

Kilmington Neighbourhood Plan

Summary of the Representations Submitted to the Independent Examination

Use of this Document

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

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

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

Summary of Representations

1. ArchitEXE Ltd on behalf of Mr N Rooke

With particular reference to the site adjacent to The Old Coach House on Shute Road, suggests that this and other brownfield (previously developed) sites, would be a logical place to consider first for development rather than any greenfield sites, including those allocated within the plan. Puts forward that the land adjacent to the Old Coach House site, and others, could provide multiple residential units to meet housing needs identified in the plan. Accepting that the land adjacent to the Old Coach House is not allocated for development within the plan, requests that provision be made for consideration for its development within the plan wording, for example by making reference to support for the development of suitably located windfall sites. A plan to show the land adjacent to the Old Coach House is provided.

2. Avison Young on behalf of National Grid

No comments other than to confirm that their records show no National Grid electricity and gas transmission assets are currently affected by proposed allocations within the neighbourhood plan area.

3. Blackdown Hills Area of Outstanding Natural Beauty (AONB) Partnership

Overall supports and welcomes the plan, finding that it gives strong attention to the natural and built environment and provides a clear context and policy framework for development in relation to the AONB throughout. Requests that the reference to the AONB management plan policy on page 111 of the plan in relation to renewable energy be updated to reflect the latest version of that policy wording.

4. Christopher Balcomb

Overall supports the plan and the intention to preserve the character of the village. Comments specifically on site allocation policy HD4 relating to development of land off Whitford Road in relation to the specified size restriction (96m²) for the proposed dwellings. With

reference to personal circumstances, this response advises that this floorspace would be insufficient to meet the support needs of a resident using a wheelchair and requiring full-time carers. It suggests that to minimise impact and make efficient use of land, additional accommodation could be permitted in the roofspace, via a chalet bungalow design. Whilst supporting sustainable design features, it requests that a concession be made where additional space required for technical equipment impacts on the 96m² floorspace limit. Suggested wording for a revision to the criteria for the design and size of the dwellings at paragraph 3 of the policy is made, to allow dwellings to be 1.5 storeys, with additional accommodation in the roofspace above the current 96m² internal area and a maximum ridge height of 7.5metres. Also, to confirm within the wording that the dwellings will be suitable for wheelchair users.

5. Devon and Cornwall Police (DCP)

Comments on design policy (DE1) noting that no reference is made to 'designing out crime'. Advises that designing out crime principles are a key component of 'high quality design' in residential and commercial developments in order to reduce the opportunity for crime and anti-social behaviour and thus ensure a safe environment in which to live and work. Requests that an additional point be added to the policy to say, "be designed with due consideration for designing out crime principles to ensure the opportunity for crime and anti-social behaviour is reduced."

6. East Devon District Council

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

- **Policy HD2 (Housing Development within the Built Up Area Boundary)** – suggests reference to Built Up Area Boundary be removed from the title and referred to in the text in relation to the preferred locations for development. Suggests stating that 'sites **should be** located...' rather than are **preferred** in such locations. Suggests the policy, and the plan more generally, should make the requirement clearer in respect of replacement planting and the maintenance of it when hedgerows/trees are unavoidably lost.
- **Policy HD3 (Land off George Lane (adjacent to Dares Field))** – various amendments proposed including:
 - a) Replace 'around 14 dwellings' with up to or around 14 dwellings'.
 - b) Deletion of the second point relating to community engagement as it is covered by, and more robust in, Policy HD1
 - c) Suggests amendment to be more specific about the requirement for a development brief and what the development will provide/include, such as orchard planting.

