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# **Report on Luppitt Neighbourhood Plan 2021 - 2031**

**An Examination undertaken for East Devon District Council with  
the support of the Luppitt Parish Council on the February 2022  
submission version of the Plan.**

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Date of Report: 8 August 2022

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## **Main Findings - Executive Summary**

From my examination of the Luppitt Neighbourhood Plan (the Plan/LNP) 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 – Luppitt Parish Council;
- The Plan has been prepared for an area properly designated – the parish of Luppitt identified on the map on page 9 of the Plan;
- The Plan specifies the period to which it is to take effect – 2021 to 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

## Luppitt Neighbourhood Plan 2021-2031

- 1.1 Luppitt is a peaceful rural parish lying to the north of Honiton and to the west of the A30 within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). It is a diamond shape, encompassing land in the valleys of the River Love and the River Otter, separated by the ridges of Hartridge, Dumpdon Hill and Luppitt Common. The parish has a history of farming and is made up of a tapestry of small farms and vernacular houses and cottages set within sizeable areas of high open common land with the small hedgerow bound fields being mainly used for grazing. The topography gives the parish a special sense of seclusion and tranquillity. Being off any major through route, the network of narrow roads and traditional deep Devon lanes is mainly used by local traffic to Luppitt village and the three hamlets of Beacon, Wick and Shaugh. Appendix 3 to the Plan notes a small population of 461 residents in 172 households was recorded in the 2011 Census. In addition, the Plan notes in paragraph 4.3 that there are around 30 second homes/holiday cottages in the parish.
- 1.2 In October 2013, the parish of Luppitt was designated by East Devon District Council as a neighbourhood area and a Steering Group was established, made up of residents and parish councillors, to progress the Neighbourhood Plan process. In 2014 a questionnaire was distributed to every household in the area and an initial start made on the text of the first draft Plan. In 2018 further consultations were carried out with residents, businesses and strategic stakeholders. The Consultation Statement, which accompanied the submission version of the Plan, details the stages in the plan preparation process and the results of those consultations.

### The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the LNP by East Devon District Council (EDDC), with the agreement of the Luppitt Parish Council (LPC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, latterly dealing with major planning appeals and examining development plans and national infrastructure projects. I have recent experience of examining neighbourhood plans. 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:

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- (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 ('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;

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- 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 plan does not breach the requirements of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations). 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 Council, not including documents relating to excluded minerals and waste development, is the East Devon Local Plan 2013 to 2031, adopted on 28 January 2016. The EDDC has embarked on the process of preparing a new replacement Local Plan but the work, as confirmed in a letter from EDDC dated 8 June 2022 in response to my questions (see paragraph 2.3 below), is still in the early stages.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). A Revised NPPF was published on 20 July 2021. The Basic Conditions Statement refers to the 2021 NPPF and it is this document to which I have had regard in determining whether the LNP meets the Basic Conditions. In addition, the Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented and was also updated in July 2021.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the submitted Luppitt Neighbourhood Plan 2021 -2031, February 2022;
- the map on page 9 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
- the Consultation Statement, February 2022;
- the Basic Conditions Statement, February 2022;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Opinions prepared by EDDC (December 2014 and November 2021), incorporating Habitats Regulation Assessment screening;
- the response of 8 June 2022 from EDDC to my procedural letter of 24 May 2022; and
- the response of 9 June 2022 from LPC to my procedural letter of 24 May 2022.

The documents can be viewed here: [Neighbourhood Plans being produced in East Devon - Luppitt - East Devon](#)

#### Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 26 May 2022 to familiarise myself with it, and to visit relevant sites and areas referenced in the Plan and evidential documents.

#### Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

#### Modifications

- 2.6 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 Luppitt Neighbourhood Plan has been prepared and submitted for examination by Luppitt Parish Council, which is a qualifying body for an area designated by East Devon District Council on 30 October 2013.
- 3.2 It is the only Neighbourhood Plan for the parish of Luppitt and does not relate to land outside the designated Neighbourhood Plan Area.

#### Plan Period

- 3.3 The Plan specifies clearly on the front cover the period to which it is to take effect, which is from 2021 to 2031.

#### Neighbourhood Plan Preparation and Consultation

- 3.4 Work on the preparation of the LNP began in August 2013 with the application by the LPC for designation as a neighbourhood area. In October 2013, EDDC approved the designation of the parish as shown on the map at page 9 of the Plan. A Steering Group of parish councillors and residents was then set up with their terms of reference issued in May 2014. In the same month, a questionnaire was distributed to every household in the parish, with 77 completed and returned. An initial draft of the Plan was completed in March 2018 but given the passage of time, it was decided to re-survey the local community. As well as an updated survey questionnaire, again distributed to every household in paper copy and also available online, the November 2018 consultation included public meetings, presentations, and engagement with local businesses and organisations.
- 3.5 A total of 266 completed questionnaires were returned (159 as hard copies and 107 online), representing a good 56% response rate. The returns were analysed by Transform Research, an independent research consultancy, and that analysis, along with the August 2019 Luppitt Landscape Character Assessment, was used to inform the drafting of the Regulation 14 version of the Plan.
- 3.6 Other means of engagement with the local community included a dedicated Neighbourhood Plan website, posters, notices on the 3 parish notice boards, and articles in the Luppitt Packet, the local newsletter. The regular monthly meetings of the Steering Group were also publicised and members of the public could attend. In addition, around 50 people attended a special open meeting held on 26 June 2019 at the Village Hall.
- 3.7 Appendix 9 of the Consultation Statement advises that formal consultation on the Plan under Regulation 14 ran from 5 April to 24 May 2021. The

consultation was publicised on the Parish Council website and emails sent to statutory consultees and interested parties. A short extension was provided to EDDC (to 11 June 2021) to provide a response, since they did not receive the notification that the consultation had commenced. The Plan could be viewed online with hard copies available on request. The Parish Council also set up three Zoom meetings, on a weekday evening and afternoon and on a Saturday morning, to allow as many of the local community to participate as possible. I am satisfied that the action taken by the LPC was sufficient to bring the draft Plan to the attention of the local community in accordance with PPG Reference ID 41-107-20200925. There were 32 responses received which are considered in Appendix 11 of the Consultation Statement. They include a detailed response from EDDC, responses from the Blackdown Hills AONB Partnership, Historic England and the National Trust, as well as representations from local residents.

