

Dalwood Neighbourhood Plan

Basic Conditions Statement

Dalwood Parish Council

February 2021

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1. Introduction

Our Neighbourhood Plan has been produced by Dalwood Parish Council, as the “qualifying body” with overall responsibility for the preparation, consultation and submission of the Neighbourhood Plan. The development of the plan and management of the process has been marshalled by a Neighbourhood Plan Steering Group comprised of members of our community and Parish Councillors, advised by planning consultants Stuart Todd Associates Ltd and supported by our local authority, East Devon District Council.

The Parish of Dalwood is situated in rural East Devon and lies entirely within the southern boundary of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and approximately midway between the market towns of Axminster (approximately 5 miles away) and Honiton (approximately 7 miles away) in the council district of East Devon.

The Parish is very rural, the predominant activities being arable and livestock farming. The character of the village’s buildings is a mixture of old and new with several modern residences either side of the road that runs through the village, with a historic core formed by a church, adjacent cottages and a public house on the opposite side of the road. Corry Brook runs to the east of these buildings providing an attractive green corridor through the heart of the village and greatly enhancing the settlement’s rural character.

2. What are the Basic Conditions and why do we need this Statement?

The “Basic Conditions” are a set of conditions that the Neighbourhood Plan must pass in order for it to proceed to referendum. In relation to Neighbourhood Plans, the plan will pass the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the plan contributes to the achievement of sustainable development;
- the making of the plan is in general conformity¹ with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

¹ See <https://www.gov.uk/guidance/neighbourhood-planning--2#General-conformity-with-strategic-policies> “General conformity” is defined there (in National Planning Practice Guidance, paragraph 74, reference ID 41-074-20140306, revision date 06-03-14) as “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy; and,
the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

- the making of the plan does not breach, and is otherwise compatible with, EU obligations² (as transposed into UK law); and,
- prescribed conditions are met in relation to the plan order and prescribed matters have been complied with in connection with the proposal for the plan.

These requirements (and those for neighbourhood development orders) are formally set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 Act. (as amended by the Localism Act 2011)³.

This Basic Conditions Statement is submitted alongside our draft Neighbourhood Plan. In submitting the Statement, and through its content demonstrated how our plan meets the Basic Conditions, we have satisfied one of the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012. This Regulation sets out what the parish council, as the “qualifying body” responsible for producing the plan, must submit as part of the Neighbourhood Plan proposal. These are submitted, alongside this Statement. Regulation 15 (1) states⁴ that:

“(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—

- a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- a consultation statement;
- the proposed neighbourhood development plan; and
- a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*” (i.e. this Statement).

Following this introduction, the Statement sets out:

- where our Neighbourhood Area is and how this was established;

² According to the Government website (<https://www.gov.uk/guidance/neighbourhood-planning--2#EU-obligations-neighbourhood-planning>) in September 2020, “A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are 4 directives that may be of particular relevance to neighbourhood planning: Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans. Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive). Environmental Impact Assessment is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood Development Orders.

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe’s most important habitats and species. They may be of relevance to both neighbourhood plans or Orders. Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

³ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

⁴ See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

- a summary of why we need our Neighbourhood Plan;
- how we have complied with relevant legislation;
- a summary of the content of our Neighbourhood Plan proposal; and,
- an explanation of how our Neighbourhood Plan meets the Basic Conditions.

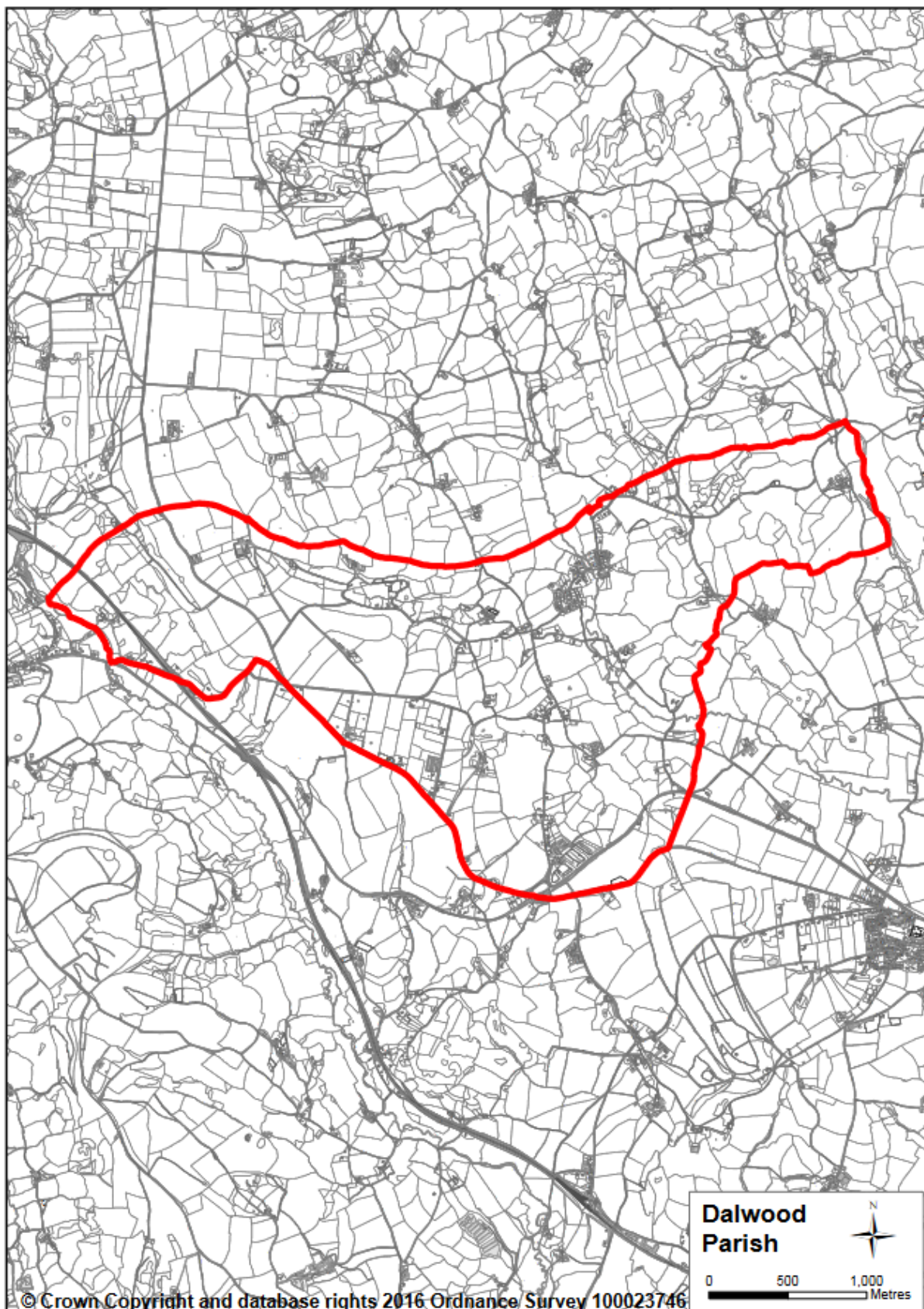
3. Our Neighbourhood Area

The first formal part of the process of developing our Neighbourhood Plan was the confirmation of our Neighbourhood Area, or the area for which the Parish Council, as the “qualifying body” for Neighbourhood Planning activity will have the right to produce a plan for. Our application to designate the Neighbourhood Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to East Devon District Council as the local planning authority in July 2016. This application is reproduced in Appendix 1 to this Statement.

Following a public consultation, our Neighbourhood Area was formally approved by East Devon District Council on 30th August 2016. Our approved Neighbourhood Area is set out below in Figure 1.

The original approval / decision notice is reproduced in Appendix 2.

Figure 1 – Approved Neighbourhood Area



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4. Why do we need a Neighbourhood Plan?

Our justification for producing the plan is set out in the introductory sections of the plan itself culminating in the Vision, Aims and Objectives which have been developed and shaped from evidence and community consultation. In summary, the main reasons for producing a Neighbourhood Plan were as follows:

- We wanted to have some control over local planning matters and decisions and our community wanted particularly to develop its own local planning policies so that we can have an influence over the location, type, scale, design and form of development which may come forward in the Parish during the Plan period;
- We wanted to preserve the rural character, cultural and agricultural heritage of Dalwood;
- We wanted to develop a Plan which protects and enhances our countryside and natural environment in order to maintain the character of our surrounding landscape;
- We wanted to have a say in shaping the future of our Parish including how our valued assets are protected, maintained and enhanced and how we can help to ensure that our local services and facilities are sustained into the future; and,
- We wanted to respond to issues, concerns and challenges identified by the local community.

