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and examinations

Report on Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017 - 2031

An Examination undertaken for East Devon District Council with the support of the Ottery St Mary Town Council and West Hill Parish Council on the submission version of the Plan.

Independent Examiner: Mary O'Rourke BA(Hons) DipTP MRTPI

Date of Report: 13 March 2018

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Main Findings - Executive Summary

From my examination of the Ottery St Mary and West Hill Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – this was originally the Ottery St Mary Parish Council which, following a community governance review which created a new parish council for West Hill, is now the Ottery St Mary Town Council and West Hill Parish Council;
- The Plan has been prepared for an area properly designated – the former Ottery St Mary Parish, within which wholly lies the new parish of West Hill, and shown on the map at page 5 of the Plan;
- The Plan specifies the period to which it is to take effect – 2017 to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Ottery St Mary and West Hill Neighbourhood Plan 2017 – 2031

- 1.1 Ottery St Mary and West Hill lie to the south of the A30 between Honiton to the north east and Exeter to the west. Sidmouth and the East Devon coast are around 6 miles to the south. The Plan area includes a number of settlements, the largest being the town of Ottery St Mary, which is the main service centre for the area, as well as the villages of West Hill, Tipton St John and Alfington. There are also smaller villages and hamlets in the area including Wiggaton, Taleford, Fairmile, Fenny Bridge, Fluxton and Higher Metcombe. In 2011, the Census data showed a resident population of 8,439 people with a higher percentage than the national average of people over 65 years. However, the Plan notes that significant development in the area since then is likely to have altered the population profile.

- 1.2 The rural landscape is defined by the River Otter which runs through the centre of the area, passing through both the town of Ottery St Mary and Tipton St John. The valley forms a wide shallow bowl, overlooked on its western side by West Hill and Broad Oak and to the east by the high ridge of East Hill and Beacon Hill which lie within the East Devon Area of Outstanding Natural Beauty.
- 1.3 The decision to prepare a Neighbourhood Plan was taken in mid-2014 and was seen as providing an opportunity for the local community to have greater influence over locally focussed planning policies at a time of significant development pressure. The formal application for designation as a Neighbourhood Area was approved by East Devon District Council in January 2015. Originally defined as the Parish of Ottery St Mary, in July 2016, West Hill was granted independent Parish status, taking effect on 1 April 2017. The Plan has been prepared by a Working Group, comprising councillors and volunteers from both local communities. The Consultation Statement, which accompanied the submitted Plan, details the consultation strategy, the visioning workshops and consultation events held to engage with the local community and discussions with key stakeholders.
- 1.4 The Vision and Objectives for the Plan, set out in Chapter 4, reflect public consultation and are to protect and enhance the special qualities of the Parishes and to provide a sustainable future for their economy, environment and communities. The area's countryside is seen as its crowning glory and is to be protected for future generations with the individual character and integrity of the town, villages and smaller settlements supported and enhanced through appropriately sited high-quality development that make a positive contribution to their surroundings. Beginning with the Environment, the Plan addresses a number of relevant topics, putting forward planning policies and proposed 'projects' which go beyond planning policy but are aspirational. They are designed to help achieve the underlying Vision and Objectives. Generally, the Plan has a clear structure and overall purpose and is easy to read.

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Ottery St Mary and West Hill Neighbourhood Plan by East Devon District Council, with the agreement of the Ottery St Mary Town Council and West Hill Parish Council.
- 1.6 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, more recently determining major planning appeals and examining development plans and national infrastructure projects. I have previous experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.7 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations; and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of East Devon District Council, not including documents relating to excluded minerals and waste development, is the East Devon Local Plan 2013-2031, adopted in January 2016. It is up to date and provides the relevant strategic background for assessing general conformity. The District Council is progressing the East Devon Villages Plan, (the Villages Plan) which was subject to examination in 2017 and consultation on the Schedule of Main Modifications concluded on 2 February 2018. It identifies built up area boundaries (BUABs) for those other settlements identified in Local Plan Strategy 27. The Villages Plan includes a BUAB for West Hill. Paragraph 184 of the NPPF states, "The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider area". Accordingly, I have had regard for the Proposed Submission Draft and the proposed modifications of the Villages Plan which is currently undergoing examination.