- 3.8 The submission version of the Plan (February 2022) was the subject of a further 6-week consultation, as required by Regulation 16 of the 2012 Regulations, from 22 March to 6 May 2022. Fourteen representations were made (plus a late representation which I agreed to accept) including 3 from local residents, from the Blackdown Hills AONB Partnership, Historic England, Devon and Cornwall Police, the Environment Agency, and from EDDC.
- 3.9 Advice in the PPG is that a qualifying body should be inclusive and open in the preparation of its neighbourhood plan and ensure that the wider community is kept fully informed of what is being proposed; is able to make their views known throughout the process; has opportunities to be actively involved in shaping the emerging Plan; and is made aware of how their views have informed the draft Plan. I have considered the representations made at the Regulation 16 stage in preparing this report. In preparing and consulting on a Plan during a time of Covid-19 restrictions on face-to-face meetings, when many public buildings were closed, and people were being asked to work from home, will have presented unusual challenges for the Steering Group and to the Parish Council. I am satisfied from what I have read that an open and inclusive consultation has been followed during the preparation of the LNP; that due regard has been had to the advice in the PPG on plan preparation; and the LNP is procedurally compliant in accordance with legal requirements.

### Development and Use of Land

- 3.10 Subject to my recommended modification to the second part of policy ND10 (paragraph 4.56 and PM30 below), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### Excluded Development

- 3.11 The Plan does not include provisions and policies for 'excluded development'.

## Human Rights

- 3.12 I have to consider whether 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. The EDDC has confirmed, in their letter of 8 June 2022, that this question was considered as part of their Legal Compliance Assessment of the submitted Plan and it was concluded that the Plan did have regard to those rights and freedoms and complied with the Human Rights Act 1998. Further, the EDDC has drawn attention to the significant endeavours made by the qualifying body to encourage the engagement and inclusion of local residents, including the use of a variety of methods to reach residents in response to the restrictions imposed by the Covid-19 pandemic. I have considered this matter independently and find no reason to disagree.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by EDDC in December 2014. This is a legal requirement and accords with Regulation 15(e)(1) of the 2012 Regulations. It concluded that a full SEA was not required. The EDDC rescreened the October 2021 draft of the LNP, concluding again that SEA was not required, and re-consulted with the relevant consultation bodies. Responses from Historic England and Natural England concurred with that view. I have read the SEA screening report and have no reason to disagree with its conclusion.
- 4.2 The LNP was further screened for Habitats Regulations Assessment (HRA). No allocations are proposed in the Plan and there are no major developments taking place in the parish. There are no Natura 2000 sites within the parish, nor is it in close proximity to any European designated nature sites. The EDDC screening opinion was that HRA of the LNP would not be required. Other than recommending the addition in the Plan of a reference to the Hense Moor Meadow Site of Special Scientific Interest (SSSI), Natural England agreed with the HRA screening opinion. From my independent assessment of this matter, I have no reason to disagree with the conclusion that HRA is not required.

### Main Issues

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

## General Issues of Compliance

### *Regard to National Policy and Advice*

- 4.4 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced (NPPF, paragraph 1). Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the Framework is a presumption in favour of sustainable development. Neighbourhood planning gives communities the power to develop a shared vision for their area and neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan (NPPF, paragraph 29).
- 4.5 The Basic Conditions statement details the community's rationale for producing the LNP and the Plan's Executive Summary identifies key issues of concern to the parish council and the local community. The Plan's Vision Statement sets out the aim *'to achieve a thriving balanced community whilst protecting the unique character of the parish and its valuable rural landscape'*. Each chapter defines more specific aims and objectives to be addressed in the Plan's policies. Policies are grouped under the themes of a balanced community, the natural environment, the built and historic environment, new development and change of use and climate change.
- 4.6 These key issues generally relate to matters identified in the NPPF at paragraph 28 as appropriate matters to be addressed through non-strategic policies in neighbourhood plans. I am satisfied that they generally align with national policy in the NPPF on achieving sustainable development, promoting healthy and safe communities, delivering housing, supporting a prosperous rural economy, achieving well-designed places, conserving and enhancing the natural and built environments, and meeting the challenge of climate change.
- 4.7 I conclude that in preparing the LNP, overall regard has been had to national planning policy and advice, subject to a number of detailed points that I address in the Specific Issues section below. In particular, in achieving a planning system that is genuinely plan-led, the NPPF at paragraph 16 sets out various requirements for plans. These include that they should be prepared positively, in a way that is aspirational but deliverable, should contain policies that are clearly written and unambiguous, and should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.
- 4.8 Advice in the PPG (Reference ID: 41-004-20190509) is that whilst the specific topics that a neighbourhood plan covers are for the local community to determine, a neighbourhood plan should contain policies for the development and use of land as, when made, it will become part of the statutory development plan. Policy in a neighbourhood plan should be drafted with

sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Policies should be concise, precise and supported by appropriate evidence, which reflects and responds to the context and characteristics of the area (PPG Reference ID: 41-041-20140306). I address whether the policies in the LNP have regard to this guidance, as required by the Basic Condition, in the Specific Issues section below. Where I consider due regard has not been taken to national policy and guidance in this regard, I recommend modifications/deletions in the interests of achieving clarity in the Plan and thereby meeting the Basic Conditions.

### *Contributes to the Achievement of Sustainable Development*

- 4.9 The NPPF at paragraph 8 sets out the three overarching objectives for the achievement of sustainable development: economic, social and environmental. These objectives are to be delivered through the preparation and implementation of plans and the application of policies in the Framework. They are interdependent and need to be pursued in mutually supportive ways. Paragraph 3.3 sets out the Vision Statement of the Plan which is consistent with the achievement of sustainable development (see also the Basic Conditions Statement at 5.0 and Appendix 3). The three overarching objectives of sustainable development are also integral to the aims and objectives of the policies of the LNP. Together with the policies of the statutory development plan, I consider that the LNP will contribute to the achievement of sustainable development, in accordance with national policy and advice.
- 4.10 In particular, the LNP through its policies for new development promotes good design which is identified in the NPPF paragraph 126 as a *'key aspect of sustainable development,'* and which *'creates better places in which to live and work and helps make development acceptable to communities'*. In its policies on protecting parish facilities and on holiday accommodation, it accords with the social objective to support strong, vibrant and healthy communities. By supporting farm diversification and new small-scale businesses, the Plan addresses the economic objective to help build a strong, responsive and competitive economy through support for a prosperous rural economy. In proposing policies to protect and enhance the parish's rural landscape and its natural and built environment, the LNP supports the environmental objective of sustainable development.
- 4.11 Subject to the detailed comments and modifications which I set out below for the individual policies, I conclude that the LNP makes a positive contribution to the economic, social and environmental objectives of sustainable development.

