

Okehampton Town and Hamlets Neighbourhood Plan 2021 - 2034

Initial Comments of the Independent Examiner

Prepared by

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Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Okehampton Town and Hamlets Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents. I visited the town and the surrounding countryside areas on Thursday 14th December 2023. In total I spent three and a half hours in the plan area.
2. I have not yet concluded whether I will be able to deal with the examination solely based on the written material or whether it will be necessary for me to call for a public hearing. In many ways this will be dependent upon the responses I receive to the questions that I have to raise. Most of the points seek comments and clarifications based on what I have read in the plan or saw on my site visit and this is quite common in the examination process. Most of the questions will require a response from the Steering Group, except where I specifically refer to the Borough Council although I would not object if the other party were to also provide a view on those matters raised.
3. Once I receive the responses to these matters, I will let all parties know whether a public hearing will be required. If one is required, I will at that stage set out the matters that I would wish to hear further submission but at this moment it is too early to make that decision.

Status of the Qualifying Body

4. I note that the neighbourhood plan has been jointly submitted by Okehampton Town Council and Okehampton Hamlets Parish Council. I also note that the original application for neighbourhood area status was made jointly.
5. Unfortunately the relevant neighbourhood planning legislation does not allow for there to be two Qualifying Bodies for a single plan area. This is set out in Section 61F (1) of the Town and Country Planning Act 1990. The next section, Section 61F (2) states that if a neighbourhood area includes the whole or any part of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area, only if the other parish council has given their consent.
6. All the sections refer to the relevant body or Qualifying Body, in the singular. This is a fundamental issue that needs to be addressed as one of the questions that I need to address is “Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by *a qualifying body*?”
7. Whilst this was a matter that should have been addressed by West Devon Borough Council when the application for designation was

made, I do think that the position can be rectified. I believe the Hamlets Parish / Town Council both need to agree which one will act as the Qualifying Body for this plan and for the other to agree to that Council acting in that role. It may be that these matters need to formally resolved, at the respective Parish Council meetings.

Status of Lead Authority

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

Regulation 16

9. I would like to offer the Steering Group the opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation.
10. I am not expecting a response in respect of every single point raised or indeed every representation, just those comments that it feels it wishes to respond to.

Strategic Policies

11. Could the Borough Council set out which of its local plan policies and also the National Park's Local Plan it considers are strategic policies for the purpose of general conformity, in relation to the basic conditions.
12. Can it also advise whether work is underway on a new local plan and is it expected that again, it will be a joint local plan with Plymouth and South Hams and can it give any indication of the rough timetable for that plan's preparation

Neighbourhood Plan Policies

Policy PP1: Settlement boundary

13. Should the policy set out what forms of development would be supported inside the settlement boundary. How would the Steering Group respond to the comments of the Borough Council that the policy does not add to existing policy that already covers the plan area?
14. Can the Steering Group describe what criteria it used when it drew the settlement boundary especially to the east of the town?

Policy PP2: Use of Brownfield Sites

15. I understand that the intention of the plan is not to make these as site allocations, but it is supporting development in principle, on these eight sites. But the supporting text refers to these as "examples". What are the expectations for other brownfield sites that exist in the town, all of

which meet the definition of “previous developed land” as set out in the Glossary of the NPPF, should these sites equally be supported in the policy. Would their development in any event be acceptable in principle, as they all fall within the settlement boundary?

16. It would be helpful to include individual site plans for the eight sites in the document. For example, I found it difficult to identify what was “the vacant site on New Road”. It is important that there is clarity as to the extent of the sites.
17. Does the Steering Group have any views on the inclusion of the site to the east of Northfield Road, as suggested by West Devon Borough Council? Could the Borough Council expand on the reasons why it believes that the land should be treated as a brownfield site?
18. Can I be advised what the development proposals are for The Old Mill and Gunns Yard? Can the Steering Group justify the extent of the brownfield site at Upcott House, as it appears larger than the footprint of the buildings as shown on the attached screenshot?



Policy PP3: Green Spaces and Green Infrastructure

19. Map 4 does not show the full extent of the woodland areas as they are cut off by the frame of the map. It is important that the full extent of the area the subject of the policy is included.
20. Is the intention that the green spaces should have the status of Local Green Space, for the purpose of paragraphs 101- 103 of the NPPF?
21. Does the Borough Council have a view whether it is still appropriate to retain a policy dealing with biodiversity net gain, now the implementation of the national scheme is imminent?
22. Can the Steering Group confirm what consultation took place with landowners prior to the designation of the green spaces and was there any community involvement in the choice of sites for inclusion under this policy. Whilst Appendix 5 refers to site g) being the home for dormice, and slow worms, has there been any ecological surveys that support the fact that it the site is deemed to be particularly special to the community in terms of its wildlife interest?

