

25 November 2021

COMBINED WDBC AND MACK PLAN RESPONSE TO THE INITIAL COMMENTS OF THE INDEPENDENT EXAMINER DATED 9 NOV 2021

1. Thank you for your initial comments in connection with your Regulation 17 examination of the MACK Plan.

2. This is a combined response from both WDBC and the MACK Plan Committee. It is formatted so that the paragraph numbers match those in your letter in order to facilitate its use. Responses from WDBC are in ***bold red italics*** and those from the MACK Plan Committee are in ***bold black italics***.

Responses to Regulation 16 Comments

3-4. You offered us the opportunity to respond to the twelve Regulation 16 representations. Our responses are below and, for completeness, also include our response to WDBC's comments:

- ***Coal Authority: Nil response required***
- ***D Jardine: Nil response required***
- ***K Jardine: Nil response required***
- ***Highways England: Nil response required***
- ***Historic England: Nil response required***
- ***Hardicott Estate:***

The suggestion that the development of Site E was only feasible in combination with Site B is incorrect and the reverse applies as the aim was, by having a single combined development, that the maximum enforceable number of affordable homes would be achieved as would be the case with Site E alone but not Site B alone.

Regulation 14 feedback from local residents revealed evident concern at the loss of the allotments, the detrimental impact on the Lutyens cottages that border the allotments and the heritage value of the allotments themselves.

Historic England raised concerns that the protection of heritage assets had not been sufficiently addressed in the Regulation 14 MACK Plan. In response WDBC Conservation and Archaeological expert advice was sought and further Strategic Environmental Assessment work was commissioned. This resulted in recognition that whilst Milton Abbot Site E could, through sympathetic design and the use of local materials, be acceptable for development in heritage terms, the Allotments (an original Lutyens design feature) were not supported on grounds of the detrimental impact that their development would have on the Lutyens cottages to the East and the abutting Milton Abbot Conservation area.

Given the strong arguments in opposition to the development of the Allotments and the fact that the adjacent Site E was acceptable in heritage terms, strongly supported by the local residents and able to deliver the full 20 homes, the decision was made to withdraw the Regulation 14 recommendation that the Allotments be taken forward for development. The decision to recommend the development of Milton Abbot Site E alone was made because it can deliver the maximum enforceable number of affordable homes, has strong resident support, can be made acceptable in heritage terms and, through the incorporation of a village gateway feature, can contribute to slowing the traffic entering the village.

- **A Clarkson:**

Affordable Homes. The justification for affordable homes is based on the considerable evidence derived from the Housing Needs Survey, the Housing Needs Analysis, Devon Home Choice data and the 2017 Residents' Survey. The independent studies listed above are concerned with the demand for affordable homes within the MACK Plan area alone. Affordable homes being built in Tavistock are to serve the similarly identified needs of Tavistock. The figure of 6 is the maximum deliverable. The figure of 4 that is 'selectively' quoted in this representation is the lowest of assessments. The average was higher than 6.

Selection of Site E. The location of new development is often a source of considerable debate in communities. There are local examples of deep divisions in villages over development plans. The MACK Plan committee have done all that we possibly could to avoid this happening in the MACK Plan area. We issued a call for sites, we then had each of these sites independently assessed to determine which ones were suitable for development. This way we were able to avoid the completely unnecessary distress to residents that would have been caused by the threat of the development of sites that in reality had no possibility of being developed for a host of reasons. This process left 3 potential sites, only one of which was assessed as wholly suitable. These 3 sites were then put to the residents at Reg 14 along with the reasons why the other 7 sites were not considered suitable. There has been no lack of consultation as evidenced in the Consultation Statement.

The colloquial use of the term Brownfield in the MACK Plan was to discriminate between the entirely undeveloped state of the 9 other potential sites and the fact that Milton Abbot Site E is 70% hard standing and farm buildings. Formally the term Brownfield does not apply to land that is or was last occupied by agricultural or forestry buildings. We will therefore not use this term again in connection with this site. It does not however, have a material influence of the recommendation of this site, nor the broad resident support for its selection as the site on which to build the housing allocation that we are required to deliver by the JLP.

Concerns raised by Historic England at Reg 14 have been demonstrably satisfied as evidenced by their Reg 16 response.

Mr Clarkson questions the validity of the Reg 14 response. Given that this and his wife's representations at Regulation 16 are the only resident responses in opposition to the Reg 15 MACK Plan, the evidence suggests that this is an isolated opinion.

S106 funding is an iterative process of negotiation with the developer and is proportional to the scale of the development. It is too early to assess what is possible at this early stage and we have tried, within the limits of our experience and the available information, to provide the best information that we can to the community throughout.

