping to show the viewpoints and the direction and extent of views.

It is agreed that reference to the Luppitt Landscape Character Assessment (LLCA) in NE1 would be a logical improvement. However rather than identifying and protecting specific views, the parish council seeks a general protection of all public views due to the special character of the parish topography. The rationale for not identifying specific views is as follows:

- a) The landscape throughout the parish has special qualities (as referred to in the LLCA) and is therefore worthy of protection from inappropriate development in its entirety, hence also its designation as part of the Blackdown Hills AONB. This is why reference is made in the broadest sense in NE1 to *'rural landscape and rural views'* and we agree with EDDC's statement that the views in the parish are 'all-encompassing'.**
- b) To further explain our approach, viewing the parish landscape from almost any public vantage point within the parish (i.e. from the 25 miles of lanes/public highway, public footpaths, bridleways and areas of Commons and countryside with rights of public access) yet another view emerges. In the opinion of the parish council all of these views are worthy of the general protection that NE1 provides. As the potential for views across the landscape is almost limitless, the parish council is therefore reluctant to restrict this protection to specific views only.**
- c) Other than views towards, and from, Dumpdon Hill very few references to specific views are actually made in the LLCA. Paragraph 6.1 'Protect' identifies 7 parish characteristics that should be protected, one of which is 'Valued views'. These are identified by reference to another, more general, document available from the AONB - 'What Makes a View?'. This document again includes reference to the Dumpdon Hill views plus 'those from the western edge of Hartridge and looking south-east from Luppitt village'. It also notes that no 'official' views or viewpoints, as shown on ordnance survey maps, exist in the parish.**
- d) Dumpdon Hill and the other 'favourite' views referred to above were identified through a public consultation process in 2013 involving 100 respondents and covering the entire Blackdown Hills. It seems that was the only basis used in identifying the few Luppitt views referred to and yet, given the special qualities of the Luppitt topography, many more views are available from public vantage points throughout the parish.**
- e) It is agreed that certain views can be considered to be 'outstanding' and almost breathtaking but the multiplicity of vantage points provides almost endless pleasing and high quality views of the landscape, as your site visit will hopefully clarify. It is suggested that 'ranking' the views would not provide the protection that this valuable landscape deserves.**

13. In respect of the LNP at page 49, please advise as to where I find reference in the Local Plan to the three tests that the LNP say 'must be satisfied', and which are then set out as 1, 2 and 3 on pages 49 and 50.

The 'three tests' referred to are informed by an amalgamation of the requirements of the Government (NPPF and NPPG) and the Local Plan, and our interpretation at the local level, rather than being set out explicitly as 3 tests in the Local Plan itself. The wording may therefore need to be amended to make this clearer.

The text (on pages 48-50) endeavours to explain the background to LNP Policy ND3 - Housing (page 57). The general basis for this policy are NPPF paragraphs 78 and 79 and Local Plan Strategies 7 and 35. EDDC Viability Guidance Note 5: Viability and Exception Sites is also a useful point of reference. <https://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/viability-guidance-note-5-viability-and-exception-sites/>.

Given that any application for development in a 'countryside' area will be challenging for all concerned, the purpose of LNP paragraph 7.5.4 (page 48) is to provide guidance as to how this can be achieved providing that genuine need is first established (hence the Housing Needs Survey referred to in 10 above).

In respect of test 1 regarding facility & services, which you will see flows from Local Plan strategy 35, this was discussed during the development of the plan with officers of EDDC. The advice was that this would be at officer discretion and not necessarily rule out the possibility of development of new affordable housing in the parish if supported by the neighbourhood plan, a genuine need established, and development restricted to an area within easy reach of the existing facilities within Luppitt village (as defined by the Parish Council on the map on page 9 of the plan and explained in Appendix 1).

The 3rd test would perhaps be better worded as 'Demonstrate that the site is suitable'. The reference in the first paragraph originated from Government guidance issued in 2016 - Planning Practice Guidance No 6. 'Delivering a wide choice of quality homes' and related to the Government's requirement at the time for a 5 year housing supply. It appears this may have been superseded by the newly established 'Department for Levelling Up, Housing & Communities' under new guidance: 'Housing Needs of Different Groups', and that this definition of what makes a site deliverable is also contained in the NPPF, so the referencing may need updating accordingly.

