

**North Tawton Parish**

**Neighbourhood Development Plan 2016 – 2034**

**Submission Version April 2019**

Final Report 11<sup>th</sup> December 2019 to West Devon Borough Council of  
Examination into North Tawton Neighbourhood Plan 2016 – 2034

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**11<sup>th</sup> December 2019**

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## **1.0 INTRODUCTION AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.1** Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the North Tawton Neighbourhood Plan Submission Version April 2019 (the Plan) which is intended to cover the period from 2016 up to 2034.
- 1.2** North Tawton Parish comprises the small ancient market town of North Tawton, sitting on the eastern side of the south-north running River Taw valley, and its surrounding rural hinterland of some 2,400 hectares (5,930 acres) predominantly comprised of active farmland. North Tawton provides local services and facilities for the surrounding rural parishes. The location of the town and easy access to the A30 means good links with both Okehampton and Exeter. The Parish lies within the North Devon UNESCO Biosphere Reserve and has areas of designated Ancient Woodland in the north of the parish at Western Copse, Rook Wood and Woodland Copse and a designated Site of Special Scientific Interest (SSSI) at Staddon Moor.
- 1.3** The Plan refers to noteworthy history associated with its physical and social development, character, historic buildings and high quality landscape setting, defining the composition of its population and housing stock.
- 1.4** The Plan advises that the population of the Parish according to the Devon JSNA Community Profile 2016 was approximately 2000 persons and I note that the Profile also advises this was total was accommodated within 866 households. The Plan advises that the Parish Council applied to West Devon Borough Council in February 2013 to seek designation as a Neighbourhood Area and confirms this was approved on June 2013 by West Devon Borough Council (WDBC). The Town Council have with the assistance of local residents, Officers and Members of the Council undertaken progressive and extensive consultation exercises, conducted a number of separate, progressive consultation events, as indicated in a Consultation Statement and prepared both the initial Draft seeking confirmation as to whether Strategic Environment Assessment (SEA) would be required and (following the requisite six-week pre-submission consultation) the revised Submission version of the Neighbourhood Plan.
- 1.5** My role as an Independent Examiner, when considering the content of a Neighbourhood Plan, is limited to assessing whether the submission version of the Neighbourhood Plan meets the 'basic conditions', and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a Neighbourhood Plan or to examine other material considerations. Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following 'basic conditions';
- it must have appropriate regard for national policy;
  - it must contribute towards the achievement of sustainable development;
  - it must be in general conformity with the strategic policies of the development plan for the local area;
  - it must be compatible with human rights requirements, and;
  - it must be compatible with EU obligations.

- 1.6** In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the Examiner must make a report on the submission version of the plan containing recommendations and reaching one of the following three concluding recommendations:
- (a) that the submission version of the Plan is submitted to a referendum, on the basis it meets all the legal requirements, or
  - (b) that subject to modifications specified in the Examiner's report being made to the submission version of the Plan and that the modified submission version of the plan proceeds to a referendum, or
  - (c) that the submission version of the Plan does not proceed to referendum on the basis that it does not meet the legal requirements.

**1.7** If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the North Tawton Neighbourhood Area, to which the Plan relates. I make my recommendations on this aspect at the end of this Report.

**1.8** I am independent of the qualifying body, associated residents, business leaders and the local planning authority. I do not have any interest in any land that may be affected by the Plan and I possess the appropriate qualifications and experience required to undertake the Examination.

## **2.0 BASIC CONDITIONS**

**2.1** I now consider the extent to which the Plan meets the "basic conditions". A Basic Conditions Statement (North Tawton Neighbourhood Plan 2016-2034 Statement of Basic Conditions) was prepared in April 2019 by North Tawton Town Council. This Statement explains requirements the Neighbourhood Development Plan must meet under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 to satisfy the basic conditions tests, what these comprise and how the Plan meets these tests, including the contribution that the Plan makes towards the achievement of sustainable development and its general conformity with the strategic planning policies for the development of the area. This Statement has been supplied to me by West Devon Borough Council, together with the other examination documents: including the Submission Version of the Plan (April 2019) with Appendix 5.1.4 which contains Regulation 14 responses and actions; the Consultation Statement which includes Regulation 14 response (Nov 2018); post the submission North Tawton Neighbourhood Plan Group response to West Devon **BC** response to the North Tawton Neighbourhood Plan Regulation 16 Consultation (July 2019), and; Strategic Environmental Assessment Screening and Habitats Regulations Assessment Report (March 2019).

**2.2** The Basic Conditions Statement demonstrates how the Neighbourhood Plan conforms with provision made under sections 61E (2), 61J and 61L of the Town & Country Planning Act 1990, as amended by s38C(5)(b). I am content that the North Tawton Neighbourhood Plan, has been submitted by a qualifying body, North Tawton Town Council, in accordance with requirements and processes set out in the Town & Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012. North Tawton Town Council as a qualifying body is thus entitled to prepare a Neighbourhood Development Plan for its area.

- 2.3** North Tawton Neighbourhood Plan covers the entire Parish area. I am content that the North Tawton Neighbourhood Plan meets the requirements of The Town & Country Planning Act 1990, s61G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this neighbourhood area.
- 2.4** In relation to the Plan period it is essential that the North Tawton Neighbourhood Plan contains explicit reference to its starting point as well as its end point. The Plan's front cover page and text contain clear reference to its starting point as 2016 and end as 2034. The Plan's cover includes a statement confirming it is the Reg. 15 & 16 Version and its date of publication. This reference and date can readily be amended when it is formally 'made' part of the Development Plan for the area and issued for publication.
- 2.5** Section 2.1 "Our Vision" on page 14 of the North Tawton Neighbourhood Plan explains that "*The thriving North Tawton community - together with its surrounding areas - prides itself in its friendly community spirit and in its commercial and social facilities which meet the residents' day to day needs. We aim to balance new development with the conservation of our historic, rural character and want to ensure that any planned changes in the town contribute to its sustainability and viability in the years to come.*" Section 2.2 "Themes & Objectives" then confirms the clear objectives of the Plan under the six identified themes of:
- 1.0 Conserving Our Historic & Natural Environment,*
  - 2.0 Community Life*
  - 3.0 Economy Employment & Business*
  - 4.0 Housing*
  - 5.0 Infrastructure*
  - 6.0 Energy & Environment.*
- 2.6** I note that the Plan states at Section 1.6 that it is intended to sit alongside the West Devon Core Strategy 2011 and the Plymouth & South West Devon Joint Local Plan (JLP) 2019. This statement currently fails to include the 2019 year of adoption for the current JLP. In addition, reference to the West Devon Core Strategy 2011 now needs to be completely removed following the formal adoption of the JLP. These points can be remedied with revisions to the text should the Plan proceed to Referendum.

### **Appropriate Regard to National Policies and Guidance, including National Planning Policy Framework (NPPF)**

- 2.7** Presumption in favour of sustainable development: NPPF 2019 advises that all plans should be based upon the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. Paragraph 13 of the NPPF 2019 acknowledges the application of presumption in favour of sustainable development will have implications for communities' engagement in neighbourhood planning. Neighbourhoods are encouraged to develop plans supporting the strategic development needs set out in Local Plans (including policies on housing and economic development) and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.
- 2.8** The Basic Conditions Statement asserts the Neighbourhood Development Plan is planning positively, enabling delivery of new housing of high quality within existing built-up areas respecting the character, form and design of existing dwellings by defining a development

limit. The current JLP sets the housing need and distribution across the Borough of West Devon. North Tawton is identified as a sustainable settlement providing a range of services not just to its own rural parish hinterland but also to the neighbouring rural parishes which do not contain settlement of comparable size.

- 2.9** The Basic Conditions Statement identifies in Table 3.3 how each of the Policies of the Neighbourhood Plan show regard to the NPPF. The NPPF 2019 explains at paragraph 29, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.
- 2.10** The North Tawton Neighbourhood Plan includes a statement within Section 2.1 establishing a very clear Vision for the Parish and an explanation in Section 1.4 of how this has been guided by extensive and progressive rounds of community consultation and engagement. Clearly setting out the extent of consultation prior to the draft Pre-Submission version of the Plan the Consultation Statement is accompanied by a summary of responses received, their analysis and any changes made as a consequence, addressing effectively those representations received as part of the Regulation 14 Consultation, confirming the predominantly minor changes required. A further document "North Tawton Neighbourhood Plan Group response to West Devon Borough Council response to the North Tawton Neighbourhood Plan Regulation 16 Consultation" sets out a schedule of those representations received from the Local Authority as part of the Regulation 16 Consultation. The Town Council has clearly sought to translate the vision into a series of meaningful planning policies to plan for sustainable housing growth (bearing in mind the scale of and facilities within the town), protect the character of the area and to determine future planning applications as part of the Development Plan for the Borough.
- 2.11** Paragraph 29 of the NPPF 2019 requires that non-strategic policies within Neighbourhood Plans should not promote less development than the strategic policies of the Development Plan or undermine those policies and (at footnote 16 that Neighbourhood Plans must be in general conformity with the strategic policies of the Development Plan). Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.
- 2.12** It is clear from the Basic Condition Statement that the Borough and Town Councils believe the North Tawton Neighbourhood Plan is in general conformity with the strategic policies of the JLP 2019, striking a positive balance between the physical and policy constraints of the Parish and the requirement to meet local housing demand. The Submission Version of the Plan does not clarify from the outset that its life span has been matched to that of the adopted JLP (i.e. to 2034). This clarification should be included so that it is explicit within the Plan that it may reasonably rely on the evidential background documentation used in its preparation.
- 2.13** The North Tawton Neighbourhood Plan Basic Conditions Statement systematically sets out in Table 3.3 how the Submission Version of the Plan meets NPPF guidance based on the principal topic areas and development plan policies. The Statement addresses the NPPF 2019. Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to both national guidance and the Development Plan.

