

Okehampton Town & Hamlets Neighbourhood Plan

Initial comments of the Independent Examiner

WDBC response

On 18th December 2023 the Examiner produced his initial comments for the examination of the neighbourhood plan. Included with this was a set of questions seeking information and clarification on a range of issues. Some of these were specifically for the Neighbourhood Plan Group to answer, some were for West Devon Borough Council. The Examiner's comments and questions are set out below, with the WDBC responses given in **red text**.

Status of the Qualifying Body

4. I note that the neighbourhood plan has been jointly submitted by Okehampton Town Council and Okehampton Hamlets Parish Council. I also note that the original application for neighbourhood area status was made jointly.

5. Unfortunately the relevant neighbourhood planning legislation does not allow for there to be two Qualifying Bodies for a single plan area. This is set out in Section 61F (1) of the Town and Country Planning Act 1990. The next section, Section 61F (2) states that if a neighbourhood area includes the whole or any part of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area, only if the other parish council has given their consent.

6. All the sections refer to the relevant body or Qualifying Body, in the singular. This is a fundamental issue that needs to be addressed as one of the questions that I need to address is "Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by a qualifying body?"

7. Whilst this was a matter that should have been addressed by West Devon Borough Council when the application for designation was made, I do think that the position can be rectified. I believe the Hamlets Parish / Town Council both need to agree which one will act as the Qualifying Body for this plan and for the other to agree to that Council acting in that role. It may be that these matters need to be formally resolved, at the respective Parish Council meetings.

[OTC & OHPC NP Group to respond.](#)

Status of Lead Authority

8. The neighbourhood area is covered by two local planning authorities, West Devon Borough Council and Dartmoor National Park Authority. Can West Devon confirm that it has agreed with the NPA that it would be the lead authority, for the purpose of the neighbourhood plan.

Yes, WDBC confirms that it has been agreed with DNPA that WDBC would be the lead authority for the purpose of the OT&HNP. This was agreed by means of a Protocol for Joint Working between the relevant LPAs.

Regulation 16

9. I would like to offer the Steering Group the opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation.

10. I am not expecting a response in respect of every single point raised or indeed every representation, just those comments that it feels it wishes to respond to.

OTC & OHPC NP Group to respond.

Strategic Policies

11. Could the Borough Council set out which of its local plan policies and also the National Park's Local Plan it considers are strategic policies for the purpose of general conformity, in relation to the basic conditions.

A list of the strategic policies of the Plymouth and South West Devon Joint Local Plan and the Dartmoor Local Plan are set out in the Appendix at the end of this document.

12. Can it also advise whether work is underway on a new local plan and is it expected that again, it will be a joint local plan with Plymouth and South Hams and can it give any indication of the rough timetable for that plan's preparation.

Early-stage consideration is being given to a review of the JLP. However, no formal decisions have been made regarding the timetable or, indeed, if it will be a joint plan covering Plymouth, South Hams and West Devon.

Neighbourhood Plan Policies

Policy PP1: Settlement boundary

13. Should the policy set out what forms of development would be supported inside the settlement boundary. How would the Steering Group respond to the comments of the Borough Council that the policy does not add to existing policy that already covers the plan area?

14. Can the Steering Group describe what criteria it used when it drew the settlement boundary especially to the east of the town?

OTC & OHPC NP Group to respond.

Policy PP2: Use of Brownfield Sites

15. I understand that the intention of the plan is not to make these as site allocations, but it is supporting development in principle, on these eight sites. But the supporting text refers to these as "examples". What are the expectations for other brownfield sites that exist in the town, all of which meet the definition of "previous developed land" as set out in the Glossary of the NPPF, should these sites equally be supported in the

policy. Would their development in any event be acceptable in principle, as they all fall within the settlement boundary?

16. It would be helpful to include individual site plans for the eight sites in the document. For example, I found it difficult to identify what was “the vacant site on New Road”. It is important that there is clarity as to the extent of the sites.

17. Does the Steering Group have any views on the inclusion of the site to the east of Northfield Road, as suggested by West Devon Borough Council? Could the Borough Council expand on the reasons why it believes that the land should be treated as a brownfield site?

The Council considers that the land between Northfield Road and Wonnacotts Road should be regarded as a brownfield site and included in the list in Policy PP2. The site complies with the NPPF’s definition of Previously Developed Land – i.e. ‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land...’ Although not currently on the Brownfield Land Register, the site meets the criteria: It is at least 0.25 ha in area and is capable of supporting at least five dwellings; it is ‘suitable’ for residential development; it is ‘available’ for residential development; and residential development of the land is ‘achievable’.

