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# **Report on Otterton Neighbourhood Plan 2019-2031**

**An Examination undertaken for East Devon District Council with the support of Otterton Parish Council on the December 2019 submission version of the Plan.**

Independent Examiner: Jill Kingaby BSc(Econ) MSC MRTPI

Date of Report: 8 April 2020

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## **Main Findings - Executive Summary**

From my examination of the Otterton Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Otterton Parish Council;
- The Plan has been prepared for an area properly designated – Otterton Parish as shown on the map on Page 8 of the Plan;
- The Plan specifies the period to which it is to take effect – 2019-2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Otterton Neighbourhood Plan 2019-2031*

- 1.1 The Parish of Otterton is sited mainly on the eastern side of the River Otter, along the coastline, between Budleigh Salterton in the south-west and Sidmouth in the north-east. A deeply rural area, the Parish lies within the East Devon Area of Outstanding Natural Beauty (AONB). The Parish's rugged coastline forms part of the Dorset and East Devon World Heritage Site (Jurassic Coast). The village of Otterton has a population of about 740 (as stated on Page 8 of the Plan), and a number of community facilities including St Michael's Church, a primary school, community shop, village hall and public house. Otterton Conservation Area, designated for its historic and architectural significance, includes much of the village. There is a diversity of building styles within the village from old farmhouses and barns to individual, often thatched, cottages and terraced houses. A significant number of listed buildings and structures, including Otterton Bridge, Otterton Mill and the War Memorial, have been designated in the village. The surrounding rural area includes the Ladram Bay Holiday Park alongside the coast, which accommodates some 3,000 visitors at the height of the season. The topography of the coast and inland area is undulating, with land rising steeply towards Peak Hill on the

north-east side of the Parish from where extensive and dramatic views are obtained. The National Cycle Route (NCN2) and the South West Coast Path provide access to the attractive countryside for cyclists and pedestrians.

- 1.2 The Parish Council decided to register the parish as a Neighbourhood Area in June 2014, to enable the community to have more influence over the future development of the Parish, and to ensure that its special character was protected. A Neighbourhood Plan Steering Group was then set up, and regular meetings held to progress the project. The Neighbourhood Plan which I shall examine was submitted to East Devon District Council (EDDC) on 25 November 2019.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Otterton Neighbourhood Plan by EDDC, with the agreement of the Otterton Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector, with previous experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
  - (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
  - Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
- it sets out policies in relation to the development and use of land;
- it specifies the period during which it has effect;
- it does not include provisions and policies for 'excluded development';
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the

neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>1</sup>

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The Development Plan for this part of East Devon, not including documents relating to excluded minerals and waste development, is the EDDC Local Plan 2013-31 adopted in January 2016.<sup>2</sup>
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>3</sup>

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Otterton Neighbourhood Plan 2019 – 2031 (December 2019);
  - the map on page 8 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement (November 2019);
  - the Basic Conditions Statement (November 2019);
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment and Habitat Regulations Assessment, Final Screening Report, prepared by Officers of EDDC (December 2019); and
  - the clarifications received from Otterton Parish Council on 18 March 2020 in response to my correspondence of 12 March 2020.<sup>4</sup>

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<sup>1</sup>This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>2</sup> The East Devon Villages Plan (adopted in July 2018) does not mention Otterton. There is also an emerging Cranbrook Plan currently being examined, which again has no bearing on Otterton.

<sup>3</sup>See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>4</sup> View at: <https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/otterton/#article-content>

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 16 March 2020 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. I requested additional information in writing from the Parish Council to a number of questions which arose from the Consultation 16 responses. I have taken account of the Parish Council's letter to me dated 18 March 2020, in examining the Neighbourhood Plan.

### *Modifications*

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Otterton Neighbourhood Plan has been prepared and submitted for examination by Otterton Parish Council, which is a qualifying body for an area that was designated by EDDC on 3 September 2014.
- 3.2 It is the only Neighbourhood Plan for Otterton, and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2031.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 A Neighbourhood Plan Steering Group was set up in 2016, and regular meetings held to progress the Plan. A launch meeting for the Plan was held in November 2016, and a questionnaire sent out to local people in June 2017 to elicit opinions. Feedback events were held in 2018 and a

first draft Plan was produced in March 2019. This was consulted on for 6 weeks between 17 June and 28 July 2019 in accordance with Regulation 14 of the 2012 Regulations. Some 40 replies were received and were assessed by the Steering Group, as reported in the Consultation Statement. Consideration of the responses led to revision of the draft Plan, to form the revised Neighbourhood Plan, which was submitted to EDDC on 25 November 2019.