## **Contribution towards Achievement of Sustainable Development**

**2.14** At Section 3.0 "Policies" the Neighbourhood Plan defines how each of the proposed policies addresses each of the six key themes the Plan identifies which support sustainable development within the Parish. Table 3.3 of the Basic Conditions Statement prepared by North Tawton Town Council outlines how the Plan contributes to achievement of sustainable development as defined by the NPPF.

**2.15** I consider that this approach offers a clear analytical framework to test the credentials of the Submission Version of the Plan and consider that the Plan would properly contribute to the objective of sustainable development, subject to various policy amendments that I have recommended below.

## **General Conformity with Strategic Policies for Local Area**

**2.16** The statutory development plan currently relating to the North Tawton Neighbourhood Plan area currently comprises the Plymouth & South West Devon Joint Local Plan 2019. The approach to the preparation of the North Tawton Neighbourhood Plan has been to ensure general conformity with policies of the adopted Local Plan to ensure that the Neighbourhood Plan remains relevant for the period of the Joint Local Plan. This is demonstrated within the Basic Conditions Statement, with regard to the NPPF and the strategic policies of the development plan, which sets out clearly how the Neighbourhood Plan conforms with each of the relevant strategic policies, referring to the considerable regard given to the evidence base of that Local Plan, particularly in relation to housing provision. I am, therefore, satisfied that the North Tawton Neighbourhood Plan is in general conformity with the strategic policies in the Joint Local Plan.

## **Compatibility with European Union Obligations**

**2.17** In relation to the North Tawton Neighbourhood Plan, West Devon Borough Council provided a "Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report, March 2019" confirming the advice in the National Planning Policy Guidance (NPPG), February 2015, which clarifies where a SEA may be required for a neighbourhood plan and confirms on its front page: "*SEA: Having taken all of the relevant policies of the draft North Tawton Neighbourhood Plan (Submission Version November 2018) into account, and assessed the potential environmental impact on designated sites and landscapes, it is the Council's opinion that a full SEA is not required for the Neighbourhood Plan, due to the limited nature of development proposed and the continuity in land use.*"

**2.18** The Regulation 16 consultations did not indicate any parties were discontent with the methodology or finding of the Screening Opinion issued in respect of the North Tawton Neighbourhood Plan. I therefore consider that a proportionate and focussed approach has been taken through the SEA process for the North Tawton Neighbourhood Plan and that the assessment has been completed in a timely fashion at the appropriate stage of the Plan preparation. The NPPG advises, at paragraph 030, that it is for the local planning authority to ensure that the strategic environmental assessment requirements have been met and whether the neighbourhood plan proposal is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive).

**2.19** I consider in relation to sustainability appraisal, including Strategic Environmental Assessment, the analysis undertaken is sufficient in a neighbourhood planning context and following on from the recent work undertaken in informing policy development for the adopted Joint Local Plan that the Basic Conditions have been met in contributing to sustainable development and meeting this component of EU regulation.

### **Habitat Regulations Assessment**

**2.20** A Habitats Regulations Assessment Screening Report has been incorporated within the SEA Screening Report to assess whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the Neighbourhood Plan Area and on its front page states: *"HRA: Due to geographical separation of North Tawton from European Sites and accordingly the absence of impact pathways, and against a backdrop of a limited amount of development proposed, the Council considers that the North Tawton Neighbourhood Plan will not have any likelihood of significant effect on a European site alone or in-combination with other development and that therefore further assessment under the Habitats Regulations is not required."*

**2.21** Due to the lack of evidence of any relevant designated sites likely to be impacted upon, I agree that the neighbourhood development plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or any European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007), either alone or in combination with other plans or projects. I also consider the making of the neighbourhood development plan would not be likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

### **Compatibility with Human Rights Requirements**

**2.22** Section 6 of the Basic Conditions Statement provides an expression (aiming to equate to an Equalities Impact Assessment of the Plan) which considers that the Plan's preparation has had due regard throughout to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that requisite consultation complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. However, I have not been presented with a copy of the Equalities Impact Assessment I understand to have been undertaken and there is no analysis evident within the Basic Conditions Statement beyond the aforementioned expression. A copy of any Equalities Impact Assessment undertaken must be included in the appendices of the Plan prior to the Plan proceeding to Referendum.

## **3.0 BACKGROUND DOCUMENTS**

**3.1** In examining the North Tawton Neighbourhood Plan, I have had particular regard to the following documents which include the Submission Version of the Plan:

- a) National Planning Policy Framework, 2019 (revised)
- b) National Planning Policy Framework, Planning Practice Guidance, 2015
- c) Town and Country Planning Act 1990 (as amended)
- d) The Planning and Compulsory Purchase Act 2004 (as amended)
- e) The Planning Act 2008
- f) The Localism Act (2011)
- g) The Neighbourhood Planning (General) Regulations (2012)
- h) The Housing & Planning Act (2016)

- i) Core Strategy 2011
- j) North Tawton NP Approved Designated Area Map, 2013
- k) North Tawton NP Basic Conditions Statement, 2019
- l) North Tawton NP SEA and HRA Screening Report, 2017
- m) North Tawton NP Consultation Statement, 2018
- n) North Tawton NP Submission Version, 2019
- o) North Tawton NP Regulation 16 Consultation Responses, 2019

#### **4.0 PUBLIC CONSULTATION AND CONSULTATION STATEMENT**

**4.1** Part 5 of The Neighbourhood Planning (General) Regulations 2012, "the Regulations", makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning (General) Regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process, &;
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

**4.2** The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement are a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the plan-making process has raised awareness and encouraged the community in the Parish to understand/question both the proposed policies as well as the Plan's scope/limitations.

**4.3** The Consultation Statement sets out in some considerable detail the events that took place to secure public engagement in the Plan area and with statutory consultees, with the assistance of local residents, business owners, property owners and officers of the Town and Borough Councils. The Consultation Statement charts the progress and activities to the point it was deemed ready for submission to West Devon Borough Council to undertake relevant Regulation 16 Consultation and then forward to an Independent Examiner.

**4.4** I note that the Pre-Submission Plan Regulation 14 Consultation Period ran for the requisite six-week time-period and that during that period a proportionate programme of information dissemination about the draft Plan was undertaken together with further meetings to explain the emerging proposals. At the end of the consultation period, the detailed responses were analysed. The Consultation Statement confirms at Section 3.6 "*The overriding impression from the feedback given by the community and statutory bodies is one of general acceptance of the draft Neighbourhood Plan, in particularly the size and type of development needed to meet local needs. The draft Neighbourhood Plan has been amended to reflect comments and issues raised where the development group has accepted that they will improve the content of the plan. These include changes that provide greater clarity and accuracy and reflect recent external changes such as the emerging Joint Local Plan.*" and demonstrates that of the comments from within West Devon Borough Council, external statutory consultees and a summary combination of individual community members mainly commented on relatively minor details all of which were addressed by adjustments to the text of the Neighbourhood Plan prior to its

finalisation and formal Submission to West Devon Borough Council in April 2019. Importantly, the tabular form of presentation sets out the actions taken in relation to the comments received with a view to responding to concerns with the intention of enhancing the quality of the Plan.

- 4.5** The Consultation Statement does not cover the Regulation 16 Consultation. However, the "North Tawton Neighbourhood Plan Group response to West Devon & South Hams response to the North Tawton Neighbourhood Plan Regulation 16 Consultation" submitted by West Devon Borough Council to the Independent Examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012 provides the response of North Tawton Town Council to that received from West Devon Borough Council during this round of consultation. However, the actual comments of the Borough Council and other consultation responses that may have been received have not been provided for reference and should be included in a revised Consultation Statement prior to the Plan proceeding to Referendum. I have taken these details into consideration in my Plan examination and in making my observations on the proposed policies (see below).
- 4.6** I am satisfied that the Consultation Statement in combination with the tabulated form response summaries complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

## **5.0 NORTH TAWTON NEIGHBOURHOOD PLAN 2016–2034 LAND USE PLANNING POLICIES**

- 5.1** I now turn to consider the land use planning policies of the North Tawton Neighbourhood Plan. It was established in R. (Maynard) v Chiltern District Council<sup>1</sup> that it is wrong to consider each policy within a neighbourhood development plan examination, in the context of compliance with the strategic policies of the development plan and the NPPF, in relation to Basic Conditions a) and e), but rather it is the Plan as whole that needs to be considered in the context of such policy guidance, in terms of "general conformity". In *Woodcock*<sup>2</sup>, paragraph 8(2)(e) of Schedule 4B of 1990 Act only required the LPA to consider whether the draft Neighbourhood Development Plan, as a whole, is in general conformity with the adopted Development Plan. It is not appropriate to consider whether there is a tension between one policy of the Neighbourhood Development Plan and one element of the Local Plan. I have used this approach in assessing whether the Plan meets the Basic Conditions.
- 5.2** However, I consider that it is still prudent from an implementation perspective, to briefly review each of the policies to ensure that they are genuine land use planning policies and that they will serve the Parish in future for development management purposes, should the Plan be made. I note each and every sub-section and all individual paragraphs of text within the Plan are individually enumerated for greater ease of future reference and legibility by those endeavouring to make practical use of it for development management purposes in the future.

<sup>1</sup> [2015] EWHC 3817 (Admin), *Holgate J*, 16th November 2015

<sup>2</sup> *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government*, [2015] EWHC 1173 (Admin), [2015] JPL 1151, *Holgate J*, 1st May 2015.

