

# **Luppitt Neighbourhood Plan**

## **Summary of the Representations Submitted to the Independent Examination**

### **Use of this Document**

This document sets out a summary of the representations (comments) received on the Submission Version of the Neighbourhood Plan, which were passed to the independent examiner for consideration. Please note that the full wording of all representations is available on the [Luppitt Neighbourhood Plan](https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans) page of the District Council website (found at: <https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans>)

The Examiner's Final Report is also available on this webpage and forms part of the documentation for the referendum. In addition, correspondence that took place during the examination and documentation for every previous stage in the development of the neighbourhood plan can be viewed.

Please note that the Submission Version of the Plan has been updated to the Referendum Version, following consideration of the Examiner's final report by East Devon District Council. The District Council Decision Notice sets out the changes agreed between the versions. The Decision Notice and the Referendum Version of the Plan are also part of the referendum documentation and available on the website.

## Summary of Representations

### **1. Blackdown Hills Area of Outstanding Natural Beauty (AONB) Partnership**

Overall supports and welcomes the plan, finding that it gives strong attention to the natural and built environment and weight to the AONB landscape and AONB Management Plan and associated guidance. Lends explicit support in particular to the natural environment chapter policies (NE1 and NE2). Requests minor amend of the text at section 5.8 to the referencing of the duty for publication of the AONB Management Plan, and addition of a footnote to the definition of 'screening' in relation to planting in paragraph 5.3. Moreover, suggests the addition of a clear statement in the plan to make it clear that planting and landscaping proposals need to be acceptable in their own right, and should be about helping to accommodate development within the landscape, not merely hiding it from view.

### **2. Devon and Cornwall Police (DCP)**

Noted previous comments have been addressed and incorporated in the plan. No further comments to make.

### **3. East Devon District Council**

Congratulates the producers of the plan on their dedicated hard work and commitment in producing the document, and makes a range of suggestions for amendments to policy wording throughout the plan, primarily to strengthen and clarify the requirements, including:

- **Policy BC1 (Protecting Parish Facilities)** – various amendments proposed including:
  - Inclusion of a map of the facilities and reference to the recreation ground and new children's playground;
  - Requirement for proposers of a change of use of a facility to demonstrate both that there is no longer a need AND that it is no longer viable, rather than either/or, with reference to EDDC Marketing Strategy Guidance to clarify minimum expectations for marketing.
  - Amended wording to clause 2 relating to provision of new facilities to give greater control including over suitable locations.
- **Policy NE1 (Protecting and Enhancing the Rural Landscape)** – suggests reference is made in the policy to the Local Landscape Character Assessment for Luppitt to application of the policy.

- **Policy NE2 (Protecting and Enhancing Natural Habitats)** – notes that the definition of a Devon Bank referenced in the footnote is missing from glossary. Calls for the policy clause relating to Devon banks to be clear that the starting point is to resist their loss, and for references to requiring bio-diversity net gain to be strengthened including through reference to the Government’s approved metric.
- **Policy BHE1 (Protecting the Built and Historic Environment)** – advises that the policy is not considered to add to national policy and rather over-simplifies it, and advocates reliance on the robust national policy and practice that exists, and other routes to protecting non-designated heritage assets. Suggests a possible alternative policy/statement to generally support proposals where they conserve and enhance the significance of any heritage assets (designated or non-designated).
- **Policy ND1 (Location Parameters for New Development)** –
  - **Clause 1** in relation to brownfield land - raises previous queries about the extent to which brownfield land exists in the parish and possible unintended consequences on the location and viability of development. Suggests if this clause is retained, to amend it to reflect that the definition of brownfield land would include redundant farm/ forestry buildings.
  - **Clause 2** in relation to the floodplains, suggests amendments to better align the policy to national policy.
- **Policy ND2 (Materials Design and Siting)** – suggests in relation to external lighting, that reference is added to preserving biodiversity and requiring compliance with the latest guidance of lighting specification. Also, whilst supporting the clause relating to carbon reduction, suggests it may need adjustment to make clear that great weight will be afforded to this aspect of proposals, rather than applications that demonstrate zero/low carbon per se.
- **Policy HD3 (Housing)** – Notes that this is not normally a location where EDDC would promote or support new housing, but does not wish to object on the basis the plan demonstrates how and why this policy is included to address a local issue and restricts any such development to that which is evidenced by an up to date Housing Needs Assessment. Suggests possible conflicts with other policies in the plan which support residential uses and addition of wording to allow for this. More generally, suggests the policy could be simplified/refined to make one clear policy in relation to Rural Exception Schemes to enable affordable housing provision and mitigate the risk as currently worded that a proposal purely for open market housing could be supported. Also asks for consideration of whether the Government’s new ‘First Homes’ should be referenced.
- **Policy ND4 (Subdivisions, Extensions, Annexes and Replacement Dwellings)** –
  - **Sub-division** – to enable appropriate application of the clause, advises that it refers to ‘residential buildings’ rather than ‘houses’, and for re-consideration to be given to the removal of Permitted Development Rights as a matter of course.
  - **Replacement** – suggest that ‘compatibility with character and appearance of the area’ is referred to rather than ‘similar scale and mass to the existing dwelling’ which could be difficult to defend. Also that the clause relating to the requirement for a robust condition survey may need reference to justify it in the supporting text.

