

Report to: Cabinet



Date of Meeting 5 October 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Luppitt Neighbourhood Plan Examiner's Report

Report summary:

The purpose of the report is to provide feedback and set out proposed changes following the examination of the Luppitt Neighbourhood Plan. The independent examination of the Plan has now concluded and the final Examiner's report received. In accordance with the relevant legislation, the District Council must now consider its response to the Examiner's recommendations and also satisfy itself that the Plan meets the necessary 'basic conditions'. If the recommendation to accept the Examiner's recommendations in full is accepted, a decision notice will be published accordingly. This will confirm that the Plan can go forward for public vote in a local referendum as the penultimate stage in the plan-making process. An updated (Referendum Version) of the Neighbourhood Plan will also be published. The publishing of the decision notice itself will give the Plan significant weight in the determination of planning applications in the Luppitt parish area.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Members recommend that the Examiner's recommendations on the Luppitt Neighbourhood Plan (the Plan) are endorsed.
2. That Members recommend approval of a 'referendum version' of the Plan (incorporating the Examiner's modifications) to proceed to referendum and that a decision notice to this effect be published.
3. That Members congratulate the Neighbourhood Plan Steering Group on their hard work.

Reason for recommendation:

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of significant local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which following consideration by Officers, who have liaised with the Neighbourhood Plan steering group, are considered acceptable.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. All electors are invited to vote in the referendum.

Climate change Low Impact

Risk: Medium Risk; There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2021\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Luppitt Neighbourhood Development Plan \(Submission Version\)](#); [Examiner's Final Report](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

The Examination

- 1.1 The Luppitt Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Mary O'Rourke, was appointed by East Devon District Council, in consultation with Luppitt Parish Council.
- 1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as representations received in response to the formal consultations. The Examiner did not consider it necessary to hold a public meeting. The [Plan \(as submitted for examination\)](#) and the [Examiner's report](#) are available to view on our website.
- 1.3 The legislation, reflected in the Council's [Neighbourhood Planning Protocol](#), requires the Policy Team to notify Members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. The agreed response will then be published as a decision notice.
- 1.4 The Examiner has recommended deletion in their entirety of 4 of the 17 policies within the Plan, together with deletion of a number of other policy clauses. Primarily this is where

there was not considered to be appropriate supporting evidence, and/or consistency with or added local context to existing strategic (national and/or Local Plan) policy. Textual modifications (some minor amends and some more substantive changes) are recommended for the majority of the remainder of the policies, together with several other amendments to plan text, for reasons of clarity/accuracy and to meet the 'Basic Conditions'. These amendments are summarised and explained in Annex 1. Annex 2 provides a schedule of the policies incorporating the proposed amendments. Annex 3 sets out amended plan text pursuant to a number of the amendments to policy and based on the examiner's recommendations.

- 1.5 In the process of considering the Plan, the Examiner consulted with both the Parish and District Council and gave the opportunity for responses to be made to specific questions. The questions and the responses can be viewed on the [Luppitt neighbourhood plan webpage](#). The Examiner's reasons for all of the recommended amendments are explained in more detail in the Examiner's report.
- 1.6 In concluding her report, the Examiner commended the Parish Council/ Luppitt neighbourhood plan steering group for the hard work that has gone into producing the plan and their effective engagement with the local community in its preparation. Overall, the examiner concluded in her report that, "the Luppitt Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements", and recommends that "the Plan, once modified, proceeds to referendum".

Response to the Examiner's Recommendations

- 1.7 Under paragraph 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the Examiner's report and the reasons for them and decide what action to take in response to each recommendation.
- 1.8 The District Council must also be satisfied that the Neighbourhood Plan:
- i. meets the necessary 'Basic Conditions' by;
 - having regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies of the Development Plan for the area;
 - not breaching, and being compatible with European Union obligations (as retained and/or incorporated into UK law)
 - ii. is compatible with the European Convention of Human Rights (within the meaning of the Human Rights Act 1998), and;
 - iii. complies with the provisions under section 38A and 38B of the Planning And Compulsory Purchase Act,

(or that the draft Neighbourhood Plan would do so if modifications were made to it, whether or not recommended by the Examiner, before a referendum is held.)