## **Strategic Framework – Limits to Development**

- 5.3** West Devon Borough Council has confirmed that it can currently demonstrate an adequate housing supply due to the recent nature of the adoption of the current Joint Local Plan in 2019. There is, therefore, clear essential requirement/justification for the draft North Tawton Neighbourhood Plan to propose new sites for housing development.

The Plan makes clear, the community desire to plan for and accommodate sufficient growth required to support local services and focus new development in the most sustainable location to provide new dwellings in addition to those recently completed and committed sites prior to the Joint Local Plan formal adoption in 2019.

## **Theme 1: Conserving Our Historic and Natural Environment**

### **5.4 Policy CH1: Local Green Space Designation**

***Our locally valued green spaces (green infrastructure) are identified on Map CH1 and are designated as Local Green Space (LGS). These LGS and the reason(s) for their (proposed) designation are:***

***Frank Henson Gibbings Memorial Park – Recreational Value  
The Town Cemetery & Extension – Historic Significance, Tranquillity, Richness of its Wildlife  
Bowling Green – Historical Significance, Recreational Value  
Allotments, North West of Fore St - Historic Significance, Recreational Value, Richness of its Wildlife  
The Wordens, Football Club - Recreational Value  
Rugby Field & Practice Field - Recreational Value  
The Butts Field – Historic Significance  
The Churchyard - Historic Significance, Tranquillity, Richness of its Wildlife  
The Depot dedicated allotment space (500sq.m) – Recreational Value, Richness of Wildlife***

***Should these areas be designated as LGS they will be protected from loss for the reasons and uses set out. Development proposals on or likely to impact the site's use and reason for designation will only be supported where they:***

- i) have no adverse impact on the landscape, habitats or biodiversity of the site or (where unavoidable) satisfactorily mitigate such impact;***
- ii) maintain or enhance the existing use, access to and amenity value of the use of a site or satisfactorily mitigate loss. Where replacement of an LGS used for recreation is proposed, such replacement will only be supported where:***
- iii) result in provision of equivalent or better in terms of quality and area of space provided. Opportunities should be taken to enhance leisure and recreation provision over and above that provided on the replaced LGS;***
- iv) are provided in a location easily and safely accessible to the community that the replaced LGS served; and,***
- v) community access to and management of the space and any facilities provided on the site is secured in perpetuity through legal agreement.***

***The replacement site for a LGS will be treated as designated LGS and will be defined in a supplementary document to this plan until its inclusion in a future review of this Plan.***

***Proposers of development should engage with the local community and Town Council at the earliest opportunity to help ensure that any proposals for replacement take into account both this plan's aims and objectives, the needs of users and the views of the local community.***

- 5.5** The policy aims to sustain the quality of locally valued green infrastructure and its visual contribution not only to biodiversity but also to recreation and heritage. Certain references, to legal agreement for future management and how replacement space will be treated until an amendment to the Neighbourhood Plan addresses same (for example), may be better included in the supporting text as advice, as they do not enforceable caveats for inclusion in the policy itself. A larger map would show boundaries more clearly.

- 5.6** The policy has a positive emphasis and changes to the caveats it contains are suggested to simplify the form, provide greater clarity and enable easier interpretation of the policy for development management purposes. Sites need specific enumeration within the policy and on mapping for clarity. Accordingly, the following changes to wording are suggested to simplify the structure and provide greater clarity to enable easier interpretation of the policy to enable more effective application for development management purposes:

***Policy CH1: Local Green Space Designation***

***Locally valued green spaces (green infrastructure) identified on Map CH1 and listed below are hereby designated as Local Green Space (LGS) for the following reasons for designation: RV = Recreational, HS = Historic Significance, T = Tranquillity, RW = Richness of Wildlife:***

- 1. Frank Henson Gibbings Memorial Park = RV***
- 2. Town Cemetery & Extension = HS, T & RW***
- 3. Bowling Green = HS & RV***
- 4. Allotments, North West of Fore St = HS, RV & RW***
- 5. The Wardens, Football Club = RV***
- 6. Rugby Field & Practice Field = RV***
- 7. Butts Field = HS***
- 8. Churchyard = HS, T & RW***
- 9. The Depot dedicated allotment space (500sq.m) = RV & RW***

***Development proposals affecting the site or likely to impact upon the site's use and reason for designation will be supported only where they:***

- a) clearly demonstrate meaningful pre-application community engagement with local residents and the Town Council and how they take account of the needs of existing users and local opinion;***
- b) would have no adverse impact on the landscape, habitat or biodiversity qualities of the site or (where unavoidable) provide effective mitigation for such impact;***
- c) would maintain or enhance the existing use, access to and amenity value, and/or;***
- d) would secure replacement green space provision of equivalent/enhanced quality and area in a safe and accessible location, taking opportunities to enhance the quality of leisure and recreation provision and ensure community access to and management of the space and any facilities therein in perpetuity, where they would result in the complete or partial loss of any existing designated site.***

**5.7 Policy CH2: Design, Heritage & the Built Environment**

***To ensure that new development is sympathetic to the traditional and historic built character and landscape of the parish, and our heritage assets protected, development proposals will only be supported where they are of high quality design, enhance visual amenity of the setting and minimise any adverse visual impact on local character and neighbouring properties.***

***To be considered as high quality design, development proposals should meet the requirements set out in the North Tawton Town Design Statement. Particular attention should be paid to:***

- i) ensuring that the size, height, density, scale and location of the development is appropriate to the form, scale and setting of the surrounding built environment, respecting key characteristics;***
- ii) ensuring that materials and design of the development are in keeping with the character of the surrounding built environment, with a preference for the use of local materials;***
- iii) ensuring that it is of a design and scale which minimises adverse impact on the:***
  - a) visual amenity of the surrounding landscape;***
  - b) views of the proposed development; and,***
  - c) natural environment,***

***and does not result in the loss of the local amenity views identified on Map CH2 or that any adverse impacts on them can satisfactorily be mitigated:***

- iv) ensuring that it is of a design and layout which maximises opportunities for solar gain (for example, following 'passivhaus' principles);***
- v) the use of traditional design in the North Tawton Conservation Area and protecting or enhancing the essential character of the Conservation Area.***

- 5.8** The policy and its principle aim of securing high quality design to protect built heritage and character is positively worded. The reason for the policy does not belong in the text

of the policy itself. Rather it should be transferred to the supporting text. Other changes to phrasing and structure are suggested to simplify the structure, remove repetition and provide greater clarity to enable easier interpretation of the policy to enable more effective application for development management purposes:

**Policy CH2: Design, Heritage & the Built Environment**

**Proposals will only be supported where they are of high quality design, enhance the visual character of any heritage assets setting, minimise any adverse impact on residential properties, and clearly demonstrate how they meet the requirements of the North Tawton Town Design Statement. Particular attention should be paid to ensuring:**

- a) **size, height, density, scale and location respects the key characteristics of the form, scale and character of the surrounding built environment setting of the site;**
- b) **external materials and detailed design are in keeping with the character of the surrounding built environment, prioritising the use of local materials;**
- c) **design and scale minimise adverse impact on and/or effectively mitigate impact on the:**
  - a) **visual character and quality of the wider landscape;**
  - b) **local amenity views from that wider landscape (as identified on Map CH2); and,**
  - c) **the quality of the natural environment;**
- d) **design and layout maximise opportunities for solar gain following 'passivhaus' principles, and;**
- e) **the use of traditional design in the North Tawton Conservation Area, protecting and/or enhancing the essential character of the Conservation Area.**

## 5.9 Policy CH3: Important Amenity Views & Landscape Character

**Development proposals will only be supported where they do not compromise the local landscape setting and special character of North Tawton. Development should conserve and enhance the landscape, townscape, scenic and visual quality.**

**Important views, both towards and from the settlement area, of the surrounding open countryside, are valuable local assets, and public visual amenities, that should be protected from development. These views should remain uninterrupted and not obstructed in whole or in part. They are set out on Map CH3 and are:**

- i) **From Bouchers Hill across the town towards Dartmoor to the south east and south;**
- ii) **The view of steep farmland, laid to pasture and containing a network of footpaths, stretching from Yeo Lane to Bouchers Hill (north of Fore Street and northwest of North Street);**
- iii) **Along the banks of the River Taw following the Tarka Trail, from the Taw bridge, to the south, and to the northwest.**

**Any development proposals which compromise these views will be resisted.**

**5.10** The policy aims to protect and value important local views. I recommend the policy is altered to the following, in order to provide greater clarity of phrasing and render the policy more robust and practicable to use for effective development management purposes. Map CH3 also needs annotating, for those not with an intimate knowledge of the town, to confirm which of the three grouped views the policy refers to (i.e. 1, 2 or 3 ... see amended wording below):

**Policy CH3: Important Amenity Views & Landscape Character**

**Development proposals will only be supported where they do not compromise the local landscape setting and special character of North Tawton and conserve and/or enhance landscape, townscape, scenic and visual quality.**

**Important Amenity Views (IAV) listed below and shown on Map CH3, both towards and from the settlement area, of the surrounding open countryside shall, as valuable local public visual assets, be protected from partial or complete interruption or obstruction and any development proposals which unacceptably compromise these views will be resisted. These grouped IAV are:**

1. *from Bouchers Hill across the town towards Dartmoor to south east and south;*
2. *of steep farmland, laid to pasture and containing a network of footpaths, stretching from Yeo Lane to Bouchers Hill (north of Fore Street and northwest of North Street), and;*
3. *along the banks of the River Taw following the Tarka Trail, from the Taw bridge, to the south, and to the northwest.*

## **Theme 2: Community Life**

### **5.11 Policy CO1: Protecting Community Facilities from Loss**

*Our particularly locally valued community amenities and facilities are identified on map CO1 and are:*