- d) Remove the explicit reference to ‘subject to viability’ to focus the policy on securing the community requirements
- e) Endeavour to reduce policy length and improve the logical flow, including by placing the requirement regarding the River Axe nutrient levels first, combining some points and cross referring to the Local Plan where the text repeats this.
- **Policy HD4 Land off Whitford Road (north of The Beacon)** – various amendments proposed including equivalent of points b), c) and e) above and suggests a check to ensure that criteria align between these 2 allocation policies, wherever appropriate, in the final version of the wording. In addition, to include a reference to affordable housing to the mix.
- **Policy HD5 Self-build (and custom build) Housing** – suggests additional wording is made to the justification for the local connection criteria and to further clarify the wording relating to the use /occupation of self-build dwellings to aid policy implementation. Suggests the criteria related to embodied carbon may need justification. Also to add a reference to Figure 6 of the Plan which shows the Built Up Area Boundary.
- **Policy HD7 (Retaining Community Facilities, Amenities and Assets)** – suggests the facilities be referred to by name within the policy; that the second sentence be amended to, ‘Their loss as a local service or community facility will not normally be supported’, and; a criteria be added to ensure adequate marketing for at least 12 months before loss is accepted.
- **Policy HD8 (Maintaining and Enhancing Community Facilities, Amenities and Assets) and Policy HD9 (Education and Learning Facilities)** – suggests these are merged into one policy.
- **Policy TT1 (Impact on the Local Highway, Cycleway and Footpath Network)** – Suggests policy clauses 4 and 5 should also explicitly apply to holiday accommodation and tourism development.
- **Policy TT2 (Protecting Devon Banks, Hedgerows and Trees from New and Widened Access Points)** – suggests requirement for mitigation for unavoidable loss should be incorporated, requiring hedgerow translocation in the first instance, and, where not possible, creation of replacement hedgerow planting of equivalent or better quality.
- **Policy TT3 (Traffic arising from Major Development)** – Suggest amend wording to allow for this matter to be addressed via a Transport Statement rather than full assessment ‘as appropriate and as determined necessary by the LPA’.
- **Policy EB1 (Local Employment in Agriculture and Forestry)** – include a cross-reference to the ‘locally valued landscapes and views’ in Policy CGS1, and remove ‘wherever possible’ from criteria (iii) seeking biodiversity net gain.
- **Policy EB2 (Local Tourism and Leisure Opportunities)**
 - a) Replace the phrase ‘tourism facilities and attractions’ with holiday accommodation and tourist attractions
 - b) Replace the phrase ‘landscape setting’ with the more general term ‘setting’ in the first criteria
 - c) Remove the second criteria relating to strategic versus local need on the basis it would be difficult to evidence and apply
 - d) Include a cross-reference to the ‘locally valued landscapes and views’ in Policy CGS1
 - e) With reference to the support text, clarify within the policy what types of holiday accommodation would be supported

- f) Add a requirement for development to have safe and good access to local facilities and amenities.
- **Policy EB3 (Change of Use of Agricultural Buildings Development)**
 - a) Clarify that the support relates to uses referred to in the justification only i.e. business uses and holiday accommodation, and where planning permission is required.
 - b) As EB2, such include criteria to direct development to the more accessible locations in the parish.
- **Policy EB4 (Change of Use from Agricultural to Woodland / Forestry Use)** – suggest an amendment to the first criteria to read that “they maintain any pre-existing public access arrangements, and help to increase opportunities for public access to and education within the countryside, wherever it is reasonable and practicable to do so.”
- **Policy EB5 (Telecommunications)** - suggest broadening the requirement at point 1 from landscape only to “landscape and/or built environment” to allow for installations in a variety of settings.
- **Policy DE1 (High Quality Design)**
 - a) Clarify the requirement in the first criteria regarding accessibility requirements
 - b) Suggest more positively wording the criteria relating to village gateways
 - c) Suggest the parking requirement be amended to ‘provide adequate off street car parking’ with the possibility of including a minimum requirement in the policy
 - d) Rephrase the requirement relating to energy efficient to one that can be implemented
 - e) Remove the blanket requirement to meet BREEAM Very Good standards, in the absence of further evidence
 - f) Add additional criteria related to designing out crime and keeping external lighting to a minimum.
- **Policy CGS2 (Locally Valued Areas of Biodiversity, Geodiversity and Habitat)** – insert reference to Figure 20 which shows these areas and remove ‘where possible/practical’ from the criteria regarding nesting provision for clarity on the requirements. A further advisory note by EDDC landscape officer on possible improvements to the wording of this policy was also provided to the examiner.
- **Policy CGS3 (Local Green Spaces)** – support the policy but advises it may need some revision to meet national planning policy requirements and recent case law.

