

LYMPSTONE NEIGHBOURHOOD PLAN

REVIEW BY PLANNING AID

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Planning Aid have been asked to review the draft Lympstone Neighbourhood Plan. This report looks at all aspects of the plan but focuses particularly on whether the plan in its current form is likely to meet the “basic conditions” if submitted for independent examination. The report also takes the opportunity to make suggestions as where changes might be considered to improve clarity and content.

## 1. Background and context

The NP area covers the parish of Lympstone in which the main settlement is Lympstone village lying close to the town of Exmouth in East Devon District. The Parish includes part of a proposed expansion to the urban area of Exmouth. It also includes accommodation of military personnel at the Commando Training Centre Royal Marines – CTCRM.

The plan was published for public consultation on June 17<sup>th</sup> with a consultation period finishing on July 31<sup>st</sup>. A number of supporting documents, including the Consultation Statement, are in the course of preparation. It had been anticipated that a final version of the plan would be submitted later this year. This timetable may need adjustment however as the District Council consider a Strategic Environmental Assessment will be needed.

The plan has been initiated by the Parish Council with detailed preparation undertaken by a Working Group led by the Council’s “planning Champion”.

### [The East Devon Local Plan](#)

The East Devon local plan is under preparation and the expected timetable is expected to be

Submission July 2013

Examination November 2013

Adoption Spring /Summer 2014

The respective timetables of the NP and Local Plan are therefore overlapping and although the NP has been prepared in the context of the new local plan it nonetheless currently anticipates approval prior to the adoption of the new

local plan. This raises a number of issues in respect of the test of conformity. As things stand conformity of the NP will need to be with the existing East Devon local plan and the National Planning Policy Framework whilst also reflecting the emerging local plan.

Comments on policy conformity set out below take into account the need to consider the existing local plan.

This situation in itself is not necessarily a reason to consider a delay in the NP but there are a number of other matters to consider that may affect this decision

- The requirement by the District Council for SEA in respect of housing allocations (discussed further below)
- The usual risks of going immediately ahead of a higher order plan that could supersede some policies/proposals of the neighbourhood plan or diminish their relevance.

In practice the SEA requirement seems likely in the circumstances to have the greatest bearing on the existing timetable. The good news for the Neighbourhood Plan is that it is understood that the District Council have appointed consultants to assist the SEA process. Nonetheless this process will push the timetable back – the consultation required and the need to incorporate the findings into the submitted plan.

Further issues do arise from the potential overlap of policies in the NP and the new Local Plan. The latter proposes a set of detailed “local” development management policies with the intention that NPs could add a further more detailed “neighbourhood “ perspective where this is warranted and justified.

This is a perfectly rational and helpful approach if the local plan is adopted prior to the NP. Where this is not the case the situation becomes less straightforward and particularly so when policies proposed in the NP overlap quite significantly with the emerging local plan. The NP could draft its policies in the context of the emerging local plan to find that those policies are subsequently changed. In theory it could take on board much more of the content of the proposed local plan and national policy (para 185) states that local planning authorities should avoid duplicating planning processes for non-strategic policies where a NP is in preparation. This could mean that the development management policies (or at least some of them) in the local plan would need to specifically exclude Lypstone and indeed any other area

where a NP was sufficiently well advanced. Those NPs would then have to cover those policy areas themselves. Given that the Lymptone Plan has been prepared against the emerging local plan this would be a difficult situation to untangle at this stage and the additional policy coverage that would probably be required would lengthen the NP preparation in any event. More likely in practice is for the NP to make clear the particular “local” policy aspects that it has assumed will be covered in the local plan.

Certainly the timetabling situation now needs careful consideration to ensure that the objectives of the NP are most effectively achieved.

#### [The strategic local plan policies](#)

A referred to above the emerging local plan helpfully distinguishes between strategic policies and more local development management policies.

The overall spatial strategy sets out provision of around 15000 homes of which about 10% will be in smaller towns ,villages and rural areas where development is geared towards meeting local needs.