## General Conformity with Strategic Policies in the Development Plan

- 4.12 The East Devon Local Plan was adopted in 2016 and covers the period 2013 to 2031. An new Local Plan is in preparation and an Issues and Options consultation ran from January to March 2021 alongside an initial call for sites. I was told that officers are working to a tight timetable with a view to the new Local Plan being submitted for examination in early 2024. However, as mentioned above, this work is still in its early stages and I have assessed the policies in the LNP in terms of their general conformity with the strategic policies of the extant 2016 Local Plan.
- 4.13 In assessing whether the policies in the LNP are in general conformity with the strategic policies contained in the development plan, the PPG sets out (Reference ID: 41-074-20140306) the matters that should be considered. Appendix 2 of the Basic Conditions statement is an assessment of the LNP policies against the Local Plan strategic policies considered to be most relevant. The parish of Luppitt is defined in the Local Plan as ‘*countryside*’ and Luppitt village does not have a designated built-up area boundary (BUAB). I am satisfied that the new development policies in the Plan generally support the objectives of Local Plan Strategy 7 for development in the countryside and Strategy 3 for sustainable development. As Strategy 35 allows for exception site mixed affordable and open market housing schemes for villages without a BUAB, and LNP policy ND3 requires the demonstration of a proven need for any additional housing, it is in general conformity with the strategic Local Plan.
- 4.14 Policies in the LNP support the general principles set out in Local Plan Strategies 4, 32, 38, 39, 46, 47, 48 and 49, relating to balanced communities, employment, services and facilities, sustainable design, renewable energy, landscape conservation, nature conservation, local distinctiveness, and the historic environment. I am satisfied that whilst they provide a distinct local approach, they do not undermine the strategic policies.
- 4.15 Although I am recommending, for the reasons explained in the following section, various modifications to the policies in the LNP in order to meet the Basic Conditions, I find that the objectives of the Plan generally align with the strategic development policies of the extant Local Plan 2016. However, given that work is underway on a new Local Plan, this should be referenced in the introduction to the LNP (**PM1**).
- 4.16 Subject to the more detailed comments I make below on the Plan’s policies and my recommended modifications, I conclude that the LNP is in general conformity with the strategic policies of the development plan.

## Specific Issues of Compliance of the LNP’s Policies

- 4.17 Government policy and advice is that plans should be prepared positively, in a way that is aspirational but is also deliverable (NPPF paragraph 16 b.). Whilst
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the specific planning topics included in the Plan are for the local community to determine, if it is to be deliverable through the planning system, it has to contain policies for the development and use of land. This is recognised in the LNP which in addition to its policies also identifies community actions, described as *'non-statutory (non-enforceable) positive actions and projects to improve the quality of parish life'*. The PPG (Reference ID: 41-004-20190509) advises that if such wider community aspirations are to be included in the Plan, they need to be clearly identifiable, for example set out in a companion document or annex. Whilst in the LNP the community actions are not grouped in a separate annex but follow the policies in each of the chapters, they are nonetheless clearly identifiable as community actions by being set in a different colour box to the policies. However, the Parish Council will need to review the presentation/location of a number of these actions where they are associated with those policies/text I am recommending be deleted from the formal Plan.

- 4.18 When made the LNP will form part of the development plan. As advised in the PPG, policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Policies should be concise, precise and supported by appropriate evidence. There are some instances where I find that the policies in the LNP lack the necessary clarity and are ambiguous as to what they are seeking to achieve or secure. I have therefore considered the extent I am able to modify the wording to enable the Plan to meet the Basic Conditions, without undermining the objectives of the submitted Plan and the prior engagement and consultation processes. However, I have also had to recommend deletions where there is not appropriate evidence to support a policy.
- 4.19 Many of the Plan's policies begin with the phrase *'development and change of use proposals'* or *'development and change of land use proposals'*. As the policies will apply, wherever relevant, to development that require planning permission, I agree with EDDC that it is unnecessary to include these phrases, which could be misunderstood. It is sufficient that policies start with *'Proposals ...'*. I am recommending the policies in the Plan be modified accordingly (**PM2**). To improve the Plan's readability and useability, I strongly advise that consideration is given to numbering each of the Plan's paragraphs, albeit it goes beyond my remit to make a recommendation to this effect. The Parish Council will also wish to consider whether Appendices 2, 8, 13, 14, 15 need to be included in the final version of the Plan.

### *A Balanced Community*

- 4.20 It is an objective of national policy to promote healthy and safe communities. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles (NPPF, paragraph 92). Balanced communities are addressed in Local Plan Strategy 4 which identifies three key

components as securing local employment provision; securing social, educational, green infrastructure and health and community facilities; and getting more age-balanced communities.

- 4.21 In providing the social, recreational and cultural facilities and services the community needs, paragraph 93 of the NPPF advises that planning policies and decisions should '*guard against the unnecessary loss of valued facilities and services*' and ensure that '*established shops, facilities and services are able to develop and modernise*'. To that end, Local Plan Strategy 32 resists the loss of employment, retail and community sites and buildings, and this is carried through into the Local Plan development management policies, in particular E14 on the change of use of village shops and services and RC6 on local community facilities.
- 4.22 It is recognised in the LNP that Luppitt is a lightly populated parish that has never had the critical mass to support a wide range of facilities. In recent years, it has lost its village school and post office and The Luppitt Inn is currently closed. Policy BC1 on Protecting Parish Facilities seeks to resist the loss or change of use of existing facilities and is supportive of the provision of new facilities. Thus, it is in accord with national and strategic local policy and contributes to the achievement of sustainable development. I agree with EDDC that the Plan should include a map showing the named facilities, which should include the recreation ground and children's playground. I am also modifying the wording of part 1. to clarify that both qualifications should apply; i.e that there is no longer a need or demand for a facility and that it is no longer economically viable. A footnote or reference should also be included in the supporting text to refer to the EDDC's recent guidance on the Marketing Strategy Statement.
- 4.23 As Luppitt is in the countryside where new development is generally restricted, I am recommending modifying the wording of the second part of policy BC1, to clarify that any new facilities should be limited and should demonstrate community support. However, I am not persuaded of the need to include a locational criterion in the policy which could unduly constrain anyone interested in, for example, developing a new community shop or nursery in the parish. Subject to these modifications (**PM 3, 4, 5 and 6**), I am satisfied that policy BC1 meets the Basic Conditions.