- 3.5 The submitted Neighbourhood Plan was subject to Regulation 16 consultation between 3 December 2019 and 22 January 2020. Thirteen responses were received, mainly from officers at EDDC and statutory bodies including Natural England, Historic England and the Environment Agency. I have taken account of these responses in my examination. I confirm that the consultation process has met the legal requirements i.e. it is procedurally compliant, and has had regard to the advice in the PPG on plan preparation.

#### *Development and Use of Land*

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.7 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.8 Section 6 of the Basic Conditions Statement advises that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community had been isolated or excluded. EDDC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

## **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by EDDC, which found that it was unlikely to have a significant effect on the environment, so that it was unnecessary to undertake an SEA to accompany the Plan. It was also judged unlikely to have a negative impact on any Natura 2000 sites, so that it would not be subject to Habitat Regulations Assessment. Having read the Strategic Environmental Assessment and Habitat Regulations Assessment Final

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Screening Report, as well as the correspondence from Natural England, Historic England and the Environment Agency regarding the likely environmental impact of the Plan, I support this conclusion.

### *Main Issues*

- 4.2 I have approached the assessment of compliance with the Basic Conditions of the Otterton Neighbourhood Plan as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan's policies.

### *General Issues of Compliance (Sections 1-5 and 7)*

- 4.3 The Neighbourhood Plan begins, in section 1, by setting out a Vision for Otterton. That Vision is, in brief: *"to retain the integral character of our village through the thoughtful, sustainable, creative development of the social, emotional, physical, economic and environmental needs as valued by the community. We wish to preserve and protect what is best and distinctive ... whilst recognising the needs of evolution.....that allow our friendly community to thrive"*. The Vision is supported by eight stated Aims. I consider that section 1 provides readers with a clear and positive introduction to the Plan. The content has regard for national planning policy and the achievement of sustainable development.
- 4.4 Section 2, Introduction, explains the process by which the Neighbourhood Plan was developed, in line with national planning law including regulations. The list of Major Events on Pages 3 and 4 is helpful, but the dates for events in 2020 will require updating, and the reference to "Formal Plan inspection and revision" should be reworded as "Formal Plan examination and modification" having regard for national planning policy. Proposed modification **PM1** should be made to achieve this. The Plan then gives a brief summary of consultation exercises carried out to secure collaboration with the community. Next, it is explained that neighbourhood plans must meet the Basic Conditions, and be in general conformity with EDDC's Local Plan.
- 4.5 The introduction points out that Otterton is not identified as a sustainable settlement with a Built-Up Boundary in Strategy 27 of the Local Plan. Therefore, there is no expectation that new development will be allocated in Otterton. Any future development should be small-scale to meet proven local need. Reference is made to the Otterton Village Design Statement 2004. This supplementary planning guidance sets out design principles for new development in the Parish, drawing attention to the existing characteristics of design and building materials which make Otterton special. I am satisfied that Section 2 of the Plan is in general conformity with the Local Plan's Strategy 27 and Strategy 7 – Development in the Countryside.