Settlement boundary. The starting point for the proposed Milton Abbott settlement boundary was that defined in the Plymouth & South West Devon Joint Local Plan (JLP) "Thriving Towns and Villages Settlement Boundary Topic Paper". This Topic Paper sought to establish the physical extent of each settlement and to include land within the settlement boundary which is a functional part of the settlement, rather than being open countryside. However, formal settlement boundaries were not included in the adopted version of the JLP rather it put forward that settlement boundaries should be established by local communities through Neighbourhood Plans.

The settlement boundary is a line drawn around the village that demarcates the built form from the surrounding countryside. Its purpose is to define where planning policies apply in order to prevent encroachment on surrounding countryside. Inside the settlement boundary any development proposal must meet normal planning legislation as well as the requirements of the MACK Plan Chapter 2 and attendant Design Statement (Appendix 4-2). Outside the settlement boundary development will only be supported where it can be delivered sustainably and will meet a proven local housing need.

The MACK Plan Team considered that the boundary included in the Topic Paper was not wholly appropriate as it bisected a number of existing properties and did not include the land being offered for development. The process of defining the settlement boundary is set out in the Section 9-11 and Policy 9-5 of the MACK Plan, which has been accepted by our local community and submitted with the Regulation 15 Version of the Plan.

The decision not to assess Chillaton as a 'sustainable' village with the implications on future development that goes with such a decision was made during the process of creating the Joint Local Plan (JLP) and is well beyond the scope and influence of the neighbourhood plan.

- **J Clarkson:**

The justification for affordable homes is based on the considerable evidence derived from the Housing Needs Survey, the Housing Needs Analysis, Devon Home Choice data and the 2017 Residents Survey. The independent studies listed above are concerned with the demand for affordable homes within the MACK Plan area alone. Affordable homes being built in Tavistock are to serve the similarly identified needs of Tavistock.

The colloquial use of the term Brownfield in the MACK Plan was to discriminate between the entirely undeveloped state of the 9 other potential sites and the fact that Milton Abbot Site E is 70% hard standing and farm buildings. Formally the term Brownfield does not apply to land that is or was last occupied by agricultural or forestry buildings. We will therefore not use this term again in connection with this site. It does not however, have a material influence of the recommendation of this site, nor the broad resident support for its selection as the site on which to build the housing allocation that we are required to deliver by the JLP.

Concerns raised by Historic England at Reg 14 have been demonstrably satisfied as evidenced by their Reg 16 response.

- **M Hooper:**

Open Countryside vs Sustainable Villages. The decision not to assess Chillaton as a 'sustainable' village was made during the process of creating the Joint Local Plan (JLP) and is well beyond the scope and influence of the neighbourhood plan.

Affordable Housing and MACK Plan Recommendations. The provision of affordable housing (it is assumed that this is what is referred to by the phrase Local Needs Dwellings) has been a key need identified numerous times during the lengthy process of developing the MACK Plan. The greatest number of enforceable affordable houses can only be delivered as a single development. The suggestion that the provision of affordable homes should be negotiated at a later stage (in contrast to the certainty that exists today with a single development of 20 homes) places the provision of this vital community priority at an unnecessary risk given that a strongly supported (86% of Reg 14 respondents) site has been identified in the village that the JLP stipulates for this housing. The Milton Abbot site simply represents a lower risk/higher reward option for the community.

No site has been dismissed. An independent assessment was commissioned in order to identify those sites that had realistic potential for development. In this democratic process the MACK Plan committee then recommended to the residents the development site/s that best fitted the priorities that have been given to us by the residents and identified through commissioned independent assessments. The choices are ultimately made by the

residents in their responses to the Reg 14 and Reg 16 consultations and ultimately the referendum. The responses received at Reg 16 do not indicate that a change of direction is sought by the residents.

The key point is that the recommended Milton Abbot site is the best solution with the least risk and greatest community return.

- **S Gill:**

An independent assessment was commissioned in order to identify those sites that had realistic potential for development. All sites were independently assessed against identical criteria. This assessment concluded that this site was not suitable for development and, equally significantly, that there was 1 wholly suitable site and 2 partially suitable sites which comfortably had the capacity to contain the JLP allocation for Milton Abbot. In this democratic process the MACK Plan committee then recommended to the residents the development site/s that best fitted the priorities that have been given to them by the residents and identified through commissioned independent assessments. The choices are made by the residents in their responses to the Reg 14 and Reg 16 consultations and ultimately the referendum. The responses received do not indicate any appetite at all to develop this site amongst residents.

The key point is that given the choice of developing a site that has been:

- **independently assessed as unsuitable for development,**
- **delivers no enforceable affordable housing,**
- **in planning terms is in open countryside**
- **and has no resident support,**

against a site:

- **independently assessed as suitable for development,**
- **which delivers the maximum enforceable number of affordable homes,**
- **is in the village identified in the JLP for this development,**
- **and has conspicuous resident support**

It is difficult to identify any sensible argument for recommending the development of this site to the MACK Plan residents.