### *The Natural Environment*

- 4.24 Luppitt parish lies wholly within the Blackdown Hills AONB. It comprises a varied landscape of steep sided river valleys, the dramatic ridge of Hartridge Common, the impressive landmark of Dumpdon Hill, and the rolling contours of Hense Moor Common, with narrow lanes, high Devon banks and historic field patterns. The 2013 project 'What Makes A View?' for the Blackdown Hills AONB identified views as fundamental to the character of the Blackdown Hills landscape. Protection of Luppitt's rural tranquillity and the natural environment and landscape are important objectives of the Plan. The



evidence base for the Plan includes the Luppitt Landscape Character Assessment (LCA), prepared in August 2019, which identifies the special qualities of the landscape to be protected and enhanced through the LNP.

- 4.25 In such a valued landscape, Government policy requires that great weight should be given to conserving and enhancing its landscape and natural beauty (NPPF, paragraph 176). The conservation and enhancement of wildlife and cultural heritage are identified as important considerations and more generally, the NPPF advises that planning policy should minimise impacts on and provide net gains for biodiversity. National policy is carried forward in the objectives of the Blackdown Hills AONB Management Plan 2019-2024 and in the Local Plan through Strategy 5 (Environment), Strategy 46 (Landscape Conservation and Enhancement and AONBs), and Strategy 47 (Nature Conservation and Geology).
- 4.26 LNP policy NE1 is in two parts. Whilst the second part seeks to protect the tranquillity and rural nature of the landscape, the first part states that development proposals will only be supported '*if they are sensitively located within the contours of the land and cause no adverse impact upon the rural landscape or distant views*'. Contrary to advice in the PPG that policies should be precisely worded, the Plan does not clarify what can be seen in those distant views nor where they are seen from. However, in answer to my request for clarification, the qualifying body has provided, in its letter of 9 June 2022, an explanation of its approach which is based on the special character of the parish topography.
- 4.27 This is described in detail in the Luppitt LCA, which notes the diversity of landscape character types, the varied topography including plateau tops, steep scarps, valley sides and valley floors, the strong sense of tranquillity and of history, and the undeveloped and distinctive skylines and horizons. More particularly, a diversity of impressive long and intimate views is described in the perceptual qualities of each of the landscape character types. Landscape guidelines in the LCA include protecting '*Valued views, particularly those public views identified within the What Makes a View? Project (prepared for the Blackdown Hills AONB 2013) (those from Dumpdon Hill, from the western side of Hartridge, and looking south-east from Luppitt village)*'.
- 4.28 On my visit, I was able to appreciate some of these views which I agree are outstanding. But, as well, I saw that there are many other pleasing and high-quality views of the landscape to be enjoyed from a multiplicity of viewpoints throughout the parish. As '*distant views*' are likely to be all-encompassing, I consider in this case that it would be unduly pedantic to require every view to be identified in the LNP and indicated on a map. However, it would assist both developers and decision makers in applying the policy for reference to be made within it to the Luppitt LCA, which does describe and refer to views in each of the landscape character types. Accordingly, I am recommending a modification (**PM7**) to the first part of policy NE1. Subject to the recommended modification, I am satisfied that both parts of policy NE1 have

regard to national, generally conform with strategic local policy and would meet the Basic Conditions.

- 4.29 LNP policy NE2 seeks to protect and enhance natural habitats. The first part addresses impacts on the natural environment and habitats, and requires mitigation measures to be provided where necessary, as well as a net gain in biodiversity. I am recommending modifications (**PM8**) to update the policy to refer to Biodiversity Net Gain (BNG), as set out in the Environment Act 2021, and to the method for calculating it, with most developments needing to deliver a minimum of 10% BNG. It should also include an explanation of BNG in the policy justification at paragraph 5.11 of the Plan (**PM9**).
- 4.30 As to the second part of the policy, despite the footnote reference, there is no definition of a Devon Bank in Appendix 1. The Parish Council has now provided, in its letter of 9 June 2022, a definition of a Devon Bank, making clear that it relates both to the bank and to the hedgerow on top, and this should be included in the Definitions in the Plan (**PM10**). I am also recommending the redrafting of the text of the policy to make clear that the loss of Devon Banks is resisted, and only where their loss is accepted as unavoidable to require their replacement or suitable alternative mitigation, including compliance with BNG requirements (**PM11**). Subject to the recommended modifications, I conclude that policy NE2 has regard to national policy and guidance, is in general conformity with Local Plan Strategies 7 and 47 and development management policies EN4 and EN5, and would contribute towards the achievement of sustainable development, thus meeting the Basic Conditions.

### *The Built and Historic Environment*

- 4.31 Luppitt has a number of features of historic importance which have shaped the appearance and character of the parish. These include the vernacular style of the traditional buildings, the 49 listed buildings, as well as the two Ancient Monuments of Dumpdon Hill and Bowl Barrow, and the historic field pattern, as illustrated on the nineteenth century tithe map at Appendix 11.
- 4.32 LNP policy BHE1 seeks to protect the valued built and historic environment. However, I have serious concerns that, as drafted, policy BHE1 fails to have sufficient regard to national policy in the NPPF (Section 16) on the staged approach that must be taken to determine the impact of a proposed development on, and the weight to be given to any harm to, the significance of a heritage asset, and the separate balancing exercises that need to be undertaken for designated and non-designated assets. For this reason, I am not satisfied that policy BHE1 is in general conformity with the strategic policies of the Local Plan, more particularly Strategy 49, or with development management policies EN6 to EN10. Furthermore, in my view the NPPF and the Local Plan policies already provide sufficient protection for heritage assets and the inclusion of another policy in the LNP is unnecessary and an over-simplification which adds nothing that is locally specific. I am therefore

proposing to modify the LNP by the deletion of policy BHE1 (**PM12**) to ensure that the Plan meets the Basic Conditions.