Having explored the issues and identified the key messages and things of importance to the community, our Plan has set out a clear Vision, Aims and Objectives, reproduced below.

| <u>Vision Statement</u> |
|---|
| <p>Dalwood is a vibrant, active and friendly community that is a special place to live, work and visit. This Plan commits to protect, preserve and enhance the qualities of the community and the Blackdown Hills AONB.</p> |

| Aims | Objectives |
|--|--|
| Natural Environment | |
| 1. Protect and enhance the countryside's natural environment including the distinctive landscape and ecology | a) Retain and enhance the existing beauty of native trees and hedges alongside the preservation of the existing Devon banks b) Flood protection/mitigation whilst maintaining aesthetics of river vista |
| 2. Protect the tranquillity of the environment and maintain the | a) Resist any development or road scheme likely to have any significant adverse impact on tranquillity or dark skies and |

| Aims | Objectives |
|---|---|
| dark skies | seek ways to reduce any existing impact |
| Built and Historic Environment | |
| 3. Ensure all new development is sympathetic to the traditional character, materials and style to retain the distinctive character of the village | a) Work with East Devon District Council and applicants to ensure that any new development, alteration, or extension is done according to the Blackdown Hills AONB design guide for houses |
| | b) Any new developments should use locally distinctive materials wherever possible and should be of an appropriate design and scale and not detract from or intrude on the natural beauty of the area |
| 4. Protect the area's heritage sites and locations | a) Protect St Peter's Church and adjacent cottages, The Tuckers Arms, Village Hall, Loughwood Meeting House, Dalwood Jubilee Pavilion and Field, Reading Room, Methodist Chapel. |
| Housing and Population | |
| 5. Support new local housing development which respects the characteristics and constraints of Dalwood's built and natural environment, yet allows continual evolution of the Parish. | <p>a) Recognise the existing built form and boundaries of our village and resist any new development outside these confines</p> <p>b) Look favourably upon new housing development which meets Parish needs and/ or supports the ageing population as well as young families</p> <p>c) Support development where it re-uses redundant or disused sites or buildings which meets the criteria of this Plan and would lead to an enhancement of the setting</p> <p>d) Support schemes which will benefit the Parish rural economy and/ or society and improve the sustainability of the Parish providing they are appropriate to the setting and meet the requirements of this Plan</p> |
| 6. Preserve the overall character and scale of our village within the AONB. | a) Any new development should use natural materials whenever possible and should be of an appropriate design and scale so as not to detract from or intrude on the natural |

| Aims | Objectives |
|--|--|
| | beauty of the area |
| Community Facilities and Services | |
| 7. Encourage retail and/or hospitality development that meets local and visitors' needs. | a) Support applications for retail or hospitality businesses that are in keeping with the character of the area. Any development would need to demonstrate that it would not have any significant adverse impact on the existing state of the Natural Environment |
| 8. Resist the loss of local facilities and amenities (including St Peter's Church, Methodist Chapel, Community Shop and Post Office, Village Hall, Pavilion, Jubilee Field, Pub and protect Assets of Community Value (ACV's). | a) Support the sensitive and necessary maintenance and improvement of local facilities and amenities b) ensure decisions on applications affecting any Asset of Community Value or locally important community facilities, give weight to the wishes of the community |
| Transport and Accessibility | |
| 9. Seek ways to minimise parking problems in the village when development is proposed. Improve parking provision. | a) Support proposals to increase off-road parking for existing properties where these do not adversely affect local character and the built environment b) Ensure that new developments have satisfactory access and egress and off-road parking |
| 10. Maintain and enhance a network of public rights of way and bridleways. | a) Support schemes that extend the footpath network where needed. b) Support improvement projects for footpaths and bridleways c) Introduce measures to establish pedestrian/bridleway routes in preference to routes open to motorised vehicles d) Support the position of Footpath Warden under the Parish Council. |
| Economy and Employment | |
| 11. Help create, support and | a) Encourage measures to uphold best practice farming |

| Aims | Objectives |
|---|--|
| sustain local businesses. | methods, especially the management of land within a flood catchment area |
| 12. Improve broadband connectivity. Any future developments aim to improve connectivity | a) Actively pursue advances in communication technology and support the provision of highspeed broadband and mobile phone signal to every property in the Parish |
| 13. Ensure new builds provide sustainable broadband connectivity. | b) Ensure the area stays well connected, as it is necessary for businesses to function properly and meet the many and varied needs of the local population |
| 14. Help to sustain arable and livestock farming life-styles. | a) Support the diversification of farm businesses and the conversion of agricultural buildings, where it is shown to be necessary, to help ensure the continued viability of the farms b) Encourage measures to uphold best practice farming methods, especially the management of land within a flood catchment area |
| Energy and Low Carbon | |
| 15. Support small scale unobtrusive renewable or low carbon energy schemes providing they are sensitively sited and screened, i.e. appropriately landscaped | a) Ensure that any renewable or low carbon energy schemes are sensitively sited and screened (appropriately landscaped) to protect the essential qualities of the AONB b) Resist large-scale and obtrusive renewable or low carbon energy schemes that are likely to have a negative impact on enjoyment of the natural and built environment and are contrary to the Plan's Vision c) Develop possible ecological solutions to energy conservation and generation using any natural features within the constraints of all other policies |
| 16. Support a provider or village initiative to come forward with card access electric vehicle charging points | a) The Parish Council would support the installation of the charging station on an appropriate site that would not have a significant adverse impact on the Natural Environment |
| Waste and Plastic | |

| Aims | Objectives |
|--|--|
| 17. Increase recycling levels via a generic supporting policy. | a) Encourage community-based recycling levels b) Facilitate the extension of recycling to include other and new forms of waste such as plastic c) Ensure new builds provide adequate storage for waste |

5. Summary of Compliance with Legislation

This section sets out how our Neighbourhood Plan and process has complied with the requirements set out in the Neighbourhood Plan regulations.

Qualifying Body

A “qualifying body” is defined by Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁵ as “a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area...”.

Section 38A(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁶ sets out the qualifying body’s entitlement to prepare a Neighbourhood Plan. It states that:

“(1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.”

We confirm that the Neighbourhood Plan has been prepared by Dalwood Parish Council as the “qualifying body” for the purposes of Neighbourhood Planning.

⁵ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁶ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

Neighbourhood Area

The Neighbourhood Area (as shown in Figure 1 above) was applied for and approved through the process set out in the Neighbourhood Planning (General) Regulations 2012 (Regulations 5 to 7)⁷. Both the application and the approval / decision notice are appended to this Statement.

What a Neighbourhood Plan is and the Content of the Neighbourhood Plan

Section 38A(2) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁸ sets out the meaning of “neighbourhood development plan”. It states that:

“(2) A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”

Section 38B(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁹ sets out what the Plan may include. It states that:

“(1) A neighbourhood development plan—

- (a) must specify the period for which it is to have effect,
- (b) may not include provision about development that is excluded development, and
- (c) may not relate to more than one neighbourhood area.”

“Excluded development” is defined in Section 68K of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act¹⁰ as:

- “(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,
- (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description,
- (c) development that falls within Annex 1 to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),
- (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),
- (e) prescribed development or development of a prescribed description, and

⁷ See <http://www.legislation.gov.uk/uksi/2012/637/regulation/5/made>

⁸ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

¹⁰ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

(f) development in a prescribed area or an area of a prescribed description.”

Section 38B(2)¹¹ states that:

“(2) Only one neighbourhood development plan may be made for each neighbourhood area.”

In response to these requirements, we confirm that:

- our Neighbourhood Plan covers the period 2018 to 2031 aligning with the plan period of the adopted Local Plan;
- our Neighbourhood Plan is the only Neighbourhood Plan for the Parish of Dalwood;
- our Neighbourhood Plan does not contain policies relating to “excluded development”;
- our Neighbourhood Plan relates only to the defined Neighbourhood Area set out in Figure 1 above; and,
- our Neighbourhood Plan sets out policies in relation to the development and use of land.

Submission Documents

As referred to earlier in this Statement, all the documents required for submission by Regulation 15(1) of the Neighbourhood Planning (General) Regulations are included in the submission package for the Neighbourhood Plan.

Basic Conditions

As referred to earlier in this Statement, we consider that all of the Basic Conditions (set out in paragraph 8(2) of Schedule 4B to the 1990 Act (as amended) by the Localism Act 2011.¹²) have been met, as demonstrated in this Statement.

6. Content of Our Neighbourhood Plan Proposal

To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012¹³, and to provide sufficient material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local authority:

- The Neighbourhood Plan (which includes a map and statement which identifies the area to which our plan relates);

¹¹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

¹² See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

¹³ See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

- Our Consultation Statement;
- Our Basic Conditions Statement (this document); and,
- A Statement of Reasons for Not Undertaking a Strategic Environmental Assessment (SEA) (included as a section within this document).

The Neighbourhood Plan includes a set of appendices which documents much of our evidence base behind our policies.

7. How our Neighbourhood Plan meets the Basic Conditions

The following section sets out how we believe the Plan meets the Basic Conditions.

A. Having regard to national policies and advice contained in guidance issued by the Secretary of State

We have undertaken the Plan’s development in a way consistent with good practice (from considering other made Plans in the District, receiving advice from East Devon District Council and helped by our advisory consultant’s experience supporting other groups), various Locality produced guidance notes (such as the Roadmap¹⁴) and also following the guidance on process and legal requirements set out in the Government’s National Planning Practice Guidance¹⁵.

In developing our evidence base we have sought to:

- i) understand the planning policy framework within which we have had to work; and,
- ii) find or develop evidence to support the Aims and Objectives identified through local community consultation.

This has then been applied to the development of our policies, which were in turn, scrutinised by East Devon District Council officers to provide comments on alignment with the policies in the adopted Local Plan prior to finalising the draft Plan.

Our consultation process fulfils the requirements set out in Neighbourhood Planning Regulations (as detailed in our Consultation Statement).

We believe that our Plan meets the requirements and objectives of the National Planning Policy Framework (NPPF), has had regard to national policy and advice and, in alignment with paragraph 15 in the NPPF is a “succinct and up-to-date” Plan which provides “...a positive vision for the future

¹⁴ See <http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>

¹⁵ See <https://www.gov.uk/guidance/neighbourhood-planning--2>

of...[our]...area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.” A positive vision has been developed through consultation, derived from the aims, which in turn were identified through local consultation and analysis of written evidence. Our local consultation has provided local people with the opportunity to engage with the process of developing the plan, from its inception through to the drafting of the policies and plan itself. We have drafted our policies in a way which provides positive criteria to aid the practical consideration of planning applications whilst also setting out a clear framework of how our high quality and valued environment should be respected and enhanced now and in the future.

The wording of our policies has been ‘tested’ by planning officers at East Devon District Council, and we anticipate therefore, that they can be used effectively as a practical framework in the planning system’s decision making process.

The following table sets out how we consider the Plan has had regard to national policies by setting out the key paragraphs from the NPPF (wording abridged) which relate to what our policies are seeking to achieve.