- **Extensions and annexes** – suggest clarification be included in the policy to deal with detached annexes.
- **Policy ND5 (Conversion of Redundant Traditional Farm Buildings)** –
  - Suggest a shorter more specific definition in the glossary to aid policy application, and for the scope to extend to redundant traditional farm buildings that are both designated as well as non-designated heritage assets.
  - To consider whether the policy could conflict with policy ND1 relating to brownfield land and the addition of wording to clarify intent/relation between these two policies.
  - In terms of supporting uses, as previously noted by EDDC officers, would prefer to see lower preference given for residential uses and as well as definition given to what is meant by ‘other uses connected with tourism’.
- **Policy ND6 (New Build Business Premises)** – similar to above, seeks clarification on how this policy relates to policy ND1 (brownfield land), and queries what evidence there is specifically for artisan workshops and their potential for local employment generation.
- **Policy ND7 (Holiday Cottages)**
  - Suggests the policy be re-titled ‘Holiday Accommodation’ to reflect the broader scope of the second part of the policy.
  - To be aware that there will be limited control for conversions of residential buildings to holiday lets as this will often not require consent and that current levels as a proportion of total housing stock are unlikely to justify primary residence restrictions.
  - Suggests the second part of the policy is too open and permissive to the developments to which it relates and makes several possible suggestions for how this this could be addressed.
- **Policy ND10 (Farm Diversification)** - Notes that clauses 2 and 4 relating to intensive animal husbandry and wedding venues, caravan and festival sites are not ‘criteria’ as such and suggest they are included in a new clause to state they will generally be resisted. Suggests there also needs to be some articulation of what sort of diversification is acceptable and that the broad support of ‘tourism and employment uses’ is too broad and could have unintended implications for what is supported under the policy.
- **Policy CC2 (Renewable Energy Scale)** – suggest it would be desirable to give some indication of the definition of scale in the policy, perhaps as used recently in another neighbourhood plan in the area, by reference to the AONB “Renewable Energy in the Blackdown Hills” report. Also notes that in planning terms it would be difficult in applying the policy to make the distinction on what might be acceptable between schemes that are and are not community-led.

In addition, more general requests were made, amongst other things, for a preference for paragraphs to be numbered; for re-consideration of the wording of, and relationship between, some of the stated objectives; for the replacement of the unnecessary and

repetitive use of 'development and change of use proposals' throughout the policies with 'Proposals', and; for reference to be made to the relationship with the on-going work on a new local plan.

#### **4. Environment Agency**

Noted this plan is not proposing development within areas at risk of flooding and as such is not able to give bespoke advice on the Plan due to resource pressures. In lieu of this, the Environment Agency representation includes an Environmental Toolkit guide for neighbourhood planning for the environment, prepared jointly by the EA, Natural England, Forestry Commission and Historic England for reference by the Parish Council.