### *New Development*

- 4.33 Chapter 7 of the LNP deals with new development and changes of land use and is the most extensive in the Plan with 11 policies dealing with the location of new development; materials, design and siting; housing; subdivisions, extensions, annexes and replacement dwellings; the conversion of farm buildings; new business premises; holiday cottages; farm workers' dwellings; farm buildings; farm diversification; and traffic movements.
- 4.34 All of the Plan area is identified in the Local Plan as being in the countryside where Strategy 7 only permits development '*where it is in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located*'. There are also detailed development management policies in the Local Plan including policies for design and local distinctiveness, agricultural buildings and development, and the re-use of rural buildings outside of settlements.
- 4.35 It is national policy (NPPF, paragraph 119) that as much use as possible should be made of previously developed or 'brownfield' land, except where that would conflict with other policies, including causing harm to biodiversity sites. Local Plan strategy 3 sets out how sustainable development is interpreted in East Devon and amongst other provisions, requires that developers should maximise the proportion of their developments that takes place on previously developed land.
- 4.36 LNP policy ND1 sets out location parameters for new development and a preference for the use of previously developed land. In strongly resisting new development or change of use of farmland, woodland or amenity land except for uses connected with agriculture, horticulture and forestry or community uses, it appears to conflict with other policies in Plan that are more supportive of new development, for example policies BC1, ND3, ND5 and ND6. Moreover, it is unclear as to the extent of any previously developed sites actually being available in the parish, which might impact on the viability of schemes that the Plan seeks to support, like small scale affordable housing. It could lead to pressure for the redevelopment of previously developed land in remote isolated locations yet preclude development such as the conversion of traditional farm buildings, that policy ND5 seeks to support. For these reasons, I am recommending the deletion of the first sentence of part 1 of policy ND1 and the redrafting of the second sentence to clarify that the use of previously developed land and existing farm buildings is preferred to better reflect the Plan's policies (**PM13**).
- 4.37 The second part of policy ND1 deals with development in the floodplains of the River Otter and the River Love. National policy in the NPPF (paragraphs

159 - 168) sets out the requirement for flood risk assessments and the sequential test to be applied to development in areas at risk of flooding, and, if necessary, the exception test. A Strategic Flood Risk Assessment was prepared for East Devon in 2008 and is to be updated as part of the evidence base for the new Local Plan. Strategy 5 of the Local Plan on the Environment refers to making use of and protecting from development areas that are vulnerable to surface water runoff and flooding, whilst policy EN21 sets out the sequential approach to new development. I am not satisfied that the second part of policy ND1, as drafted, adds anything that is locally distinct and in making an exception for agricultural development, does not have appropriate regard to national policy, contrary to the Basic Conditions. As such, I am recommending it be deleted from the Plan (**PM14**).

- 4.38 It is an aim of national policy to achieve well-designed places, good design being a key aspect of sustainable development. Neighbourhood planning groups are seen as playing an important role in identifying the special qualities of each area and explaining how this should be reflected in development (NPPF, paragraph 127). Strategy 48 and policy D1 of the Local Plan support local distinctiveness in the built environment. LNP policy ND2 is entitled Materials, Design and Siting and sets out 9 criteria for new development in Luppitt. In the opening sentence, there is no need to repeat the reason for the policy, the reference to policy BHE1 should be removed (see PM11) and I am recommending '*regard will be had*' should replace '*great weight will be given*' as the weighting and balancing of each of the planning considerations is a matter for the decision maker at the time, having regard to the particular details of what is being proposed (**PM15**).
- 4.39 I am satisfied that criteria 1, 2, 3, 4, 5, 7 and 8 are appropriate to guide the overall scale, size, design, siting, materials, screening and parking of new development to be in keeping with and respect the area's character and landscape setting. However, modification is required to criterion 2 to ensure that housing is designed in accordance with the AONB Design Guide for Houses (**PM16**). Limiting external lighting not only helps to protect dark skies but can also contribute towards biodiversity. I agree with EDDC it should include a reference in criterion 6 to the Institution of Lighting Professionals guidance note 08/18 on Bats and Artificial Lighting (**PM17**). Carbon reduction is an objective of the Plan and criterion 9 seeks to ensure that development is designed to the highest standards in this regard. As drafted, it lacks the necessary clarity and I am recommending modification to confirm that new development seek to be designed to operate on a net zero carbon basis (**PM18**). Subject to these modifications being made, policies ND1 and ND2 would comply with the Basic Conditions and contribute towards the achievement of sustainable development.
- 4.40 The NPPF at paragraph 78 advises local planning authorities to support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and to consider whether allowing some market housing on these sites would help to facilitate this. Luppitt is in the

countryside where Strategy 7 of the Local Plan does allow for development *'where it is accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development'*. Policy ND3 of the LNP addresses local concerns about the lack of and cost of housing for younger residents and those wishing to downsize, has the support of the local community, and limits new housing in the parish to rural exception sites.

- 4.41 To accord with Strategy 35 of the Local Plan, which allows for exception mixed market and affordable housing at villages, small towns and outside built-up area boundaries, there should be a proven local need demonstrated through an up-to-date robust housing needs survey. Luppitt is one of a group of parishes where regard will be paid to need in the surrounding parishes (see Local Plan paragraph 16.29; Luppitt is grouped with Cotleigh, Monkton, Stockland and Upottery). The Parish Council has confirmed, in its letter of 9 June 2022, that a housing needs survey has not yet been commissioned but is identified as a community action to be carried out at an appropriate time.
- 4.42 The background text in the LNP at pages 49 to 51 sets out three tests which it says must be satisfied *'to comply with the requirements of the Local Plan'*. However, as I understand the Parish Council's response of 9 June 2022 to my question, the 'tests' are actually their own amalgamation and interpretation of national and Local Plan policy. The Plan should be modified to make this clear and the text rewritten in a form that explains and justifies the inclusion of a rural exceptions policy in the Plan (**PM19**).
- 4.43 Policy ND3 provides for developments on rural exception sites to comprise at least 66% affordable housing of a mix of housing sizes and types to meet the identified need and that any open market housing should have no more than 3 bedrooms. As drafted, it requires that a rural exception site should be located within an area the Plan identifies as Luppitt village and which is defined in Appendix 1 as being land either side of the road between points A and B on the map at page 9 (Mount Stephens Cross to Millrise Cross). This area includes the larger settlement of Luppitt, with the village hall and church, and has the former local authority housing at Millrise at its southern end.
- 4.44 The Plan describes the smaller hamlets of Beacon, Wick and Shaugh as *'unsuitable for this purpose'*. Representations have been made that they should not be dismissed as they are in fact closer to facilities in villages outside the parish. This may be the case. However, Strategy 35 is clear that where villages do not have a built-up area boundary, the scheme should be physically very well related to the built form of the village. Moreover, to promote sustainable development in rural areas, the NPPF advises that housing should be located where it will enhance or maintain the vitality of rural communities. I consider that this is more likely to occur and there is more potential to support local services in the parish were a rural exception scheme to be developed close to the settlement of Luppitt, rather than at the outlying hamlets.