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- 4.6 Section 3, Map and Statistics, includes the map which shows the Parish boundary, and the location of Otterton between Budleigh Salterton and Sidmouth along the coast. Section 3 then describes Otterton as a Place and Community, with about 740 residents in 327 dwellings. The Parish comprises mostly unspoilt coastal plateau, with the village set in a steep-sided valley, and having been a planned estate village. The historic large church and other community facilities are also described. Some demographic data is given, indicating that nearly half the population is over 50 years, and 25% is aged 65 plus. The majority of housing in the Parish is owned, but some Council rented homes and other/private rented housing is present. Ladram Bay Holiday Park to the east of the village is referenced. Section 3 provides useful information about the character of the Parish and its community, for readers and users of the Plan, which should help the achievement of sustainable development.
- 4.7 Section 4, Planning and Development Issues, focuses initially on two potential development matters: energy options and housing needs. The results of a survey investigating the community's views on sustainable heat and power sources are given. A survey of people's views on future housing is referenced. This showed a preference for affordable housing for "those in the Parish". The majority of people did not want there to be any further development, or named the North Star site, which already has planning permission for 15 homes. Section 4 then describes the Built Environment, with a map of Otterton Conservation Area and its listed buildings. It also makes reference to the Village Design Statement, 2004. The AONB Partnership, in its Regulation 16 Consultation comments, suggested that it would be worth bracketing or removing the date reference, and undertaking a review of the Statement once the Plan has been made. However, the Statement was adopted as supplementary planning guidance in 2004<sup>5</sup>, and Page 22 (of the Plan) confirms that it has already been reviewed in preparing the Neighbourhood Plan. I consider that the document remains relevant to the achievement of well-designed places, as sought by the NPPF, and shall not recommend modification of section 4.3 of the Plan.
- 4.8 Section 4 also describes the Natural Environment, pointing out that Otterton lies within the designated East Devon AONB. Its coastline is part of the Jurassic Coast World Heritage Site, with two Sites of Special Scientific Interest (SSSI) and a Marine Conservation Zone on the River Otter Estuary. The Landscape Character Assessment is based on the East Devon and Blackdown Hills Landscape Character Assessment and Management Guidelines, adopted in March 2019. Page 26 of the Plan sets

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<sup>5</sup> Otterton has one of 17 village design statements that have been adopted as supplementary planning guidance to the adopted East Devon Local Plan: <https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/village-design-statements/village-design-statements-adopted-to-date/>

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out the 12 planning guidelines suggested by the assessment, which are taken forward into the Plan's policies. From my site visit and the evidential documents, I consider that adherence to these guidelines should contribute to the achievement of sustainable development. Section 4.4 also highlights the importance of the natural environment to the local community, including children, and to visitors to the area. Public rights of way, especially riverside footpaths, as well as village and cliff footpaths, are much used and enjoyed.

- 4.9 On Page 33, the Plan proposes to designate five areas in and around the village as Local Green Spaces. These are named and clearly illustrated on the maps on Pages 34-36 (and are discussed further in paragraph 4.29 below).
- 4.10 River flooding, biodiversity, the Lower Otter Restoration Project and beavers are all covered in section 4 of the Plan. The Environment Agency observed that there is no specific policy to prevent the exacerbation of flooding or flood risk in Otterton. The Parish Council advised that the Parish has recently experienced significant surface water run-off during the wet winter months of 2019/20.<sup>6</sup> This has occurred following autumn maize harvesting when land was left bare, and the resulting unrestrained runoff gave rise to a serious loss of valuable topsoil. The Parish Council argued that this amounted to poor land management and resulted in several overtopping incidents along Otterton Brook through the village. It proposed additional text be added to paragraph 4.4.4 of the Neighbourhood Plan to emphasise that a cautionary approach be taken to reduce the probability of future flooding. The additional text would add references to Strategy 5 of the Local Plan and its Policies EN22: Surface Run-Off Implications of New Development and EN21: River and Coastal Flooding. I support the addition of this text, which I recommend in **PM2**, to meet the Basic Conditions. River flooding, biodiversity, the Lower Otter Restoration Project and beavers are locally important matters for safeguarding the environment, and I consider that the inclusion of this information in the Plan should contribute to the achievement of sustainable development in the area.
- 4.11 The NPPF sets out the overarching objectives for sustainable development, beginning with "*an economic objective – to help build a strong, responsive and competitive economy*". Economy, business and employment are addressed in 4.5 of the Plan, where the importance of supporting small business development, improving IT facilities and safeguarding farming are highlighted. Ladram Bay Holiday Park is a major business interest in the Parish, and the Plan records support from its owners of various projects undertaken by the Parish Council. The Plan points out that, at the height of the summer season, the site's population swells to more

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<sup>6</sup> Letter from Otterton Parish Council to the Examiner, dated 18 March 2020.  
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than 4 times the local resident population. This generates a massive increase in traffic through Otterton, including the movement of lodges and mobile homes, and deliveries, as well as visitors.