#### **5. Historic England**

No comments on the plan other than to commend the Neighbourhood Plan Steering Group for their efforts in preparing it.

#### **6. G and A Kirsch**

Comments made in respect of the supporting text relating to affordable housing and rural exceptions sites on p.50 of the Submission version of the plan. Firstly, expressing concern about the restriction placed on the potential locations for such schemes to within the village of Luppitt, as being far too limiting and discounting other potential locations, such as the hamlets of Beacon, Wick and Shaugh, which could be considered to be more accessible to facilities in nearby villages and towns. Furthermore, objects to and requests removal of the criteria for sites for development of affordable housing to "not have significant adverse impact on existing properties" on the basis that this would be difficult to achieve in Luppitt village centre, and instead seeks that any proposed schemes should be assessed on their own merits.

#### **7. Marine Management Organisation**

Notes that this Neighbourhood Plan is not situated directly impacting the marine environment and as such a bespoke response is not necessary, but points to consideration of the South Marine Plan and liaison with the MMO if discussing any themes with coastal or marine elements.

## **8. National Highways (formerly Highways England)**

Confirms that National Highways is responsible for the A30 and A303 trunk roads which run just east of the Plan Area. Advises that National Highways are satisfied that the proposed policies are unlikely to result in development which would adversely impact the Strategic Road Network, and therefore have no specific comments to make.

## **9. Natural England**

Welcomes the consideration given to the natural environment throughout the Plan. Does not consider that the document poses any likely risk in relation to Natural England's statutory purposes and therefore has no further comments to make.

## **10. H Plummer**

Considers that the Plan is overly restrictive to development with too much emphasis on protection, such that it will prevent the area from thriving, in particular local farms. Considers in particular that the role of farming in creating and maintaining the landscape appears to have been forgotten. Queries some of the evidence and the way it is presented in the Plan, and the lack of a housing needs survey. Considers that the plan is also largely repetition of existing building regulations and adds nothing new.

A second late representation was received by H Plummer and accepted for consideration by the independent examiner. This was made further to the link being made corrected for the Luppitt Landscape Character Assessment (LLCA). Comments include that the neighbourhood plan is incorrect in saying that the 14 Council houses in Luppitt are the only modern dwellings, when there are other modern buildings, mostly bungalows, which have replaced long Devon farmhouses which are mentioned in the LLCA. Disagrees with the LLCA's assessment that the latter do not reflect local character nor fit comfortably into the landscape as showing an ignorance of farming and a 'partisan view' in favour of holiday letting not local residents. Expresses concern about 'NIMBY-ism' and calls for all applications in the parish to be considered on their own merits.

## **11. Royal Society for the Protection of Birds (RSPB)**

Notes that comments made previously relating to installation of integral bird boxes were not incorporated. Suggests a form of words to be added to Policy NE1 in relation to incorporation in new development of provision for nesting birds and roosting bats, in line with best practice and the recently published British Standard in relation to integral nest boxes.

## **12. Sport England**

Provides a general / standard response stressing that it is essential for neighbourhood plans to reflect and comply with national planning policy for sport and to refer to Local Authority Playing Pitch strategy and other evidence. The response provides links to various sources of information and guidance that may be useful, particularly if new or improved sports facilities or new housing developments are proposed. Makes no specific comments on the content of the Plan.

## **13. West Hill Parish Council**

Has considered the plan and has no comments to make.

## **14. L Wren**

Expresses concern about the size of modern farm vehicles and machinery used in farming in the area which is said to be causing damage to the Devon banks and hedgerows and seeks a change in practices to address this matter and to deliver a net gain in biodiversity of these habitats for all wildlife, not just for birds. Secondly, seeks greater recognition of the importance of dark skies to protect the natural environment by promoting and incentivising a reduction in the use/strength of night-time lighting at dwellings and on farms across the parish. Thirdly, seeks priority through the change of use and new development proposals to enable local young people to buy somewhere affordable to live in the village and for older people to remain, including through provision of shared community spaces.

## **Note**

This document seeks to set out a factual summary of the key points made in each representation in order to give an overview. However, to view further detail and the original wording of the representations as submitted in full, please go to our [website](#).