- **Policy CGS4 (Protecting the Stream Corridor)** - Suggest that the policy should be more precise and closely related to the policy justification to aid its implementation, by revising the wording to read:
 1. The stream “corridor” is indicated on Figure 23 and will be protected from adverse impact from development which could erode its value to local biodiversity.
 2. Proposals will be expected to be designed so as to avoid any negative impact on phosphate levels, sediment run off and flooding in relation to the stream (as part of the Axe, Yarty and Corry Catchment) and should seek to contribute to achieving improvements in its ecological status, where applicable, feasible and viable.
- **Policy RCL1 (Small Scale Renewable and Low Carbon Energy Generation)** – suggests a rewording of the policy to remove some duplication within it and to define scale (large and small) in the policy, with clearer reference to the explanation/references in the supporting text.

In addition, requests were made, amongst other things, for the plan to more accurately reflect the relationship with the emerging local plan and the national policy definition for affordable homes.

7. Environment Agency

Supports the plan and welcomes that the policies relating to the residential allocations and to self-build (HD3, HD4 and HD5) all refer to need to satisfy the Axe Nutrient Management Plan. Also welcomes that Policy CGS4 and supporting text in relation to protecting the stream corridor, noting the nutrient problems in the watercourses and seeking to achieve improvements to environment and biodiversity, and mitigate flood risk.

8. Historic England

Welcomes the additional work undertaken further to the comments made at the previous stage by way of a landscape and visual appraisal and heritage impact review in relation to the two allocated development sites. Notes that these reports appear rigorous and well-evidenced and expects them to be attached and/or referenced in the final plan to make them binding. Advises there are no further issues associated with the Plan upon which Historic England wish to comment and commends the community for their commitment and hard work in getting the plan to this stage.

9. Lucy White Planning Ltd on Behalf of Place Land Ltd

The response clarifies that Place Land Ltd is acting on behalf of the landowners of land east of George Lane (allocated in Policy HD3), to bring forward the land for residential development. Also, that Place Land Ltd has engaged with the Parish Council and is broadly supportive of the proposed Neighbourhood Plan.

The representation provides a series of details comments relating to the following:

- **Introductory section (1.1)** - notes the relationship with the emerging new Local Plan which proposes the allocation of a larger area of 2.5 hectares of land east of George Lane, and that a review of the neighbourhood plan in due course would provide an opportunity to influence this in relation to meeting housing needs of the village up to 2040.
- **Policy HD1: Community Engagement** – supports the intent of the policy but suggests an amendment to it to read, “the applicant must consult the local community prior to submitting the planning application and respond appropriately to the issues raised through the consultation.”
- **Section 3.3 (Housing Site Allocations)** – requests amendment to the penultimate paragraph on page 30 of the plan to refer to Strategy 27 of the Local Plan in relation to the allocation of land for housing, and not Strategy 35 on rural exception sites.
- **Policy HD3 (Land Off George Lane (adjacent to Dares Field))**
 - Requests that the affordable housing requirement be amended, with reference to Local Plan policy Strategy 34.
 - With reference to evidence within the plan, requests that if there is no demand for a self-build unit on the site, the policy should allow for the 3 self-build plot(s) to be replaced with market housing, and that the reference to the possible housing mix be moved from within the policy to the supporting text.
 - Requests that to avoid placing an unduly onerous requirement on the scheme and its viability, to amend the requirement for an adequate connection to foul sewer to be provided before the development can be occupied, rather than before it can commence.
 - Supports biodiversity measures, but requests that the specific requirements for the provision of particular habitat features be removed from the policy. The reason being this is premature ahead of completion of a comprehensive suite of ecology surveys and the Biodiversity Metric in line with the requirements under the Environment Act.
 - Supports the importance and provision of foot & cycle links but raises issues with the ability to make the connections as described in the plan as part of this scheme due to reliance on other land. Sets out a proposal for enlarging the allocation in the neighbourhood plan to include additional land to the east, which is included as a possible allocation in the new working draft local plan. Advises this larger allocation could provide a comprehensive development

accommodating 35 dwellings (to meet housing needs beyond the NP period), active travel links and strategic planting. Should this not be included in the plan, requests that the criteria (3 xvi) regarding the provision of a foot and cycle path at the southern end of the site, to act as a link to land north of the The Orchard and Meadowbank, should be removed. Also that criteria 3 xiv be modified to read, “provide safe pedestrian and cycle access on site and facilitate future pedestrian and cycle connections to the existing facilities and built up area of the village.”