- 4.12 On Page 43, the Plan states that any planning application that might increase traffic volumes, noise or create further pollution, would not be acceptable. Although limiting the expansion of the Holiday Park could be viewed as restrictive of business development, I consider that there are a number of factors which support the Parish Council's position. Given the location within the AONB, along the Jurassic Coast, close to a SSSI, and within a rural area which can only be accessed by narrow lanes, I consider that the Plan's approach is reasonable. The NPPF includes an environmental objective to sustainable development, "*to contribute to protecting and enhancing our natural, built and historic environment*". This aspect of sustainable development would be undermined if expansion to increase the area of land occupied by built development and/or to enable additional visitors to stay in the Holiday Park took place, in my view.
- 4.13 Transport and traffic is discussed in 4.7 of the Plan. High dependency on private car usage is apparent, as there is only a limited bus service and no rail service in the Parish. Recreational cycling and walking are clearly important. The safe movement for pedestrians and cyclists through the village is clearly an issue, as road widths are restricted and footways sparse. Traffic surveys carried out in 2017 demonstrated the impact of additional road traffic in the summer holiday season, leading to demands for local action to reduce the amount and speed of traffic through the village, and improve parking space there. The absence of car parking space for visitors was apparent at the time of my site visit. Overall, I consider that section 4 of the Plan describes the main characteristics of Otterton in a balanced and evidence-based manner. It sets out the issues which will need to be addressed as the Parish progresses through the next 10-11 years. I consider that this section of the Plan meets the Basic Conditions for neighbourhood planning.
- 4.14 Section 5 sets out seven objectives for the Plan which, in general, follow appropriately from the preceding description of the Parish and its key issues, in my view. The topic-based objectives begin with Housing and Development, which takes a restrictive line on new development, reflecting the Parish's environmental constraints and rural location. Support for business and economic development is similarly supported, only if there would be no detrimental effect on the natural or built environment. Having regard for critical comments made in the Regulation 16 consultation exercise, as well as the Local Plan's Strategy 15 – Vision for smaller towns, villages and the countryside and the supporting text in paragraphs 15.2 and 15.9, I consider that a more positive objective should be expressed in PO.4. It should encourage the creation of new

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small business start-ups and jobs, farm and rural business diversification, and the re-use of existing buildings. Schemes which would provide skilled and higher paid jobs, particularly in technology, and home-working should be supported. **PM3** would modify objective PO.4, so that regard is had for national planning policy and to achieve general conformity with the strategic Local Plan.

- 4.15 On page 49 of the Plan, PO.5, states development at Ladram Bay Holiday Park will be encouraged if it is within the existing site boundary, would reduce the density and improve landscaping and the appearance of lodges, and not increase traffic through the village or have a harmful impact on the AONB, World Heritage Site and Coastal Protection Zone. Other objectives are to protect and enhance the historic fabric of the built environment, conserve and enhance the natural environment including its special habitats and landscapes, reduce the stress on Otterton's roads by promoting more sustainable transport, and support all community assets and facilities including the proposed Local Green Spaces.
- 4.16 I consider that the seven objectives, with PM3 in place, follow logically from the previous sections of the Plan, are in general conformity with strategic policies in the Local Plan, have regard for national planning policy and should contribute to the achievement of sustainable development. Section 6 puts forward policies for Otterton, on which I comment below. Section 7 commits to monitoring and reviewing the Neighbourhood Plan in the future. It helpfully indicates that changes in national or local plan policy will be monitored by the Parish Council, as will the effectiveness of the Plan's policies, and decisions on planning applications and appeals (and reflects the spirit of paragraph 33 of the NPPF, albeit that review requirement relates only to local plans and spatial development strategies). As long as the above proposed modifications are made, I conclude that Sections 1-5 and Section 7 of the Plan will be in general compliance with the Basic Conditions for neighbourhood planning.