- a) *Post Office Services;*
- b) *Health Facilities – GP Surgery, pharmacy, dentists*
- c) *Community Venues - The Town Hall, The Youth and Community Centre, Mortimer Room, Rugby Club, Bowling Club*
- d) *Meeting places - Cafes, Local Pubs*
- e) *Places of Worship – St Peter's Church, Lakeway Church, North St Chapel*
- f) *Sports & recreational facilities - North Tawton Football (ACV), Rugby and Bowling Clubs and the Memorial Park*
- g) *The Depot, Environment Trust (ACV)*

*Development proposals that result in the loss or change of use of the community facilities and registered Assets of Community Value (ACVs) will only be supported where:*

- i) *it can be demonstrated:*
  - a) *through an up-to-date assessment of community/facility capacity, demand and need, that the facilities are no longer needed; or*
  - b) *through an up-to-date assessment of local economic demand, that the facility is no longer commercially viable. Evidence will be required to show that the facility has been actively marketed for at least 12 months (ideally over two summer seasons) at a realistic and viable price for the existing or similar uses. Marketing should include an offer to the local community for its acquisition or operation; and/or,*
- ii) *it can be demonstrated, through an assessment of local community facilities' offer and role, that suitable alternative provision (in terms of size, capacity and type) exists in North Tawton to serve the community; and/or,*
- iii) *in the case where there remains a need or demand, that suitable alternative and easily accessible replacement provision is included as part of the development proposal on or off-site within North Tawton.*

*A change of use would be supported where the alternative use met the needs of the community as per the General Permitted Development Order Schedule 2 Part 3.*

- 5.12** Map CO and CO1 should be enlarged for the purposes of legibility and clarity. Each asset should be enumerated within those maps as per the suggested amended wording below. Duplication should be removed. Reference to The Depot as an ACV should be removed as the ACV has now expired, but retained as a locally valued community amenities and facilities. Reference to changes of use under the GPDO is not relevant to the provisions of the policy, as policy is not a relevant consideration in consideration and determination of such prior notifications and requests for prior approval.

#### ***Policy CO1: Protecting Community Facilities from Loss***

*Locally valued community amenities and facilities, some of which are Registered Assets of Community Value (ACV) are listed below and identified on map CO1:*

1. *Post Office Services;*
2. *Health Facilities – GP Surgery, pharmacy, dental practices;*
3. *Community Venues - Town Hall, Youth and Community Centre, Mortimer Room, Rugby Club, Bowling Club;*
4. *Meeting Places - Cafes, Local Pubs;*
5. *Places of Worship – St Peter's Church, Lakeway Church, North St Chapel, and;*
6. *Sports & recreational facilities - North Tawton Football (ACV), Rugby and Bowling Clubs and Memorial Park.*
7. *The Depot*

*Development proposals that result in the loss or change of use of the community facilities and registered Assets of Community Value (ACVs) will only be supported where it can be clearly demonstrated that:*

- a) *the facility is no longer needed and/or commercially viable, through an up-to-date assessment of community/facility capacity, demand and need;*
- b) *the facility has been actively marketed for at least 18 months (over two summer seasons) at a realistic value for existing or similar uses, including an offer to the local community for its acquisition or operation, and;*
- c) *alternative, easily accessible, comparable provision exists or is secured to serve the community, where proven need remains, through an assessment of local community facilities' offer and role.*

### **5.13 Policy CO2: Replacing, Improving & Increasing Play, Sports & Recreation Facilities**

*Proposals for replacement, improved, new and/or additional play, sports, and recreation facilities and pitches will be supported where they:*

- i) *respond to a demonstrable need and demand for the proposed facility;*
- ii) *provide community access and secured community use;*
- iii) *demonstrate how they will be effectively managed and maintained in perpetuity;*
- iv) *meet up-to-date standards of design set by the appropriate agency or governing body (where appropriate);*
- v) *they demonstrate that local residents have been consulted and positive measures have been taken to ensure that there are no adverse impacts on local amenity.*

**5.14** The policy is positively worded in aiming to encourage the provision of improved sport and recreation facilities. Simplification of phrasing will make it a more robust development management tool, easier to interpret and use. In addition, the final caveat contains two issues that need to be separated for more effective development management use and suggest the following:

#### ***Policy CO2 - Replacing, Improving and Increasing Play, Sports and Recreation Facilities***

*Proposals for replacement, improved, new and/or additional play, sports, and recreation facilities and pitches will be supported where they:*

- a) *respond to a demonstrable need and demand;*
- b) *ensure community access and use;*
- c) *ensure ongoing, effective management and maintenance;*
- d) *meet up-to-date standards of design set by any relevant agency or governing body;*
- e) *clearly demonstrate meaningful pre-application community engagement, and;*
- f) *provide effective mitigation to minimise potential adverse impacts, such as increased parking demand, hours of operation, external lighting and noise, etc..*

### **5.15 Policy CO3: Priority Local Infrastructure and Projects**

*Proposers of development should engage with the local community and Town Council to help ensure that any proposals for development take into account both this plan's aims and objectives and the views of the local community.*

*Developer contributions generated from section 106 planning obligations or the Community Infrastructure Levy (CIL) which are required as a result of negotiations (with regard to planning obligations) or CIL (through the local authority adopted CIL), where relevant and feasible, should contribute towards the following local priority projects:*

- *Continued development and upgrading of The Memorial Park and additional play provision in other areas of the town;*
- *Visitor car parking within the town;*
- *Traffic Consultant to devise 'Traffic and Transport' plan to ease congestion in the town centre feeder roads;*
- *Community garden and wildlife areas;*
- *Creation of new allotments;*
- *Heritage trail, including artwork depicting key historical events/people;*
- *Cycle and walking trails.*

*The use of 106 and CIL receipts awarded to the Town Council will be considered on the basis of the priorities listed in this plan, appropriate timing in terms of the use of the funding and their deliverability (for example, whether the total amount of funding required to deliver the project is in place). Other priority projects may be identified during the lifetime of this plan and so this list will be periodically reviewed and updated.*

- 5.16** The policy intent may be positive and its aims laudable, but it is not a development management tool controlling proposals for physical development or land use, as aims/requirements/stipulations on where finance will be spent are not development management policies. Accordingly, this should be deleted from the development management policies section, reframed and clearly re-named as an Objective of the Neighbourhood Plan and/or relocated to supporting text in this section.

### **Theme 3: Economy**

#### **5.17 Policy E1: Local Employment Land**

*The following areas, shown on Map E1, are currently designated as local employment land:*

- i) Haulage, Warehousing and Transport Depot*
- ii) Taw Valley Creamery*
- iii) The Barton*
- iv) Former Station Yard*

*The following areas shown on Map E1 are commitment sites for employment use*

- v) Batheway Employment land (01037/2013)*
- vi) Land at Taw Bridge (01153/2014)*

*Development proposals within these areas will be supported which:*

- i) are for employment premises serving B1\*, B2\* or B8\* uses (or a combination of these uses);*
- ii) provide sufficient and secure off-street parking for cars, vans, HGVs, and bicycles;*
- iii) have no adverse impacts on:*
  - a. the character of the built environment;*
  - b. the character of the natural environment and setting;*
  - c. residential amenity;*
  - d. traffic generation and congestion;*
  - e. noise; and,*
  - f. light pollution;*

*iv) do not contribute to increased flood risk and use Sustainable Drainage Systems (SuDS) to mitigate this risk;*

*v) do not cause the significant loss of best and most versatile agricultural land (BMV) graded 1 or 2.*

*Proposals which result in a more appropriate or efficient use of the site as employment land will be supported:*

- 1. Where proposals are for the extension of existing premises, they should demonstrate, through a business plan, a net increase in full-time equivalent (FTE) jobs or demonstrate a need for the additional space to enable the business to grow;*
- 2. Which suggest a change of use to an alternative use or uses on the site will only be supported where:*
  - a) The alternative proposed use fulfils a need for that use locally;*
  - b) It can be demonstrated that the use of the site solely for employment (Use Classes B1, B2 and B8) is no longer viable, through an active twelve-month marketing exercise where the property or site has been offered for sale or letting on the open market for these uses at a realistic price and no reasonable offers have been refused.*

- 5.18** The policy aims of supporting employment uses within Use Classes B1, B2 and B8 are facilitated by positive wording of the policy. Map E1 requires enlarging to enable clarity on the precise boundaries of the sites identified. Individual sites also require labelling for those not intimately familiar with the town, to accord with the following suggested amended enumeration within the policy. The policy requires renumbering due to the repetition of roman numerals creating the likelihood of confusion when referring to individual caveats within the policy. References to types of vehicles require more generalisation to cover the widest range (for example, motorcycles). The following amended form is suggested:

#### **Policy E1: Local Employment Land**

***Employment Sites 1 to 4, shown on Map E1, are currently designated as local employment land and Sites 5 & 6 are commitment sites with planning permission for employment use and development:***

**Site 1 = Haulage, Warehousing and Transport Depot**

**Site 2 = Taw Valley Creamery**

**Site 3 = The Barton**

**Site 4 = Former Station Yard**

**Site 5 = Batheway Employment land**

**Site 6 = Land at Taw Bridge**

**Development proposals within these areas, particularly for uses more suited to the location and more efficient use of the site, will be supported which would:**