- **Devon County Council:**

We agree to and will make all recommended DCC amendments to the MACK Plan.

- **Natural England:**

Natural England have been consulted by WDBC and have had a copy of Annex A to this document regarding their concerns with respect to

settlement boundaries, as well as instructions as to where to access the HRA.

- **WDBC:**

Our response to the WDBC Regulation 16 representation is at Annex C.

Changes to the NPPF

5 - 7. You identified that the NPPF had been revised on 20 Jul 2021 after the publication of the MACK Plan Basic Conditions Statement and requested that we comment on whether the changes to the framework should have a material impact on your conclusions.

Set out below in blue is a summary of the substantive changes to the NPPF introduced in 2021 prepared by Mayer Brown Consultancy. Comments in terms of material impact on the Examiner's consideration of the NP are annotated in red. The conclusion drawn from the commentary annotated below is that the MACK NP complies with NPPF 2021 as such those changes should have no material impact on the Examiner's comments on the NP.

Chapter 2: Achieving Sustainable Development

Chapter 2 now acknowledges that members of the UN have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. Minor edits have been made to phrasing, setting out clearly that the environmental objective is now to protect and enhance, and to improve biodiversity, where before the requirement was simply to contribute to these matters.

Policy 4-1 seeks to protect and enhance biodiversity.

Chapter 3 – Plan Making

The main edits to this chapter focus on the design quality of *places*, rather than just the individual development. Additionally, a new insertion to paragraph 22 sets out that “*Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery*”.

Policy 9-1 seeks to encourage quality design in keeping with the MACK plan area.

Chapter 4 – Decision Making

The conditions in which the use of Article 4 directions to remove national permitted development rights are now more clearly set out. For non-residential uses, this should be limited to where Article 4 is necessary to avoid wholly adverse impacts. In other cases, it should be limited to where Article 4 direction is necessary to protect local amenity or well-being of the area. In all cases, robust evidence is needed.

Not Applicable.

Chapter 5: Delivering a Sufficient Supply of Homes

In regard to identifying land for homes, an amendment to paragraph 70 (previously 69) now states that neighbourhood planning groups should *give particular consideration to* the opportunities for allocating small and medium-sized sites. An insertion into paragraph 73 (previously 72) also states that supply of large numbers of new homes should be supported by a *genuine choice of transport modes*. Reference to the quality of *places to be created* is also noted again in paragraph 73, as well as ensuring that *appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes* to meet the needs of different groups in the community.

Policy 9-6 seeks to meet the JLP Indicative housing requirement for Milton Abbot. The NP also generally supports JLP policies aimed at encouraging the supply of appropriate new dwellings.

Chapter 8: Promoting healthy and safe communities

Amendments have been made to ensure pedestrian and cycle routes are attractive and well-designed. Also, a new insertion as paragraph 98 requires that local authorities, in regard to public service infrastructure, should work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

Policy 7-1 encourages the appropriate provision of footpaths and cycleways.

Chapter 9: Promoting Sustainable Transport

Similarly, to chapter 8, it is reiterated that walking and cycling networks should be attractive and well-designed.

Paragraph 110 (previously 108) which sets out what should be ensured when assessing sites that may be allocated for in development plans or specific applications for development, has an additional point inserted as point C which reads as follows *“the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code”*.

As above Policy 7-1 also requires the design of new access roads to be fit for purpose.

Chapter 11: Making Effective Use of Land

An insertion has been made to paragraph 125 (previously 123) which relates to achieving appropriate densities at a development. The new text states that *“area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places”*.

Policy 9-3 encourages housing densities appropriate to the MACK plan area.

Chapter 12: Achieving Well-designed Places

This chapter has undergone a significant amount of editing. A much bigger focus is placed on making ‘beautiful’ and ‘sustainable’ places, and the use of plans, design policy, guidance and codes is hugely encouraged. For example, Paragraph 128 (previously 126) sets out that *“all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide*

and National Model Design Code, and which reflect local character and design preferences.”

Another important insertion is paragraph 131, which sets out that important contribution **trees** make to the character and quality of urban environments. It requires that planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments. It also sets out a requirement that appropriate measures are in place to secure the long-term maintenance of newly planted trees and existing trees are retained wherever possible.

The importance of policies and guidance is reiterated at paragraph 134, which states development that is not well designed should be refused *“especially where it fails to reflect local design policies and government guidance on design”*.

Policy 9-1 seeks to encourage quality design in keeping with the MACK plan area.

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Edits in this chapter focus on making sure plans take into account *all sources* of **flood risk**. It is also encouraged to use opportunities provided by improvements in green infrastructure, and to make as much use as possible of natural flood management techniques. Development should be appropriately flood resistant and resilient *“such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment (paragraph 166b)”*.