### *Specific Issues of Compliance of the Plan's Policies (Section 6)*

#### Sustainable Development - Policy ONP1

- 4.17 Policy ONP1 – Sustainable Development is focused on housing development. The supporting text refers to the North Star site, with planning permission for 15 dwellings, on the edge of the village, where I saw at my site visit that works are underway. Development proposals should meet a local need, as supported by East Devon Local Plan. Strategy 35 of the Local Plan and its supporting text explains that a proven local need should be demonstrated through an up-to-date housing survey. The meaning of local connection is defined, and it is stated that Bicton, Colaton Raleigh and Otterton parishes should be considered together as one area. Policy ONP1 seeks to provide affordable housing and

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housing suitable for elderly people, and the evidence underpinning the Plan indicates that more of both types will be required over the plan period. The policy includes requirements to ensure that new development would not adversely affect the sensitive landscape and built environment of Otterton, and would have regard for flood risk, transport infrastructure and the need to promote use of renewable and low carbon energy. In response to the Environment Agency's concerns, the Parish Council advised that it would be willing to add a cross-reference to Policies EN21 and EN22 regarding flooding to Policy ONP1. I propose modified wording to the policy and the cross-references, as in **PM4**. If this modification is made, I am satisfied that the Basic Conditions for neighbourhood planning will be met by the policy.

#### Protecting and Enhancing the Conservation Area and other Heritage Assets - Policy ONP2

4.18 Policy ONP2 – Protecting and Enhancing the Conservation Area and other Heritage Assets should alert readers and users of the Plan to the many historic and architectural assets which Otterton possesses. The NPPF, paragraph 184, is clear that heritage assets should be conserved in a manner appropriate to their significance. Otterton, with its Conservation Area and many listed buildings, also includes proposed local heritage assets, as named in Appendix I. I consider that Policy ONP2 should be modified to clarify the distinction between listed buildings and non-designated heritage assets. In order to achieve this, I propose amended wording of the policy and the addition of a reference to section 4.3 of the Plan which refers to the designated Conservation Area and listed buildings, as well as to 3.1. **PM5** should be made so that regard is had to national planning policy.

#### Protecting and Enhancing the Built Environment - Policy ONP3

4.19 Protecting and enhancing the Built Environment – Policy ONP3 has regard for section 12 of the NPPF - Achieving well-designed places, and confirms that the principles in the Otterton Village Design Statement will be followed. I consider that these principles give due guidance on matters of building design and materials, the scale and location of new buildings, and the optimum relationship to features such as roads, walls and green infrastructure. I propose some minor wording changes to give clarity<sup>7</sup> to readers, and ensure that the policy will contribute to the achievement of sustainable development. **PM6** should be made accordingly.

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<sup>7</sup> PPG Reference ID: 41-041-20140306.

#### Protecting and Enhancing the Natural Landscape - Policy ONP4

4.20 Otterton lies within the East Devon AONB, a nationally designated area, where the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty. The Parish includes part of the Jurassic Coast, which is a World Heritage Site. Whilst Strategies 46: Landscape Conservation and Enhancement and AONBs, and 44: Undeveloped Coast and Coastal Preservation Area, in the Local Plan, already provide protection for Otterton's natural environment, I am satisfied that this Otterton-specific Policy ONP4 – Protecting and Enhancing the Natural Environment should add value to decision-making. It helpfully refers readers to the recent Landscape Character Assessment, March 2019. Policy ONP4 has regard for national policy, is in general conformity with East Devon Local Plan, and should contribute to the achievement of sustainable development.

#### Protecting and Enhancing Wildlife in the Natural Environment - Policy ONP5

4.21 Regarding Policy ONP5 – Protecting and Enhancing Wildlife in the Natural Environment, EDDC sought change to the wording, to replace the reference to "*semi-natural habitats*" with "*wildlife habitats*". However, the Parish Council pointed out that the extant wording reflects that used in the Devon Biodiversity Records Centre Report, as noted in Appendix K to the Plan. Page 100 of Appendix K defines semi-natural habitats clearly, and I agree with the Parish Council that the wording in Policy ONP5 need not be modified. However, I agree with the Environment Agency that the policy should commit to achieving biodiversity net gain when development is permitted. This would have regard for the NPPF, paragraphs 170 and 174. I also consider that the text following the policy should be modified, to make clear that any harmful impact on wildlife sites should be avoided or mitigated, and to add references to Policies EN21 and EN22 (flood alleviation) of the Local Plan, as in **PM7**. This modification is needed so that Policy ONP5 will contribute to sustainable development.