- a) be for employment uses and development falling within Classes B1, B2 and/or B8;**
- b) provide sufficient, secure off-street parking for staff/customer/delivery motor vehicles & cycles;**
- c) have no adverse impacts on the quality of:**
  - i. the character of the built and natural environment and the site setting;**
  - ii. residential amenity in terms of noise and light pollution;**
  - iii. highway safety in relation to additional traffic generation and congestion;**
- d) either be assessed as unlikely to contribute to increased flood risk or provide effective mitigation to any such risk;**
- e) not result in significant loss of Grade 1 or 2 agricultural land;**
- f) demonstrate a resultant net increase in full-time equivalent jobs or a need for additional space to enable business growth through submission of a business plan, and;**
- g) propose alternative use(s) not falling within Classes B1, B2 and/or B3 only where it can be clearly demonstrated that:**
  - i. the proposed use(s) would fulfil an assessed local need;**
  - ii. use of the site for employment use(s) falling within Use Classes B1, B2 and/or B8 is no longer viable, through a minimum, active twelve-month marketing exercise where the property or site has been offered for sale or letting on the open market for these uses at a realistic price and no reasonable offers have been forthcoming and/or refused.**

## **5.19 Policy E2: Homeworking**

**Developers will be encouraged to make provision, within dwellings, for homeworking including internal space, availability of power, telephone and internet sockets to allow for flexible working arrangements.**

**5.20** The policy is positively framed in encouraging provision for homeworking in new residential development and requires only modest adjustment to provide enhanced clarity. Accordingly, to make the policy more effective for development management purposes the following amended wording is suggested:

### **Policy E2 - Homeworking**

**Developers will be encouraged to make provision within new dwellings which actively facilitate homeworking and enable flexible working arrangements, such as internal workspace and availability of power, telephone and internet connections.**

## **5.21 Policy E3: Live-Work Units**

**Development proposals which enable or facilitate working and living in the same building or on the same site will be supported where:**

- i) they are well-related to the surrounding land and building uses;**
- ii) the uses do not cause unacceptable nuisance to neighbouring premises/properties;**
- iii) the proposal provides satisfactory living conditions for future occupants;**
- iv) they provide sufficient and secure off-street parking for cars, vans, HGVs, and bicycles;**

- v) they do not contribute to increased flood risk and use Sustainable Drainage Systems (SuDS) to mitigate this risk; and,*
- vi) there is no adverse impact on:*
  - a. the character of the built environment;*
  - b. the character of the natural environment and setting;*
  - c. residential amenity;*
  - d. traffic generation and congestion;*
  - e. noise; and,*
  - f. light pollution.*

*Proposals which seek the change of use of existing employment space to form accommodation must demonstrate that such changes do not result in an unacceptable loss of existing employment space to the detriment of the local economy. Proposals should retain existing ground floor employment space.*

*To ensure that the supply of live-work employment premises are retained for the benefit of the local economy, and to prevent the use of this policy to achieve wholly residential use through conversion of live-work units in the future, new additional development of live-work units permitted under this policy must remain as their proposed use in perpetuity to support the local economy unless it can be demonstrated, through a robust local economic assessment, that there is no demand or need for the live-work unit to remain as such for 3 years from the point of assessment.*

- 5.22** This positively worded policy aims to encourage live-work provision and the retention of such provision where it does not prejudice the viability of existing businesses. The policy only requires modest amendment and restructuring to increase its usability for development management purposes. Accordingly, the following alternative wording is suggested:

***Policy E3: Live-Work Units***

*Development proposals which enable or facilitate working and living in the same building or on the same site will be supported where they would:*

- a) be compatible with the surrounding land/building uses;*
- b) not cause unacceptable nuisance to neighbouring premises/properties;*
- c) provide high quality living conditions for future occupants;*
- d) provide sufficient, secure off-street parking for motor vehicles and cycles;*
- e) not contribute to increased flood risk and/or provide effective mitigation for such risk, and;*
- f) have no adverse impact on:*
  - i. the character of the built and natural environment and setting of the site;*
  - ii. living conditions of residential property;*
  - iii. highway safety and traffic generation;*
  - iv. noise; and,*
  - v. light pollution.*
- g) retain existing ground floor employment space where part of a building is converted to residential accommodation;*
- h) demonstrate that the introduction/creation of residential accommodation would not result in an unacceptable loss of existing employment space to the detriment of the local economy, and;*
- i) include measures to ensure new live-work units remain as such, unless it can be demonstrated, through a robust local economic assessment, that there is no demand or need for the live-work unit to be retained as such for at least 3 years from the point of assessment.*

**5.23 Policy E4: Maintaining the Retail & Business Offer**

*North Tawton Town Centre and the town's primary retail & business premises are defined on Map E4. Within the town centre's retail and business area, the primary retail premises will be protected from change of use and development proposals for change of use to non-retail and non-service uses will only be supported where they demonstrate that:*

- i) they have been marketed for existing use for a period of 12 months;*

- ii) there is no significant harm to the level of service locally and where there is no reasonable prospect of the business continuing;*
- iii) the proposal demonstrates that there is no demand for the existing or alternative uses suitable to the town centre retail area;*
- iv) options of conversion to alternative service uses have been considered and it has been demonstrated that such uses would not be viable and there is no market demand.*

**5.24** The policy is positively worded in support of local retail enterprises and the vitality of the town's retail core. The map needs reproducing at a larger scale to enable clear and unambiguous identification of the premises it refers to. In addition, there is no outline provided within the map to provide the requisite indication of extent and therefore limit of the 'town centre' so this reference in the text of the policy will be removed. In addition, the time period for marketing should be extended to correspond with Policy CO1. Minor changes to simplify the structure and phrasing are suggested, as follows, to increase effectiveness:

***Policy E4: Maintaining the Retail & Business Offer***

***Within North Tawton the town's primary retail & business premises shown on Map E4 development proposals for change of use to non-retail and non-service uses will only be supported where:***

- a) a viability appraisal demonstrates there is no reasonable prospect for continuation of the existing business;*
- b) marketing for sale and/or to let for existing or alternative retail/service use(s) for a minimum, continuous period of 18 months has been undertaken and clearly demonstrates lack of demand for such use(s), and;*
- c) there is no significant harm to the level/range of local retail/service provision.*

**Theme 4: Housing**

**5.25 Policy HO1: Site Allocation for Housing Development**

***Proposals will be supported for new housing on the following sites and shown on the site allocations map, provided the development meets the requirements set out in the policies of this plan and the JLP***

***Land South of Exeter St (SHLARR Reference: WD\_13\_13\_14) 1.1 hectare to accommodate up to 15 dwellings***

***Land at Yeo Lane (SHLARR Reference: WD\_13\_02\_08/13) 0.4 hectares, to accommodate up to 12 dwellings***

***Land South of Strawberry Fields (SHLARR Reference: WD\_13\_15\_16) 1.47 hectares. To accommodate up to 24 dwellings***

***Land East of Devonshire Gardens (SHLARR Reference: WD\_13\_05\_08/13) 0.6 hectares to accommodate 14 dwellings (including assisted living)***

***Woollen Mill (SHLARR Reference: WD\_13\_12\_13) 1.4 hectares to accommodate up to 42 dwellings***

***Land South of Exeter St WD\_13\_13\_14***

***This site is intended to provide up to 15 new dwellings with sufficient and adequate car parking for residents and visitors.***

***In addition to the requirements listed in the policy the proposal must also have regard to the following requirement:***

- To consider the potential impact of the high pressure gas main which runs along the Northern boundary in terms of site safety.***

***All development proposals must have regard to the following requirements:***

- To consider the implications for traffic congestion in their development proposal in accordance with Policy IN4 in this plan***
- To consider the provision for affordable housing in accordance with policy HO3 of this plan***
- To consider the provision of sufficient and adequate parking for residents and visitors in accordance with policy HO7 within this plan***
- To consider the provision of adequate private rear amenity space (gardens) for each dwelling in accordance with policy HO5 within this plan***

- *To consider a scheme design that will help to secure appropriate retention and enhancement of wildlife corridors or steppingstones*
- *To consider creating a SUDS scheme at the site to avoid additional surface water run-off impacting on other areas of the town.*
- *To consider the provision of energy requirements and sustainability in accordance with policy EE3 within this plan.*

*These developments will need to be implemented in accordance with Policy HO2 of this plan and the Town Design Statement, Appendix 5.3.1.1, as well as the general requirements set out in the JLP.*

#### **Land at Yeo Lane WD\_13\_02\_08/13**

*This site is intended to provide up to 12 new dwellings with sufficient and adequate car parking for residents and visitors.*

*In addition to the requirements listed in the policy the proposal must also have regard to the following requirements:*

- *To consider the impact of the proximity of the sewage works on this development*
- *To undertake a pre application archaeological assessment and evaluation of the site*

#### **Land South of Strawberry Fields WD\_13\_15\_16**

*This site is intended to provide up to 24 new dwellings with sufficient and adequate car parking for residents and visitors.*

*In addition to the requirements listed in the policy the proposal must also have regard to the following requirements:*

- *To consider a mix of dwelling types to reflect the needs and demographic of local households in accordance with policies HO2 and HO5 of this plan*
- *To consider the provision of safe off road cycle and footpath into town in accordance with policy E7 of this plan*
- *To consider the provision of a new access road junction*
- *To consider the provision of a bus stop within proximity of the site*
- *To fully consider and implement appropriate protective measures in relation to the Roman remains Scheduled Ancient Monument*
- *To fully consider and implement a landscaping scheme that provides appropriate protection of existing landscape features (including trees that are subject of Tree Preservation Orders) and screens the site from wider views.*

#### **Land East of Devonshire Gardens WD\_13\_05\_08/13**

*This site is intended to provide up to 11 new dwellings, assisted living accommodation, and allotments, with sufficient and adequate car parking for residents, visitors and allotment users.*

*In addition to the requirements listed in the policy the proposal must also have regard to the following requirements:*

