

## Uplyme Neighbourhood Plan – Regulation 15 Submission/Regulation16 Consultation

### Summary of Representations submitted to East Devon District Council

#### Uplyme Neighbourhood Plan Group Responses

Organisations	Summary of Representations	Response from Uplyme Neighbourhood Plan Group
<b>Environment Agency Exeter</b>	<i>Support the vision, objectives and policies in the submission Uplyme neighbourhood plan, in particular those relating to the natural environment, wildlife, flood risk and rivers. pleased to see that the plan has incorporated the advice provided previously to the neighbourhood plan steering group.</i>	Noted and Welcomed. It is considered important that the Plan is supported by the EA as one of the key statutory consultees
<b>Historic England Bristol</b>	<i>Many thanks for your consultation on the Uplyme Neighbourhood Plan. I can confirm that we have no comments that we would wish to make.</i>	Noted and Welcomed. HE supported the Plan at Reg 14 stage and this is considered important as HE is one of the key statutory consultees.
<b>Natural England Exeter</b>	<i>We recognise the changes that were made to the Uplyme Neighbourhood Plan and welcome this submission version. We have no further comments to make.</i>	Noted and Welcomed. It is considered important that the Plan is supported by the NE as one of the key statutory consultees.
<b>South West Water Exeter</b>	<i>The content of the Plan noted and causes South West Water no concerns over any impact upon our infrastructure.</i>	Noted and Welcomed.
<b>Sport England Leicester</b>	<i>General reference to the need for Neighbourhood Plans to reflect NPPF Paras 73 and 74 to and being aware of SE's role in protecting playing fields. Important that NPs reflect any playing pitch or other sports strategies of the District Council.</i>	The UNP does recognise the importance of sports and recreation in section 8.4 and through Policy UCF3 and also recognises the value placed by the public on footpaths which provide access to the countryside for health and recreation Policy UEN7 also protects greenspace from development which includes the existing playing fields. The UNP Group is not aware of a District Wide sports strategy which would affect Uplyme and this has not been referred to by EDDC during extensive consultation.

<b>South Somerset District Council Yeovil</b>	<i>No Comments</i>	Noted
<b>National Grid Warwickshire</b>	<i>National Grid is responsible for electricity and gas transmission infrastructure. NG has no record of apparatus within the Neighbourhood Plan area. There may be Low or Medium Pressure Gas Distribution pipes present within proposed development sites, so consultation is requested if their infrastructure is affected.</i>	Noted
<b>Highways England Exeter</b>	<i>Satisfied that the proposed plan policies are unlikely to result in development which will impact on the Strategic Road Network and therefore have no specific comments to make. Noted that although no exception sites proposed for Raymonds Hill, the plan identifies the potential for some limited market housing to the south of Harcombe Road. Comment on previous discussion about traffic lights option at A35 Junction at Hunter's Inn.</i>	Noted. It is understood that some work to improve the junction is to start shortly.
<b>Trustees of Mrs Ethelstone's School</b>	<i>Object to Section 7.2 and Policy UEM5. The Trustees own the current school site and when the school relocates it will have to be sold and value maximised. Preferred option is to change it to residential which would be appropriate to the locality. Not suitable area for commercial development.</i>	The Uplyme business survey did highlight that there were a significant number of small scale businesses in the Parish. Policy UEM5 suggests that the school site could become a small business centre for office and professional services, which would be compatible in a residential area. However the need to relocate the school and its funding needs are also recognised in 7.2. It is understood that charity law requires land to be sold at 'market value' and this is determined by the use. A mixed use for the site with some office and some residential could help address both issues.
<b>Sibbet Gregory for Betterment Properties</b>	<i>This objection relates to the proposed designation of Area E as Greenspace within the NP.</i>	<i>This site has recently been subject to a planning application, which was refused but permission was granted at appeal, that was allowed, despite previous refusals of planning permission and dismissal at appeal for a similar development. This decision</i>