- Supports the objective and requirement for strategic planting along the A35 to act as a buffer and to set development back from the road.

The representation suggests amendments to plan text to accompany the comments. An illustrative draft concept layout of the site allocated through Policy HD3 (Land Off George Lane (adjacent to Dares Field) accompanies this representation, together with a concept layout for how a larger scheme including adjacent land could work.

10. National Highways

Confirms that National Highways is responsible for the A35 trunk road which runs through the Plan Area. With reference to comments made previously, notes the proposed 10metre buffer to be landscaped and planted adjacent to the A35 in relation to the site allocation (Policy HD3) at land off Georges Lane. Comments that the illustrative plan (page 32 of the plan) appears to include land within National Highways ownership and wishes to make clear that any buffers, noise fences, screening and other structures must be erected on the developers land, and far enough within the developers land to enable maintenance to take place without any encroachment onto highway land, in accordance with DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development”. Overall, requires that any development coming forward at land adjacent to Dares Field will need to ensure that it does not encroach into any part of the National Highways estate.

In addition, in relation to the Plan’s aspirations to enhance the A35 corridor, advises that National Highways are happy to consider any proposals but reiterates that these must not adversely impact on the safe and efficient operation of the A35 or the long-term integrity of its assets, or prejudice the ability of National Highways to maintain the strategic road network or the delivery of any future road schemes as set out in their Delivery Plan. Welcomes engagement with the Neighbourhood Plan team on any proposals relating to the A35 trunk road.

11. Natural England

With reference to the importance of biodiversity net gain and the fact it will shortly become a mandatory requirement, requests references to requiring development to demonstrate a net gain within policy CGS2 (Locally Valued Areas of Biodiversity, Geodiversity and Habitat) and the 2 site allocation policies (HD3 and HD4). Requests reference is also added within Policy CGS2 or the supporting text to the Institute of Lighting Professionals Guidance Note 8, 'Bats and artificial lighting in the UK', to support the existing policy clause (ii) relating to limiting external light sources.

Welcomes previous amendments to the plan made further to comments made at Regulation 14 stage, but requests that the current wording be slightly amended. Specifically, in policies HD3 and HD4 to reword the requirement that the developer must "provide an adequate connection to the public sewer before the development can commence" to better reflect the requirement in policy EN19 of the Local Plan for developments to provide, 'a suitable foul sewage treatment system of adequate capacity'. States that this would ensure that should it be unfeasible for a development to connect to the mains sewerage system, and instead be reliant on private drainage, this is adequately supported by policy, and the natural environment considered.

12. Royal Society for the Protection of Birds (RSPB)

Supports the plan. Advises that paragraph 5 of policy CGS2 (Locally Valued Areas of Biodiversity, Geodiversity and Habitat) would be enhanced by the inclusion of "Bricks" designed for Solitary Bee species and Hedgehog Highways so they can access neighbouring gardens and adjoining "green spaces". Appends guidance document on Swift Bricks.

13. Sport England

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

In addition, the following representations relating to Policy CSG3 Local Green Space were received and considered during the examination, in response to Examiner's questions about the landowners' views on the proposed Local Green Space designations:

14. Archdeacon of Exeter on behalf of Diocese of Exeter

Regarding proposed designation of St Giles Churchyard and St Giles Cemetery as Local Green Space, advises that as churchyards already form part of Historic England's 'Green Infrastructure' and are offered by the Church of England as special places for quiet, reflection and contemplation as well as providing space for the Christian burial of local people, they are well protected and not considered suitable for Local Green Space designation, unless exceptional circumstances exist. Also offers reassurance to work with the Parish Council to ensure their on-going protection in Kilmington.

15. Chesters Harcourt on behalf of JC and RH Palmer Ltd

Regarding proposed designation of the New Inn Garden as Local Green Space, which is owned by the above brewery, a strong objection is made. The response advises that the garden is an important asset to the New Inn as a business and there are no plans to develop it. However, it is considered that the designation may restrict flexibility for the business in the future, which could in turn affect its viability and threaten the continuation of a pub business on the site. A request is made to therefore delete the proposed designation from the plan.

16. Hitchcock Trust

Regarding proposed designation of the recreation ground as Local Green Space, to confirm there are no objections.

Note

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