- *To consider the needs for provision for the ageing population of North Tawton in accordance with policy HO5 of this plan*
- *To consider the provision of sufficient and adequate parking for residents, visitors and allotment users in accordance with policy HO7 of this plan to ensure there is no adverse impact on parking in Devonshire Gardens and North Street*
- *To consider fully the site's proximity to the Conservation Area and incorporate design measures accordingly.*
- *To consider the provision of allotments as local green space in accordance with policy CH1 of this plan*
- *In considering within the scheme design the need to secure appropriate retention and enhancement of wildlife corridors or steppingstones, including the watercourse, hedgerows and trees within the site.*

#### **The Woollen Mill WD\_13\_12\_13**

*This site is intended to provide 62 homes of an appropriate range, mix and type to meet local needs, over the final phase of this plan. In addition, this may include B1 office space. The site was subject of two applications, an outline application (Code No 1990/2011) and an application for Listed Building Consent Code 1992/2011) which were approved but have since expired.*

*Nevertheless, these provide a good guide to how development of the site should be approached.*

*In addition to the requirements listed in the policy the proposal must also have regard to the following requirements:*

- *To consider the design and setting of listed structures and other features of heritage interest*
- *To consider measures to reduce and mitigate flooding issues*
- *To consider measures for dealing with contaminated land*
- *To consider measures for mitigating the effect of noise from neighbouring users*
- *To consider the reuse of heritage materials on site as part of the overall design*

- *To consider the site's archaeological assets in both the design and the potential reuse of materials*
- *To consider the provision of local employment land and mixed use development in accordance with policies E1 and E2 of this plan.*

**5.26** The policy aim to support provision of new housing in sustainable locations is positive, as is the general structure of the policy. However, the policy is overly long, convoluted and hard to interpret. Text which is either descriptive or signposts other policies of the plan should not form part of the policy itself and should be moved to supporting text. Clearer enumeration is needed with enlargement and annotation of Map HO1. With the rewording suggested the policy's legibility & effectiveness as a development management tool would be greatly improved:

***Policy HO1: Site Allocation for Housing Development***

***Proposals will be supported for the specified volume of new housing on the following five sites as shown on the site allocations Map HO1:***

***Site 1: Land South of Exeter Street (SHLAAR Ref: WD\_13\_13\_14) 1.1 ha - up to 15 units***

***Site 2: Land at Yeo Lane (SHLAAR Reference: WD\_13\_02\_08/13) 0.4 ha - up to 12 units***

***Site 3: Land South of Strawberry Fields (SHLAAR Ref: WD\_13\_15\_16) 1.47 ha - up to 24 units***

***Site 4: Land East of Devonshire Gardens (SHLAAR Ref: WD\_13\_05\_08/13) 0.6 ha - up to 14 units***

***Site 5: Woollen Mill (SHLARR Reference: WD\_13\_12\_13) 1.4 ha - up to 42 units***

***Any proposals shall incorporate:***

- a) consideration of design guidance contained within the Town Design Statement;***
- b) assessment of and measures to address implications for highway safety and traffic congestion;***
- c) a mix of dwelling types and provision of affordable housing to reflect the needs and demographic of local households;***
- d) provision of sufficient parking for residents and visitors;***
- e) provision of adequate private, rear, amenity space;***
- f) retention and/or enhancement of wildlife corridors or steppingstones including any watercourse, hedgerow and trees;***
- g) prevention of additional surface water run-off impacting adversely on other areas of the town, and;***
- h) provision of renewable energy and other sustainability measures;***

***and the following further specific requirements shall apply individually to the five allocated sites:***

***Site 1: Land South of Exeter Street***

- i) the potential safety impact upon any development of the high pressure gas main which runs along the northern boundary.***

***Site 2: Land at Yeo Lane***

- j) an impact assessment addressing the proximity of the sewage works on living conditions and a pre-application archaeological assessment and evaluation.***

***Site 3: Land South of Strawberry Fields***

- k) provision of safe off road cycle and footpath into town in accordance with policy IN5 of this plan;***
- l) provision of a new site access road junction;***
- m) provision of a bus stop in close proximity to the new site access road junction;***
- n) appropriate protective measures in relation to the Roman Scheduled Ancient Monument, and;***
- o) a landscaping scheme that provides appropriate protection of existing landscape features (including trees subject to Tree Preservation Orders) and effectively mitigates wider views from within the surrounding landscape.***

***Site 4: Land East of Devonshire Gardens***

- p) assisted living provision for the ageing population;***
- q) allotment provision as new local green space and associated parking facilities, and;***
- r) scheme design which addresses the site's proximity to the Conservation Area;***

***Site 5: The Woollen Mill***

- s) consideration of the design and setting of listed structures and other features of heritage***

- interest;*
- t) measures to reduce and/or mitigate issues of flooding risk;*
  - u) effective remediation of contaminated land;*
  - v) effective noise mitigation for future residents against the effect of noise from neighbouring uses;*
  - x) reuse of heritage materials on site as part of the overall design;*
  - y) consideration of the site's archaeological assets in both the design and potential reuse of materials, and;*
  - z) provision of Use Class B1 employment land and mixed use development.*

## **5.27 Policy HO2: New Dwellings**

*Developers are encouraged to:*

- i) utilise small plot sizes of approximately 0.5 hectares;*
- ii) develop sites in keeping with traditional character & sizes of plots associated with North Tawton;*
- iii) consider the use of previously developed land (brownfield) sites before greenfield sites;*
- iv) utilise rainwater harvesting and/or grey water recycling within dwellings to reduce water disposal from sites;*
- v) provide communal green space and play areas within new developments.*

*Proposals for development on sites of 12 or more new dwellings will be supported where they:*

- vi) provide, on average, a density of 30 dwellings per hectare;*
- vii) provide a mix of dwelling types and sizes commensurate with the demographic of local households in North Tawton, with the majority being 2 and 3 bedroom dwellings;*
- viii) provide adequate off road car parking facilities through provision of a garage and/or driveway which should be held in perpetuity only for parking provision (see also Policy HO6);*
- ix) provide safe, convenient and pleasant cycle and pedestrian routes to the town centre and to principal facilities, including schools; safe and convenient crossing of roads, where the location of the proposal suggests a need for such routes;*
- x) do not contribute to increased flood risk and use Sustainable Drainage Systems (SuDS) to mitigate this risk. Where SuDS are put in place, developers should consider positive solutions for landscape incorporation and biodiversity improvements as part of the schemes;*
- xi) do not cause the significant loss of best and most versatile agricultural land (BMV) graded 1 or 2;*
- xii) developers should include positive solutions for landscape incorporation and biodiversity of wildlife as part of the schemes.*

**5.28** The policy encourages high quality housing developments which address their anticipated impacts and requires slight rewording to simplify the structure and aid legibility. There is at least one spelling error ('agricultural') and the reference to specific technological solutions ('SuDS') is best moved to supporting text as other options may be applicable dependent on individual circumstances. The following suggested changes to the policy will ensure it is more effective and robust for development management purposes:

### ***Policy HO2: New Dwellings***

*Developers are encouraged to:*

- a) utilise small plot sizes of approximately 0.5 hectares;*
- b) develop sites in keeping with the traditional character and plot sizes typical of North Tawton;*
- c) consider the use of previously developed land (brownfield) sites before greenfield sites;*
- d) utilise rainwater harvesting and/or grey water recycling within dwellings to reduce water disposal from sites;*
- e) provide communal green space and play areas within new developments;*

*and proposals for development on sites of 12 or more new dwellings will be supported where they:*

- f) provide an average density of 30 dwellings per hectare;*
- g) provide a mix of dwelling types and sizes commensurate with the demographic of local households in North Tawton, with the majority being 2 and 3 bedroom dwellings;*
- h) provide adequate off road car parking facilities through provision of a garage and/or driveway;*
- i) provide any essential, safe, convenient and attractive cycle and pedestrian routes required to*

*the town centre and/or principal facilities (including schools) incorporating safe and convenient road crossings;*

- j) do not contribute to increased flood risk and/or provide effective mitigation;*
- k) do not cause the significant loss of Grade 1 and/or 2 agricultural land;*
- l) are supported by positive solutions incorporating landscape and biodiversity enhancement.*

## **5.29 Policy HO3: Affordable Housing**

*Proposals for housing development will be required to satisfy requirements for affordable housing set out in the Plymouth & South West Devon Joint Local Plan, and should demonstrate how they address local housing needs identified in the most up-to-date housing needs survey.*

*In addition, all proposals for affordable housing should:*

- i) demonstrate how they meet relevant requirements set out in the North Tawton Design Statement;*
- ii) demonstrate how they meet local assessed needs for particular dwelling sizes (based on bedroom numbers) and types (for example, bungalows, detached, semi-detached, terraced, maisonettes, apartments/flats), and;*
- iii) consider the inclusion of accommodation to meet the needs of the elderly population.*

**5.30** The policy seeks to support development plan policies on affordable housing provision. Reference to policies and requirements of another plan should not be included in Neighbourhood Plan policies. Such references may be moved to supporting text if desired. Repetition can be removed and structure simplified with the following suggested changes to provide a more effective policy for development management purposes:

### ***Policy HO3: Affordable Housing***

*Proposals for housing development will be required to provide an appropriate level of affordable housing and:*

- a) demonstrate how they meet local housing needs identified in the most up-to-date housing needs survey, particularly in relation to dwelling sizes (based on bedroom numbers) and types (for example, bungalows, detached, semi-detached, terraced, maisonettes, apartments/flats), and;*
- b) demonstrate how they meet relevant requirements set out in the North Tawton Design Statement, and;*
- c) consider the inclusion of accommodation to meet the needs of the elderly population.*