- 1.9 The Neighbourhood Plan regulations go on to state that if
- a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and
 - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, then,

the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.

- 1.10 The legislation, which is reflected in our protocol, requires the Council to consider and respond to the Examiner's report. Officer assessment is that with the incorporation of the amendments suggested by the Examiner, the Council can be satisfied that the Plan meets the legal requirements. Whilst the changes are reasonably extensive and those involved in the plan preparation have been disappointed by the deletion of various policies/policy clauses in particular, many of the changes align with East Devon District Council comments and are considered to be robustly justified in the Examiner's report. There are not considered to be any grounds to reject the findings of the report.
- 1.11 Members are therefore asked to agree to accept the recommendations of the Examiner's report and agree that a notice to this effect be published to enable this Plan to move forward towards adoption.

Next Steps

- 1.12 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes, will be made available to view on the [Luppitt page](#) of the East Devon District Council website, together with the Decision Notice. As well as incorporating the Examiner's recommended changes, East Devon District Council Officers will work with Luppitt Neighbourhood Plan Steering Group to help ensure the accessibility of the plan document. This may require some changes in formatting and layout, together with addition of descriptive text ('alt text') for images, but will not otherwise amend any part of the plan.
- 1.13 The District Council will be responsible for arranging a referendum where all electors within the parish of Luppitt will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes', the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon, where it will carry full weight in the planning decision making process.

Financial implications:

Central Government funding is available for Neighbourhood plans. This income covers not only examination fees but also all other associated costs such as employment and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years.

Legal implications:

On 3 May 2022, the Council agreed that all decision making bodies (Council, Cabinet and main committees) together with Panels, Forums etc., will be held virtually with decisions delegated to senior officers until 23.59hrs on 31 October 2022 (or earlier if there is a subsequent decision to this effect). As the report identifies, it is a formal requirement for the Cabinet to consider the Examiner's recommendations and satisfy itself that the proposed neighbourhood plan, as modified, meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Assuming Members recommend endorsement in accordance with

Recommendation 1 and the Senior Officer approves the proposed recommendations then the Local Planning Authority is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and to proceed to a referendum in accordance with Recommendation 2. At this stage there are no other legal observations arising.

Annex 1: Examiner's Proposed Modifications (PM) and Officer Responses

PM1 - Relationship with emerging new Local Plan

Include more detail on the work being undertaken as part of the preparation of the new Local Plan and its anticipated timeline on page 11 of the neighbourhood plan

*EDDC Officer Comment: Agree. This is required for clarity and completeness. At present, the reference on page 11 to the Local Plan, in explaining the component parts of the 'development plan', says, "The mid-tier is the East Devon Local Plan which was produced by East Devon District Council (EDDC) in January 2016 (now under review) and contains detailed planning policies for the East Devon area, including Luppitt. The lower tier is provided by **Neighbourhood Plans**, which contain policies relevant only to a particular parish, village, or town."*

In liaison with the Neighbourhood Plan Group, Officers recommend revised text as follows: "The mid-tier is currently the East Devon Local Plan (2013-2031) adopted in 2016, which contains detailed planning policies for the East Devon area, including Luppitt. It is with reference to this Plan that the Neighbourhood Plan has been prepared and examined. However, it should be noted that the Local Plan is in the process of being replaced. The first working draft was presented to EDDC's Strategic Planning Committee in December 2021. Consultations on the new Plan are being carried out in 2022/23, with Plan adoption currently scheduled for 2024."

*The lower tier is provided by **Neighbourhood Plans**, which contain policies relevant only to a particular parish, village, or town.*

Luppitt Parish Council will work with East Devon District Council to consider the relationship between this plan and the new Local Plan as it emerges."

PM2 - Policy wording - general

Where applicable in policies in the Plan, replace 'Development and change of use proposals' and 'Development and change of land use proposals' which is considered unnecessary to repeat throughout given that policies will apply, wherever relevant, to development that require planning permission. Replace with 'Proposals'.