- 2.2 East Devon District Council are also partners in the emerging Greater Exeter Strategic Plan (GESP), along with Exeter City, Teignbridge and Mid Devon Councils. It is an early stage of preparation with consultation in 2017 on issues and a call for sites. The Draft GESP is to be consulted on in 2018.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Ottery St Mary and West Hill Neighbourhood Plan 2017 -2031;
 - the Map on page 5 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, July 2017;
 - the Basic Conditions Statement, July 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the Strategic Environmental Assessment (SEA) Screening Opinion prepared by East Devon District Council dated May 2017.
- 2.5 I have also had regard to the detailed reply of the Working Group dated 27 January 2018 and new viewpoint maps and inset maps submitted in response to my letter of 16 January 2018 and its letter of 31 January 2018 regarding policy NP4.¹

Site Visit

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 4 January 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. There has been no request for hearing sessions to be held.

¹http://www.otterystmary-tc.gov.uk/Ottery-St-Mary-Town-Council/Neighbourhood_Plan_22718.aspx

Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill has been prepared in unusual circumstances. An application to East Devon District Council for the then parish of Ottery St Mary, which included the village of West Hill, to be designated a neighbourhood planning area was made, and accepted in January 2015.
- 3.2 The Foreword to the Plan explains that since that designation, West Hill has been granted independent status as a parish but remains part of the designated neighbourhood plan area. Paragraph 1.3 of the Plan provides further detail and clarifies that both communities have been fully engaged in preparing the Plan and that the formation of a separate West Hill parish has no bearing on its content. Whilst the parish of Ottery St Mary was the original qualifying body, the Plan has been prepared and is submitted for examination by Ottery St Mary Town Council together with the recently formed West Hill Parish Council.
- 3.3 It is the only neighbourhood plan for Ottery St Mary and West Hill, and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.4 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Neighbourhood Plan has been prepared in response to the Localism Act 2011 and the Government's approach to planning which aims to give local communities more say about what goes on in their area. Following designation of the neighbourhood planning area, a Working Group was established early in 2015 comprising councillors, representatives of community organisations, businesses, stakeholders and members of the public. A range of methods was used to engage with the community during the plan preparation period including social media, press releases, leaflets delivered to every household in the area, community newsletters, a dedicated webpage, regular updates at Town Council meetings and

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attendance at various public events. In addition, local businesses in Ottery St Mary and the villages were contacted, along with community clubs and organisations, and particular efforts were made to engage with difficult to reach groups, including teenagers.

- 3.6 Six visioning workshops attended by 170 people were held across the Plan area in September and October 2015 and an initial questionnaire seeking views from residents was distributed at the workshops, handed out at the two primary schools and the Christmas lights events, and put on the Town Council website. The 74 questionnaires completed helped to identify key themes and priorities for the Plan to address. A public exhibition held in January 2016 was well attended and showed broad support for the themes and objectives identified. In addition, the Working Group held meetings with education and healthcare providers and with Historic England and consultants commissioned to undertake a public realm survey. However, the Consultation Statement notes little interest from the business community in engaging with the neighbourhood planning process.
- 3.7 The Pre-Submission Plan was produced in March 2017 and was widely publicised with leaflets delivered to every household in the parishes and a further series of public consultation events were held in June 2017. Some 13 responses were received from statutory consultees (including East Devon District Council, Natural England etc) with an additional 32 responses from individuals. The Consultation Statement at Appendices K and L sets out these Regulation 14 responses.
- 3.8 The consultation responses were taken into account, where considered appropriate, in revising the submitted Plan. The submitted Neighbourhood Plan was subject to a further 6-week consultation in October and November 2017 under Regulation 16, and I have taken account of the 11 responses received in writing this report, as well as the earlier Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan, having due regard to the advice in the PPG on plan preparation and in procedural compliance with the legal requirements. .