The plan’s vision for smaller towns, villages and the countryside is for modest development that supports and complements rural areas whilst helping sustain their intrinsic qualities and appeal. Strategy 27 assigns housing numbers to these smaller settlements and Lymptone is expected to accommodate 40 dwellings in the plan period although it is recognised that through NPs development may be increased with local support to reflect the size of settlements, local needs, local aspirations for growth and potential development site characteristics.

Strategy 34 deals with district wide affordable housing targets and outside the main towns listed a 50% target for affordable housing will apply to all development where there is a net gain of 1 dwelling.

Strategy 35 provides for further exceptions for affordable housing where there is a proven local need; for the purposes of assessing such needs Lymptone is combined with its neighbouring parish of Woodbury.

Other strategic policies in the plan which provide the context for the NP are strategy 3 (sustainable development) 4 (balanced communities) 5 (environment) 5b (sustainable transport) 6 (development within built up boundaries) 7 (development in the countryside) 8 (development in green wedges).

The latter policy is of particular relevance to Lypstone falling within one of the defined “green wedges” to the north and north east of Exmouth. In these areas development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.

Further strategic policies are strategy 38 ( sustainable design and construction) 39 (renewable and low carbon energy projects) 40 ( decentralised energy networks ) 41 (allowable solutions) 42 (green infrastructure provision and strategy) 43 (open space standards) 44 (undeveloped coast and coastal preservation area) 45 (coastal erosion) 46 (landscape conservation) 47 (nature conservation and geology) 48 (local distinctiveness and built environment) 49 (the built heritage and building conservation).

Of these Lypstone falls within the designated Coastal Preservation Area which is defined on the basis of visual openness and views to and fro the sea. Development will not allowed if it would damage the undeveloped /open status of the area.

Of particular importance to Lypstone is the proximity to the Exe Estuary SAC and the Pebbled Heaths SPA. The Council has taken the view that there is a risk that residential development (and occupant/pet) in this part of the district could impact on East Devon Heaths SPA or the Exe Estuary SPA boundary. A particular concern raised by Natural England is that new housing development may have an adverse effect on the SPAs; for example an increase in recreational activity and dog walking may disturb the ground nesting birds on the Heaths or roosting or feeding birds on the Exe Estuary.

#### [The current local plan](#)

The current local plan was adopted in 2006. Outside the Exeter Principal Urban Area it provides for around 6700 dwellings which is focussed on defined Area and Local centres. In the villages and rural communities the plan allows for limited housing development where villages offer a sustainable range of community facilities and public transport and development would be environmentally acceptable.

To this end the Plan defined Built up area boundaries for villages, including Lypstone, which are considered to offer a sufficient range of services and facilities sufficient to accommodate a limited scale of future development.

The principles of the policies in the current plan are largely carried forward in the new local plan. Key policies of particular relevance to Lymptone – “green wedges” and “coastal preservation areas” are common to both existing and new plans although the latter in the existing plan is covered by a designation of the areas in relation to a former Devon Structure Policy. Sustainability principles are ingrained in both. Other than changes to the quantum of development and the definition of Built up area definition it is reasonable to conclude that policies conforming to the new local plan would also conform with the existing plan.

As for the quantum of development it is within the remit of the NP to plan for additional development where locally justified and supported – it can clearly do this with the support of the emerging local plan proposals.

It can be concluded that for the purposes of general conformity of the NP that changes from the current to the newly emerging plan are unlikely to make material differences. Nonetheless the NP will need to demonstrate in its “Basic Conditions” statement that general conformity is achieved with the existing Local Plan if it proceeds ahead of the new local plan.

## 2. Public Consultation and community engagement

Prior to the publication of the NP a number of meetings and consultation activities have been undertaken and a full consultation report is under preparation. This currently contains a list of stakeholders and consultees with, it is assumed, assigned members of the Steering Group to take particular responsibility for contact.

The requirement for SEA (see below) will require additional consultation to be undertaken.

It would be extremely helpful if the consultation report can pull together the various strands (summarised below) to clarify key stages in the development of the plan and why particular courses of action were taken. There appears to be a strong record of consultation/discussion to draw from.

Looking at the information on the website it would appear that the process was initiated by a village meeting held on 18<sup>th</sup> April 2012.