EDDC Officer Comment: Agree. Aligns with previous EDDC comments and Officer advice.

PM3 to PM6 - Policy BC1: Protecting Parish Facilities

- Add the recreation ground and newly provided children's playground to the list of parish facilities identified in part 1 of the policy for protection (and consequently remove the reference to an accessible playground from the list of new facilities that would be supported).
- Strengthen the grounds on which loss would be permitted by requiring that it is demonstrated that there is both no longer a need or demand for the facility AND that it is no longer economically viable, rather than 'or'
- In relation to support for new facilities, to clarify that support will only be given to 'limited' new facilities, 'where community support can be demonstrated' due to Luppitt's countryside location.
- Include a map in the Plan to show the facilities to be listed in policy BC1.
- Add by way of footnote or supporting text, a reference to the EDDC guidance on the Marketing Strategy Statement.

EDDC Officer Comment: Agree. This incorporates comments made by EDDC and improves the robustness of the policy wording. In liaison with the Neighbourhood Plan group, the reference to

the [EDDC guidance on Marketing Strategy Statement](#) will be added as a footnote within the policy, stating, “For reference, see the Marketing Strategy Statement guidance published by East Devon District Council on the [EDDC website](#)”.

PM7 - Policy NE1: Protecting and Enhancing the Rural Landscape

Include a point of reference to aid interpretation of the protection of ‘distant views’ by inserting, “as described in the Luppitt Landscape Character Assessment”.

EDDC Officer Comment: Agree. Noting that the Examiner supported the position not to identify specific distant views as would normally be the case, because she agreed that they were likely to be all-encompassing, but advised that it would assist both developers and decision makers in applying the policy for reference to be made within it to the Luppitt LCA, as this describes and refers to views in each of the landscape character types.

PM8 to PM11 - Policy NE2: Protecting and Enhancing Natural Habitats

- In part 1 relating to biodiversity, strengthen the wording relating to biodiversity net gain requirements by replacing, “...acceptable measures are offered to fully mitigate such impacts, and where proposals deliver a net gain in the biodiversity of habitats”, with, “...acceptable measures 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.” In addition, to include an explanation of biodiversity net gain in the policy justification.
- Revise part 2 of the policy relating to Devon Banks to make it clear that the starting point is to resist the loss of Devon banks, and for replacement or suitable alternative mitigation to only be considered where unavoidable. The revised clause to read, “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.’ In addition, insert the agreed definition of a Devon Bank which is currently missing from the Plan glossary.

*EDDC Officer Comment: Agree. This strengthens the policy requirement in line with the original intent. The suggested explanatory text for the policy justification regarding biodiversity net gain, to be inserted by revision/addition to the wording at the bottom of page 34 of the plan is, “Section 15 of the NPPF also requires the natural environment to be ‘conserved and enhanced’. Relevant guidance is contained in paragraphs 174, 175 and 179 and paragraph 176 in particular requires that ‘great weight’ should be given to conserving and enhancing the landscape and scenic beauty of the AONBs. **Paragraph 174 also advises that planning policy should minimise impacts on and provide net gains for biodiversity. Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will be required to deliver at least 10% Biodiversity Net Gain from November 2023, measured using DEFRA’s biodiversity Metric. Habitats will need to be secured for at least 30 years.”***

PM12 – Policy BHE1 - Protecting the Built and Historic Environment

The Examiner noted that Luppitt parish has a number of features of historic importance, but expressed concern about the drafted policy in terms of its compatibility with national and strategic

policy, which already provides significant protection through a prescribed approach. To avoid potential conflict and unnecessary duplication of such policy and meet the Basic Conditions, the Examiner recommends it is deleted. For reference, the policy as drafted in the Submission read as follows:

- 1. Protecting Designated Heritage Assets** Proposals that affect a Listed building (or other designated heritage asset) or its setting will only be supported where the proposals properly protect or enhance both the fabric and setting of the Listed building or asset.
- 2. Protecting Non-Designated Heritage Assets** Proposals that affect non-designated heritage assets, identified by the Parish Council as contributing to the character of the parish⁶⁰ through their age, architectural style or historical merit and considerations of significance and setting including views, will only be supported where those heritage assets are retained and protected and retain the historical fabric and minimise loss.