## **5.31 Policy HO4: Private Rear Amenity Space (Gardens)**

*New residential development proposals should demonstrate, through a design and access statement or planning statement, that adequate well-located private amenity space is provided of an appropriate size and type for reasons of good quality design, amenity of residents, accessibility, privacy, enabling adequate light (sunshine) and the provision of healthy living environments. This should normally be provided as rear garden space.*

*New dwellings should have a minimum of 60m<sup>2</sup> of useable private garden (amenity) space, where feasible.*

*Amenity spaces should be well-designed and fit for purpose and wherever possible:*

- i) be practically shaped, having a useable area and be accessible and well planned in relation to the dwelling's living spaces;*
- ii) provide a private 'sitting out area' be secure; and,*
- iii) receive direct sunlight for part of the space for at least part of the day.*

**5.32** This policy is positively aimed at ensuring high quality living conditions for new homes. No account has been taken of the fact that 'dwellings' would include 'flats' as well as 'dwellinghouses' and so clarification that the 60m<sup>2</sup> area applies solely to dwellinghouses

rather than those that might have either no such space or shared communal space is essential. A slight re-wording would enhance the effectiveness of the policy and so the

following alternative is proposed:

**Policy HO4 – Private Rear Amenity Space (Gardens)**

*New residential development should demonstrate, through a design and access or planning statement reference to submitted drawn proposals, that adequate well-located private amenity space will be provided of proportionate scale to the accommodation within each dwelling unit. This should normally be provided as well-designed, rear, private garden space which is fit for purpose (with a minimum area of 60m<sup>2</sup> of useable private amenity space for dwellings) and be:*

- a) practically shaped, having a fully useable area receiving direct sunlight for a majority of the space for a majority of the day, providing a private 'sitting out area';*
- b) readily accessible and well planned in relation to the dwelling's living spaces, and;*
- c) secure.*

**5.33 Policy HO5: Residential, Supported Care and Sheltered Homes**

*To help ensure provision for the ageing population within the Parish of North Tawton, proposals for development of residential care, assisted living and sheltered accommodation for the elderly will be supported. Such proposals should offer a mixture of tenure opportunities and take account of factors such as local levels of need, affordability, accessibility and suitability of sites.*

**5.34** The policy aim is positive in seeking balance in local provision of accommodation for older section of community. 'Suitability' should be removed as it is not defined by specific criteria (such as those which precede it and are included in earlier housing development policies which would also be applicable to such development proposals). The policy requires only minor adjustment its structure to improve its strength as a development management tool and. The following amended wording is suggested:

**Policy HO5: Residential Care, Supported Living and Sheltered Homes**

*To help ensure provision for an ageing population, proposals for development of residential care, assisted living and sheltered accommodation for the elderly will be supported. Such proposals should offer a mixture of tenure opportunities and take account of factors such as local levels of need, affordability, accessibility of sites.*

**5.35 Policy HO6: Parking in Residential Development**

*New residential development should provide off-road parking provision commensurate with number of bedrooms for residents and visitors with roads being of sufficient width and an appropriate layout to ensure easy two-way vehicular access, without compromising the safety of pedestrians or cyclists.*

*Proposals for development will be supported where they demonstrate, through a comprehensive and well-designed Transport Impact Assessment or Planning Statement, how they comply with standards set out by the Highways Authority in its most up-to-date standing advice, including the provision of 'Plug in' facilities for charging electric cars.*

*Proposals are encouraged to exceed this standard where viable:*

- i) to help ensure that existing parking problems in North Tawton are not exacerbated;*
- ii) to provide the opportunity to maintain good and safe accessibility on local roads;*
- iii) to take realistic account of vehicle ownership (and use of commercial/business vehicles) per household in the town; and,*
- iv) to ensure that that the layout of any planned development provides easy access for residents and their visitors, for service vehicles (for example refuse vehicles) and for emergency service vehicles.*

**5.36** The policy seeks to secure adequate parking provision within new residential

developments to protect highway safety and minimise potential impact on traffic congestion in the town. The policy requires only minor adjustment its structure to improve its strength as a development management tool. The following amended wording is suggested:

***Policy HO6: Parking in Residential Development***

***Residential development shall provide off-road parking provision for residents and visitors commensurate with the number of bedrooms in each dwelling, with roads being of sufficient width and an appropriate layout to ensure easy two-way vehicular access if on street parking is permitted, without compromising access for emergency and waste vehicles and the safety of pedestrians or cyclists.***

***Proposals for development will be supported where they clearly demonstrate (in both submitted drawn proposals and supporting statements) how they comply with standards set out in current Local Highway Authority standing advice and include charging provision for electric cars.***

***Proposals will be supported which exceed such standards where this would take realistic account of vehicle ownership levels (including the use of commercial/business vehicle parking at home) and is viable to:***

- a) help ensure existing parking problems are not exacerbated;***
- b) provide the opportunity to maintain good and safe accessibility on local roads, and;***
- c) ensure development layouts provide easy access for residents, visitors, service and emergency vehicles.***

**5.37 Policy HO7: Small Scale Self-Build Housing**

***To help achieve localised organic housing growth which supports our rural community and help meet the Government's objective of encouraging custom and self-build, proposals for innovative self-build dwellings will be supported. Any such development must comply with the Self-Build & Custom Housebuilding Act and the North Tawton Design Statement.***

**5.38** The policy is positive in seeking to support the government aim of encouraging custom and self-build. The reasoning for the policy and the reference to compliance with other legislation does not belong in the policy and may be moved to supporting text if desired. Other than these deletions, the policy requires only minor adjustment its structure to improve its strength as a development management tool and. The following amended wording is suggested:

***Policy HO7: Small Scale Self-Build Housing***

***Proposals for self-build dwellings will be supported where their design accords with the guidance provided in the North Tawton Design Statement.***

**5.39 Policy IN1: Development and Health Provision**

***Development proposals for a fit for purpose Health Care Facility within the town will be supported.***

**5.40** The policy is aimed at supporting the provision of a replacement medical facility in an uncertain financial climate. There is no specific definition or caveat within the policy which provides any qualification for the phrase 'fit for purpose' and so the term is inappropriate for inclusion. With slight rewording it can also encompass contributions from other developments towards such provision.

***IN1: Development & Health Provision***

***Development proposals will be supported which provide or contribute positively to the provision of a***

**Health Care Facility within the town.**

**5.41 Policy IN2 - Development and the Implications for Education**

**Development proposals should demonstrate that they have considered implications arising from the proposal (if any) for education provision and capacity in North Tawton (including Pre-school and Primary provision) and any wider catchment implications in relation to Secondary Education. Where an educational need is demonstrated, section 106 planning obligations (where relevant) and/or Community Infrastructure Levy (CIL) (when in place in West Devon Borough) should be prioritised to support any necessary improvement in education facilities in North Tawton and where appropriate a contribution to secondary school facilities and transport costs.**

- 5.42** The policy is positive in terms of its aim to ensure new development makes the appropriate contribution towards increased demand for provision of increased educational facilities and transport costs. However, as with the point made on an earlier draft policy it is not appropriate for perfectly justifiable objectives to be included within the policy itself as they do not relate to the control of land use and development. Such reference is already included in supporting text. The following amended wording is suggested:

**Policy IN2 – Development and the Implications for Education**

**Development proposals shall demonstrate how they have considered and would fully address any resultant assessed demand for increased education provision and capacity within North Tawton (including pre-school and primary provision) and any wider catchment implications beyond the Parish boundary in relation to secondary school facilities and transport costs.**

**5.43 Policy IN3 - Development and the Implications for Car Parking Provision**

**Development proposals should demonstrate that they have considered implications of the demand for car parking provision in North Tawton.**

**Development proposals that would result in the loss of off street parking will only be supported where:**

**i) In relation to existing public car parks an equivalent or increased capacity is provided elsewhere in the town:**

**ii) In relation to private car parks or similar off street parking areas an equivalent or increased capacity is provided elsewhere, or the need for the private parking capacity can be shown to be reduced as a result of the implementation of the development proposal, or the parking can be shown to be not needed.**

**Section 106 planning obligations should be prioritised to support the development of additional public car park provision. All new developments must adequately address the car parking needs of residents and visitors. This includes the provision of a 'Plug in' facility for charging electric cars.**

- 5.44** The policy is positive in terms of its aim to ensure new development makes the appropriate contribution towards increased demand for provision of increased educational facilities and transport costs. There is a spelling error in 'exsisting' which is easily remedied and the reference to 'cars' excludes provision for other motorised and non-motorised vehicles requiring parking. However, as with the point made on an earlier draft policy included in the plan, it is not appropriate for perfectly justifiable objectives to be included within the policy itself as they do not relate to the control of land use and development. Such references may be moved to supporting text if desired. The following amended wording is suggested:

**Policy IN3 - Development and Implications for Parking Provision**

**Development proposals should:**

- a) demonstrate that they have considered implications of the current demand for parking provision;**
- b) adequately address the resulting car parking needs of residents and visitors**

**c) provide charging facilities for electric vehicles.**

*Where loss of off street parking would result, proposals will only be supported where replacement provision would result in equivalent or increased capacity of public, private or off street parking, unless the either reduced or no need for such capacity can be demonstrated a result of the development proposed.*

#### **5.45 Policy IN4 - Development and the Implications for Traffic Congestion**

*Proposals that accord with policies in the Plan and result in improvements to the free flow of traffic in the town will be supported. Proposals requiring planning permission, and which seek to increase the number of access points or which would involve an increase in traffic generation, will need to demonstrate that they do not further inhibit the free flow of traffic or exacerbate conditions of parking stress, including conflict with larger vehicles.*

**5.46** The policy intent is positively framed to support development which does not exacerbate traffic congestion in the town. It's reference to other policies of the Plan is irrelevant as is the mention of the requirement for planning permission, as each policy stands on its own merits for consideration against the relevant anticipated impacts of development proposals and such policies only relate to developments which require planning permission.