18. Can I be advised what the development proposals are for The Old Mill and Gunns Yard? Can the Steering Group justify the extent of the brownfield site at Upcott House, as it appears larger than the footprint of the buildings as shown on the attached screenshot?

OTC & OHPC NP Group to respond.

Policy PP3: Green Spaces and Green Infrastructure

19. Map 4 does not show the full extent of the woodland areas as they are cut off by the frame of the map. It is important that the full extent of the area the subject of the policy is included.

20. Is the intention that the green spaces should have the status of Local Green Space, for the purpose of paragraphs 101- 103 of the NPPF?

OTC & OHPC NP Group to respond.

21. Does the Borough Council have a view whether it is still appropriate to retain a policy dealing with biodiversity net gain, now the implementation of the national scheme is imminent?

WDBC considers that the NP policy adds nothing to the JLP policy and also that it has been made redundant by the introduction of the national BNG requirement.

22. Can the Steering Group confirm what consultation took place with landowners prior to the designation of the green spaces and was there any community involvement in the choice of sites for inclusion under this policy. Whilst Appendix 5 refers to site g) being the home for dormice, and slow worms, has there been any ecological surveys that support the fact that it the site is deemed to be particularly special to the community in terms of its wildlife interest?

OTC & OHPC NP Group to respond.

Policy PP4: Views and Vista

23. Is it possible to have inset plans showing more accurately the location of viewpoints that have been chosen, as it is difficult to ascertain from the scale of map the exact position on the ground that the decision maker would need to be at to assess the impact of a proposal on one of the views?

OTC & OHPC NP Group to respond.

24. It also appears that the photographs of some of the views are not representative of what a person would see on the ground. Were some of them taken with a drone camera? What was the criteria used to select these viewpoints?

OTC & OHPC NP Group to respond.

Policy PP5: Employment Expansion

25. How does the policy relate to land which is proposed for employment in the joint local plan to the east of the town? If that land is not already in existing employment use, is the policy intended to override that allocation.

26. Is the aspiration of the policy to prevent a business use from expanding by taking in adjacent land, which may not currently be in employment use?

27. Should the policy be more specific about what constitutes an employment use – is it any premises where people are employed, or is it intended to refer to premises falling within Use Class E, Class B2, Class B8 uses and sui generis uses.

28. What criteria would a decision maker use to ascertain whether a proposal would “provide sustainable forms of construction, energy conservation measures and renewable energy”? Is the expectation that the construction requirements would be higher than as provided by the Building Regulations?

OTC & OHPC NP Group to respond.

Policy PP6: Protecting Existing Employment Land / Buildings

29. Could the extent of the North Road industrial estate be shown on a map?

30. Would the plan support proposals for uses that are ancillary, to those which support employment uses e.g. a day nursery / creche or retail uses?

31. Can the Steering Group expand on the reason why residential uses should be allowed to be introduced into the North Road Industrial Estate and whether it would be contrary to Policy DEV 14 of the Joint Local Plan? Can the Borough Council also confirm whether that should be treated as a strategic policy in the Local Plan?

OTC & OHPC NP Group to respond.

WDBC confirms that JLP Policy DEV14 Maintaining a flexible mix of employment sites is a strategic policy of the local plan.

Policy PP7: Small Employment / Starter Units

32. Is it the Steering Group's aspirations that this policy should support new development both inside and outside the settlement boundary?

OTC & OHPC NP Group to respond.

Policy PP9: Out of Town Retail Hub

33. Can a map be provided that shows the area that the plan is envisaging would be an out-of-town retail hub. I need to get an idea as to how the proposal would sit alongside the parkway station, both in terms of the station parking and the proposed retail hub?

34. Does the Steering Group have an idea of the scale of supermarket that the policy seeks to support, in terms of floorspace. Are we talking about a local neighbourhood convenience store or a food superstore?

35. There is clear guidance in Chapter 7 of the NPPF that the plans, when allocating out of town sites should show that there are no edge of centre sites available before opting for an out of centre site. I note that the aspiration of the plan is that one of the town centre supermarkets could be persuaded to move out of town centre. Has any discussions taken place and would a policy that led to the closure of a town centre store be contrary to the normal planning presumption which is that retail policy should seek to support town centres.