Discussion was centred on 5 topics and a detailed note of the points raised has been summarised.

A number of focus groups were organised around three themes

Community

Infrastructure

The environment

The main points arising from different meetings of these groups is recorded along with a Focus Groups summary report.

Following this the outcome of a further village meeting is recorded on the 23/24<sup>th</sup> November 2012 to consider the Neighbourhood Plan and the Lympstone Built up Area Boundary Line.

The final stage is the current consultation on the draft plan which included an exhibition and discussion event on July 5<sup>th</sup> and 6<sup>th</sup>.

### 3. SEA and the housing allocations

It is understood that in the view of the District Council the housing allocations in the NP trigger the need for Strategic Environmental Assessment because of the close proximity to the Pebbled Heaths and Exe Estuary sites – described above.

Ideally this would have been incorporated at an earlier stage. However given that it has been identified as a requirement undertaking a SEA will be necessary for the plan to meet the basic conditions test – in other respects also the SEA process can help improve the quality of the Plan. This may be particular so in demonstrating the plan's sustainability credentials and help demonstrate more clearly why particular sites have been brought forward. In particular it may give opportunity to show what options have been considered in the plan to more robustly justify the allocations made.

### 4. Policy wording and conformity

Detailed comments on the policies are attached as appendix a.

In general terms the policy follow objectives that are considered to be consistent with national and local policy. The policy wording however needs some attention to give clarity and make them more effective. In a number of cases they are phrased more as a statement of intent rather than a clear indication of a how a decision maker should react to a development proposal (*the test in national policy for local plan content*)

The allocations referred seem to require a specific policy/proposal to clearly establish them as part of the plan. This would usually take the form of a fairly simple statement along the lines of

THE FOLLOWING SITES WILL BE PROVIDE ABOUT A FURTHER 40 DWELLINGS IN THE VILLAGE OVER THE PERIOD OF THE PLAN

*List of sites .....*

THESE HOUSING SITES ARE IDENTIFIED ON THE PROPOSALS MAP/OR INSET PLAN

The justification for the site selection would incorporate the conclusions and any changes resulting from the SEA. It would also be helpful to clarify in the plan itself the exercises that were undertaken to identify the preferred sites. The references to the methodologies are a little difficult to follow and there seem to have been two separate assessments, one following the NPs own criteria the other incorporating that used by the District Council.

As a general observation on the layout of the planning policies these are all within the housing chapter of the plan with one exception relating to car parking. Other chapters in the plan contain supporting Community Action Policies (CAPs). Whilst the plan clearly identifies the different policies through different coloured boxes it may be worth considering two parts of the Plan – the first dealing with the planning policies ie those in the existing housing chapter plus car parking (could be called “development policies” for example) and then a second part with the supporting CAP policies sub divided into the existing chapters.

## 5. Overall style and content

The plan has an attractive style and presentation and the various policy statements are clearly identified. A schedule of detailed comments on the content of the plan (apart from the policies) is attached as appendix B.

## 6. Meeting the Basic Conditions

*Must have regard to national policy*

As currently worded the policies may be too vague and imprecise to conform with national policy but this can be overcome with revised drafting – importantly the aims of the policies appear to be in line with the NPPF.

#### Contribute to the achievement of sustainable development

The achievement of sustainable development certainly seems a strong ambition of the Plan but it would benefit from a clearer narrative as to how this has been followed through in its development. A Sustainability Appraisal is referred in section 11 but it is not clear where this supporting document can be found.

The satisfactory completion of the SEA is also of course necessary.

#### General conformity with the strategic policies in the development plan for the local area

The aims of the policies are in general conformity with the emerging local plan and given the similar policy principles with the existing East Devon Local Plan should this be appropriate.

#### Compatible with human rights requirements

The policy content does not suggest any issues.

#### Compatible with EU obligations

This can be achieved with the completion of the SEA process

## Appendix A

### Detailed comments on policies

#### HP 1 and HP2

These policies seek to provide for development within the defined built up area of the village allowing for certain exceptions elsewhere. There are a number of matters that require consideration. Is the policy needed? The new local plan proposes a fairly comprehensive suite of development management policies and the question is whether these policies add anything further for Lympstone. At the moment it is not clear as to what additional local guidance is intended. In fact the policy may have the unintended consequence of slightly confusing the policy approach in those areas outside the built up area but not within the green wedge or coastal preservation area where specified exceptions are referred to. Presumably at least the same exceptions would be expected elsewhere as the greatest restraint is likely in the designated areas.