#### Encouraging Small-scale Economic Development - Policy ONP6

4.22 Policy ONP6 – Encouraging Small-scale Economic Development is followed by a justification statement setting out the difficulties of promoting economic development in a rural location. I have taken account of the arguments that the policy, following from objective PO4 and the Future Vision for the Parish to "stay the same", may not promote quality job provision in the area. The supporting evidence shows that Otterton has more part-time than full-time workers, with the majority of people working outside the Parish. Part-time jobs are more likely to be low-paid than full-time ones. The traditional sectors, agriculture and tourism, are known to be low-paid compared with those that promote IT and modern technology. Some 50% of the population in Otterton are either retired or

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not working. By stipulating that new jobs must be provided for local people, it is argued, new businesses and growth could be held back, as necessary skills and experience could be missing.

- 4.23 The NPPF states that planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, including driving innovation. I consider that the Plan is quite conservative in its approach to economic development, but this is arguably justified on a number of grounds. Firstly, this is a rural Parish with exceptional landscape and natural characteristics, where major development for industrial or commercial purposes would be out of character and detrimental to heritage and landscape assets. Secondly, tourism is a major local source of business and employment in this part of East Devon, but the attractiveness of the Parish to tourists stems from its undeveloped, scenic landscape and unspoilt coast. Thirdly, growth in the tourism industry needs to be balanced, so that the impact of increased numbers on road traffic and pollution, as well as built development to provide holiday accommodation, does not undermine the Parish's attractiveness. In addition, no specific project which would promote high quality, innovative enterprise in Otterton has been put forward, for inclusion in the Plan. The towns and larger villages in East Devon are likely to provide better catchments for a suitable workforce, and be more sustainable locations, in my opinion.
- 4.24 The Parish Council, in its letter to me of 18 March 2020, stated that it would accept removal of the phrase "for local people" from Policy ONP6, on the grounds of difficulty of definition. I agree that this modification should be made, as in **PM8**, for clarity and to make the policy more encouraging of economic development, in line with national policy and the modification recommended already to PO.4 (see PM3). The reference to 'sustainability' under condition 3 is unclear, in my opinion, and should be rephrased, especially as the following criteria cover relevant matters of transport and environmental impact. Criterion ii. includes the word "both", and this presumably means that access and parking provision (as addressed in i.), as well impact on the highway network, should be covered by Traffic Assessment. A cross-reference to Policy EN21 of the Local Plan should also be added to the text, in response to the Environment Agency's concern about flood alleviation. Providing **PM8** is made, Policy ONP6 will meet the Basic Conditions for neighbourhood planning.

#### Ladram Bay Holiday Park Development - Policy ONP7

- 4.25 EDDC stated that Policy ONP7 – Ladram Bay Holiday Park Development was too onerous as it allows no development anywhere outside the defined boundary. Policy E19 of the Local Plan, it was argued, by [Intelligent Plans and Examinations \(IPE\) Ltd, 29 Monmouth Street, Bath BA1 2DL](#)  
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contrast, permits limited development which would meet stated criteria, and providing there would be no new permanent structures, or there would be replacement structures designed to blend into their surroundings. I understand the Parish Council's concerns as Ladram Bay Holiday Park, an intensive development, is visually incongruous within its high quality coastal and scenic setting. The existing large number of closely spaced holiday units generates significant amounts of traffic through the village of Otterton and surrounding countryside, which can cause traffic congestion, risks of accidents for other road users, including pedestrians and cyclists, as well as noise and air pollution.

- 4.26 The EDDC Economic Development Manager queried whether the detrimental effects from the Holiday Park had been compared with the benefits to the Parish from local employment and other sources. In its letter to me of 18 March 2020, the Parish Council advised that most employees came from Exmouth, and spending by tourists in Otterton's shop, public house, Mill etc. would be modest compared with the wider area. I have sympathy with the Parish Council's desire to prevent future enlargement of the Holiday Park, and have seen no evidence to contradict the statement that "*The Holiday Park has grown to its maximum size within its permitted boundary*". However, I consider that the second sentence onwards of Policy ONP7 should be modified, as in **PM9**, to achieve general conformity with the strategic Local Plan.
- 4.27 It was pointed out that the map on Page 58 of the Plan is outdated as it fails to show the recently constructed depot at the entrance to the Holiday Park. I recommend that the map showing the park boundary should be modified for accuracy, and for the achievement of sustainable development. EDDC also proposed a modification to clarify the names of the designated areas referenced in the first sentence of Policy ONP7. I support this modification, as in **PM9**, which will give general conformity with the strategic Local Plan and have regard for national policy.