36. Has any retail impact assessment been carried out into this proposal and can the Borough Council comment on whether there is a need for additional retail development floorspace to be planned to serve the expansion of the housing areas, which I saw at the eastern side of Okehampton?

OTC & OHPC NP Group to respond.

JLP Policy TTV14 East of Okehampton makes provision for *'Appropriate local facilities to support the new residents and to enhance the sustainability of the existing area, including a new primary school, local retailing facilities of a scale and format to meet local retailing needs...'* A Reserved Matters application for phase 3 of parcel 2 has been approved and it includes a retail unit of c. 219 sq m. This part of the development area is known as Abbeyford Vale and is currently under construction.

Policy PP10: Pedestrianisation of the Town Centre

37. Whilst I can appreciate the "vision" and ambition set out in the policy, I do wonder whether it is actually a policy for the use and development of land, as pedestrianisation and the exclusion of traffic, would only be implemented by Traffic Regulation Orders, rather than through the determination of a planning application – which is meant to be the purpose of a neighbourhood plan policy. I wonder whether its status should be one of a Community Aspiration rather than as a development plan policy.

38. Have there been any discussions with the Highway Authority over the idea of pedestrianisation, as my reading of the 2010 Link Road Study was predicated on the continued use of Fore Street. Has there been any direct consultation with the shop

owners on this proposal, on the implications of potentially removing passing trade? Has any work been undertaken of the geometry of the Market Street/ New Road/ Fore Street junction to support the 3 arms of traffic movements?

OTC & OHPC NP Group to respond.

Policy PP11: Car Parking Capacity

39. Can any guidance be given to a decision maker on how to assess whether a loss of car parking was “significant”? Is it only referring to “off street parking”? How would the policy be seen, if there was a proposal for a park and ride facility out of the town centre? How would the plan see the loss of potential parking as shown on Map 7 at Parkway for the supermarket and its own car parking requirements?

OTC & OHPC NP Group to respond.

Policy PP12: Parking in Residential Development

40. What is the evidence to support the “encouragement of schemes” to exceed Local Highway Authority Standards? Are there, for example, different levels of car ownership in the town compared to elsewhere in the county?

OTC & OHPC NP Group to respond.

41. Can the Borough Council point me to the relevant SPD dealing with car parking standards?

The JLP Supplementary Planning Document (July 2020), in section 8 Transport and Infrastructure, includes guidance on car parking standards (p.154). In relation to specific development proposals, the SPD states: *‘Any application that proposes a lower or higher level of parking will be required to provide evidence to justify this proposal.’* The SPD can be found on the Council’s website: <https://www.plymouth.gov.uk/sites/default/files/JLPSPD2020FINALred.pdf>

The approach set-out in the SPD provides indicative standards and enables a ‘case-by-case’ assessment which would be undermined by a ‘blanket’ policy approach.

Policy PP13: Safe Access to and Within the Town and Hamlets

42. On the face of it, this policy seems geared more towards highway improvements, which would be promoted by Devon County Council, the highway authority, under its highway powers rather than as a result of planning applications. Again, should this be more of a Community Aspiration rather than a planning policy?

43. Could the Steering Group identify which of the routes are considered to be “properly managed transport corridors” and should these be shown?

OTC & OHPC NP Group to respond.

Policy PP14: Town Centre Access Road

44. I have major concerns that by showing the proposed alignment of the new road, the policy could lead to “planning blight” as the route could be revealed on local land charges searches. This could have major repercussion for property owners along or

adjacent to the proposed route as shown on Map 8. This could potentially lead to the service of Purchase Notices, and I would appreciate the Borough Council's view as to whether this could be an issue that I should be considering, based on the proposed wording of the policy and the alignment as shown in Map 8.

WDBC considers that this issue should be considered as part of the examination and shares the concerns as expressed by the Examiner.

45.I understood that the Devon County Council's 2010 report on the 3 options of the town centre access road was produced in support of the then Core Strategy. Can the Borough Council confirm whether the new road was part of that plan? I note that the new Joint Local Plan does not refer to it – can the Borough Council provide me with some context of how the idea of a new road bypassing the town centre, has evolved? Would the Borough Council also offer a view as to whether a policy to support, albeit in principle, a new road, would be a strategic matter?

The West Devon LDF Core Strategy DPD (April 2011) included in Strategic Objective SO21 f. 'Manage traffic more effectively around the town centre through the provision of a second access road and improved town bus services.' Such an access road was not proposed as a policy in the Core Strategy.