EDDC Officer Comment: Whilst acknowledging that it is disappointing for policies to be deleted at this stage and the work undertaken by the Steering Group in drafting the policy, agree that adequate and robust protection is provided within strategic policy which can be relied upon by the Parish Council, and which the drafted policy does not fully reflect.

PM13 & PM14 - Policy ND1: Location Parameters for New Development

- Replace the phrase “previously developed ‘brownfield land’”, with “previously development land and existing farm buildings” to better reflect and avoid conflict with other policies in the plan.
- Delete the second part of the policy ND1 relating to development in the flood plain, as this is not considered to add anything which is locally distinct whilst not having sufficient regard for national policy by making an exception for agricultural development. This part of the policy as submitted, read, “To preserve the rural landscape and prevent an unnecessary risk of flooding, applications for development or change of land use within the flood plains of the River Otter and River Love will be strongly resisted, except for uses connected with agriculture. Such agricultural use proposals should comply with all other policies in this Plan and the Local Plan and include flood risk mitigation proposals.

EDDC Officer Comment: Agree, for clarity/accuracy, and also to better reflect the National Planning Policy Framework definition of previously developed land (which includes land and buildings), and the sequential test in relation to development in areas of flood risk. These modifications also reflect EDDC comments on the plan.

PM15 to PM18 - Policy ND2: Materials Design and Siting

- Remove policy justification from the policy wording and remove the reference to weighting of planning considerations which will be a matter to determine on a case by case basis, by replacing the opening sentence, “*To preserve the unique character of the parish and the rural landscape, great weight will be given to the following criteria in all applications for development or change of land use, including those under Policy BHE1*” with, “*Regard will be had to the following criteria in considering proposals for development:*”
- In policy criterion 2 (Design), strengthen the requirement for housing to make reference to the AONB Design Guide for Houses, by replacing the last sentence with, “Housing should be designed in accordance with the AONB Design Guide for Houses.”
- In policy criterion 6 (External Lighting), after the phrase ‘dark skies’, add ‘and contributes to biodiversity’, and after ‘light pollution’, add ‘in accordance with the Institution of Lighting Professionals Guidance Note 08/18 on Bats and Artificial Lighting’.

- For clarity in implementation, replace the proposed wording at Policy criterion 9 Carbon reduction, “In recognising the impact of climate change, the need for carbon reduction in the construction and use of buildings and the increased use of renewable energy sources, great weight will be given to applications for new development that are designed to the highest standards in this regard.”, with, “**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.**”

EDDC Officer comment: Agree, for greater clarity of the policy requirements. This also in part reflects EDDC comments at Regulation 16 Submission stage.

PM19 – Explanatory text relating to Rural Exception Schemes

Rewrite the three ‘tests’ set out on pages 49-51 of the plan 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.

EDDC Officer comment: Agree. This was considered by EDDC and the Steering Group during the examination and should be amended accordingly. See Annex 3 for revised wording for the three tests relating to Rural Exception Schemes.

PM20 - Policy ND3: Housing

Simplify and reduce policy wording to give greater clarity, from:

“1. Rural Exception Sites The scope for new housing development within the parish is strictly limited to 'rural exception sites' as defined in the National Planning Policy Framework (Rural Housing - Paragraph 78). To be eligible for consideration, sites must satisfy the requirements of Local Plan Strategies 7 and 35, be capable of accommodating all parking on-site and comply with the other policies in this Plan.

2. Affordable Housing Where a Housing Needs Survey demonstrates a need for additional housing, any affordable housing should:

1. Be located on a 'rural exception site' (see ND3 (1)) within Luppitt village as defined in Appendix 1
2. Comprise a mix of housing sizes and types to meet the demonstrated need
3. Comprise at least 66% of the total number of units
4. Be subject to occupancy restrictions in accordance with EDDC policy
5. Be designed in accordance with the AONB Design Guide for Houses and in conformity with the other policies in this Plan.