For ease of reference, a composite of our Plan policies is appended to this Statement.

| Neighbourhood Plan Policies | Relevant Key NPPF Para(s) | Summary of key NPPF paragraphs which are responded to by the Neighbourhood Plan policies |
|---|---------------------------|--|
| Policy NE1: Conserving and Enhancing the Natural Beauty of our Parish | 8c, 170, 174 | <p>Protecting and enhancing natural environment...</p> <p>Improve biodiversity...</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment...</p> <p>Protect and enhance biodiversity and geodiversity...</p> |
| Policy NE2: Preserving Tranquillity and Dark Skies | 180 | <p>Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...b) identify and protect tranquil areas... and, c) limit the impact of light pollution from artificial light...</p> |
| <p>Policy CFS2: Improvements to Existing Local Community Facilities, Amenities and Assets</p> <p>Policy CFS3: Loss of Local Community Facilities through Redevelopment or Change of Use</p> | 8b, 83d, 91, 92c, 92d, 97 | <p>Accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being...</p> <p>Planning policies and decisions should enable: d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p> <p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places...</p> <p>Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs...</p> <p>Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community...</p> <p>Existing open space, sports and recreational buildings and land, including playing fields, should not be built on</p> |

| Neighbourhood Plan Policies | Relevant Key NPPF Para(s) | Summary of key NPPF paragraphs which are responded to by the Neighbourhood Plan policies |
|--|-------------------------------------|---|
| | | unless... |
| Policy BHE1: Maintaining the Built Character of the Parish through High-Quality Design | 8b, 8c, 91, 124 | <p>Fostering a well-designed and safe built environment...</p> <p>Contribute to protecting and enhancing our natural, built and historic environment...</p> <p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places...</p> <p>The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve...</p> |
| Policy BHE2: Protecting Locally Valued Heritage Assets | 8c, 185 | <p>Contribute to protecting and enhancing our built and historic environment...</p> <p>Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.</p> |
| Policy HP1: Housing Development in Dalwood | 8b, 8c, 11a, 61, 77, 117, 118c, 170 | <p>Support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations...</p> <p>Contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land...</p> <p>Positively seek opportunities to meet the development needs of their area...</p> <p>The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...</p> <p>In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.</p> |

| Neighbourhood Plan Policies | Relevant Key NPPF Para(s) | Summary of key NPPF paragraphs which are responded to by the Neighbourhood Plan policies |
|---|---------------------------|--|
| | | <p>Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses...</p> <p>Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment...</p> |
| Policy CFS1: New Retail and Commercial Development in Dalwood Village | 8a, 83a | <p>Help build a strong, responsive and competitive economy...</p> <p>Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings...</p> |
| Policy TA1: Off Road Parking | 102, 105 | <p>Transport issues should be considered from the earliest stages of plan-making and development proposals...</p> <p>If setting local parking standards for residential and non-residential development, policies should take into account...</p> |
| Policy TA2: Rights of Way (Public Footpaths and Bridleways) | 98 | <p>Planning policies and decisions should protect and enhance public rights of way and access...</p> |
| Policy EE1: Superfast Connectivity | 112, 113 | <p>Planning policies and decisions should support the expansion of electronic communications networks...</p> <p>Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.</p> |
| Policy EE2: Farming (New Development Proposals) | 8c, 170, 174 | <p>Protecting and enhancing natural environment...</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment...</p> |

| Neighbourhood Plan Policies | Relevant Key NPPF Para(s) | Summary of key NPPF paragraphs which are responded to by the Neighbourhood Plan policies |
|--|---------------------------|---|
| | | Protect and enhance biodiversity and geodiversity... |
| Policy ELC1: Renewable and Low Carbon Energy Schemes | 8c, 148 | Mitigating and adapting to climate change, including moving to a low carbon economy... The planning system should support the transition to a low carbon future in a changing climate... |

B. The making of the plan contributes to the achievement of sustainable development

The Neighbourhood Plan has been developed within the context of the definition of sustainable development in the National Planning Policy Framework and that in the Local Plan.

The NPPF sets three overarching objectives which set the direction of travel of the delivery of sustainable development in the planning system. These are reproduced below from paragraph 8.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

We have produced a sustainability matrix which tests the policies of the Plan against the broad social, economic and environmental sustainability objectives of the NPPF set out in paragraph 8.

Consideration and testing of the Plan in this way helps us demonstrate that we have paid close attention to the achievement of sustainable development, particularly as we were not required to undertake a Strategic Environmental Assessment (SEA). The matrix gives a “score” and uses a traffic light system indicating the degree of contribution to the objectives of sustainable development. The key is as follows.

| | |
|-----|---|
| ++ | Strongly supports the objective |
| + | Supports the objective |
| N | Is neutral in effect |
| - | Potentially works against the objective |
| -- | Strongly works against the objective |
| +/- | Effects uncertain |

It is important to note that any testing done in this way will have a degree of subjectivity attached and the traffic light system presents a “direction of travel”.

| Policy | Objective | | |
|---|-----------|---------------|----------|
| | Social | Environmental | Economic |
| NE1: Conserving and enhancing the Natural Beauty of our Parish | + | ++ | N |
| NE2: Preserving Tranquility and Our Dark Skies | + | ++ | N |
| BHE1: Maintaining the Built Character of our Parish through High-Quality Design | + | ++ | N |
| BHE2: Protecting our Locally Valued Heritage Assets | + | ++ | N |
| HP1: Housing Development in Dalwood | ++ | - | + |
| CFS1: New Retail and Commercial Development in Dalwood Village | + | N | + |
| CFS2: Improvements to Existing Local Community Facilities, Amenities and Assets | ++ | N | + |
| CFS3: Loss of Local Community Facilities through Redevelopment or Change of Use | ++ | N | + |
| TA1: Off-road Parking | N | N | N |
| TA2: Rights of Way (Public Footpaths and Bridleways) | + | + | N |
| EE1: Superfast Connectivity | + | + | + |
| EE2: Farming (New Development Proposals) | N | + | N |
| ELC1: Renewable and Low Carbon Energy Schemes | N | ++ | + |

The table below supplements our matrix and sets out how we consider that our Neighbourhood Plan has dealt with the achievement of sustainable development against some of the key relevant paragraphs of the NPPF. The first column identifies key paragraphs from the NPPF relating to the

delivery of sustainable development. The second column sets out, in broad terms, how we believe our Plan has contributed towards this. It supplements and tries not simply to repeat the supporting text for the policies in the Neighbourhood Plan which provide more detailed justification and rationale behind the policies.

| Relevant Key Sustainable Development NPPF Paragraph(s) | How we believe our Plan contributes towards this |
|---|--|
| <p>10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).</p> <p>11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change...</p> | <p>Our Plan has positively sought opportunities to meet the sustainable development needs of our area through support for local needs housing within the settlement boundary and support for exceptions housing on the edge of the boundary. Our policies are worded to respond positively to development proposals (and are therefore flexible) while protecting the built, natural and community assets we value the most.</p> |
| <p>29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.</p> | |
| <p>78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.</p> | |
| <p>124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of</p> | <p>Our policies BHE1 and BHE2 respond positively to the need for good design as part of sustainable development. Policy NE1 also contributes to high</p> |

| Relevant Key Sustainable Development NPPF Paragraph(s) | How we believe our Plan contributes towards this |
|--|---|
| <p>sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</p> | <p>quality development by helping to ensure that proposals respect our environment. HP1 promotes housing only where provided to high quality while our other policies (such as CFS1, CFS2 and EE2) set criteria which seek to ensure that development comes forward in a way which enhances and does not degrade the built and natural environment.</p> |
| <p>117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.</p> | <p>Our policies promote the effective use of land. The spatial strategy for the area sets out the settlement boundary, supports the principle of development within that boundary and sets what types of development are appropriate on the edge of the boundary (for example, in policies HP1 and CFS1). Outside of that, the rest of the Parish is subject to Local Plan countryside policies where development should only take place in exceptional circumstances or where policies deem certain types of development are appropriate. Our Plan, otherwise, is clearly focused on protecting the high quality of the landscape, biodiversity and built character that forms the Parish and which local residents value (for example, through policies NE1, NE2, BHE1, BHE2) and where development proposals are supported they are done so setting criteria to help ensure that these qualities are protected and enhanced where possible (for example through policies NE1, CFS1, TA1, EE1, EE2 and ELC1).</p> |

The table below sets out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against the key relevant policy of the Local Plan.

| <p style="text-align: center;">East Devon Local Plan Policy Sustainable Development Policy</p> | <p style="text-align: center;">How we believe our Plan contributes towards this</p> |
|---|--|
| <p>Strategy 3 - Sustainable Development</p> <p>“The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development:</p> <p>a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems. Developers should maximise the proportion of their developments that take place on previously developed land</p> <p>b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged</p> <p>c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.</p> <p>d) Encouraging sustainable economic development - which includes securing jobs.</p> <p>e) Taking a long term view of our actions - Ensuring that future generations live in a high quality environment where jobs, facilities, education and training are readily available.”</p> | <p>Our Plan aligns with the East Devon policy Strategy 3. The following policies of our Plan help to respond positively to and provide a local policy framework for the requirements:</p> <p>a) NE1 – Conserving and Enhancing the Natural Beauty of the Parish, NE2 - Preserving Tranquility and Dark Skies, HP1 – Housing Development in Dalwood, EE2 – Farming (New Development Proposals), BHE1 – Maintaining the Built Character of the Parish through High Quality Design, BHE2 – Protecting Locally Valued Heritage Assets</p> <p>b) ELC1 - Renewable and Low Carbon Energy Schemes</p> <p>c) HP1 – Housing Development in Dalwood, CFS1 – New Retail and Commercial Development in Dalwood Village, CFS2 – Improvements to Existing Local Community Facilities, Amenities and Assets, CFS3 – Loss of Local Community Facilities through Redevelopment or Change of Use, TRA2 – Rights of Way (Public Footpaths and Bridleways)</p> <p>d) CFS1 – New Retail and Commercial Development in Dalwood Village, EE1 – Super-fast Connectivity</p> <p>e) NE1 – Conserving and Enhancing the Natural Beauty of the Parish, NE2 – Preserving Tranquility and Dark Skies, CFS1 – New Retail and Commercial Development in Dalwood Village, EE1 – Super-fast Connectivity, CFS2 – Improvements to Existing Local Community Facilities, Amenities and Assets, CFS3 – Loss of Local Community Facilities through Redevelopment or Change of Use</p> |

C. The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

This section sets out our interpretation of how our policies are in general conformity¹⁶ with the strategic policies of the Local Plan.