***Policy IN4 - Development and the Implications for Traffic Congestion***

*Proposals which would improve free flow of traffic in the town will be supported. Proposals which would increase the number of access points or which would involve an increase in traffic generation will need to demonstrate that they do not further inhibit the free flow of traffic (including the movement of larger service and/or emergency vehicles) or exacerbate conditions of parking stress.*

#### **5.47 Policy IN5 - Safe Walking and Cycling Routes**

*Development proposals which create or facilitate the creation of safe off-road cycle and footpaths within the Parish will be supported where:*

- i) there is no adverse impact on the immediate landscape setting;*
- ii) there is no adverse impact on amenity of nearby properties;*
- iii) the route is well-lit but there is no unacceptable impact from lighting the route;*
- iv) wherever feasible ensure they link to the existing network of public footpaths including the Tarka Trail and Public Rights of Way.*

**5.48** This policy intent and wording is positive requires no changes.

### **Theme 6: Energy and Development**

#### **5.49 Policy EE1: Individual and Community Energy Schemes**

*Proposals for individual and community energy schemes generating from hydro-electricity, solar photovoltaic panels, solar thermal, heat pumps, local biomass facilities (to supply heat for local housing, businesses and community facilities), anaerobic digestion and wood fuel products will be supported where they demonstrate, through a Planning Statement that:*

- i) the siting and scale of the proposed development is appropriate to its setting and position in the wider landscape and takes into account the cumulative impact of any new installation on the landscape;*
- ii) the proposed development does not create an adverse impact on the local amenity of residents or it can demonstrate that any such impact can be satisfactorily mitigated;*
- iii) the proposed development does not have an adverse impact on land of natural, historical, archaeological or biodiversity importance or any such impact can be satisfactorily mitigated;*
- iv) the proposed site uses grade 3b, 4 or 5 quality agricultural land in preference to grade 1, 2 or 3a quality agricultural land;*
- v) that fuel for any said system is from sustainable sources.*

**5.50** The policy has positive intent and phrasing. The reference to 'Planning Statement' is too constrained and should be extended to cover other forms of reports or statements and the submitted proposal drawings. Enumeration change to accord with the model followed with preceding suggested policy wording changes is required. Accordingly, the following amended, simplified wording, removing repetition is recommended:

***Policy EE1: Individual and Community Energy Schemes***

***Proposals for individual and community energy schemes generating from hydro-electricity, solar photovoltaic panels, solar thermal, heat pumps, local biomass facilities (to supply heat for local housing, businesses and community facilities), anaerobic digestion and wood fuel products will be supported where they clearly demonstrate, through submitted written statements and proposal drawings that the:***

- a) siting and scale is appropriate to the setting and position within the wider landscape, taking into account the cumulative impact upon the landscape;***
- b) impact on living standards of local residents would not be harmful or can be satisfactorily mitigated;***
- c) impact on land of natural, historical, archaeological or biodiversity importance would not be harmful or can be satisfactorily mitigated;***
- d) the proposed site uses Grade 3b, 4 and/or 5 quality agricultural land in preference to that which is Grade 1, 2 or 3a;***
- e) that fuel for any said system is from sustainable sources.***

**5.51 Policy EE2 - Commercial Energy Installations**

***Proposals for the development of commercial renewable energy generating installations will be supported where they are in accordance with EE2 & contribute to the community in at least one of the following ways:***

- i) Contribution to a community benefit fund to be administered by the Town Council and used for real community benefit. This should be for a set amount per MW installed (at a minimum of £3,000 per MW for all technologies other than wind) per year for a twenty-year payment period;***
- ii) The developer will (or provide funding to an independent agency/organisation that will) provide a fuel poverty mitigation scheme in North Tawton; providing practical energy efficiency measures, tariff switching services, fuel debt counselling and alleviation;***
- iii) Install small scale renewable energy technologies for local community buildings, groups or sectors of the community subject to fuel poverty;***
- iv) Allow a reduced electricity tariff rate for local residents in North Tawton.***

***Community energy benefits are to remain as such in perpetuity, regardless of the sale and purchase of the asset to another organisation, and must form part of any condition of sale. Once the development reaches the end of its operational life it must be removed and the site remediated to its previous use.***

**5.52** The policy intent to encourage and capitalise on renewable energy developments is positive. Descriptive elements, reference to other policies and requests for financial contributions are not appropriate for inclusion in development management policies and may be moved to objectives and supporting text if desired. The following amended wording and enumeration is proposed:

***Policy EE2 – Commercial Energy Installations***

***Proposals for commercial renewable energy generating installations will be supported where they contribute positively to the community in at least one of the following ways and are moved with the site fully remediated at the end of their operational life:***

- a) support for a local community benefit fund and fuel poverty mitigation scheme;***

- b) secure installation of small scale renewable energy systems in resident/community/group buildings;*
- c) enable a reduced electricity tariff rate for local residents/community/group buildings, and;*
- d) community energy benefits remain in place, regardless of the sale/purchase of any installation.*

### **5.53 Policy EE 3 – Sustainability and Housing**

*New housing built in North Tawton, within the period up to and including 2034, and beyond that of the JLP sustainable housing allocation, will only be supported if they are constructed to low/zero carbon housing (including Passivhaus standards).*

- 5.54** This policy is positively framed to encourage energy efficient development but references to location, the plan period and the JLP and specific standards are not appropriate for inclusion. They may be moved to supporting text if desired. The following, much simplified wording is suggested:

***Policy EE3 – Sustainability and Housing***

***New housing will be supported if they are constructed to low/zero carbon housing standards.***

## **6.0 SUMMARY**

- 6.1** In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out the summary of my findings below and confirm I am satisfied that:

a) North Tawton Town Council is the qualifying body and accordingly entitled to submit a Neighbourhood Development Plan for the designated plan area and that this area is one which is appropriate for designation as a Neighbourhood Area. Formal designation was confirmed by West Devon Borough Council in February 2013.

b) The policies proposed within the North Tawton Neighbourhood Plan relate to development and use of land within the designated Neighbourhood Area.

c) The plan period of the North Tawton Neighbourhood Plan is 2016 to 2034 and it does not contain policies relating to "excluded development" as defined s61K of the Town & Country Planning Act 1990 (as amended).

d) The North Tawton Neighbourhood Plan 2016 – 2034 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.

e) The Plan has been prepared in the light of and examined against current national and adopted local planning policy.

f) The Plan has been subject to an Assessment in compliance with EU Directive 2001/42 on Strategic Environmental Assessment to inform the consideration of the Submission Version of the plan. The policies within the Submission Version of the North Tawton Neighbourhood Plan appraised well against the sustainability framework. This gives confidence that the Plan, if made, should make a positive contribution to sustainable development within the Plan area.

### **Habitat Regulations Assessment**

6.2 A Habitats Regulations Assessment Screening Report has been undertaken by West Devon Council officers to determine whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the district. The lack of any evident protected sites likely to be affected by the housing site allocation proposals contained within the Plan means it appears evident no further screening or further assessment was required. I agree therefore that the Neighbourhood Plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007, either alone or in combination with other plans or projects.

### **Public Consultation**

6.3 As to public consultation, the process and management of the community consultation appears thorough and I am confident that the Consultation Statement outlining the terms of reference and actions of the Town Council, the supporting evidence from the workshops, consultation correspondence and feedback leading to the formulation of draft policies, subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2), Part 5 of the Neighbourhood Planning (General) Regulations 2012.

### **Compatibility with Human Rights Requirements**

6.4 The Basic Conditions Statement provides confirmation in the North Tawton Neighbourhood Plan SEA and HRA Screening Assessment that the Plan must be compatible with Human Rights legislation but does not contain any statement which explains how it has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. If a statement to this effect is included then I am satisfied the Plan would otherwise be compatible with EU obligations and will contribute to achieving sustainable development within the North Tawton Neighbourhood Plan area.

### **Textual, Policy & Map/Figure Revisions**

6.5 I am satisfied that subject to the recommended policy revisions being accepted, that the draft North Tawton Neighbourhood Plan 2016-2034, has given adequate regard to the policies in the National Planning Policy Framework (NPPF) and other relevant national planning guidance and would be in conformity with the strategic policies of the current Development Plan for the area. If these recommended changes are accepted (and the necessary associated modifications are made to the supporting text by the Parish Council to ensure consistency and legibility within the document) I believe that the North Tawton Neighbourhood Plan 2016-2034 will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area.

## 7.0 RECOMMENDATIONS

### *Modifications to meet the basic conditions*

7.1 For the reasons set out above and subject to the modifications indicated in the preceding sections of this examination report being accepted and incorporated into a revised version of the Plan which includes a clear statement and analysis of its compliance with Human Rights legislation, I consider that the Plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

7.2 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the North Tawton Neighbourhood Plan 2016-2034 and that the Submission Version of the Plan as modified may be submitted to a referendum.

### *Referendum Area*

7.3 It is the Independent Examiner's role to consider the referendum area appropriate should event that the Town Council wishes to proceed to the referendum stage.

7.4 In the event that the Town Council wishes to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the full extent of the originally designated Plan Area, as confirmed in February 2013 and as identified edged red on Map 1 of the North Tawton Neighbourhood Plan 2016-2034.

## 8.0 CONCLUSIONS

8.1 I conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

8.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Development Plan and if accepted, the North Tawton Neighbourhood Plan 2016 – 2034 is submitted to a referendum.

**Martin S. Lee**  
**MA MRTPI AMInstLM MTCPA NPIERS NSI**  
**11<sup>th</sup> December 2019**