The JLP sets out the Spatial Priorities for Development in Okehampton SP4. These include at 9. 'Working with relevant authorities to look for appropriate solutions to manage traffic flow in and around the town, including exploring opportunities to deliver a town centre access road, and delivery of a link road between Exeter Road and Crediton Road.' The Council considers that any policy supporting such a new road would be a strategic matter.

46.Is the Steering Group's view that the development of land that prevented the delivery of that road, should be refused?

OTC & OHPC NP Group to respond.

PP15: Cycle Routes

47.The majority of the proposed new cycle route appears to be on existing public roads. Can the Borough Council advise whether the southern spur was allowed for in the layout of the new housing areas and would it be helpful if a more detailed map of that section could be provided to assist the housing layout designers, if it has not yet been delivered.

The southern spur of the proposed new cycle route lies within Parcel 3 of the east of Okehampton development area. This parcel of development, known as Okement Park, is currently under construction. It provides a link (Nexus Way) connecting Kellands Lane to the B3215 Crediton Road.

The application number is 1726/20/ARM and the proposal is: 'Approval of Reserved Matters following outline approval 2731/15/OPA for the construction of 220 no. dwellings, public open space, landscape planting, pedestrian, cycle and vehicular links and associated infrastructure.' The Design and Access Statement says: 'From the site pedestrians and cyclists area guided to the outer edges of the link road to connect

back to the existing road and pavement networks to access more local amenities, such as the school within the Redrow site and the proposed shop within the AdPad site as well as the wider community and amenities of Okehampton.'

Graham Swiss

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SHDC & WDBC

January 2024

Strategic Planning Policies relevant to the OT&HNP

Plymouth and South West Devon Joint Local Plan (adopted March 2019)

List of Strategic Policies relevant to the OT&HNP:

Spatial Strategy

Strategic Objective SO1

Strategic Policies SPT1 to SPT14 inclusive

Strategy for Thriving Towns and Villages Policy Area

Strategic Objective SO6

Policies TTV1 and TTV2

Strategic Objective SO7

Policy TTV3

Spatial Priority SP4

Policy TTV13 – Land at Exeter Road, Okehampton

Policy TTV14 – East of Okehampton

Policy TTV15 – Land at Stockley

Strategic Objective SO10

Policies TTV26 and TTV27

Development Policies

Strategic Objective SO11

All of the DEV Policies except DEV6, DEV7, DEV11, DEV12, DEV13, and DEV22.

Delivery and monitoring

Strategic Objective SO12

Policy DEL1

Dartmoor Local Plan (adopted December 2021)

List of Strategic Policies

Vision, Spatial Strategy and Planning Applications

Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities

Strategic Policy 1.2 Sustainable development in Dartmoor National Park

Strategic Policy 1.3 Spatial Strategy

Strategic Policy 1.4 Major Development

Strategic Policy 1.5 Delivering good design

Strategic Policy 1.6 Sustainable construction

Environment

Strategic Policy 2.1 Protecting the character of Dartmoor's landscape

Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity

Strategic Policy 2.3 Biodiversity Net Gain

Strategic Policy 2.4 Conserving and enhancing Dartmoor's moorland, heathland and woodland

Strategic Policy 2.6 Protecting tranquillity and dark night skies

Strategic Policy 2.7 Conserving and enhancing heritage assets

Strategic Policy 2.8 Conservation of historic non-residential buildings in the open countryside

Housing

Strategic Policy 3.1 Meeting Housing Need in Dartmoor National Park

Strategic Policy 3.2 Size and accessibility of new housing

Strategic Policy 3.3 Housing in Local Centres

Strategic Policy 3.4 Housing in Rural Settlements

Strategic Policy 3.5 Housing in Villages and Hamlets

Communities, Services and Infrastructure

Strategic Policy 4.1 Supporting community services and facilities

Strategic Policy 4.2 Supporting public open space and sports facilities

Strategic Policy 4.8 The Access Network

Economy

Strategic Policy 5.1 Non-residential Business and Tourism Development

Strategic Policy 5.2 Development affecting Town Centres

Strategic Policy 5.3 Protecting Active Uses in Dartmoor's Settlements

Minerals, Waste and Energy

Strategic Policy 6.1 New or Extended Minerals Operations

Strategic Policy 6.2 Minimising the Impact of Minerals Operations

Strategic Policy 6.3 Minerals Safeguarding