It may be that much of this policy is better left as a summary of the objectives of policy which are/are expected to feature in the local plan and that the policy content is left to what may be particular to the community eg guidance on the types of community facility or development related to a recreation route or more detail on what would be justified on sustainability grounds in the local context.

#### Policy HP3

This policy is designed to encourage a range of housing provision giving particular priority to affordable housing and other particular housing needs of the local community.

In principle the policy objective is in line with national and local policy. In particular policy H2 of the new local plan seeks to ensure a range and mix of new housing development. The NP can reasonably

seek to amplify this – in practice applying this to smaller scale of development However, the policy as currently worded is unlikely to achieve this with a general statement that planning applications should have regard to the broad objective.

A revamped version of policy H2 would be more effective but the plan would need to support this with a stronger justification to apply a policy like H2 too much smaller scale developments.

[Policies HP4/5/6](#) These policies seek to achieve a density and scale of development that reflects the character of the existing housing grain The current wording seems overly generalised to make effective policies. It may be better to consider the site allocations that have been made to achieve the ambition of small scale developments and if need be to amplify the particular requirements related to each site. Policy H/P6 seems to be an explanatory statement rather than a policy in itself.

[Policy H/P7](#) sets out detailed guidance for the design of new development

This is quite a long and detailed policy. It may be worth considering some of the phrasing which seems to be descriptive and not adding to the policy itself eg. “there is room for imaginative design “and “a large part of the character of the village is due to the close and informal juxtaposition of buildings “

Reference to “new estates” seems a bit at odds with other comments in the plan but in any event doesn’t seem to add to the policy and could be deleted.

The key relationship is with policy D1 of the new local plan and as elsewhere it would greatly improve clarity of the overall approach if the NP could identify the local aspects it was seeking to add to this policy and avoid too much repetition (that said it has to be

recognised that the NP may well be proceeding prior to the new local plan adoption)

#### Policy H/P8

Seeks to ensure development proposals meet at least level 4 of the Code for Sustainable Homes

Again there is potential overlap here with strategy 38 of the new local plan – if the neighbourhood plan seeks to apply this to all developments (as opposed to 10 or more in strategy 28) it probably needs to draw attention as to why this would be viable for Lympstone.

#### Policy GA/P1/P2

Seeks to increase car parking capacity

This policy seems intended to dovetail with TC9 of the new local plan – the intention seems to be to encourage more than the requirement in TC9 but as presently worded may not achieve this.

## Appendix b

### Detailed comments on non-policy content.

#### General

It would be helpful if paragraph numbering continued throughout the document

1.3 the summary of consultation referred to appears to have been omitted.

1.10 para will need revision if plan proceeds on current timetable

2.1 map reference not clear

2.6 need to take into account the issues arising if proceeding in advance of the local plan

4. the vision

The opening paragraph sounds like a slightly different version of the strands of sustainable development – if this is intended more explanation is needed otherwise better to follow and hook into national/local plan definitions and descriptions.

The vision statement is always quite difficult but the first para is difficult to translate into what the Plan wants the village to look like.

5.2 in the event of conflict between policies in plans the most recent will take precedence

6 1<sup>st</sup> para would be helpful to explain why particular levels of development are sustainable and why more or less would not

6 2<sup>nd</sup> para there may well be data to show increasing young families but questionable that a 10% increase in household size does this ?

6 location

Reference is made to the vision for a “greener Community” – should this be included in the vision statement.

7 2<sup>nd</sup> para would be helpful to indicate how the plan will seek to retain/provide local employment opportunities

CAP 5 seems to have a strong planning policy component and is not clear how changes of use are to be promoted

CAP 6 again reference is made to supporting development proposals presumably through the planning process

CAP 7 mention is made here of seeking additional car parking – should this be part of the Plan’s proposals?