		<i>contravenes the NP Greenspace policy which will need to be amended to delete reference to Area E as Greenspace.</i>
<b>M Harris Devon County Council Environment Group/Team</b>	<i>Reference made to DCC various webpages and documents that may be relevant to Neighbourhood Plans.</i>	These documents were consulted early on in the preparation of the Uplyme NP and meetings were held with representatives of the environment team as well as the Highways section. This included detailed site visits to discuss access and highways issues related to all possible exception sites, as well to discuss and agree the highway and traffic management schemes that are referred to in the Plan; notably, the Crogg Lane narrows improvement.
<b>West Dorset District Council Dorchester</b>	<p><i>WDDC highlights the close relationship between the settlements, with Uplyme reliant on Lyme Regis for education, employment, retail and health services. There is an increasing need for the Uplyme area to aid in meeting the housing and employment needs of Lyme Regis and it is important that the neighbourhood plan takes into account the interactions between the two settlements and plans positively for them. The inclusion within the plan of a statement to this effect at paragraph 5.1.4 is welcomed but there should be specific mention of housing need in Lyme Regis within a policy.</i></p> <p><i>The inclusion of information on the need for affordable housing arising from Lyme Regis is welcomed but the sites proposed to meet this need will only deliver between 16 and 19 new affordable dwellings and housing needs and future growth of Lyme Regis should not be ignored in the Uplyme Neighbourhood Plan.</i></p> <p><i>Text on the duty to cooperate is referred to in the Dorset and Devon Councils' local plans.</i></p> <p><i>Accept it may be desirable to maintain the separate physical identity of the two settlements; but it is recommended that there be a formal policy included in the Uplyme Neighbourhood Plan to take into account of cross boundary issues; in particular for the housing needs of Lyme Regis to be considered in relation to development at Uplyme.</i></p>	The proximity and relationship between Uplyme and Lyme Regis is fully recognised in the Plan and indeed the relevant extracts from the East Devon Local Plan, together with Strategy 26 are included in the Plan in Section 2.2. This refers to the District Councils as Local Planning Authorities addressing the strategic issues, together with the Parish and Town Councils. It would therefore be inappropriate and premature for the Uplyme Neighbourhood Plan to prejudge the studies and discussions that are required. Reference is also made to the scale of development in Uplyme being modest. The UNP does refer to housing needs in Lyme but this is not to suggest that Uplyme should be responsible for meeting all this need. This clearly demonstrates that cross boundary issues have been recognised and addressed, but it is important to emphasise that the formal, statutory 'Duty to Cooperate' does not apply to Neighbourhood Plans or to Parish Councils. It only applies to Local Plans and to Local Planning Authorities. Having said that, Uplyme Parish Council and NP Steering Group has invited Lyme Regis Town Council to every consultation event and consulted it on the various drafts of the Plan, but has never had any response whatsoever.