- 4.45 As drafted, I find policy ND3 lacks the necessary clarity and as all three parts of the policy relate to rural exception schemes, I agree with EDDC that it could be simplified and refined. Accordingly, I am recommending its modification in the interests of clarity and consistency and to meet the Basic Conditions (**PM20**).
- 4.46 Policy ND4 of the LNP seeks to address proposals for changes to existing dwellings in the parish. Policy H6 of the Local Plan provides for replacement dwellings in the countryside and the NPPF at paragraph 80 d. allows for the subdivision of existing residential buildings in the countryside. There is no need in part 1 to set out the aim of the policy, which should be put in the accompanying policy justification, and there may well be other reasons why the sub-division of an existing residential building is sought. National policy advises against the removal of permitted development rights, and in the absence of any specific local justification, I am recommending this requirement be deleted from part 1 of the redrafted policy (**PM21**). I also recommend rewording part 2 of the policy which deals with replacement dwellings to clarify that the scale and design of the new dwelling should be compatible with the character and appearance of the surrounding area. Policy ND1 includes a criterion on carbon reduction so there is no need for part 2 of policy ND4 to require applications to be supported by a robust condition survey (**PM22**). The final part of the policy deals with extensions and annexes to existing residential buildings. Again, the aim of the policy should be moved to the accompanying supporting text. The policy should also state that it applies to detached annexes, which should share an access and key facilities/services with the main dwelling to ensure that they are genuinely ancillary and linked to the main accommodation (**PM23**). Subject to these modifications, I am satisfied that policy ND4 would meet the Basic Conditions.
- 4.47 It is national policy that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances set out in NPPF paragraph 80 apply. These include at c) development that would *'re-use redundant or disused buildings and enhance its immediate setting'*, and at b) development that *'would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets'*. In addition, there are other policies in the NPPF which support a prosperous rural economy and which provide for *'the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings'* (NPPF, paragraph 84).
- 4.48 Local Plan policy D8 sets out detailed criteria for the re-use of rural buildings outside settlements and does not preclude the types of employment and tourism uses that are described in policy ND5 as likely to be acceptable (also see part 5 of section 7.5 of the Plan on page 51). I am not persuaded from what I have read that LNP policy ND5 adds anything that is locally distinctive and which reflects and responds to any unique characteristics or planning

context of the parish. As such, it does not have regard to the advice in PPG Reference ID: 41-041-20140306 and I am recommending its deletion from the Plan (**PM24**).

- 4.49 The NPPF at paragraphs 84 and 85 supports a prosperous rural economy and that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including the development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism and leisure developments. Development management policies E4 and E5 in the Local Plan provide for rural diversification and small-scale economic development in rural areas. However, policy ND6 as drafted, in resisting new build business premises, does not have regard to national policy.
- 4.50 Policy ND6 supports, as an exception, the development of '*small scale artisan studios/workshops*'. However, I have seen no evidence to indicate any local need/demand for that type of accommodation. Nor that such uses are likely to create many local employment opportunities. For all these reasons, I conclude that policy ND6 does not comply with the Basic Conditions and I am recommending that it should be deleted from the Plan (**PM25**).
- 4.51 In supporting a prosperous rural economy, the NPPF in paragraph 84 c) requires that planning policies and decisions should enable sustainable rural tourism and leisure developments that respect the character of the countryside. Strategy 33 of the Local Plan is supportive of high-quality tourism in East Devon, subject to tourism growth being sustainable and not damaging the natural assets of the district but aiming to attract new tourism related businesses that can complement the high-quality environment of East Devon. The Blackdown Hills AONB Management Plan 2019 to 2024 also recognises the need to strike a balance and its policies for the rural economy and tourism aim to promote a thriving and diverse Blackdown Hills economy which provides jobs for local people, makes wise use of local resources and benefits local communities while conserving and enhancing the outstanding landscape.
- 4.52 Paragraph 4.3 of the LNP notes that around 30 properties in the parish, accounting for 15% of the housing stock, are either second homes or holiday accommodation. This figure was calculated by the Steering Group and is seen as a concern as it reduces the availability of housing in the parish for the local community. Although it is accepted that holiday letting assists local tourism, the Plan notes that both have the potential to negatively impact upon the vitality of the community. Policy ND7 part 1 resists proposals for new holiday cottages. However, a change of use from full time residential occupation of an existing property to a holiday let or second home does not necessarily require planning permission. With only 15% of the existing stock currently used as holiday lets or second homes, it is unlikely to be sufficient to justify a primary residence restriction. In respect of part 2 of policy ND7, since some of the uses listed are not only found on farms, for example bed and

breakfast accommodation can be offered in a village home, the cross-reference to policy ND10 on Farm Diversification is unhelpful.

- 4.53 As drafted, I consider that both parts of policy ND7 lack clarity and are ambiguous as to their purpose and application. In its comments on the Plan, EDDC has drawn attention to policy LE4 of the made Dunkeswell Neighbourhood Plan which sets out criteria to be applied to proposals for small scale camping sites within the AONB. I am recommending that policy ND7 is modified to clarify its intent and to clearly set out the criteria that should be met when proposing tourism development (**PM26**). Commensurate changes will also be needed to the supporting text on pages 52 and 53 (**PM27**). Subject to the modifications being made, I find that the policy would contribute towards the achievement of sustainable tourism development, have regard to national policy and would be in general conformity with the strategic policy of the Local Plan, thus meeting the Basic Conditions.
- 4.54 In that policy ND8 on farm workers' dwellings, refers to the criteria in Local Plan policy H4, it adds nothing new that is locally specific and is unnecessary. I am therefore recommending its deletion from the Plan (**PM28**).
- 4.55 National planning policy supports the development of agricultural businesses and Local Plan policy D7 is permissive of new agricultural buildings and/or buildings intended for intensive agricultural activities where there is a genuine agricultural need and detailed criteria are met, including that the development is well integrated with its surroundings and is not detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance. The LNP through policy ND9 seeks to assist local farming by supporting new small-scale farm buildings and ancillary structures, subject to various qualifications as to their siting, scale, landscape impact, and impact on the amenity of neighbouring properties. Given the traditional nature and size of the farms in the parish, I am satisfied, subject to the modification set out below, that the policy is an appropriate response to the unique characteristics and planning context of the area, has regard to national policy and is in general conformity with policy in the statutory development plan.
- 4.56 In accord with policy in the NPPF, Local Plan policy E4 supports rural diversification where criteria are met. LNP policy ND10 is titled Farm Diversification. However, as drafted, it is unclear as to what kinds of uses and development might be acceptable and it is too open ended to simply refer generally to tourism/employment uses. Of the 4 parts of the policy, it seems to me that the third, which resists the development of glass houses and polytunnels, would be more appropriately included in policy ND9 on Farm Buildings (**PM29**). As to the second, which resists intensive animal husbandry, it is not written in a way that relates to the development and use of land. I recommend modifying policy ND10 so as to make clear to any farmer the requirements that would have to be met if a proposal to diversify is to be supported (**PM30**). Subject to the modifications being made, policy ND10 would comply with the Basic Conditions.



