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Sid Valley Neighbourhood Plan – Submission Version Representation Form



The Sid Valley Neighbourhood Plan has been prepared by Sidmouth Town Council. It has now been formally submitted to East Devon District Council who are legally required to undertake public consultation.

Please return this form to East Devon District Council by Friday 8 March, 2019. Representations received after this time will not be accepted.

Part A – Personal Details Please note we cannot accept anonymous responses.

Personal Details		Agent's Details (if applicable)*	
Title	Mrs	Title	
First Name	Hilary	First Name	
Last Name	Winter	Last Name	
Job Title (where relevant)	Forum Officer	Job Title (where relevant)	
Organisation (where relevant)	Devon Countryside Access Forum	Organisation (where relevant)	
Address	Lucombe House County Hall Topsham Road Exeter	Address	
Postcode	EX2 4QD	Postcode	
Tel. No.		Tel. No.	
Email Address		Email Address	

*If an agent is appointed, please fill in your title, name and organisation and the full contact details of the agent. Where an agent is used the agent will be the point of contact for correspondence.

Name/Organisation Please complete for each sheet	Devon Countryside Access Forum
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Please indicate whether you wish to be notified of any of the following (delete as appropriate):

The publication of the recommendations of any person appointed to carry out an independent examination of the Sid Valley Neighbourhood Plan. **Yes** / No

The adoption of the Sid Valley Neighbourhood Plan. **Yes** / No

Representation details

Please use a separate form for each representation

1. To which section of the Neighbourhood Plan does this representation relate?

(Please note that a separate form must be completed for each representation)

Policy Number (Include policy, paragraph or other reference no. if appropriate)	Access and Connectivity chapter p.36 onwards
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2. Please use the box below to set out why you are supporting or objecting to this part of the plan. If your comment relates to a specific area of land or site if possible please identify it on a map. Continue on a separate sheet if necessary

The Devon Countryside Access Forum would welcome additions to this chapter, as outlined in question 3.

TName/Organisation Please complete for each sheet	Devon Countryside Access Forum
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3. What changes would you suggest should be made to the plan?

It will be helpful if you are able to put forward your suggested revised wording of any policy or text or suggested alternative policy boundary. Please be as precise as possible.

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the forum has a statutory function to give advice and this includes district and town councils.

The DCAF currently has fifteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

The Devon Countryside Access Forum has developed a Neighbourhood Plan Position Statement and this is attached separately. The Forum advises that the Plan should be cross-referenced against this Statement.

The chapter on Access and Connectivity would be enhanced by including a map showing the extensive public rights of way network (footpaths and bridleways) in the Sid Valley and other access opportunities such as Fire Beacon Hill. These contribute to connectivity and health and wellbeing. The Neighbourhood Plan acknowledges that the consultation responses refer to “the importance of opportunities to walk, cycle and relax in beautiful surrounding.” The public rights of way network, alongside local green spaces, provides many of those opportunities.

Continue on a separate sheet if necessary

4. If your representation is seeking a change, do you consider it necessary to speak at the examination?

Please note this will not be regarded as a binding decision but will help us in our planning.

If you select No your representation(s) will still be fully considered by the independent examiner by way of written representations.

I wish to speak at the examination: Yes / **No** (delete as appropriate)

Name/Organisation	
Please complete for each sheet	

5. If you wish to speak at the examination, please outline why you consider this to be necessary:

Please note the examiner will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the examination. If the examiner does not consider it necessary to hold a public examination, consideration will be given by way of written representations.

Data Protection- Any personal information which you provide will be held and used by East Devon District Council for the purpose of producing the neighbourhood plan and may inform other Planning Policy work. Your information may also be shared within East Devon District Council for the purposes of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice which can be accessed at <http://eastdevon.gov.uk/privacy>.

Signed	Hilary Winter
Date	12.02.19

A signature is required by the Planning Inspectorate. If filling in the form electronically it can be an 'electronic signature' by typing in your name in the box. If you provide a handwritten signature we will ensure that it is not published on-line but it will be visible on the paper copies available at our offices and sent to the examiner.