Our Plan's policies uphold and support the general principle of the strategic Local Plan policies identified below, demonstrate no conflict with the Local Plan policies to which they relate, provide added value and local specificity. Our Plan clearly sets out the rationale behind our evidence based policies (our evidence base comprising local studies, written data and research and local and strategic consultation responses).

Throughout the process of Plan and policy development we have kept close liaison with officers at East Devon District Council to help ensure that our policies are in general conformity with the strategic policies of the Local Plan.

We have also sought to ensure that our local policies work alongside rather than in conflict with or over-write those set for development management purposes in Part 2 of the Local Plan. Therefore, our table which follows sets out our policies also against policies of relevance in Part 2 of the Local Plan. Policy NP1 of the Local Plan sets the context for neighbourhood plans in this regard. It states that "East Devon District Council will support and encourage Parish and Town Councils, and if accepted in law local community groups (Neighbourhood Forums), to produce Neighbourhood Plans for their Parishes and/or defined neighbourhoods. Neighbourhood Plans must show how they implement the strategic policies (Part One) of this Local Plan but can choose to supersede or over-write all or any of the Development Management Policies (Part Two) of this plan."

The following table "maps" each of our policies alongside the relevant strategic policy of the Local plan (and Part 2 policy where relevant). We have suggested how we consider the neighbourhood plan policy is in general conformity with the strategic policies to which it relates.

We consider, therefore, that all of our policies are in general conformity with the strategic policies of the Local Plan. The third column below supplements and tries not simply to repeat the supporting text for the policies in the Neighbourhood Plan which provide the detailed justification and rationale behind the policies.

¹⁶ See <https://www.gov.uk/guidance/neighbourhood-planning--2#General-conformity-with-strategic-policies> "General conformity" is defined there (in National Planning Practice Guidance, paragraph 74, reference ID 41-074-20140306, revision date 06-03-14) as "When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy; and,
the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach."

| Neighbourhood Plan Policies | Relevant Strategic Policies of the Local Plan (Part 2 policies are in brackets) | How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies? |
|--|--|--|
| NE1 – Conserving and Enhancing the Natural Beauty of the Parish | Strategy 3, Strategy 5, Strategy 7, Strategy 46, Strategy 47 (Part 2 - D2, EN5) | Our policies follow the direction of travel set by the policies at District level to conserve and enhance the beauty and value of our countryside. They support and localise elements of the District policies, reflecting what is of particular importance to us in Dalwood. |
| NE2 – Preserving Tranquility and Dark Skies | Strategy 3 (Part 2 - EN14, EN15) | |
| BHE1 – Maintaining the Built Character of the Parish through High Quality Design | Strategy 48 (Part 2 - D1) | Our policies follow the direction of travel set by the policies at District level to ensure that local distinctiveness and local design standards are central to development proposals. They adopt local design standards and guidance developed by the Blackdown Hills AONB for housing and set criteria for other development proposals to adhere to. |
| BHE2 – Protecting Locally Valued Heritage Assets | Strategy 5, Strategy 7, Strategy 49 (Part 2- EN8-11) | Our policies follow the direction of travel set by the policies at District level to conserve and enhance the physical and cultural heritage of the District and the contribution heritage assets make to the economic and social wellbeing. They support and localise elements of the District policies, reflecting what is of particular importance to us in Dalwood and adding local specificity where necessary (for example in relation to Dalwood parish and the hamlets). |
| HP1 - Housing Development in Dalwood | Strategy 4, Strategy 7, Strategy 34, Strategy 35, Strategy 36 | Our policy follows the spatial strategy set by the Local Plan, reflecting a desire for limited development in rural / countryside areas. We have responded to a desire locally to support very limited development and that the best mechanism to deliver this, in the context of the Local Plan policies, is |

| Neighbourhood Plan Policies | Relevant Strategic Policies of the Local Plan (Part 2 policies are in brackets) | How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies? |
|--|--|---|
| | | through an Exceptions route. |
| CFS1 – New Retail and Commercial Development in Dalwood Village | Strategy 3, Strategy 4, Strategy 7 (Part 2 - RC6, E15) | Our policy provides additional local criteria to ensure that proposals for retail development within Dalwood village meet locally derived requirements for such proposals to be suitable in our rural context. |
| CFS2 – Improvements to Existing Local Community Facilities, Amenities and Assets | Strategy 3, Strategy 4, Strategy 7 (Part 2 - E14, RC6, RC7) | In line with Local Plan policies, our policies seek to retain essential services and facilities as assets to our rural community. We name those assets. They are essential to ensure that the long-term sustainability and balance of our parish is maintained and concerns about loss of such services and facilities are not exacerbated. |
| CFS3 – Loss of Local Community Facilities through Redevelopment or Change of Use | Strategy 3, Strategy 4, Strategy 32 (Part 2 - E14, RC6, RC7) | |
| TRA1 – Off-road Car Parking | Strategy 7 (Part 2- TC7, TC9) | Our policy is in general conformity with the strategic policies of the Local Plan. It builds upon our desire to see off-road parking supported to help protect our rural lanes while ensuring that highway safety and the quality of our environment is not compromised. |
| TRA2 – Rights of Way (Public Footpaths and | Strategy 3, Strategy 4, Strategy 5 | Our policy is in alignment with those of the Local Plan and seeks to help implement improved accessibility to the countryside, improving green infrastructure and to support improvements in general |

| Neighbourhood Plan Policies | Relevant Strategic Policies of the Local Plan (Part 2 policies are in brackets) | How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies? |
|---|--|---|
| Bridleways) | (Part 2 - TC4) | health and wellbeing. |
| EE1 – Super-fast Connectivity | Strategy 30 (Part 2 - RC6, TC1) | Our policy is in alignment with that of the Local Plan and supports improved connectivity in development. |
| EE2 – Farming (New Development Proposals) | Strategy 5, Strategy 7 (Part 2- EN13, D7) | Our policy is in alignment with the principles set by the strategic policies of the Local Plan. It seeks to help enable the delivery of appropriate agricultural developments which need planning permission in the context of our highly valued natural environment and landscape. We support sensitive rural agricultural development as part of a successful rural economy. |
| ELC1- Renewable and Low Carbon Energy Schemes | Strategy 39, Strategy 41 | Our policies follow the direction of travel set by the policies at District level to ensure that renewable energy and low carbon proposals are acceptable in principle, but on the basis that they are appropriate to certain criteria, including sensitivity in the landscape and natural environment. Our policy sets criteria which tests proposals to ensure that they will be appropriate to their setting in terms of size, scale and impact. |

D. The making of the plan does not breach, and is otherwise compatible with, EU obligations

East Devon District Council were formally requested for their opinion of whether the Plan required a Strategic Environmental Assessment (SEA) and / or Habitats Regulation Assessment (HRA).

A screening process was carried out by East Devon District Council to determine whether a Strategic Environment Assessment (SEA) and / or a Habitats Regulation Assessment (HRA) would be required.

Statement of Reasons for not Undertaking a Strategic Environmental Assessment

Based on the policies in the draft Plan, EDDC concluded, following consultation with the statutory environmental agencies that our Plan did not require SEA or HRA.

The screening opinion (report) is appended to this Statement. In summary, it confirms the following for regarding SEA.

4.3 Conclusion

The Dalwood Neighbourhood Plan does not require a Strategic Environmental Assessment. The Neighbourhood Plan will provide for a very small level of development over and above the provision in the Local Plan (around 5-10 houses over 15 years), and will not otherwise impact upon internationally or nationally important features which would be deemed to have a significant environmental effect.

Habitats Regulation Assessment

In screening the draft Plan for HRA, the District Council concluded the following.

5.7 Conclusion

5.8 The Dalwood Neighbourhood Plan does not require a Habitat Regulation Assessment.

5.9 The Dalwood Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan (which was itself subject to HRA).

European Convention on Human Rights

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.

E. The prescribed conditions are met in relation to the plan and prescribed matters complied with in connection with the proposal for the plan

Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act¹⁷ sets out the definition of “prescribed”. It means conditions prescribed by regulations made by the Secretary of State. We understand that, currently, there are no additional relevant prescribed conditions which the Neighbourhood Plan needs to meet.

¹⁷ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

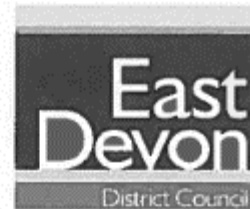
Appendices

Appendix 1: Neighbourhood Area Application and Consultation Responses

(N.B. The reproduced documents which follow are also available to view here –

<https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/dalwood/#article-content>)

Application for Designation of a Neighbourhood Area



This information is intended to assist the Local Planning Authority in making a decision but please note that further information may be required.

Which Town or Parish Council is applying to designate a neighbourhood area?

DALWOOD PARISH COUNCIL

If more than one Town or Parish Council are working in partnership, please give details of all parties

contact details -

contact details -

contact details -

contact details -

N/A

Please confirm that all the parishes listed above agree to the application

Please confirm that the organisation/s or body/ies making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

Please advise what, if any, discussion has taken place with neighbouring Parishes with a view to partnership working? Where applications include sites in adjoining Parishes their agreement should be sought.

PRELIMINARY MEETING ORGANISED BY CLLR MOUNDING FOR PARISHES IN HIS COUNTY WARD, SOME OF WHICH HAVE ALREADY STARTED THIS EXERCISE

Please append a map identifying the area to which the area application relates.

Please explain why this area is considered appropriate to be designated as a neighbourhood area

COVERS AREA FOR WHICH DALWOOD PARISH COUNCIL IS RESPONSIBLE

Signed

[Redacted Signature]

Date

9. VII. 2016

Position

PARISH CLERK

Organisation

DALWOOD PARISH COUNCIL

The Neighbourhood Planning Regulations can be downloaded at:
<http://www.legislation.gov.uk/ukSI/2012/637/made>

A summary of the next steps is provided below

Publicising an area application

Once we have received your neighbourhood area application we must, as local planning authority, publicise the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area to which it relates -

- (a) a copy of the area application;
- (b) details of how to make representations; and
- (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.