Additionally, the Flood Risk Vulnerability Classification is referenced as newly provided at Annex 3 of the NPPF.

Generally the MACK NP takes account of and identifies policies with Climate Change in mind.

Chapter 15: Conserving and Enhancing the Natural Environment

Edits to this chapter make it clear that permission should be refused for major development applications within National Parks, the Broads and Areas of Outstanding Natural Beauty other than in exceptional circumstances.

Additionally a new insertion has been made as paragraph 198, that sets out that local authorities should, when considering applications to remove or alter a historic statue, plaque, memorial or monument (listed or not), have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Generally the MACK NP takes account of and identifies policies with conserving and enhancing the natural environment in mind.

Annex 1: Implementation

Edits set out changes to policy application, including The Housing Delivery Test.

Not applicable

Annex 2: Glossary

Provides additional definitions, including 'Article 4 direction' and 'Design Guide'.

Not applicable

Annex 3: Flood Risk Vulnerability Classification

This is the Flood Risk Vulnerability Classification referenced in Chapter 14. The subheadings of the Annex comprise: Essential Infrastructure, Highly Vulnerable, More Vulnerable, Less Vulnerable, Water Compatible Development.

Not applicable

Strategic Policies

8. Can West Devon Borough Council confirm which of the Joint Local Plan policies, are for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?

The Borough Council have not formally published a list of JLP policies that are considered strategic. The reason for this is that, in dealing with a particular Neighbourhood Plan shortly after adoption of the JLP, the interpretation as to whether a specific policy was strategic or not required a nuanced decision.

The Borough Council is content, however, that the MACK Plan is in general conformity with the Joint Local Plan.

Qualifying Body

9. I note that the Milton Abbot Group Parish Council is shown as being the Qualifying Body for the plan area, but the plan area covers land which falls outside of the Group Parish boundary and which is covered by the Kelly Parish Meeting. I assume that there is no actual Parish Council for Kelly although the plan area designation application in 2014 referred to the application being made by MAG PC and *Kelly Parish Council*. Under the provisions of Section 61 F (2) of the Town and Country Planning Act 1990 if another parish council is acting for the purpose of neighbourhood planning, as qualifying body for that area, then it can only do so if the "other parish council has given its consent". Can I be provided with evidence that the Kelly Parish Meeting / Parish Council has given its explicit consent for Milton Abbot Group Parish Council to be the Qualifying Body for its part of the neighbourhood plan area.

At the Kelly Parish Meeting of 11th September 2014 it was agreed to join Milton Abbot Grouped Parish Council in the formation of a Neighbourhood Plan, which would include the area covered by Kelly Parish Meeting. Confirmation of this was recorded in the minutes of the meeting, a copy of which is given below. In addition, Mr Warin Kelly (Chair of Kelly Parish Meeting from 2014 until 2022) has been a member of the MACK Plan Committee throughout that period.

KELLY PARISH MEETING

A parish meeting was held in the Village Hall, Meadwell on Wednesday 23rd July 2014

Present: Warin Kelly, Linda Connell, Michael Vinson, David Gynn

The minutes of the previous meeting were read and agreed.

Matters Arising: The drains have been looked at but nothing has been done so a letter is required to Highways. Beckwell Appeal is still with the Inspector and we have not received anything for Timberpiece as yet.

Accounts: The accounts have been approved at a previous meeting.

Solar Farm: The solar farm deed of gift we have received but have not had any money for as yet. We will write to Lighsource regarding this and request they reinstate the hedge and put in a small access gate or style to permit access.

Neighbourhood Plan: It has been suggested by Milton Abbot parish council that Kelly might like to join them in the Neighbourhood Plan they are preparing. Warin Kelly proposed that we join Milton Abbot in their preparation of the Neighbourhood Plan to include the parish of Kelly this was seconded by David Gynn.

Any Other Business: Michael Vinson asked when is the verge cutting. It was suggested we speak to WDBC regarding the junction on the way to Tavistock marked Kelly as it is very dangerous trying to do a right turn there.

There being no other business the meeting closed at 8.35p.m.

Signed.....

Dated...11.9.14...

10. Can the West Devon Borough Council give a view as to whether a parish meeting has the same status as a parish council, for the purpose of neighbourhood plan legislation and also give a view that a parish meeting is empowered to make that decision, as I am aware that the powers of a parish meeting are somewhat different to a parish council.

Clarification of the points raised in this question has been sought from WDBC Legal Department and will be forwarded when received.

11. This situation regarding a parish meeting is not one I have not come across before and I need to be sure that the appropriate agreements are in place.

We believe that the Kelly Parish Meeting minutes above do provide the evidence that you have requested. However, for the avoidance of any doubt in this domain, a Kelly Parish meeting has been called for 29 Nov 2021 at which formal endorsement of the Regulation 15 MACK Plan is sought. These minutes will be forwarded to you separately shortly thereafter as Annex D to this document.