14. In the light of the comments of EDDC, please provide a definition of a Devon Bank suitable for inclusion in the Plan.

The officers of the Blackdown Hills AONB did not have a definition for 'Devon Bank' and referred us to a report prepared by David Allen. This is the text referred to as Appendix 6 part 2 'Devon Banks and Hedgerows' in the LNP.

In response to your request we have identified a more succinct definition used by the 'Devon Hedge Group' which we have adapted, with advice from EDDC, which we hope you agree will be appropriate:

'Devon Banks and Hedges

A Devon hedge is a linear earth bank, faced either with stone or turf, often with native trees (some quite mature), shrubs and other plants growing on it and frequently with flower-rich margins. Its form and species composition shows considerable regional variation and new Devon hedges should reflect local character'.

15. In respect of the Consultation Statement, please provide the dates and times of the public meetings held, including those held on Zoom, and the numbers attending.

Please refer to Consultation Statement Appendix 6 for a summary of the public meetings held during the period 2014 to 2015.

Please refer to Consultation Statement Appendix 7 for public meetings held during the period 2018 to 2020.

No public meetings were held between these two periods.

Covid had an impact upon public consultation during the period 2019 to 2022 when face to face meetings became illegal or impractical. As a result all meetings that took place after 2020 (administrative and public) were undertaken via Zoom.

The final (Regulation 14) stage of consultation organised by the steering group included three public meetings by Zoom. In April 2021, as the LNP then ran to 90 pages or more, a more succinct and digestible 20 page synopsis titled '*An Introduction to the Luppitt Neighbourhood Plan - Summary and Explanation*' was printed and posted to every household and business in the parish together with an explanatory cover sheet. At the same time a copy of the full document was sent by email to all statutory consultees. The exercise was well publicised in the parish magazine and an on-line version of the synopsis was also made available.

The three Zoom meetings were arranged for 'comments, concerns or questions' to be made on different days of the week and at different times to encourage as much public participation as possible:

Tuesday 20th April 2021 @8.00pm

2 members of the public and 4 members of the steering group attended

Thursday 29th April 2021 @2.30pm

4 members of the public and 4 members of the steering group attended

Saturday 15th May 2021 @ 10.00am

This meeting was cancelled due to lack of interest from the public.

As mentioned in point 8 above the 32 responses to this exercise were brought together in a report dated 23 June 2021 and are included in the Consultation Statement as Appendix 11.

16. Please provide details of the number of people who attended the special open meeting held on 26 June 2019.

The meeting was very well attended but a record of numbers was not made. We believe there were around 50 attendees in total.

17. Paragraph 9.0 of the Consultation Statement refers to the LPC's Communications Strategy and its regular review throughout the Plan's preparation. Was there an earlier Strategy as the Communications Programme at Appendix 4 of the Consultation Statement appears to refer only to the Regulation 14 consultation?

The 'Communications Strategy' was formalised to specifically address the Regulation 14 stage. Prior to that, communications, publicity and public engagement were discussed in a sub-group set up for the purpose in 2018 - the 'Consultation Process and Communications' group. This sub-group comprised a permanent lead from the steering group committee and at least two members of the public.

18. I have noted a number of references in the LNP and in the Consultation Statement (for example at 10.3.2b) to the assertion that a 56% response rate from 256 parishioners 'statistically speaking, accurately represented the views of 95% of the Parish'. Please explain the reasoning behind this statement.

This was part of the statistical advice provided by the independent research company that analysed the responses to the 2018 Parish Questionnaire - Transform Research Consultancy Ltd of Exeter.

We were informed that in the absence of an unlikely 100% response, the level of response to the questionnaire actually received (which we were told was 'a high response rate' at 56%) meant that the results were a reliable basis upon which to determine parish opinion. Specifically we were informed that by using the research technique of 'statistical analysis' a 56% response would represent the views of 95% of the parish and could therefore be confidently relied upon.

There is a useful table and explanation on page 4 of the Transform report:

Questions for both Councils (1)

19. Please advise as to whether the preparation and content of the LNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

Yes. The Luppitt Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded as described in the Consultation Statement.