To help us meet these requirements:

Are we able to publicise the application in any widely available local newsletters/magazines? If so, please give contact details and advise how often the newsletter/magazine is published.

PARISHES PAPER - PUBLISHED MONTHLY

Do you have Parish Noticeboards? If so, please give contact details of the person responsible for their content.

PARISH CLERK

Are there any other means of communication which could be used to advertise the proposals eg local website, social media, local interest groups? Please provide contact details.

WEB SITE : cc amelia.scourse @ bloganworld.com

Publicising designation of a neighbourhood area

As soon as possible after designating a neighbourhood area, we must publish the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area:

- (a) the name of the neighbourhood area;
- (b) a map which identifies the area; and
- (c) the name of the relevant body who applied for the designation.

If we refuse to designate a neighbourhood area, we must publish the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area

- (a) a document setting out the decision and a statement of our reasons for making that decision ("the decision document"); and
- (b) details of where and when the decision document may be inspected.

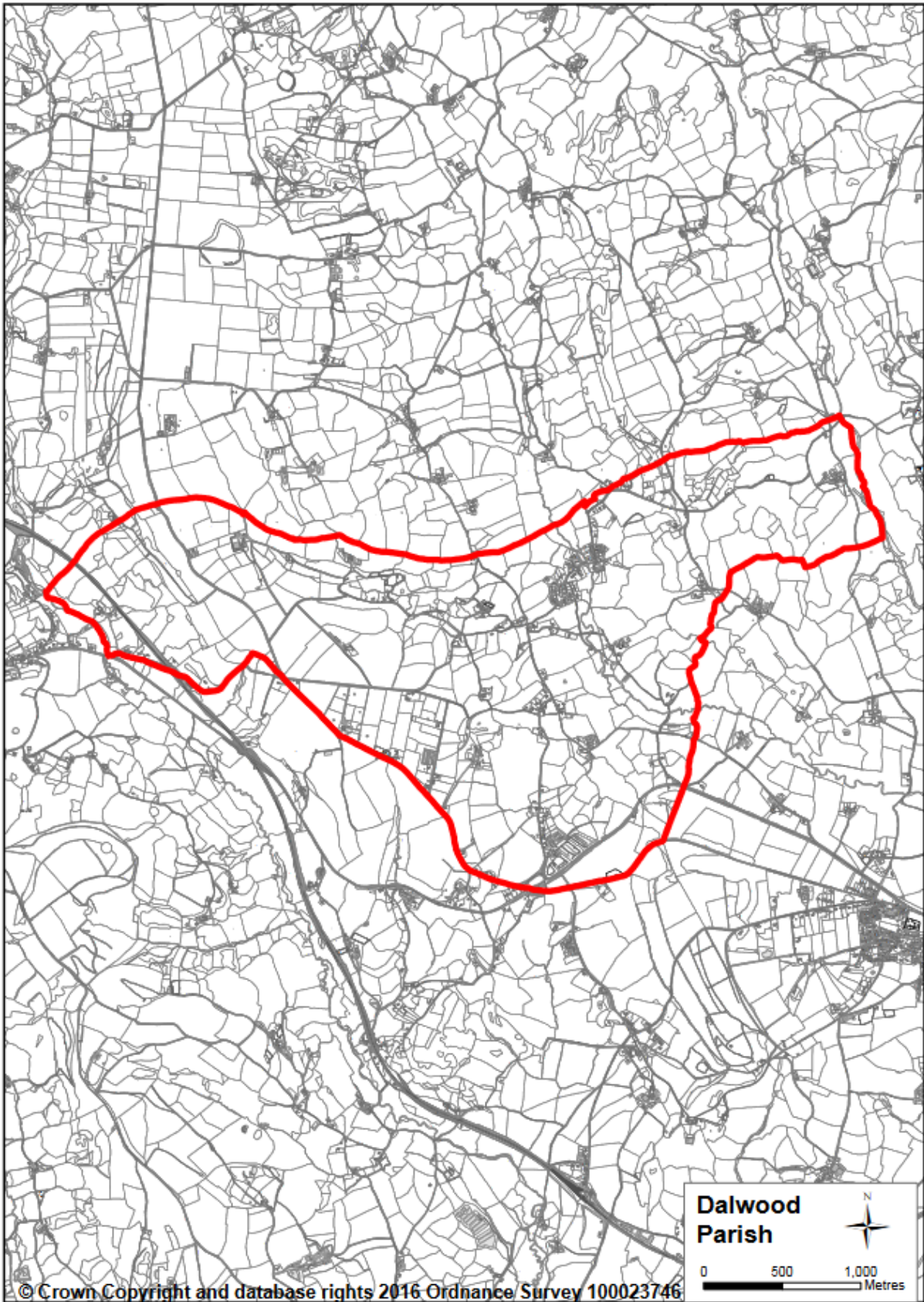
Further information is available from:

Planning Policy, Economy Directorate

East Devon District Council

Knowle, Station Road, Sidmouth, Devon, EX10 8HL

01395 571533



Date: 08 August 2016
Our ref: 191802
Your ref: Dalwood Neighbourhood Plan



Planning Policy Section
East Devon District Council
Knowle
Station Road
Sidmouth
EX10 8HL

Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6JC

T 0300 060 3900

BY EMAIL ONLY
TSpurway@eastdevon.gov.uk

Dear Mr Spurway,

Dalwood Neighbourhood Plan - Area designation

Thank you for your letter dated 25/07/2016 notifying Natural England of your Neighbourhood Planning Area.

We would like to take this opportunity to provide you with information sources you may wish to use in developing your plan, and to highlight some of the potential environmental risks and opportunities that neighbourhood plans may present. We have set this out in the annex to this letter.

Natural England's role

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Your local planning authority should be able to advise you when we should be consulted further on your neighbourhood plan.

Planning policy for the natural environment

Neighbourhood plans and orders present significant opportunities, but also potential risks, for the natural environment. Your proposals should be in line with the National Planning Policy Framework. The key principles are set out in paragraph 109:

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

You should also consider the natural environment policies in your area's Local Plan. Your neighbourhood plan or order should be consistent with these, and you may decide that your plan should provide more detail as to how some of these policies apply or are interpreted locally.

The attached annex sets out sources of environmental information and some natural environment issues you may wish to consider as you develop your neighbourhood plan or order.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Victoria Kirkham
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification**, **Ancient Woodland**, **Areas of Outstanding Natural Beauty**, **Local Nature Reserves**, **National Parks (England)**, **National Trails**, **Priority Habitat Inventory**, **public rights of way (on the Ordnance Survey base map)** and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfor.org.uk/nfor.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Timothy Spurway

From: Sustainable Places Devon & Cornwall [Sustainable_Places_D&C@environment-agency.gov.uk]
Sent: 05 August 2016 14:15
To: Timothy Spurway
Subject: RE: 160801/DP07 - Dalwood Neighbourhood Area designation consultation - UNCLASSIFIED:

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for the recent Neighbourhood Plan Area consultation in respect of the above.

We welcome the opportunity to engage at the earliest stage in strategic plan development. Our main aim is to ensure that parish councils and neighbourhood forums are provided with the best available evidence in order to shape the future of the places in which people live and work.

We attach a guide 'Planning for the environment at the neighbourhood level' which covers the following:

- Ideas on how to improve your local environment through neighbourhood planning
- Where to go for information about your local environment
- Information on environmental assessment
- When to consult us

In addition a range of general environmental information and maps about the local environment can be accessed online at: <http://apps.environment-agency.gov.uk/wiyby/>.

More specific information regarding planned flood and coastal defence infrastructure investment and the ecological/chemical status of water-bodies can be found by following these links respectively:

- <https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes>
- <http://environment.data.gov.uk/catchment-planning/RiverBasinDistrict/8>

Should you have any queries or wish to discuss any matters within our remit further please do not hesitate to contact us at sustainable_places_d&C@environment-agency.gov.uk

Marcus Salmon
Sustainable Places Planning Specialist
Environment Agency – Devon & Cornwall Area

✉ Manley House, Kestrel Way, Exeter, EX2 7LQ
☎ 02084746289 (Internal 46289)

From: Timothy Spurway [<mailto:TSpurway@eastdevon.gov.uk>]
Sent: 25 July 2016 12:34
Subject: Dalwood Neighbourhood Area designation consultation - UNCLASSIFIED:

Good afternoon,


Please find attached the publicity notice for an application to designate the parish of Dalwood as a Neighbourhood Plan area. Please return your comments no later than 22nd August 2016.

Further information can be found on the East Devon District Council Website at the following address
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/current-plan-and-neighbourhood-area-consultations/>

Kind regards,

Tim Spurway
Neighbourhood Planning Officer
East Devon District Council

 01395 571745

 tspurway@eastdevon.gov.uk

 www.eastdevon.gov.uk

 Planning Policy Section, East Devon District Council, Knowle, Station Road, Sidmouth, EX10 8HL

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Historic England

Mr T Spurway
Neighbourhood Planning Officer
East Devon District Council
Knowle
Station Road
Sidmouth
EX10 8HL

Our ref: PL00030809

Your ref:

Telephone 0117 975 0680

Email david.stuart@historicengland.org.uk

25th August 2016

Dear Mr Spurway

NEIGHBOURHOOD AREA CONSULTATION – DALWOOD

Thank you for giving notice that an application has been made to designate Dalwood as a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012.

Historic England has no objection to this proposal.

We would like to take the opportunity of the consultation to outline the range of support Historic England is able to offer in relation to Neighbourhood Plans. It would be helpful if this response can be copied to the Parish Council for their information.

Research has clearly demonstrated that local people value their heritage and Neighbourhood Plans are a positive way to help communities care for and enjoy the historic environment.

Historic England is expecting that as Neighbourhood Planning Forums come to you to seek advice on preparing Neighbourhood Plans they will value guidance on how best to understand what heritage they have, as well as assistance on preparing appropriate policies to secure the conservation and enhancement of this local heritage resource.