12. The matter is further confused by the reference in AECOM Housing Needs Assessment in paragraph 33 to the neighbourhood area boundary comprised the parishes of Milton Abbot, Kelly, Bradstone and Dunterton. I am assuming that was a historical reference but it would help me to understand how the jurisdiction of MAG PC relates to what are described as “civil parishes”.

The parishes of Milton Abbot, Bradstone and Dunterton no longer have individual Parish Councils. Councillors are elected to the Milton Abbot Grouped Parish Council to represent those parishes and also Chillaton which is also covered by the Milton Abbot Grouped Parish Council. Kelly parish is covered by Kelly Parish Meeting.

Policy 4-1: Biodiversity

13. Would the MACK Plan Team offer a view as to whether the provisions of this policy would be expected to apply to minor development, including householder applications?

Our Neighbourhood Plan seeks to support the aims and policies therein to sustain, enhance and protect our rural community and its environment. Therefore, we would expect that all new development (domestic, commercial, extensions and conversions) will be expected to contribute to the protection of our natural environment as appropriate to the development.

Policy 4-2: Environmental Considerations

14. Beyond compliance with Building Regulations, how would a decision maker judge whether a new property would be constructed in a manner “that supports Government environmental targets”? I do note that the 4 examples are not a comprehensive list, but matters such as to the type of heating system is a matter for the Building Regulations rather than planning controls.

We feel that it is the morally right and responsible thing to do to champion a policy that focusses on the clear and urgent future need to reduce our national and global carbon footprint and to pre-empt the predicted worsening extremes of weather. For instance to very strongly discourage a developer from installing 20 gas or oil boilers just before they are banned in new builds rather than doing the right thing from the outset. Similarly, as we will all have to have electric cars in due course, we want the

wiring (with appropriate car charging capacity) done during the build rather than homeowners all having to dig up newly laid drives to install them retrospectively. Roof orientation will become increasingly important as we rely more heavily on renewables. We recognise the primacy of Building Regulations but nevertheless would like to encourage development to focus on the future needs of UK housing and evolving legislation rather than the minimum enforceable standards. We have proposed a rewording of the policy to reflect 'encouragement' rather than 'enforcement' but would welcome any strengthening of the intent that you are able to suggest.

West Devon Borough Council would not support a requirement that development exceeded standards set down by Central Government nor does it have the capacity to inspect compliance beyond BR requirements. The Council are content, however, with a Policy that "encourages" exceedance as set out below.

Policy 4-2. Environmental Considerations

The MACK Plan supports and strongly encourages all new development in the MACK Plan area to be constructed in a manner that supports Government environmental targets i.e. are built for the future. This includes but is not limited to;

- Being pre-wired from build for electric car charging***
- Avoiding the use of gas or oil central heating, giving preference to electric heating ASHP, GSHP.***
- Using approved permeable Parking materials.***
- Ensuring roof orientation and structure facilitates solar panel efficiency and solar panels should be installed to all new builds unless there is an insurmountable reason not to.***

Tamar Valley AONB

15. Can the Borough Council provide me with a clearer map that shows the boundary of the AONB, so that I can gain a better appreciation of its boundary in relation to Milton Abbot?

A better quality graphic showing the MACK Plan area with the TV AONB overlaid is at Annex B.

Policy 5-1: Protecting our Heritage

16. I appreciate that currently there are no non-designated heritage assets in the parish. I am assuming that the purpose of their reference in the policy is to cover the possibility that some may be designated by the Borough Council in the future.

17. The policy appears to confer the same weight on all heritage assets whether designated or not, which is not the approach set out by the Secretary of State, in paragraphs 201 to 203 of the NPPF or the Joint Local Plan. I would also invite the MACK team to describe how and whether the policy adds a local dimension to the existing national policy or the Policy DEV 21 on the Joint Local Plan.

The Team had considerable input and discussion with Historic England on this subject and the advice given suggested that yes, the same weight does apply to designated and non-designated assets. We referred to Footnote 68 of Section 16 of the NPPF (Conserving and enhancing the historic environment) which states “(68) Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”.

The footnote within the plan needs to be corrected to read “NPPF 2021 Section 16, Footnote 68 refers”.

At Regulation 14 Historic England identified shortfalls in the way that our Plan addressed designated and, in particular, non-designated assets. Following dialogue with them we strengthened this section and introduced both a related Policy and supporting Community Action. The Policy should not be read in isolation, rather it is part of a package of work with its attendant Community Action 5-1 Non-designated Heritage Assets, which will pull together a comprehensive listing of all our heritage assets.

Policy 6-1: Promoting Employment

18. Does the MACK Team wish to suggest an updated wording of this policy, in the light of the introduction of Class E Uses in the Town and Country Planning (Use Classes) (Amendment)(England) Order 2020?