4.57 The roads in Luppitt are old narrow single-track lanes between high Devon banks. They provide essential access to the village, hamlets and farms, but are unsuitable for significant movements of heavy goods vehicles (HGVs). In order to prevent their over-use, congestion and damage, policy ND11 resists development that would result in a permanent and significant increase in HGV traffic movements. Where HGV movements are unavoidable during the construction phase of development, I am satisfied that the requirement for there to be a Construction and Environmental Management Plan is appropriate and reasonable; to minimise the disruption to residents, limit damage to the lanes, banks, hedgerows and ditches, and provide for monitoring and, if necessary, repair. The policy accords with Local Plan policy TC7 and with policy in the NPPF, paragraph 104 d), that transport issues should be considered from the earliest stages of policy making and development proposals so that *'the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects ...'*. I conclude that policy ND11 would contribute towards the achievement of sustainable development and has regard to national policy, thus fulfilling the Basic Conditions.

### Climate Change

- 4.58 The LNP refers at paragraph 8.1 to global climate change as the most fundamental environmental challenge facing all communities and the implications in terms of extreme weather events and the need to reduce carbon emissions. National policy (NPPF, paragraph 152 and Section 14) is that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It refers amongst other actions to encouraging the reuse of existing resources, including the conversion of existing buildings, and supporting renewable and low carbon energy and associated infrastructure. Strategies in the Local Plan support sustainable design and construction, renewable and low carbon energy projects, decentralised energy networks and allowable solutions.
- 4.59 Policy CC1 of the Plan accords with national and local policy in supporting the retrofitting of existing domestic, farm and other buildings with renewable energy solutions, setting out criteria to be met in terms of their design and construction, impacts on the surrounding area, and on the amenity of neighbouring properties. However, not all renewable energy installations require planning permission, some have the benefit of permitted development rights, and I am recommending a modification to the wording of policy CC1 to clarify that the policy only applies where planning permission is required (**PM31**).
- 4.60 Policy CC2 deals with renewable energy schemes, distinguishing in part 1 between those that are small scale and for domestic/non-commercial use or for the collective benefit of the parish community, which are generally supported, and those of a larger scale, which will be resisted. However, in the

absence of any explanation in the policy justification as to what would constitute a '*small scale*' scheme and what would be '*larger*', a decision maker would not be able to apply it consistently and with confidence, contrary to advice in PPG Reference ID: 41-041-20140306. I am therefore recommending the Plan be modified to include reference to the definitions in the Land Use Consultants 2010 report on 'Renewable Energy in the Blackdown Hills AONB' (**PM32**). In the interests of clarity, I am also recommending that the policy is renamed 'Renewable Energy Schemes' (**PM33**).

- 4.61 Part 3 of policy CC2 resists the development of wind turbines and wind farms whilst part 2 refers to potential schemes for the collective benefit of the Luppitt parish community, including field-scale photovoltaic panels and river-based hydro-electric schemes. The NPPF at paragraph 156 encourages local planning authorities to support community led initiatives for renewable and low carbon energy. However, what is here appears to be more aspirational and I have seen no evidence of firm proposals for any such projects. As the first part of policy CC2 already supports small scale community-led schemes, part 2 adds little of locally specific value and is unnecessary. Accordingly, I am recommending a modification to replace policy CC2, which serves to delete the second part and provides the necessary consequential amendments to the remaining parts (**PM34**). Subject to the recommended modifications, the LNP raises no issues of compliance in respect of the climate change policies.

#### Factual and Minor Amendments

- 4.62 I have not identified any typographical errors in the text of the LNP that would affect the Basic Conditions. Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor changes or updates, in agreement between LPC and EDDC (see PPG Reference ID: 41-016-20190509).

## 5. Conclusions

### Summary

- 5.1 The Luppitt 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 and/or delete 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 LNP 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 recognise that the LNP is the product of a lot of hard work by the members of the Steering Group and by the Luppitt Parish Council, who were effective in engaging with their local community to consider how it wished to see the area in the years to come. Considerable effort has been put in over the last 8 years, and particularly during the two years of Covid-19 restrictions and disruption, to achieve the submitted Plan. The result is a Plan that should help to guide the area's future development in a positive way with the support of the local community. I commend the Parish Council for producing this Plan which, subject to my recommended modifications, will form the basis for development management decisions over the coming years.

*Mary O'Rourke*

Examiner

## Appendix: Examiner Modifications (PMs)

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

PM1 – page 11

Include more detail on the work being undertaken as part of the preparation of the new Local Plan and its anticipated timeline.

PM2 - Where applicable in policies in the Plan

Delete the words '*Development and change of use proposals*' and '*Development and change of land use proposals*' and replace with '**Proposals**'.

PM3 – page 24

In policy BC1 part 1, in line 2 add '***the recreation ground and children's playground***' to the list in parenthesis. In line 5 change 'or' to '**and**'.

In policy BC1 part 2, delete '*accessible playground*'.

PM4 – page 24

In policy BC1 part 2, change '*Certain*' to '**Limited**' and add after '*supported*' the following '***where community support can be demonstrated***'.

PM5 – page 24

Include a map in the Plan to show the facilities to be listed in policy BC1.

PM6 – page 25

Add by way of footnote or supporting text, a reference to the EDDC guidance on the Marketing Strategy Statement.

PM7 – page 33

In policy NE1 part 1, in line 3 after '*distant views*' add the following;

***'as described in the Luppitt Landscape Character Assessment'***.

PM8 – page 33

In policy NE2 part, in 1 line 2 after '*acceptable measures*' replace the remaining text with the following:

**'are incorporated into proposals to fully mitigate such adverse impacts, and where proposals deliver a biodiversity net gain of at least 10% using the government approved metric.'**

PM9 – page 34

Include an explanation of BNG in the policy justification at paragraph 5.11.

PM10 – page 74

In Appendix 1, include the definition of a Devon Bank.

PM11 – page 33

Delete policy NE2 part 2 and redraft as follows:

***'The loss of any part of the traditional Devon Banks will be resisted. Only where such loss is unavoidable, provision will be required to be made for their replacement or suitable alternative mitigation, including complying with biodiversity net gain requirements.'***

PM12 – page 40

Delete policy BHE1.

PM13 – page 56

In the first part of policy ND1, delete the first sentence.