Information held by the Council and used in the preparation of your Core Strategy/Local Plan is often the starting point for Neighbourhood Plans. Other useful information may be available from the Historic Environment Record Centre or local environmental and amenity groups. Our records indicate, for example, that the area has 1 Grade I, 1 Grade II* and 23 Grade II Listed Buildings, and 1 Scheduled Ancient Monument. Historic England also



Historic England, 29 Queen Square, Bristol BS1 4ND
Telephone 0117 975 4308 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



publishes a wide range of relevant guidance. Links to these can be found in the appendix to this letter.

Plan preparation also offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking or further deepening historic characterisation studies.

Historic England has a statutory role in the development plan process and there is a duty on either you as the Local Planning Authority or the Neighbourhood Planning Forum to consult Historic England on any Neighbourhood Plan where our interests are considered to be affected as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders.

Historic England will target its limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. Our local offices may also advise communities where they wish to engage directly with us, subject to local priorities and capacity.

Historic England fully recognises that the neighbourhood planning process is a locally-led initiative and communities will shape their own neighbourhood plan as informed by the issues and opportunities they are most concerned about and relevant to the local area. As a national organisation we are able to draw upon our experiences of neighbourhood planning across the country and information on our website might be of initial assistance <http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>. It is envisaged that the website will be progressively updated to share good practice in the management of the historic environment through neighbourhood planning.

Should you wish to discuss any points within this letter, or if there are issues about this Neighbourhood Plan Area where the historic environment is likely to be of particular interest, please do not hesitate to contact me.

Yours sincerely

David Stuart
Historic Places Adviser

Appendix

The National Heritage List for England: a full list with descriptions of England's listed buildings: <http://www.historicengland.org.uk/advice/hpg/heritage-assets/nhle>

Heritage Gateway: includes local records of historic buildings and features
www.heritagegateway.org.uk

Historic England's Advice by topic: you can search for advice on a range of issues relating to the historic environment in the Advice section of our website

Heritage Counts: facts and figures on the historic environment
<http://hc.historicengland.org.uk>

HELM (Historic Environment Local Management) provides accessible information, training and guidance to decision makers whose actions affect the historic environment.
www.helm.org.uk or www.helm.org.uk/communityplanning

Heritage at Risk programme provides a picture of the health of England's built heritage alongside advice on how best to save those sites most at risk of being lost forever.
<http://www.historicengland.org.uk/caring/heritage-at-risk>

Placecheck provides a method of taking the first steps in deciding how to improve an area.
<http://www.placecheck.info/>

The Building in Context Toolkit grew out of the publication 'Building in Context' published by English Heritage and CABI in 2001. The purpose of the publication is to stimulate a high standard of design when development takes place in historically sensitive contexts. The founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal of context. <http://building-in-context.org/toolkit.html>

Knowing Your Place deals with the incorporation of local heritage within plans that rural communities are producing,
<https://www.historicengland.org.uk/images-books/publications/knowing-your-place/>

Planning for the Environment at the Neighbourhood Level produced jointly by English Heritage, Natural England, the Environment Agency and the Forestry Commission gives ideas on how to improve the local environment and sources of information.
<http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

Good Practice Guide for Local Heritage Listing produced by English Heritage uses good practice to support the creation and management of local heritage lists.
<https://www.historicengland.org.uk/images-books/publications/good-practice-local-heritage-listing/>

Understanding Place series describes current approaches to and applications of historic characterisation in planning together with a series of case studies
[http://www.helm.org.uk/server/show/nav.19604:](http://www.helm.org.uk/server/show/nav.19604)

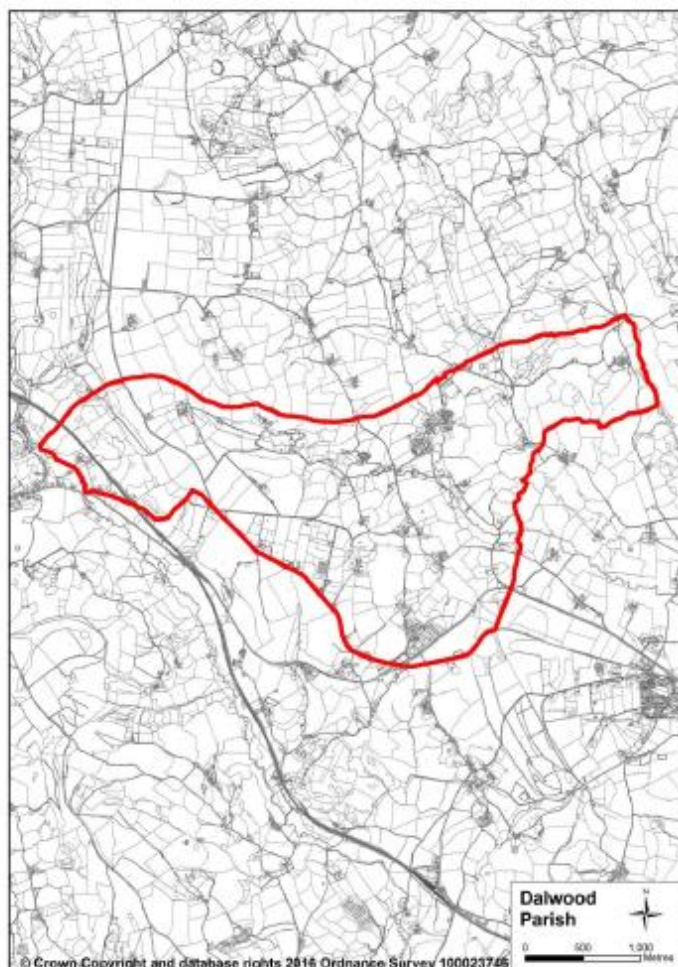
Appendix 2: Neighbourhood Area Decision Notice

(N.B. The reproduced document which follows is also available to view here –

<https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/dalwood/#article-content>)

Designation of the Dalwood Neighbourhood Area

Following the recent application from Dalwood Parish Council, the Dalwood Neighbourhood Area as outlined below has now been designated for the purposes of producing a neighbourhood Plan.



**The designation was approved on
30 August 2016.**

**Appendix 3: Strategic Environmental Assessment / Habitats Regulation Assessment
Screening Opinion**

**Dalwood Neighbourhood Development Plan
Strategic Environmental Assessment and Habitat
Regulations Assessment**

Screening Report

Prepared by Officers of East Devon District Council

December 2019

1.0 Introduction

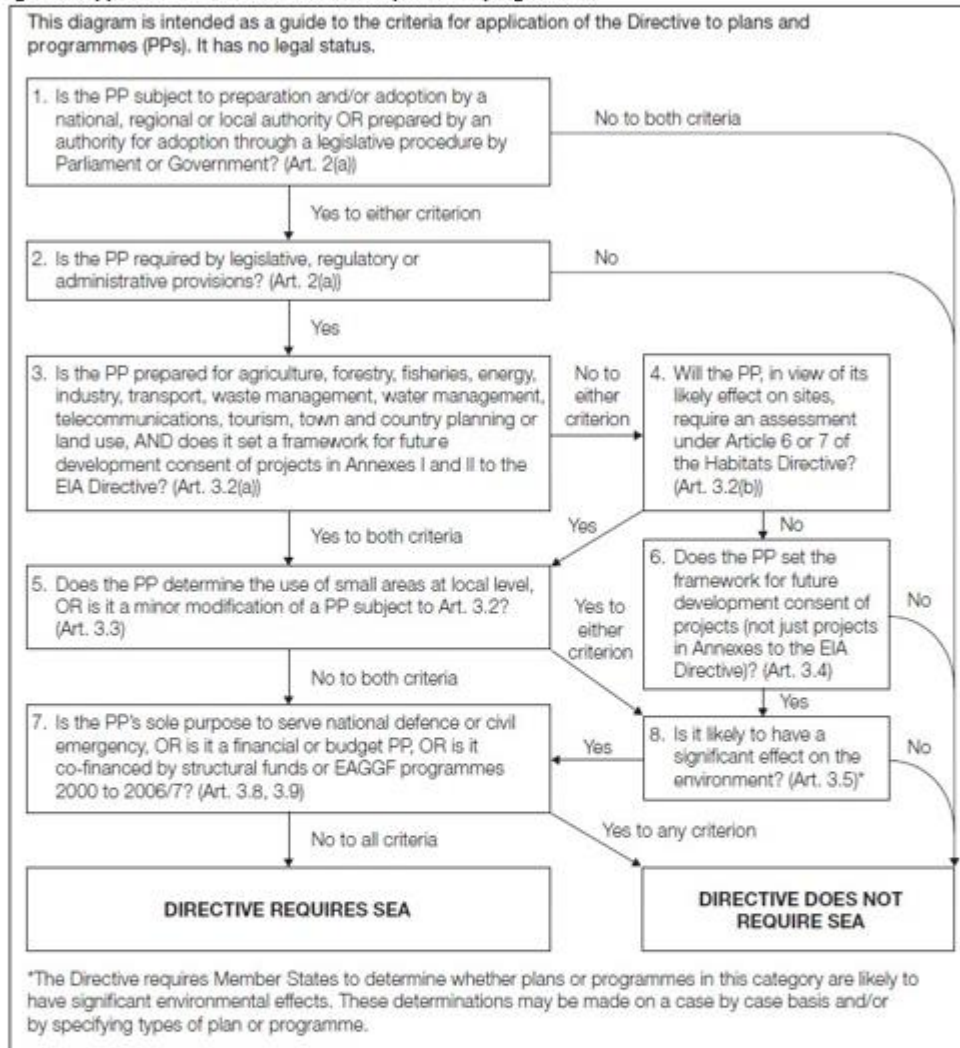
- 1.1 The purpose of this report is to assess the draft proposals in the Dalwood Neighbourhood Development Plan (hereafter referred to as the DNP) to determine whether it requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. An SEA is required under this legislation for all plans which may have a significant effect on the environment.
- 1.2 This report will also screen to determine whether or not the DNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. An HRA is required when it is deemed that the implementation of the plan is likely to cause negative significant effects on protected European Sites (Natura 2000 sites).
- 1.3 The conclusion of the assessment is that the DNP is unlikely to have a significant effect on the environment so an SEA is not required to accompany the Plan. It is also unlikely to have a negative impact on any Natura 2000 sites so should not be subject to HRA.
- 1.4 This report was sent to the three statutory consultees designated in the Regulations (Historic England, Environment Agency and Natural England) to elicit their views on the findings. They concurred with our view that a full assessment is not required, the responses are appended to this report.