The Team have reviewed the new Class E definition which is very broad but includes a number of employment premises existing within the MACK Plan area. Given that its inclusion in the Plan is limited to Policy 6.1a (Loss of existing employment) the Team consider it would be appropriate to include Class E to confer some level of protection to local employment and would amend this policy to accordingly.

19. Does the MACK Team have a view on whether this policy is consistent, through the restriction of new employment uses to only previously developed land or land within the settlement boundary, with paragraph 84 of the NPPF which supports “the sustainable growth and expansion of all types of businesses in rural areas through inter alia, well designed new buildings” and which in particular, paragraph 85, which states that “sites to meet local business and community needs may be found adjacent to and beyond existing settlements”?

At the outset we were advised to consider other Neighbourhood Plans that had already been adopted and use these to gain inspiration, guidance and to benchmark our own developing Plan. This we did and this particular Policy already exists in

Policy 6 -1. Promoting Employment

6.1a Loss of existing employment facilities

Development proposals that result in the loss of existing employment facilities within buildings falling within Use Classes B1, B2, B8 or E of the Town and Country Planning Use Classes Order 2020 will only be acceptable where:

- Alternative employment facilities of a similar nature have been provided elsewhere in the MACK Plan area to replace the facilities being lost; and/or
- There is no demand for the continuation of an employment use on the site and the property or site has been marketed effectively for a period of at least 12 months at an appropriate level in which case alternative uses for sheltered housing, leisure, tourism or retail uses will be considered acceptable alternative uses.

6.1b New employment facilities

The NPPF makes it clear that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

New or converted business and industrial development will be supported providing they;

- Are of a size and scale which is sensitive to their surroundings, particularly if in close proximity to residential properties.
- Do not have an unacceptable impact on local infrastructure.

instance).

However, the Team considers that the proposed amendment below to paragraph 6.1b brings it further in line with current legislation as suggested.

Policy 7-1: Sustaining Local Infrastructure

20. Can the Borough Council provide me with a link to the Local Validation Checklist which specifies what documents need to accompany a planning application?

The links to the Local List are below. The current list is in operation. A new list has been subject of a recent consultation exercise but has not yet been formally adopted.

Current List - <https://www.westdevon.gov.uk/article/4045/Planning-Validation-Checklists-Local-List>

New List - <https://www.westdevon.gov.uk/validation>

21. You asked for confirmation that there is capacity in the village school to accommodate the children generated by the scale of the housing allocation for the plan area expected by the Local Plan.

An email from DCC confirming the available capacity within the Milton Abbot village school to absorb the JLP housing target is at Annex E.

Policy 7-2: Community Facilities

22. Does the MACK Team have any evidence as to the actual likelihood of the Chichester Arms in Chillaton re-opening as a public house, or is it better to find a new viable use for this building?

The Chichester Arms is still registered as a business, attracts business rates and was recently subject of an attempted sale for the purpose of returning it to a pub/restaurant. However, since submission of our plan, an application to determine if prior approval is required for a proposed change of use to a “dwelling house (Class C3)” has been made.

23. I am assuming that in the first bullet point in a) that there is a missing “will” before “not be supported”.

The assumption is correct.

Policy 8-1: Parking

24. Is my interpretation of the policy correct, that if a garage is provided, then it would not count towards the required parking standard, when considering the adequacy of parking provision?

Your interpretation of this policy is correct. The policy is drawn from the JLP SPD paragraph 8.9, namely:

Whether garages are counted as being included in the overall off street parking provision will be considered on a case-by-case basis as in many situations garages are not used for the parking of cars. This may be secured via condition. Garages of increased width (6.5 x 3.5) are considered necessary for the future roll-out of Electric Vehicle Charging Points in all new properties.

We would be content for this element of the policy to be restricted to applying within the settlement boundary of Milton Abbot and the existing settlement of Chillaton.

25. Can the plan team identify which areas of public parking will not be permitted to be lost – is it a general concern over the loss of off- street parking or are there areas of public parking that I am not aware of?

It is a general concern that we need to prevent any additional pressure on the already overloaded on street parking in these old settlements by either the loss of existing off street parking or new development without sufficient off street parking.

Neither Milton Abbot nor Chillaton have areas of public parking. The combination of:

- effectively no public transport and absolutely no public transport that would enable a resident to travel to and from work,**
- the lack of any retail within the villages meaning that all retail must be reached by car,**
- and the pre car ownership layouts of these villages with a very high proportion of properties having no garage or off street parking,**

results in unavoidable multiple car ownership per residence and village roads being crammed with parked cars outside working hours. The policy is designed to ensure that no additional cars will be added to the already overburdened on street parking. This includes visitor parking and the increasing number of delivery vehicles.