Please e-mail the completed form(s) and any additional information to planningpolicy@eastdevon.gov.uk or send to Phil Twamley, Planning Policy Section, East Devon District Council, The Knowle, Sidmouth, EX10 8HL



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NEIGHBOURHOOD PLANS

Thinking about recreation and access

The Devon Countryside Access Forum is a statutory forum under the Countryside and Rights of Way Act 2000. Its members are volunteers appointed by Devon County Council to provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment.” The members represent the interests of landowners, access users and other interests such as tourism.

The Localism Act 2011 provides the opportunity for communities to draw up a Neighbourhood Plan and have more say in where development is located, subject to certain limitations. Plans need to support the strategic development needs set out in the Local Plan (district/borough council) and to plan for local development in a positive manner.

Looking at the provision of public rights of way and green space is an important part of each Plan as these offer opportunities for people to exercise and gain health benefits.

Checklist

What's there already?

- Map **public** green space areas within the Plan area (including woods, parks, playing fields, public rights of way and cycle/multi-use trails);
- recognise the importance of areas shown on the map and protect them, where possible, from development;
- recognise other routes, such as Unclassified Unsurfaced County Roads, and their contribution to recreational opportunities; and
- consider designating important and special open areas as Local Green Space, in consultation with the district council.

<http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Improving what's there - be aspirational but ensure your proposals are realistic and achievable.

Don't forget you are dealing with land that is owned by someone, whether that's a farmer or another individual/body. Consult closely with them at an early stage. Some improvements require permission or need to go through a legal process.

- Consider the improvement or upgrading of routes, for example
 - improving the surface to allow all year round use;
 - designing new routes to the requirements of those with mobility needs, and in the improvement of existing routes;
 - upgrading to permit horse riding or cycle use.

- use the 10 Steps Guide, produced by Devon County Council, to achieve neighbourhood improvements; <http://www.devon.gov.uk/communitypaths.pdf>
- look at Devon County Council's Rights of Way Improvement Plan to give you some ideas; <http://www.devon.gov.uk/rowip>
- consider creating off-road routes to the school or other facilities to reduce car use;
- seek to develop important linking routes on a permissive basis, in agreement with landowners;
- try to find circular routes to encourage healthier lifestyles and minimise car use;
- seek to secure the safety for rights of way users where routes meet or run alongside busy or dangerous roads.

New development areas

- check new development proposals include safe and high quality provision for cycling and walking routes linking housing to schools, shops, employment areas, recreational and sports facilities and rights of way/greenspace;
- seek to ensure sufficient areas of greenspace;
- consider better provision for dog walkers to discourage fouling of other areas. <http://documents.hants.gov.uk/ccbs/countryside/planningfordogownership.pdf>

Funding

- new housing developments within the neighbourhood will be subject to payment of a Community Infrastructure Levy. Communities with a Neighbourhood Plan receive 25% of the Community Infrastructure Levy. Discuss opportunities for using this money for rights of way and greenspace improvements with the District Council and any developer.
- investigate local trusts and other grant awarding bodies such as companies which distribute landfill tax to community projects or have their own community fund. <https://www.dsc.org.uk/publication/the-complete-fundraising-handbook/> (available in libraries).

Legislative Framework – brief notes

Proposals for new or improved public rights of way will need to go through a legal process unless they are modest changes, such as replacing stiles with gates (in which case the landowner must give consent).

There are a number of processes and Acts that may impact on public rights of way proposals in the Neighbourhood Plan but the most important ones are below:

- a permissive agreement for a route, agreed with the landowner.
- an agreement between the landowner and the Parish Council (Highways Act, section 30). A footpath or bridleway could be added to the Definitive Map through this process and is the quickest way to create a legal route beneficial to the community.
- Creation Agreements between the landowner and Devon County Council under the Highways Act 1980, section 25.
- applications can be submitted to Devon County Council to add an unrecorded route to the Definitive Map (the legal record of public rights of way) or upgrade it, for example from a footpath to bridleway, under Schedule 14 of the Wildlife and Countryside Act 1981. Applications are based on evidence that such rights exist.
- Section 257 of the Town and Country Planning Act 1990 gives local planning authorities the power to extinguish or divert footpaths, bridleways or restricted byways where necessary to enable a development to proceed. <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

It's a complex area so please consult with the Public Rights of Way section at Devon County Council to discuss the best options for your community proposals.