#### Traffic and Travel Around the Parish - Policy ONP8

- 4.28 Policy ONP8 – Traffic and Travel Around the Parish supports better accessibility, especially for pedestrians and cyclists, and the use of Traffic Management and Travel Plans to encourage more sustainable travel practice. The policy will support the provision of a new car park in the village, as long it would not have a harmful impact on the character and appearance of the area, or the amenity of residents. I am satisfied that the policy has regard for section 9 of the NPPF, and should contribute to the promotion of sustainable development.

## Local Green Spaces – Policy ONP 9

- 4.29 Policy ONP9 - Local Green Spaces proposes five sites for Local Green Space designation. Following my site visit, I considered whether their designation met the criteria in paragraphs 99 and 100 of the NPPF. I am satisfied that all are reasonably close to the community they serve, are demonstrably special to the local community and have a particular local significance, and are not extensive areas of land. Their use (1) as a village green in the centre of Otterton, (2) as a churchyard and cemetery, (3) as allotment gardens near to residential areas (4) as a children's playground, and (5) as a recreational and sports ground, should enhance the quality of village life. Their designation has regard for national planning policy and should be made.
- 4.30 As long as all the above modifications to the Plan's policies are made, I conclude that Policies ONP1 to ONP9 inclusive will meet the Basic Conditions for neighbourhood planning

## **5. Conclusions**

### *Summary*

- 5.1 The Otterton Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies, maps and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Otterton Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

## Overview

- 5.4 The Neighbourhood Plan Steering Group was established by the Parish Council in 2016, and it is clear to me that this Group has worked very hard over the last three to four years to produce the Otterton Neighbourhood Plan. Since the Launch Meeting in November 2016, the Group has arranged many events to consult and engage with the local population, including its young people. It has produced a Plan which reflects and respects local opinion, and is underpinned by a strong evidence base, as demonstrated in the documents submitted at examination, including the substantial Appendices to the Neighbourhood Plan. I commend the Parish Council and its Steering Group for producing a Plan with a clear structure, beginning with a Vision for Otterton, and leading up to a concise set of nine planning policies. In accordance with good planning principles, the Plan ends with a commitment to monitor and review its future application. I am satisfied that the Otterton Neighbourhood Plan will provide useful local information which should assist EDDC in taking development management decisions in the future, and ensure that Otterton remains an outstanding place to live, work and visit.

*Jill Kingaby*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Pages 3 & 4	<p><b>2.3 Major events during the project</b></p> <p>9 Formal Plan inspection and revision <b><i>examination and modification</i></b></p> <p>Modify the dates for items 9, 10 and 11, as appropriate.</p>
PM2	Page 37	<p><b>4.4.4 River Flooding</b></p> <p>River flooding.....</p> <p>As such no development will be supported that might exacerbate flooding issues. <b><i>Strategy 5 of the Local Plan aims to protect areas that are vulnerable to surface water runoff and flooding from development. Local Plan Policy EN22 has specific requirements for new development that creates surface water runoff implications, and this Plan endorses these requirements. Policy EN21 addresses river and coastal flooding with a sequential approach. Wherever possible developments should be sited in Flood Zone 1 (low probability), as defined in the East Devon District Council Flood Risk Assessment.</i></b></p> <p><b><i>Otterton has recently experienced significant surface water runoff during the wet winter months. This has particularly been the case following autumn maize harvesting, following which land has been left bare; the resulting unrestrained runoff has given rise to a serious loss of valuable topsoil from the land. This practice should be discouraged as it represents poor land management, and has resulted in several overtopping incidents along Otterton Brook through the village.</i></b></p>