Policy 9-1: Affordable Housing

26. Local Plan Policy DEV8 refers to schemes of over 6 units needing to make a financial contribution and for schemes of over 11 being required to provide on-site provision of affordable housing. Is it the policy's aspirations that *all future appropriate housing* needs to provide for affordable housing?

We believe this is covered by the first bullet point which states that "All future appropriate developments will need to provide affordable housing either on-site or through a financial contribution. 'Appropriate' referring to as required by current legislation.

27. What factors would identify whether an exception site was *justified*?

In earlier submissions it was identified by the BC that our draft plan lacked consideration of Exception Sites in relation to the delivery of affordable homes. Exception Sites had been considered as a result of feedback at Regulation 14 but had been discounted as sufficient suitable sites had been put forward to meet the current need without their consideration.

However, as the Plan covers the long term, not just the current need, it was deemed appropriate to include Exception Sites for future consideration as appropriate. We therefore introduced this here and as per our reference, JLP Policy TTV27, Exception Sites would be considered if:

- It meets a proven need for affordable housing for local people.**
- It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40 per cent of the homes or 40 per cent of the land take excluding infrastructure and services.**
- Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.**
- The proposal meets the requirement of all other relevant policies of the Plan.**

However, these criteria have not been included within the Plan as they exist within the referenced policy.

28. Does the Borough Council have a view as to whether affordable housing can be retained as affordable housing in perpetuity or whether it is covered by right to buy legislation?

Yes affordable housing can be retained in perpetuity as the parish falls within a Designated Protected Area. We would also ensure provision through an appropriate 106 Agreement.

29. Does the Plan Team or the Borough Council have any views on whether the policy should refer to First Homes?

The Team had not considered the “first homes” subset of those across our community that are seeking affordable homes. We note that from 2022 the Government would expect that least 25 per cent of affordable homes delivered through planning obligations to be First Homes. They also suggest that there is a cap of £250,000 on these homes but we would await local context (JLP update) to determine this.

All that said, there was no evidence that those seeking affordable accommodation were, in the main, seeking their first home.

The Borough Council does not have a formal policy towards the provision of First Homes but are content if the Group wish to include.

Policy 9-2: Class Q Permitted Development Schemes

30. Can the MACK Team explain how the policy would be applied, if the scheme meets the criteria set out in the General Permitted Development Order? Surely the policy cannot support a scheme that meets the 2 tests, if that same criteria is part of the consideration as to whether planning permission is granted by the Order. If the criteria are not met, then the development would not be covered by Class Q rights and planning permission would be required.

Our Plan and Policies introduce a local dimension to existing regulations where Q Class developments have had a significant impact on our rural communities with landowners regularly perceived as “exploring the boundaries” of the regulation. These are often seen to progress simply for use as second homes or holiday lets and do little to address the local housing need.

We consider that the 2 instances introduced in Policy 9-2 are not specifically covered in the regulation but are supportive of its intent.

In addition, at the outset we were advised to consider other Neighbourhood Plans that had already been adopted and use these to gain inspiration, guidance and to benchmark our own developing Plan. This we did and this particular Policy already exists in “Made” Plans (Bigbury Policy BP10 – Conversion of Farm and Rural Buildings for Residential Purposes, for instance).

Policy 9-3: Housing Design and Density

31. Can the Plan Team advise me who would be expected to assess schemes against the Building for Life criteria and can the Borough Council advise whether it has any assessors within the planning department?

Many local authorities have adopted BfL 12 as a design tool throughout the planning process. However, as you will be aware there are no longer BfL 12 accredited assessors. Rather, we are encouraging the use of BfL 12 as a collaborative dialogue, with the 12 questions used at the start of and throughout the development and consultation process to inform and guide developers, the BC and Parish Council.

The Team would consider including a Template for BfL 12, however, this is readily available on line with many examples of its implementation across numerous County/Borough Councils.

The Borough Council do not have the in-house skills to undertake this check if the standard sought exceeds Building Regulations. The Borough Council are, however, content with the Policy 9.3 since it “supports” but does not require that this standard is met.

32. I note that the policy refers to the RIBA minimum space standards. Are these different to the Government’s Technical Housing Space Standards and are these required to be supported by a Local Plan policy?

As far as the team are aware both the RIBA requirement and the Government’s Technical Housing Space Standards are both issued for guidance, i.e. they are not regulation. We have adopted here the standard offered by the building industries regulators themselves which is also consistent with other (Made) Neighbourhood Plans.

The JLP Policy Dev10, clause 5, also requires that “developers required to meet Nationally Described Space Standards” though fails to define what these are.