In the second sentence after '*previously developed*', delete the words '*brownfield land*' and replace with the words '***land and existing farm buildings***'.

PM14 – page 56

Delete the second part of policy ND1.

PM15 – page 56

Delete the opening sentence of policy ND2 and replace with the following:

***‘Regard will be had to the following criteria in considering proposals for development:’***

PM16 – page 56

In policy ND2 criterion 2, delete the last sentence and replace with the following:

***‘Housing should be designed in accordance with the AONB Design Guide for Houses.’***

PM17 – page 57

In policy ND2 criterion 6, add:

After ‘dark skies’, the words ***‘and contributes to biodiversity’***.

After ‘light pollution’, the words ***‘in accordance with the Institution of Lighting Professionals Guidance Note 08/18 on Bats and Artificial Lighting’***.

PM18 – page 57

In policy ND2 replace criterion 9 with the following:

***‘Carbon Reduction***

***Seek to ensure that new development be designed to operate on a net zero carbon basis, meeting and exceeding the Government Standards in relation to energy efficiency. Applications should be supported by a statement to demonstrate how measures have been taken to try and minimise the carbon footprint of the construction phase.’***

PM19 – pages 49, 50 and 51

Rewrite the three ‘tests’ in a form that sets out clearly national and Local Plan policy for rural exception sites and explains and justifies the inclusion of such a rural exception schemes policy in the Neighbourhood Plan.

PM20 – pages 57 and 58

Redraft policy ND3 as follows:

***‘Proposals for rural exception schemes will be supported subject to:***

- a) There being a proven local need for affordable housing demonstrated through an up-to-date robust housing needs survey;***
- b) The site being located within Luppitt village as defined in Appendix 1;***

- c) Comprising a mix of housing sizes and types to meet the demonstrated need and any open market housing should have no more than 3 bedrooms;**
- d) Affordable housing accounting for at least 66% of the total number of units; and**
- e) Being subject to the occupancy restrictions set out in current EDDC policy.'**

A footnote to e) or explanation should be provided in the policy justification setting out current EDDC policy on occupancy restrictions contained in Local Plan Strategy 35 and in the Affordable Housing Supplementary Planning Document.

PM21 – page 58

In policy ND4 part 1, redraft as follows:

**'Proposals for the subdivision of existing residential buildings into smaller units of accommodation will be supported, subject to there being no significant adverse effect on the amenity of neighbouring properties and that each new unit of accommodation has appropriate internal space and external amenity space and off-street parking.'**

PM22 – page 58

In policy ND4 part 2, delete all the text after 'parish' and replace with the words:

**'and the replacement dwelling should be of a scale and design that is compatible with the character and appearance of the surrounding area.'**

PM23 – page 59

In policy ND4 part 3:

Delete the words 'To assist extended families, the elderly and dependent relatives'.

In line 2, replace 'houses' with '**residential buildings**'.

Add at the end of the policy, the following:

**'This policy also applies to annexes detached from the main residential building, which should share an access and key facilities/services with the main residential building to ensure that it is genuinely ancillary and linked to the main accommodation.'**

PM24 – page 59

Delete policy ND5.

PM25 – page 59

Delete policy ND6.

PM26 – page 60

Change the title of policy ND7 to '**Holiday Accommodation**'.

Delete policy ND7 and replace with the following:

***'Proposals for the provision of small-scale tourist development (including lodges, tree houses, shepherds' huts, yurts, glamping and camping sites) and for guest house or bed and breakfast accommodation, and which require planning permission, will be supported provided that the following criteria are met:***

- a) The scale, level and intensity of development on the site does not adversely impact on the visual amenity of the area and the character of the landscape of the AONB;***
- b) The proposal does not adversely impact on the amenity of neighbouring properties, by reason of unacceptable noise or light pollution, and satisfactory measures are put in place to minimise and control noise, air, water and light pollution; and***
- c) On site access, servicing and parking facilities are provided appropriate for the level and intensity of the proposed use.***

***Proposals will not be supported for the construction of new permanent buildings, for use as tourist accommodation, or the change of use of existing dwellings to self-contained holiday accommodation where planning permission is required.***

PM27 – pages 52 and 53

Changes are required to be made to the supporting text justifying policy ND7.

PM28 – page 60

Delete policy ND8.

PM29 – page 60

At the end of policy ND9, add the text at policy ND10 3. on glasshouses and polytunnels.



PM30 – page 61

Delete policy ND10 and replace with the following:

***‘Small scale farm diversification proposals should meet the following criteria;***

- a) Support the continued primary operation of the land as a working farm;***
- b) Require a rural location;***
- c) Be of character, scale and location compatible with the landscape setting;***
- d) Not cause nuisance or have adverse impact upon the amenity of neighbouring residential properties by way of noise, smell, vibration, water pollution or visual effect; and***
- e) Comply with Local Plan policy E4.***

***Proposals for the permanent change of use of land and/or development for wedding venues, caravan sites or festival sites will not be supported.’***

PM31 – page 70

At the beginning of policy CC1 add the words:

***‘Where planning permission is required ....’.***

PM32 – page 71

Include reference in the policy justification to the definitions of scale in the Land Use Consultants’ 2010 report ‘Renewable Energy in the Blackdown Hills AONB’.

PM33 – page 70

Rename policy CC2 **‘Renewable Energy Schemes’**.

PM34 – page 70

Redraft policy CC2 as follows:

### ***‘1. Renewable Energy Schemes***

***Renewable energy schemes will generally be supported if they are small -scale and for domestic/non-commercial use or for Community-Led Renewable Energy Schemes for collective parish community benefit. Larger commercial/non-domestic scale renewable energy schemes will generally be resisted as being out of character with the rural parish landscape and its status as an AONB.***

## **2. Wind Turbines**

***Wind turbines (except small-scale pole or building mounted domestic/non-commercial turbines) and wind farms will be resisted as being out of character with the rural parish landscape and its status as an AONB.***

## **3. Solar Photovoltaic Panels**

- (i). Solar photovoltaic panels installed on domestic or agricultural buildings will generally be supported providing they are non-reflective and do not adversely impact upon the landscape or neighbouring properties.***
- (ii). Field-based photovoltaic panels will generally be resisted unless they are of domestic/non-commercial scale, sited in close proximity to existing buildings, are permanently well-screened and non-reflective and do not adversely impact upon the landscape or neighbouring properties.***
- (iii). Field scale photovoltaic panels for commercial use will be resisted except for Community-Led Renewable Energy Schemes, as set out in '1. Renewable Energy Schemes' above.'***