2.0 SEA screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The objective of SEA is *'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans.... with a view to promoting sustainable development'* EU Directive 2001/42/EC (Article 1).
- 2.3 Although there is no definitive guidance stating that a Neighbourhood Plan will require an SEA, Local Authorities are legally obliged to advise the plan producers as to whether an SEA is required.
- 2.4 To ascertain if SEA is required, a "screening" exercise has been undertaken by East Devon District Council evaluating the proposals the DNP against the criteria set out in the SEA Directive. This criterion is set out in the SEA Directive and can be found in Figure 1.
- 2.5 Should the screening report reach the conclusion that that plan will have a significant impact on the environment; a full SEA should be undertaken.
- 2.6 If the conclusion is that a full SEA is not required, any significant variations or additions to the Neighbourhood Plan will also be subject to screening.

2.7 An SEA has been undertaken as part of the adopted East Devon Local Plan 2013-2031 and has been taken into account whilst undertaking this screening assessment.

Figure 1: Application of the SEA Directive to plans and programmes



3.0 Dalwood Neighbourhood Plan

- 3.1 The Neighbourhood Plan has been in production for approximately three years. It has undergone public consultation and the producers are currently at a stage of drawing up draft proposals.
- 3.2 East Devon District Council has been kept abreast of progress and has offered support and guidance to the Neighbourhood Plan group and therefore can be fairly confident in the Plan's direction of travel.
- 3.3 The key point of the Neighbourhood Plan is the group's ambition to restrict development to within the existing settlement of Dalwood and the conversion of existing buildings elsewhere in the Parish. Affordable housing, under exceptions Policy of the Local Plan (and potentially the DNP) could still take place. The Local Plan does not identify Dalwood as a settlement for which a Built-up area Boundary is designated under Strategy 27, although it does allow Neighbourhood Plans to promote development provided it is justified and will promote the objectives of sustainable development. The DNP intends to establish a Built-up Area Boundary (drawn using the same criteria as those used for designating the BUAB's in the East Devon Villages Plan), within which a small amount of additional in-fill development may occur. The village is located within a protected landscape (AONB) but is compact and sits on the valley bottom, so visually any impact will be extremely limited.
- 3.4 Whilst the plan will also include various other policies, they are fairly general in nature and are considered very unlikely to have a significant environmental effect. Should this circumstance change it will be important to rescreen the plan to take any changes into account.
- 3.5 On this basis, this screening report has considered the potential for significant environmental effects from the proposed allocation site.

Figure 2: Screening assessment against the criteria for whether the DNP requires an SEA.

| Stage | Y/N | Reason |
|--|-----|--|
| Is the DNP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a)) | Y | The Plan will be prepared by the Parish and adopted by East Devon District Council as part of the Development Framework, subject to a successful referendum. |
| Is the DNP required by legislative, regulatory or administrative provisions? (Art. 2(a)) | Y | <u>The</u> Plan meets the characteristics set out in the Government's Practical Guide to the SEA Directive in that that it will be publicly available, prepared in a formal way and probably involving consultation with interested parties. |
| Is the DNP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste | Y | The NP is prepared for Town and Country Planning and land use and may provide the |

management, water management, telecommunications, tourism, town and Directive country planning or land use, **AND** does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))

framework for development of a scale that would fall within Annex II of the EIA at a Neighbourhood Area level.

Does the DNP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)

Y

The NDP will determine the use of areas at a local level.

Is it likely to have a significant effect on the environmental environment? (Art. 3.5)

N

See screening assessment for effects in figure 3 of this report.

Directive Does Not Require SEA

4.0 Screening Assessment for Environmental effects

4.1 Under step 8 of the Application of the SEA directive (Figure 1), in order to establish whether a plan requires an SEA, it was necessary to conduct a thorough assessment of whether the plan was likely to have a significant effect on the environment.

4.2 The table below sets out the criteria by which the site allocation in the plan should be judged, as outlined in Article 3.5 of the SEA Directive.

Figure 3: Environmental impact screening assessment

| Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations) | Is the DNP likely to have a significant environmental effect? | Justification for Screening Assessment |
|---|---|--|
| The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources. | N | The thrust of the DNP is to restrict any further development (other than exceptions affordable housing schemes) to the existing settlement of Dalwood. In the Local Plan, Dalwood is generally not considered to be a suitable place for further open market housing development, but this is largely due to the lack of a frequent bus service and everyday facilities. |
| The degree to which the plan or programme influences other plans and programmes including those in a hierarchy. | N | The DNP must be in general conformity with the adopted East Devon Local Plan and have regard to national policies. It must also be compatible with EU law and the ECHR obligations. It is not considered to have a particular influence on any plans other than the planning application that will dictate the development of the allocation. |
| The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development | N | The neighbourhood plan will need to contribute towards the achievement of sustainable development, as required by the "basic conditions" on which the plan |

| | | |
|---|----------|---|
| | | will be judged by at examination. The Built-up Area Boundary will be designated using the criteria which were applied to the Built-up Area Boundaries in the East Devon Villages Plan. |
| Environmental problems relevant to the plan or programme. | N | Dalwood does not have any significant environmental problems that the Neighbourhood Plan is likely to impact. |
| The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection). | N | These community legislation types are not relevant to the DNP and will not need to be considered. |
| The probability, duration, frequency and reversibility of the effects. | N | As the Neighbourhood Plan will not be allocating a site, this will not apply. |
| The cumulative nature of the effects. | N | The cumulative effects of the PNP are not considered to have a significant effect on the environment. |
| The trans-boundary nature of the effects. | N | The DNP only sets a framework for development within the Neighbourhood Area which corresponds to the existing parish boundary. The scale of development it will impact upon is unlikely to have a significant effect on neighbouring areas. |
| The risks to human health or the environment (e.g. due to accidents). | N | There are no risks to human health identified, other than the usual risks associated with the construction of dwellings and a small increase in traffic running along narrow, country lanes. |

| | | |
|---|-----------------|---|
| <p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p> | <p>N</p> | <p>The PNP is concerned only with development within the Parish of Dalwood. If there are any effects they are not considered to be wide ranging.</p> |
| <p>The value and vulnerability of the area likely to be affected due to: special natural characteristics or cultural heritage; exceeded environmental quality standards or limit values; intensive land-use. The effects on areas or landscapes which have a recognised national, Community or international protection status.</p> | <p>N</p> | <p>No sites are proposed for allocation and the thrust of the Plan is protective in nature. In drawing the Built-up Area Boundary the Local Plan criteria will be used to ensure consistency and, should there be potential for harm to any conservation interests then setting studies will be undertaken.</p> |

4.3 Conclusion

The Dalwood Neighbourhood Plan does not require a Strategic Environmental Assessment. The Neighbourhood Plan will provide for a very small level of development over and above the provision in the Local Plan (around 5-10 houses over 15 years), and will not otherwise impact upon internationally or nationally important features which would be deemed to have a significant environmental effect.

5.0 Habitat Regulations Screening Assessment

5.1 The draft policies of the plan (Appendix 1) have been used to undertake this initial screening assessment. As the conclusion is that a full Habitat regulations screening is not required, any variations or additions to the aims and objectives will be subject to a further screening. A draft screening report was produced as part of the production of the emerging Local Plan and has been taken into account in undertaking this screening assessment.

5.2 The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

5.3 Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

5.4 Article 6(3) of the Habitats Directive states:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives'.

5.5 Sites which are potentially relevant to the Dalwood Neighbourhood Plan are the Blackdown Hills AONB (partly within parish) and several areas of ancient woodland, wild/semiwild woodland and ancient orchards.

5.6 Natural England were consulted on this document by the District Council.

Screening Criteria Questions

1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

No

2. Does the Neighbourhood Plan propose new development or allocate sites for development?

Not specifically. The Plan does allow for infill development within the settlement of Dalwood and for conversions of existing buildings and for exceptions affordable housing but no specific sites are identified. Any development is likely to be extremely limited in size and scale (a total 5-10 houses in the Plan period).

The objectives in the Neighbourhood Plan accord with the Local Plan for the District which is subject to an HRA. A screening opinion was provided by Land Use Consultants early in the Plan production process and an HRA was completed by Footprint Ecology before, and informed, the adopted Local Plan. It indicated that the Local Plan will have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.

3. Are there any other projects or plans that together with the Neighbourhood Plan could impact on the integrity of a European Site?

No

5.7 Conclusion

5.8 The Dalwood Neighbourhood Plan does not require a Habitat Regulation Assessment.

5.9 The Dalwood Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan (which was itself subject to HRA).

Historic England Response 2.12.19

Dear Claire

Thank you for your consultation on the SEA Screening Report for the emerging Dalwood Neighbourhood Plan. Our apologies for not responding before now.

This is our first involvement with the preparation of the Plan since offering generic advice on the Area's designation in August 2016. The consultation therefore provides us with a welcome opportunity to scope the Plan's proposed policies and identify any issues of interest or potential attention.

Having considered the draft made available I can confirm that there are in fact no issues associated with the Plan upon which we wish to comment. This is likely to remain our position as the Plan proceeds through its various stages unless it experiences significant change, such as the allocation of sites for development for example.

On this basis I can also confirm that we have no objection to the view that a full SEA is not required.