<p><b>East Devon District Council Sidmouth</b> <b>1 General</b></p>	<p><i>Recent examinations in Stockland and Bishops Clyst in East Devon have advised the removal of references to national and district policies in the parenthesis from the planning policy boxes, labelling them subjective and resulting in attracting attention away from the policies themselves.</i></p>	<p>This is personal and equally subjective opinion. The UNP Steering group consider that it is helpful for lay readers of the Plan in the local community to have some cross references to national and local documents. Such references can never be totally comprehensive due to the interrelationship between different subjects. They do not detract from the main policies as they are in very small text at the bottom of each policy.</p>
<p><b>2 EDDC</b></p>	<p><i><b>Policy UHG3</b> supports affordable housing exception schemes but does not definitively state the criteria which applicants would be expected to meet to qualify and the supporting text seems to contradict this by stating that 'exception sites (outside the boundary) could also include self build schemes which are not considered as being allowable as exceptions housing.</i></p>	<p>The whole issue of affordable housing policy is in a state of flux at national level and this has consequences at local and neighbourhood plan levels. Section 6.1.3 explains the potential inclusion of some market housing to make schemes viable. This was the response of the Housing Associations who were consulted when the Plan was being prepared. The UNP Group would not wish to prevent affordable housing for rent being provided by being dogmatic that 100% housing should be for rent or shared equity. Reference to the inclusion of self-build was included because in the Local Housing needs survey, there was a number of people who expressed interest in self-build. This would need to be controlled through a 106 agreement but the aim has been to provide a NP that actually reflects local aspirations, rather than simply applying standard, blanket policies. However the UNP Group would welcome any clarifications in the Policy wording to make the policy clearer or more robust.</p>
<p><b>3 EDDC</b></p>	<p><i><b>Policy UHG4</b>, East Budleigh with Bickton Neighbourhood Plan Examiners recommended removal of the policy that allocated a rural exception site on the basis that a rural exception site is one that does not comply with, and is an exception to, policy and the allocation of one would cause confusion for a decision maker. We would therefore advise an amendment to the policy to remove references to the allocations being exceptions and instead consider their allocation as affordable housing sites. In respect of the proposed allocations within Policy UHG4, the most appropriate Local Plan policies for the</i></p>	<p><i>It was clear from early consultation on the Uplyme Plan that local people were very much in favour of providing affordable housing for local people. It became apparent therefore that the only way that such housing could be properly planned for and provided, was to identify some exception sites outside the Built Up Area Boundary. This is in accordance with national policy for rural areas, is encouraged, with the aim that all, or at least the vast majority of the housing would be affordable, through being rented or shared ownership. There is nothing in the NPPF or National Planning Practice Guidance; or indeed in the East Devon Local Plan that</i></p>

	<p>Neighbourhood Plan Examiner to consider are Strategy 35 and Strategy</p>	<p>indicates that exceptions sites cannot be identified in Neighbourhood Plans.</p> <p>The key point in that the allocation of the 'exception' site is an exception to the principle policy of containing new housing development within the Built Up Area Boundary [BUAB] and restricting it outside the BUAB. The allocation of sites for affordable housing outside the BUAB is therefore an 'exception' to this policy. It is therefore by definition, not compliant with the core policy of containing development within the BUAB.....and hence is an 'exception'. Although no longer in force as such Annexe B to PPG 3 sated that.....<b>A rural exception site policy enables the authority to <u>allocate or release small sites within and adjoining existing small rural communities.</u></b> This shows that allocating exception sites was acceptable and government policy. It is therefore considered that the views of the East Budleigh Examiner are simply a personal interpretation. However if calling the sites 'affordable housing sites' overcomes a perceived issue, then there is no objection to renaming the policy, providing there is no risk that the sites become standard market housing sites, as this would defeat the whole object of the policy and the identification of the sites in question in the Neighbourhood Plan.</p>
4 EDDC	<p><b>Policy UHG5</b> To provide further clarity it is proposed that the term 'in rural areas' should be amended to read 'outside of the built-up area boundary'</p>	<p>No objections to such a change</p>
5 EDDC	<p><b>Policy UEM1</b> Local Plan- Policy E5- which is supportive of small scale economic development in rural areas but includes a criteria relating to any proposal being well related in sustainability terms to the village, which ensures that development will not come in locations away from the existing village in the interests of sustainable development. <b>Policy UEM2.</b> Similar points as above and UEM2 should apply to existing businesses</p>	<p>These policies are intended to provide degree of flexibility in supporting rural business and employment. There are strict criteria within the policy to ensure that development is not harmful. There are few locations close to the village itself where such development is realistically likely to be possible; hence the need for greater flexibility; UEM2 is not intended to apply to just existing businesses. These are good examples of appropriate local, 'neighbourhood' policies.</p>