3. Open Market Housing Where a Housing Needs Survey demonstrates a need for additional housing, any open market housing should:

1. Be located on a 'rural exception site' (see ND3 (1))
2. Comprise small housing of up to three bedrooms
3. Comprise no more than 34% of the total number of units
4. Be designed in accordance with the AONB Design Guide for Houses and in conformity with the other policies in this Plan.”

To:

“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.”

Also, to add a footnote to e) or provide an explanation 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.

EDDC Officer comment: Accept as the wording is simplified whilst retaining the policy intent, and in part aligns to EDDC comments at Regulation 16. Suggest a footnote is added to clause e) of the policy as follows, “Under Strategy 35 of the East Devon Local Plan (adopted 2016) and the East Devon Affordable Housing Supplementary Planning Document (adopted November 2020), initial and subsequent occupancy of affordable housing is restricted to a person(s) who: a) Does not have access to general market housing and is in housing need; and b) has a local connection to the parish through residency, work or family ties, this then cascades out to the parish group and finally East Devon should no one be found from the parish. Occupancy conditions will be secured through a Section 106 agreement.”

PM21 to PM23 – Policy ND4 - Subdivisions, Extensions, Annexes and Replacement Dwellings

- **Part 1 Subdivision of Houses** – redraft this clause to remove explanatory text from the policy wording itself and omit the requirement for permitted development rights to be withdrawn due to lack of justification. The amended clause to read, “*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.*”
- **Part 2 Replacement Dwellings** – remove the requirement that, “In all cases, proposals must comply with the policies in this Plan and be supported by a robust condition survey” on the basis that carbon reduction is addressed in ND1. Also to amend the requirement for the replacement dwelling to be “of a similar scale and mass to the existing dwelling” with a requirement for it to be “of a scale and design that is compatible with the character and appearance of the surrounding area”. The modification also removes the wording that “Exceptions will be considered on their merits” which is superfluous.
- **Part 3 Extensions and Annexes** - redraft this clause to remove the explanatory text from the policy wording itself; replace ‘houses’ with ‘residential buildings’, and; add control for detached annexes at the end of the policy, to read: “*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.*”

EDDC Officer comment: Accept and agree that overall this improves clarity and application of the policy.

PM24 – Policy ND5 – Conversion of Redundant Traditional Farm Buildings

Delete this policy on the basis that the policy intent is already provided for under national policy and within the adopted Local Plan (particularly policy D8) and that it is not adding anything locally specific or uniquely distinct.

EDDC Officer comment: Accept. Deletion of this policy goes beyond comments made by EDDC at Regulation 16 stage, where various amends for clarity in implementation were put forward. However, whilst it is somewhat disappointing to see policy removed at this stage, we would not disagree that similar and adequate policy exists strategically and can be relied upon by the Parish Council in responding to consultations on relevant applications.

PM25 – Policy ND6 - New-Build Business Premises

Delete this policy on the basis that national and adopted Local Plan policy (particularly policies E4 and E5) already supported rural business and diversification, and that ND6 in resisting new build business premises was inconsistent. Furthermore, there was a lack of evidence supporting the exception made within the policy for artisan workshops specifically.

EDDC Officer comment: Accept. Similar to above, deletion of this policy goes beyond comments made by EDDC at Regulation 16 stage. However, we did query its basis and application. Whilst it is disappointing to see a further policy removed, we would not disagree with the reasoning provided by the Examiner, and would agree that strategic policy could be relied upon to support the nature of development the Parish Council sought to support.

PM26 and PM27 – Policy ND7 - Holiday Cottages

- Amend policy title to ‘Holiday Accommodation’ to better reflect the intent.
- To increase clarity of intent and application, redraft and revise the policy from:

“In the interests of promoting community vitality and utilising parish housing stock for full-time resident occupation, the change of use of existing residential dwellings to self-contained holiday accommodation where planning permission is required, and proposals for the construction of new holiday cottages, will be strongly resisted.