Kind regards

David

David Stuart | Historic Places Adviser South West
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND
<https://historicengland.org.uk/southwest>



Historic England

Natural England 12.11.19

Date: 12 November 2019

Our ref: 300146

Your ref: Dalwood SEA and HRA Screening

Claire Rodway

East Devon District Council

Blackdown House

Border Road

Heathpark Industrial Estate

Honiton, EX14 1EJ

BY EMAIL ONLY

crodway@eastdevon.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 8GJ
T 0300 080 3900

Dear Ms Rodway,

SEA and HRA Screening of Dalwood's Neighbourhood Development Plan

Thank you for your consultation on the above dated 15th October 2019 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Strategic Environmental Assessment Screening

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We therefore agree with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.

Habitats Regulations Assessment Screening

Natural England welcomes the consideration given to the Habitats Regulations. We agree with the conclusion of the report that the Dalwood Neighbourhood Plan is unlikely to have an adverse effect on a European site, and therefore advise that further Habitats Regulations Assessment is not required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham

Consultations Team

Environment Agency 16.10.19

Dear Claire,

Thank you for your consultation of 15th October 2019 providing us with the opportunity to comment in respect of the Dalwood Neighbourhood Plan SEA/HRA screening opinion.

In general we consider that it is unlikely that neighbourhood plans will result in any significant environmental effects unless the plan allocates or encourages development over that set out in the Local Plan. Otherwise we consider that any potential for environmental effects from growth in the parish should already have been addressed through the Sustainability Appraisal (SA) which supported the adopted Local Plan.

Please note, this is a standard response. If you consider the plan will result in significant environmental effects please reconsult us.

Kind regards,

Harriet

Harriet Fuller

Sustainable Places | Devon, Cornwall and the Isles of Scilly

☎ Tel: 02030 256485

✉ Email: SPDC@environment-agency.gov.uk

✉ Manley House, Kestrel Way, Sowton Ind Est, EX2 7LQ

Appendix 4: Composite of Neighbourhood Plan Policies

Policy NE1: Conserving and Enhancing the Natural Beauty of the Parish

- 1. Development proposals will only be supported where:
 - i) the development does not result in adverse impacts on the natural environment (landscape and biodiversity); and,**
 - ii) they enhance the natural environment, where there is the opportunity to do so.****
- 2. Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting, appropriate landscaping should be employed that is compatible with the local landscape character. Such measures should include the use of locally present native species of trees, shrubs and hedges.**
- 3. Proposals for development which unavoidably affect traditional Devon hedges will only be supported where they have demonstrated no harm to the hedgerow/bank, setting in the landscape, biodiversity, and habitats.**
- 4. There is a presumption of conservation of any existing natural features, i.e., orchards, trees, hedgerows and boundaries even where they are not afforded specific protection by tree preservation orders or through being in a protected area (AONB), or as curtilage to a designated listed building in any new development or redevelopment to both protect and enhance the existing character of the Parish. Any removal must be justified in the planning application, and new or replacements must be of sustainable locally present native trees, shrubs and hedges.**
- 5. For the avoidance of doubt, in this context, the definition of “development” includes changes to access to the highway where planning permission is required and in such cases the Devon County Council Highways Protocol for Protected Landscapes should be applied.**

Policy NE2: Preserving Tranquillity and Dark Skies

To ensure that the tranquillity of the Parish and dark skies are maintained, development will only be supported where it demonstrates that it:

- i) will not adversely impact on the tranquillity of the Parish through increasing levels and extent of noise; and,
- ii) will not adversely impact, through light pollution (during any part of the year), on valued dark skies observable from the Parish.

Policy BHE1: Maintaining the Built Character of the Parish through High-Quality Design

To ensure that new housing development is of high-quality design and sympathetic to the traditional built character of the Parish, proposals will be supported where they:

- i) take fully into account the Blackdown Hills AONB Design Guide for Houses (March 2012);
- ii) ensure that the size, scale and location of the development is appropriate to the form, scale and setting of the existing built environment;
- iii) ensure that materials and design of the development are in-keeping with the character of the existing built environment;
- iv) ensure that it is designed in such a way that it minimises the impact on the visual amenity of the surrounding landscape, on views of the proposed development and on the natural environment;
- v) ensure adequate covered and secure external storage for recycling and waste disposal bins; and,
- vi) includes the use of appropriate sustainable drainage systems (SuDS) and other measures to reduce surface water run-off.

Policy BHE2: Protecting Locally Valued Heritage Assets

Figure 7 defines locally valued heritage assets. Proposals for development affecting these assets and their settings will only be supported where they demonstrate, as part of the planning application, that:

- i) they will not have an adverse impact on these assets or their setting; and,
- ii) where relevant, they have considered fully any additional local evidence documenting local historic sites.

Policy HP1: Housing Development in Dalwood

1. Housing development will be supported within the Settlement Boundary defined in Figure 9 where:

- i) Development is of a scale and appearance in keeping with surrounding properties and the character of the village;
- ii) Local amenity is not impacted; and,
- iii) There is provision for sufficient off-street parking, meeting current adopted parking standards and exceeding them where feasible. There should be a minimum of one car parking space for one-bedroom properties and a minimum of two car parking spaces for two or three bedroom properties.

2. Residential development to facilitate affordable housing adjacent to the Settlement Boundary, on 'exception sites', will be supported provided it is in conformity with Strategy 35 of East Devon District Council's Local Plan.

Policy CFS1: New Retail and Commercial Development in Dalwood Village

Proposals for new retail and commercial facilities, extensions and/or alterations to existing facilities to serve the local community will be supported on sites within or adjoining the Dalwood Settlement Boundary provided that:

- i) they can be provided (preferably) through the conversion or extension of an existing building, or if that is not viable or feasible, the development of a new building, without having a significant adverse impact on the special character of the area's natural and built environments;**
- ii) they are small-scale, in-keeping with the density and massing of neighbouring buildings and with the built character of the village;**
- iii) the proposal will be well related to the built form of the settlement and close to existing development;**
- iv) the site is accessible by a variety of types of transport, including walking and cycling and the amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety;**
- v) the proposal would not be detrimental to the amenity of neighbouring residents by reason of undue noise or traffic; and,**
- vi) the proposal demonstrates that it will have a beneficial impact on existing community services and / or the local retail /commercial offer, complementing existing provision of a similar nature or filling a gap in demand / need.**

Policy CFS2: Improvements to Existing Local Community Facilities, Amenities and Assets

1. Figure 10 identifies the Parish's valued community assets, facilities and amenities. They are:

- i) Community Shop and Post Office;**
- ii) The Tuckers Arms;**
- iii) St. Peter's Church;**
- iv) The Methodist Chapel;**
- v) The Folly Nursery;**
- vi) The Village Hall and car park;**
- vii) The Jubilee Pavilion and Field; and,**
- viii) The Reading Room.**

2. Proposals which seek to enhance or improve Dalwood's existing local community facilities, amenities and assets will be supported where:

- i) there is a demonstrable need for them;**
- ii) they do not have an adverse impact on the special character of the area's natural and built environments;**
- iii) there are no adverse impacts on the amenity of residents or neighbouring uses.**

3. Proposers of development should consult with the Parish Council at the earliest opportunity to ensure that proposals meet the aims and objectives of this Plan and take into account the views of the local community.

Policy CFS3: Loss of Local Community Facilities through Redevelopment or Change of Use

1. Proposals for the change of use or development of locally valued community assets defined in Policy CFS2 will only be supported if:

i) it does not have an adverse impact on the special character of the area's natural and built environments;

AND,

ii) there is no other reasonable prospect of viable continued use of the existing building or facility which will benefit the local community and it has been professionally marketed at a market price for at least two years and no proceedable buyer has been found; or,

iii) it will not result in the net loss of a community facility where need and demand for that facility and/or an alternative community use has been evidenced;

2. Proposers of development should consult with the Parish Council at the earliest opportunity to ensure that proposals meet the aims and objectives of this Plan and take into account the views of the local community.

Policy TA1: Off Road Parking

Proposals to provide additional off-road parking will be supported where they do not have an adverse impact on:

i) the character of the local built environment;

ii) the quality of the surrounding natural environment; and,

iii) highway safety.

Policy TA2: Rights of Way (Public Footpaths and Bridleways)

The improvement and enhancement of public rights of way will be supported. Proposals for development of or affecting public rights of way will be supported where:

- i) they promote, protect, maintain and enhance the existing local footpath and bridleway network for use on foot, bicycle or horseback;
- ii) they improve and enhance the existing network through the provision of new or extended routes; and,
- iii) they prevent motorised vehicles (except those specifically designed for the disabled) illegally using designated footpaths, bridleways and cycleways (where established).

Policy EE1: Superfast Connectivity

The development of a superfast broadband infrastructure to serve the Parish will be supported where it is sensitively sited and sympathetically designed.

Policy EE2: Farming (New Development Proposals)

Proposals for new agricultural development requiring planning permission will be expected to demonstrate how they will:

- i) protect and / or enhance historic farming or landscape features and the rural characteristics of the surrounding area; and,
- ii) protect or reinforces the natural beauty, bio-diversity and special character of the AONB landscape.

Policy ELC1: Renewable and Low Carbon Energy Schemes

- 1. Renewable and low carbon energy schemes will be supported at a scale appropriate to those defined in Figure 12 and where they are sensitively sited, and demonstrate that they have no adverse impact on enjoyment of the natural and built environment nor on the quality of Dalwood's and the Area of Outstanding Natural Beauty's landscape, biodiversity, wildlife habitats and neighbouring amenity. These will principally be at the small and medium scale depending on the need to minimise impact on the landscape.**
- 2. Where appropriate, landscaping should be used to lessen the impact on the landscape.**
- 3. In addition to other policies in this Plan, proposals should take into account the advice given in the "Renewable Energy in the Blackdown Hills Report,' 2010 and the most up-to-date landscape policy advice produced by the Devon Landscape Policy Group.**
- 4. Planning applications for smaller wind turbines will be assessed in terms of visual intrusion and the appropriateness of the site and must be accompanied by site-specific measured wind speed data and not solely the AONB (estimated) database.**
- 5. Proposals for large-scale renewable and low carbon energy generating plants and fossil-fuel based energy generating plants will not be supported.**