PM3	Page 49	<p><b>PO.4 – Economy/Business/Employment</b></p> <p>Support small businesses including home working, small scale tourism and farming as the main economic activities in the parish.</p> <p><b><i>Farm and rural diversification with re-use of existing buildings will be supported, as will new and start-up small businesses, especially those engaging skilled and higher paid workers.</i></b> Such support would only be given if there is <b><i>Development to provide new or expanded businesses should have no significant</i></b> detrimental effect on the natural or the built environment.</p>
PM4	Pages 50 & 51	<p><b>6.1 Sustainable Development – Policy ONP1</b></p> <p>Development proposals to meet ....</p> <p>b. <b><i>are located so as to avoid areas at risk of river and coastal flooding, and</i></b> incorporate sustainable drainage .....</p> <p>Relevant policies: NPPF .....</p> <p>EDLP Policies D1, D6, D7, D8, E5, EN21, <b><i>EN22, .....</i></b></p>
PM5	Pages 51 & 52	<p><b>6.2 Protecting and Enhancing the Conservation Area and other Heritage Assets</b></p> <p>Development within or adjacent to the Conservation Area <del>or any heritage assets</del> must preserve ..... as described in sections 3.1 <b><i>and 4.3</i></b> above, and, where possible, enhance the historic or architectural character <b><i>and appearance</i></b> of the site .....from its setting <del>or that of any heritage assets.</del></p> <p><b><i>Development across the Parish should not cause harm to the designated listed buildings or structures, or to local heritage assets, having regard to their significance.</i></b></p> <p>Justification: Heritage assets ..... existing and future generations. <b><i>Appendix I of this Plan provides information as to the significance of individual heritage assets.</i></b></p>

		<b><i>It names the designated listed buildings and proposed local heritage assets.</i></b>
PM6	Pages 52 & 53	<p><b>6.3 Protecting and Enhancing the Built Environment – Policy ONP3</b></p> <p>Development must not detract .....</p> <p>1) The open green spaces ...that define its character, <b><i>should</i></b> be retained, .....</p> <p>4) The green open spaces .... its character <b><i>should</i></b> be retained, safeguarded .....</p> <p>6) Protection, enhancement and creation ..... (Devon Banks) <del>to</del><b><i>should</i></b> form an integral...</p> <p>10) Off road parking .....<del>is</del><b><i>should be</i></b> integral to any new development. ....</p>
PM7	Pages 54 & 55	<p><b>6.5 Protecting and Enhancing Wildlife in the Natural Environment – Policy ONP5</b></p> <p>Development must follow the following key principles to help protect and enhance the fauna and flora, <b><i>and secure net gains in biodiversity:</i></b> .....</p> <p>Justification: Otterton Parish has two ..... Sidmouth. <del>Such sites have to consult</del> <b><i>Consultation with</i></b> Natural England <b><i>has to take place</i></b> before any operations .....</p> <p>Add a new final sentence to Justification:</p> <p><b><i>Any harmful effects on designated and undesignated sites should be avoided by new development, or mitigated by appropriate measures.</i></b></p> <p>Relevant policies: EDLP Policies EN4, EN5, <b><i>EN21, EN22</i></b> ....</p>
PM8	Page 56 & 57	<p><b>6.6 Encouraging Small-scale Economic Development – Policy ONP6</b></p> <p>Small scale economic ..... expansion of existing businesses <del>providing jobs for local people</del> will be supported where .....</p> <p>3. If for agriculture, ... in sustainability terms <del>to</del> <b><i>have no detrimental environmental</i></b></p>

		<p><b>impact on</b> the farm and surrounding areas. .....</p> <p>ii. the local highway .....forecast increase in traffic;</p> <p><b>Both i and ii should be demonstrated through a Traffic Assessment.</b></p> <p>iii. There will be no detrimental impact .....</p> <p>Relevant policies: ....</p> <p>EDLP policies D1, D2 .... EN18, <b>EN21</b>, EN22 ....</p>
PM9	Pages 57 & 58	<p><b>6.7 Ladram Bay Holiday Park Development – Policy ONP7</b></p> <p>Development will only be permitted within the area outlined in red on the map below if it is for the replacement of an existing structure or pitch, is designed to be sustainable and does not harm the <b>landscape or setting of the East Devon</b> AONB, the <b>Jurassic Coast</b> World Heritage Site and Coastal Protection <b>Preservation Area</b>. <del>No new development of any kind will be permitted anywhere</del> <b>Outside the existing site-red line</b> boundary defined on the map below, <b>new development must be limited and should not provide any additional holiday units or visitor accommodation</b>. Support will be given for any proposal <b>meeting the above criteria</b> that .....</p> <p>The map of Otterton – Ladram Bay Holiday Park and associated infrastructure boundaries, on Page 58, should be modified to show the recently constructed depot at the northern end of the site, and a revised site boundary as proposed by EDDC.</p>