<p><b>6 EDDC</b></p>	<p><b>UCF3</b> <i>The policy supports social and recreation facilities in locations that may not be accessible by local residents. The term ‘especially supported’ adds confusion for the decision maker- either a proposal is supported or it isn’t. We would recommend removal of the final sentence and it be replaced with the following text.. ‘Any proposal should be well related to the village and be accessible by public transport, bicycle and on foot’.</i></p>	<p><i>Access or proximity to Uplyme Village is not necessarily the overriding factor, though it is supported by the policy. As proposed by EDDC, this policy would restrict additional facilities at for example, Raymond’s Hill which is not considered appropriate</i></p>
<p><b>7 EDDC</b></p>	<p><b>Policy UEN 5</b> <i>The term ‘housing or development schemes’ is confusing as technically all proposals would fall under the heading of a ‘development scheme’. The policy should be amended to read the following’ ‘new housing or business development will need to’ as it would be inappropriate to expect all development proposals e.g. new dormer windows to require additional planting of trees and hedges. It might also be advisable to include the term ‘where appropriate’ at the end of the policy as additional trees and hedgerows might not always enhance the landscape character in all cases.</i></p>	<p><i>This adds clarification so no objections</i></p>
<p><b>8 EDDC</b></p>	<p><b>Policy UEN7</b> <i>Local Green Space is defined in the NPPF as having protection consistent with Green Belt land with further clarity provided in planning practice guidance. Although this designation offers significant protection there may be some instances where development of temporary or permanent structures may be desirable e.g. a new cricket pavilion or new permanent bench. The policy, as worded, would prevent such development and therefore we recommend including a small amendment for the policy to read ‘... proposals for permanent built development within this Green Space area will be resisted <u>except in special circumstances where a community benefit will result and the area protected...</u>’</i></p>	<p><i>This adds clarification so no objections</i></p>

<b>Individuals</b>		
<b>Mr &amp; Mrs Stacey Rocombe Cross</b>	<i>Object to Section 6.1.5 Page 19 and the suggestion that though not an allocation, there could be scope for some market housing at Harcombe Road &amp; Policy UHG2. Do not consider that NP Group's response to similar comments at Regulation 14 stage are satisfactory.</i>	<i>Noted – a matter for the Neighbourhood Plan Examiner to consider</i>
<b>Mr D Ostler Uplyme</b>	<i>Section 10.2.2 is objected to as alternative and safer ways without obstructing traffic are possible using other side of the road</i>	<i>There is no 10.2.2 in the Plan but it is likely that this relates to Section 9.2.2 and Policy UTR1 does allow for flexibility in which side of the road a pavement might be provided.</i>
<b>Mr D Ostler Uplyme</b>	<i>Section 10.2.3 is objected to as there are alternative ways to overcome the problem. Recognise that a pavement is needed but traffic also needs to flow freely</i>	<i>There is no 10.2.3 and it is likely that this relates to 9.2.3 and UTR2 which refers to 2 options that the County Council Highways Department has drawn up, so this does allow for flexibility in which side of the road a pavement might be provided. This narrow section of the road is extremely dangerous and there is significant public support for the pavement to be provided as evidenced through consultation. This would require traffic calming which would reduce traffic speeds and it is considered that this would be welcomed by the majority of residents.</i>
<b>Mr T Sweeney Uplyme</b>	<i>Fully support the Plan and can see no need for changes. Particular support Vision and affordable housing sections. Small scale infill and exception sites are e central to the plan and local wishes. Agree with Plans BUAB, traffic management improvements, the Design Statement and Greenspace Policy.</i>	<i>Support noted and welcomed</i>

## **Addendum**

**Since the publication of the Plan for formal consultation an issue has arisen in respect of the proposed Park & Ride site on the western side of Lyme Regis, at Sidmouth Road, but within Uplyme Parish.**

**The Parish Council would wish to amend the section in the plan relating to this issue; Section 9.2.5 and replace the text in this section with the following:**

*A temporary seasonal 'park and ride' facility has operated north of the Sidmouth Road within Uplyme since 2004 to mitigate the significant loss of parking spaces in Lyme Regis during extensive coastal works being undertaken at that time. Whilst this justification no longer applies, Uplyme Parish Council is sympathetic to the continued operation of this facility to support the tourist economy of Lyme Regis. However the need for a permanent, seasonal park and ride facility on the Western approach to Lyme Regis must be demonstrated within a coherent strategic management plan for the overall parking requirement of the Lyme Regis local area.*

**Christopher James Chair**

**Uplyme Parish Council & Neighbourhood Plan Group**

**April 2017**