However, having reviewed again the Government Technical Housing Space Standard and the National Model Design Code (Part 2 - Guidance Notes H.1.i Space Standards) we believe that their inclusion would enhance the policy as shown below:

- **It supports basic lifestyle needs. Proposals will be strongly encouraged to meet or exceed the minimum space standards for new property sizes as set out by the Royal Institute of British Architects. (ref RIBA 'Case for Space') and special requirements set out in the Governments Technical Housing Space Standard.**

33. The policy refers to major schemes delivering “village green spaces”- is that looking for open green space or is the expectation something more specifically described as a village green?

Within our community we have had development where there was a commitment to deliver green space only for those areas to be subsequently developed. Quality of life is enhanced by the addition of green space, not necessarily provided for formal recreation or public amenity, but which makes a positive visual and environmental contribution to our community.

34. Can the policy be more specific regarding the additional community benefits which are expected to be delivered from residential development, as I will need to ensure that any planning obligations would meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010, namely that the obligations meet the

tests which are also set out in paragraph 57 of the NPPF, namely that the obligation would be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonably related in scale and kind to the development?

As a rural community we are woefully short of amenities and resources and this was highlighted throughout our community engagement. As such it was imperative that we addressed this within our plan to make any development acceptable. Additional community benefits are therefore explored in some detail at paragraph 7-5. Additional Community Funding.

Clearly we cannot list within a Policy what such requests might actually be as each instance would be wholly dependent on the details of any specific application whilst remaining within the guidance of current regulation.

Policy 9-4: Amenity Space

35. Is it envisaged that a small development, say a single or a couple of houses within a village, should be required to provide communal areas rather than private amenity space?

On advice from the Borough Council the Policy includes “any appropriate development” and would be considered on a case by case basis.

Policy 9-5: Settlement Boundary

36. I would welcome the views of the Plan Team on whether the policy should be worded positively, as stated in Paragraph 16 of the NPPF, along the lines of housing development within the defined settlement boundary “will be supported.”

The Team considers there is significant risk in making a statement that development within the settlement boundary will be supported; it leaves no room for due diligence and consideration. There are significant heritage considerations within Milton Abbott which would be at risk if such a statement were made. Allotment Gardens, for instance, was offered for development, is within the proposed settlement boundary but we would not support development on such an archaeologically rich site. The Team considers that a change reflecting ‘will be supported in principle’ would be more appropriate.

37. I note reference to *brownfield sites* in the second paragraph of the policy. I am aware that one of the arguments for the choice of Site E is the fact that the site is already developed, but in terms of the wording of the policy, land that is used or was last used for agriculture, is excluded from the definition of previously developed land in the Glossary of the NPPF.

The incorrect and colloquial use of the term Brownfield in the MACK Plan was to discriminate between the entirely undeveloped state of the 9 other potential sites and the fact that Milton Abbot Site E is 70% hard standing and farm buildings. We are grateful for the clarification and will not use this term again in connection with Site E. It does not however, in our view, have a material influence on the recommendation of this site, nor the broad resident support for its selection as the site on which to build the housing allocation that we are required to deliver by the JLP.

38. Can the MACK Team provide me with the criteria and methodology that was used to define the areas within the settlement boundary and in particular, I note that there are two areas which extend the proposed boundary beyond that line that was advocated by the Borough Council in the Thriving Towns and Villages Settlement Boundary Topic Paper. Could I be given specific justification for those 2 particular areas being included within the settlement boundary?

A short document titled 'Methodology Underpinning the Proposed Milton Abbot Settlement Boundary' is at Annex A.

39. I note that the allocation site and the intervening allotment gardens (Site MA -B) are included within the boundary. Does the team have a response to the point that, by the choice of Site MA- E and its inclusion within the settlement boundary, there is likely to be a presumption in favour of residential development on that intervening site, as infill development.

As you have identified, the allotments will lie within the proposed settlement boundary. We were unable to identify a solution to this without Milton Abbot Site E becoming a separate enclave without a contiguous boundary with the remainder of the village which would be at odds with the rationale used to define this boundary. We have made the assumption that the same heritage objections to the development of Milton Abbot Site B that were expressed by Historic England and WDBC Conservation Officer at Regulation 14 would prevent this site being developed. We would welcome your suggestion if there is a cleaner solution to this dilemma.

Concluding Remarks

40. ***This single amalgamated response has been produced jointly by WDBC and the MACK Plan Committee.***

41. ***We can confirm that copies of your questions and this response have been or will shortly be uploaded to both the WDBC and MACK Plan websites.***

***Duncan Smith
Neighbourhood Planning Officer
South Hams District and West Devon Borough Councils***



***Richard Allen
MACK Plan Committee Chairman***

Annexes:

- A. Methodology Underpinning the Proposed Milton Abbot Settlement Boundary.
- B. MACK Plan Area with TV AONB.
- C. Response to WDBC Reg 16 Comments.
- D. Kelly Parish Council Endorsement of the Reg 15 MACK Plan - (to follow)
- E. DCC Email Confirming Milton Abbot Village School Capacity.