Other proposals that support tourism (see Policy ND5), including, but not limited to, guest houses, bed and breakfast, lodges, caravans, tree houses, shepherds’ huts, pods, yurts, tents, glamping and camping, will be considered on their merits but will be subject to the provisions of Policy ND10 and must comply with other policies in this plan in regard to their impact upon the landscape and neighbouring properties.”

To:

“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.”

- Amend the policy justification accordingly to support the policy.

EDDC Officer comment: Agree. The suggested amends broadly align to comments made by EDDC at Regulation 16 consultation stage and are considered to give greater clarity and control.

PM28 - Policy ND8 - Farm Workers’ Dwellings

Delete this policy on the basis it cross-refers to criteria in adopted Local Plan policy H4 (Dwellings for persons employed in rural businesses) and does not add anything locally specific.

EDDC Officer comment: Accept. Whilst no comment was made or objection raised to this policy by EDDC at Regulation 16 consultation, and it is disappointing to see a further policy deleted at this late stage, we would not disagree that similar and adequate policy exists strategically and can be relied upon by the Parish Council in responding to consultations on relevant applications.

PM29 – Policy ND9 - Farm Buildings

At the end of this policy, add text relating to control of development of glasshouses and polytunnels currently included within Policy ND10, on the basis it fits more appropriately here.

EDDC Officer comment: Agree – the policy clause is retained in full and fits well as part of ND9 regarding farm buildings.

PM30 – Policy ND10 - Farm Diversification

- Remove the explanatory text from the policy wording and the clause related to intensive animal husbandry as this falls beyond land-use planning, and generally revise and refine the policy from:

“To assist local farming, support tourism and increase employment opportunities, the diversification from agricultural land use to other uses will be considered on a case-by-case basis subject to the following criteria:

1. **Adverse Impact** Uses that cause nuisance or adverse impact upon neighbouring properties or the landscape, through visual effect, noise, smell or vibration or are of large scale, will be resisted.
2. **Intensive Animal Husbandry** Intensive animal husbandry uses (rearing animals inside buildings for all or the majority of the time rather than on pasture) will generally be resisted.
3. **Wedding Venues, Caravan and Festival Sites** The change of land use to wedding venues, caravan sites or festival sites will generally be resisted.”

To:

“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.”

EDDC Officer comment: Agree. The modifications broadly align with comments made by EDDC at Regulation 16 stage and are considered to improve clarity and aid implementation of the policy.

PM31 – Policy CC1 - Renewable Energy Retrofit

Add “Where planning permission is required...” at the beginning of the policy for clarity.

EDDC Officer comment: Agree - this adds clarity.

PM32 and PM33 – Policy CC2 - Renewable Energy Scale

- Amend policy title from ‘Renewable Energy Scale’ to ‘Renewable Energy Schemes’
- Add reference in the supporting plan text to the definitions of scale set out in the 2010 report on “Renewable Energy in the Blackdown Hills AONB” to assist with confidence and consistency in decisions.
- Redraft policy to delete separate policy clause (part 2) relating to ‘Community-Led Renewable Energy Schemes for collective parish community benefit’, and instead rely on supporting those within the remaining other clauses of the policy.
- Re-number/adjust policy clauses accordingly to align with this change.

EDDC Officer comment: Agree. Overall these modifications respond to comments made by EDDC at Regulation 16 stage and can be expected to aid effective implementation. Suggested reference to be added to the supporting text to read, "The Land Use Consultants 2010 report on 'Renewable Energy in the Blackdown Hills AONB' is suggested as a point of reference to assist in interpreting definitions of scale in our policies."

Formatting and Minor Amendments

In addition to the above modifications, the examiner has strongly advised that consideration is given to numbering each of the Plan's paragraphs for readability and usability.

Finally, in making the agreed modifications, the Examiner acknowledges that a number of consequential minor amendments and corrections will be needed to text.

EDDC Officer comment: Agree. These will be agreed in preparing the Referendum Version between Officers and the Parish Council and will be limited to minor non-material amendments and updates only, including in respect of references to deleted policy, policy and page numbering and so on. Paragraph numbers are good practice and aid plan implementation and will therefore be incorporated if practical to do so.