

INDEPENDENT EXAMINATION OF THE LUPPITT NEIGHBOURHOOD PLAN

Examiner: Mary O'Rourke BA (Hons) DipTP MRTPI

Examination Ref: 01/MOR/LNP

Rosalind Buxton
Clerk to Luppitt Parish Council

Angela King
Neighbourhood Planning Officer
East Devon District Council

Via email

24 May 2022

Dear Ms Buxton and Ms King

Luppitt Neighbourhood Plan Examination

Following the submission for examination of the Luppitt Neighbourhood Plan (the Plan/LNP), I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Luppitt Parish Council (LPC) as Qualifying Body, a smaller number for East Devon District Council (EDDC) and one where I request a response from both Councils. These are attached as an Annex to this letter and I would like to receive a written response **by 14 June 2022**.

Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Pre-Submission Sustainability Statement and the Regulation 16 representations, to enable me to undertake the examination. However, as noted in my annexed questions, I do not have a copy of Appendix 17 to the Plan (the Luppitt Landscape Character Assessment) nor have I been able to access that document online.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

Site Visit

I intend to undertake a site visit to the neighbourhood plan area during this week (i.e. commencing 23 May 2022). This will assist in my assessment of the Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this

may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

Further Clarification

I have a number of initial questions seeking further clarification, from both LPC and EDDC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided by **14 June 2022**.

Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the Plan.

As I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will endeavour to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any respective responses are placed on the Parish Council and East Devon District Council websites.

Thank you in advance for your assistance.

Your sincerely

Mary O' Rourke

Examiner

Annex

From my initial reading of the submission draft of the Luppitt Neighbourhood Plan and the supporting evidence, I have 2 questions for East Devon District Council and 16 questions for Luppitt Parish Council and one for both Councils. These questions all relate to information required to assist in my determination of whether the Plan meets the Basic Conditions and other legal requirements. I have requested the submission of a response(s) by **14 June 2022**.

Questions for East Devon District Council (2)

1. Would EDDC confirm that its views and comments on the LNP are those contained in the Report to Cabinet 4 May 2022?
2. Please advise as to the current position in respect of the review of the Local Plan.

Questions for Luppitt Parish Council (16)

3. Please confirm that the Plan period is for the ten year period from 2021 to 2031.
4. Please correct the paragraph and page numbers referred to in the note under the plan of the Parish on page 9.
5. Please provide a working e-link to the Luppitt Landscape Character Assessment (Appendix 17 to the Plan) as, other than the listed 2022 documents, none of the links on LNP Document Library webpage work.
6. Please provide a working e-link to the Transform Research Analysis Report.
7. Please confirm the start and finish dates of the Regulation 14 consultation period.
8. Please confirm the number of Regulation 14 consultation responses received from members of the public and from statutory consultees and provide a working e-link to those Regulation 14 Pre-Submission consultation responses.
9. Please confirm the date and source of the data in paragraph 4.3, and referred elsewhere in the LNP, of the numbers of second homes and holiday accommodation in the Parish.
10. Please confirm what progress there has been, if any, on the commissioning of an up-to-date Housing Needs Survey for the Plan area.
11. The Parish Map at Appendix 16 shows the Commons. However, its scale and lack of definition make it difficult to read. It would be helpful to have a clearer A3 copy of the plan.
12. Part 1 of policy NE1 refers to there being no adverse impact on 'distant views'. I note that EDDC suggests in its comments that this is a reference to the

Landscape Character Assessment. Please clarify by reference to that Assessment what views are being referred and provide clear mapping to show the viewpoints and the direction and extent of views.

13. In respect of the LNP at page 49, please advise as to where I find reference in the Local Plan to the three tests that the LNP say 'must be satisfied', and which are then set out as 1, 2 and 3 on pages 49 and 50.
14. In the light of the comments of EDDC, please provide a definition of a Devon Bank suitable for inclusion in the Plan.
15. In respect of the Consultation Statement, please provide the dates and times of the public meetings held, including those held on Zoom, and the numbers attending.
16. Please provide details of the number of people who attended the special open meeting held on 26 June 2019.
17. Paragraph 9.0 of the Consultation Statement refers to the LPC's Communications Strategy and its regular review throughout the Plan's preparation. Was there an earlier Strategy as the Communications Programme at Appendix 4 of the Consultation Statement appears to refer only to the Regulation 14 consultation?
18. I have noted a number of references in the LNP and in the Consultation Statement (for example at 10.3.2b) to the assertion that a 56% response rate from 256 parishioners 'statistically speaking, accurately represented the views of 95% of the Parish'. Please explain the reasoning behind this statement.

Questions for both Councils (1)

19. Please advise as to whether the preparation and content of the LNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.