Policy PP4: Views and Vista

23. Is it possible to have inset plans showing more accurately the location of viewpoints that have been chosen, as it is difficult to ascertain from the scale of map the exact position on the ground that the decision maker would need to be at to assess the impact of a proposal on one of the views?
24. It also appears that the photographs of some of the views are not representative of what a person would see on the ground. Were some of them taken with a drone camera? What was the criteria used to select these viewpoints?

Policy PP5: Employment Expansion

25. How does the policy relate to land which is proposed for employment in the joint local plan to the east of the town? If that land is not already in existing employment use, is the policy intended to override that allocation.
26. Is the aspiration of the policy to prevent a business use from expanding by taking in adjacent land, which may not currently be in employment use?
27. Should the policy be more specific about what constitutes an employment use – is it any premises where people are employed, or is it intended to refer to premises falling within Use Class E, Class B2, Class B8 uses and sui generis uses.
28. What criteria would a decision maker use to ascertain whether a proposal would “provide sustainable forms of construction, energy conservation measures and renewable energy”? Is the expectation that

the construction requirements would be higher than as provided by the Building Regulations?

Policy PP6: Protecting Existing Employment Land / Buildings

29. Could the extent of the North Road industrial estate be shown on a map?
30. Would the plan support proposals for uses that are ancillary, to those which support employment uses e.g. a day nursery / creche or retail uses?
31. Can the Steering Group expand on the reason why residential uses should be allowed to be introduced into the North Road Industrial Estate and whether it would be contrary to Policy DEV 14 of the Joint Local Plan? Can the Borough Council also confirm whether that should be treated as a strategic policy in the Local Plan?

Policy PP7: Small Employment / Starter Units

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

Policy PP9: Out of Town Retail Hub

33. Can a map be provided that shows the area that the plan is envisaging would be an out-of-town retail hub. I need to get an idea as to how the proposal would sit alongside the parkway station, both in terms of the station parking and the proposed retail hub?
34. Does the Steering Group have an idea of the scale of supermarket that the policy seeks to support, in terms of floorspace. Are we talking about a local neighbourhood convenience store or a food superstore?
35. There is clear guidance in Chapter 7 of the NPPF that the plans, when allocating out of town sites should show that there are no edge of centre sites available before opting for an out of centre site. I note that the aspiration of the plan is that one of the town centre supermarkets could be persuaded to move out of town centre. Has any discussions taken place and would a policy that led to the closure of a town centre store be contrary to the normal planning presumption which is that retail policy should seek to support town centres.
36. Has any retail impact assessment been carried out into this proposal and can the Borough Council comment on whether there is a need for additional retail development floorspace to be planned to serve the expansion of the housing areas, which I saw at the eastern side of Okehampton?

Policy PP10: Pedestrianisation of the Town Centre

37. Whilst I can appreciate the "vision" and ambition set out in the policy, I do wonder whether it is actually a policy for the use and development of

land, as pedestrianisation and the exclusion of traffic, would only be implemented by Traffic Regulation Orders, rather than through the determination of a planning application – which is meant to be the purpose of a neighbourhood plan policy . I wonder whether its status should be one of a Community Aspiration rather than as a development plan policy.

38. Have there been any discussions with the Highway Authority over the idea of pedestrianisation, as my reading of the 2010 Link Road Study was predicated on the continued use of Fore Street. Has there been any direct consultation with the shop owners on this proposal, on the implications of potentially removing passing trade? Has any work been undertaken of the geometry of the Market Street/ New Road/ Fore Street junction to support the 3 arms of traffic movements?

Policy PP11: Car Parking Capacity

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

Policy PP12: Parking in Residential Development

40. What is the evidence to support the “encouragement of schemes” to exceed Local Highway Authority Standards? Are there, for example, different levels of car ownership in the town compared to elsewhere in the county?
41. Can the Borough Council point me to the relevant SPD dealing with car parking standards?

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

42. On the face of it, this policy seems geared more towards highway improvements, which would be promoted by Devon County Council, the highway authority, under its highway powers rather than as a result of planning applications. Again, should this be more of a Community Aspiration rather than a planning policy?
43. Could the Steering Group identify which of the routes are considered to be “properly managed transport corridors” and should these be shown

Policy PP14: Town Centre Access Road

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

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

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

PP15: Cycle Routes

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

Concluding Remarks

48. Whilst I have raised a number of questions, I remain open minded as we go forward with the examination and I look forward to the responses.
49. I am sending this note direct to both Okehampton Town Council and Okehampton Hamlets Parish Council, the Neighbourhood Plan Group and West Devon Borough Council. I would request that all parties' responses to my questions should be sent to me by 5 pm on **22nd January 2024** and also be copied to the other respective parties. I have given a longer period than I would normally set at this stage, not just because of the range of questions that I am seeking responses to but also to take account of the Christmas holiday period and the possible need for Parish Council meetings to agree the Qualifying Body status.
50. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also the Borough Council's website.

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