Development and Use of Land

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.11 The Basic Conditions Statement at section 6 states that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. East Devon District Council has not alleged that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998). I have considered this matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for SEA by East Devon District Council. This is a legal requirement and accords with Regulation 15(e)(1) of the 2012 Regulations. The Council found it was unnecessary to undertake SEA and neither Historic England nor Natural England disagreed with that assessment. Having read the SEA Screening Opinion and considered the matter independently, I agree with that conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA). A small part of the Pebblebed Heath Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) lies within the Plan area, at the extreme south west edge of Ottery St Mary parish, and the Plan area is within its mitigation zone. The Plan allocates one specific site for new housing, at Alfington, to the north of the parish, and identified in policy NP27 as suitable for up to 5 houses. The assessment undertaken by the District Council notes that mitigation is provided for in the policy requirement for a small equipped play park, reducing the need for local residents to travel to facilities elsewhere, and that a range of larger alternative areas for recreation and access to the countryside are also available at a similar or closer distance than the Pebblebed Heath to the site, for example at Ottery St Mary. The Plan does not propose a level of development significantly over and above that in the adopted Local Plan, which was itself subject to HRA, and, should adverse impacts arise, there is an agreed range of mitigation measures which will be implemented. The conclusion of the District Council is that the Plan is unlikely to have an adverse effect on a European site, alone or in combination with other plans and projects. Having reviewed the Plan, Natural England considered that there were unlikely to be any significant environmental effects on sensitive sites. On the basis of the information provided and my independent consideration, I agree that HRA is not necessary.

Main Issues

4.3 Having regard for the Submission Version of the Ottery St Mary and West Hill Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These are:

- whether the Neighbourhood Plan policies for the built and natural environment will secure high standards of design and protect heritage and environmental assets in line with national policy and are in general conformity with the strategic policies in the Local Plan;
- whether the Plan appropriately provides for the designation and protection of local green spaces, having regard to national planning policy and guidance and the need to be consistent with the local planning of sustainable development;
- whether the policies for housing, community facilities, infrastructure and the economy provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance and are in general conformity with the strategic policies in the Local Plan; and
- whether the accessibility and energy policies in the Plan meet the Basic Conditions particularly in relation to conformity with national policy and guidance.

Introduction

4.4 The Neighbourhood Plan for Ottery St Mary and West Hill begins with an introduction to the plan process before setting out in Chapter 2 a portrait of the parishes and their two main settlements. Chapter 3 then goes on to set out the key issues for the Plan area and background evidence on its population, landscape, character, built heritage, accessibility, infrastructure, housing and economy. Chapter 4 sets out the Vision and Objectives for the area to 2031 which emerged from the consultation exercises and from which the policies have been developed and Chapter 5 explains how the vision is to be delivered through the policies and projects of the Plan. These introductory chapters set out a clear and robust structure for the planning of the area over the next 13 years, based on consultation with the local communities and which have regard to national and local policy.

4.5 In addition to its 27 policies, the Plan identifies 14 projects. These do not fall to be considered in this examination against the Basic Conditions. Advice in the PPG² is that community projects are best included in a separate annex or companion document. However, in this case, a cogent case has been made by the Working Group that the context for the

² PPG Reference ID: 41-004-20170728.

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projects is best understood by including them in the main document; it would be difficult to understand their relevance if they were separated out with the need for constant cross-referencing to the main text; and the local community very much felt that the policies and projects were inseparable to delivering the Plan's vision for the area. Given that the projects themselves are clearly distinguished by coloured boxes from the policies and are written in a way that makes clear their purpose and who will take action, I find that it is reasonable here to leave the Projects in the main body of the Plan.

- 4.6 I now turn, in the following paragraphs, to address each of my four main issues.

Issue 1 – the built and natural environment

- 4.7 The Vision Statement sets out the vision of the Plan to protect and enhance the special qualities of the parishes of Ottery St Mary and West Hill and to provide a sustainable future for their economy, environment and communities. The countryside is *'its crowning glory and will be protected for future generations'*. Objectives of the Plan include to protect and enhance the character and nature of the settlements, ensuring new development proposals are suitably scaled, complementary and locally distinct, and that the habitat and scenic value of the area is preserved and enhanced.

Countryside

- 4.8 The Plan area includes the settlements of Ottery St Mary and West Hill for which built up area boundaries (BUABs) are respectively defined in the adopted Local Plan and in the recently examined Villages Plan. Land outside those BUABs is defined in the Local Plan as countryside where Strategy 7 only permits development *'where it is in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'*.
- 4.9 Policy NP1 of the Plan deals with the countryside and is described in paragraph 6.5 of the supporting text as adding further detail (to Strategy 7) for the consideration of applications for development in response to the specific challenges to preserving the countryside in the Plan area. The Working Group's January 2018 response notes the very high pressure for development in this part of East Devon, its closeness to the major expansion area at Cranbrook leading to increased interest from developers to build higher value housing in the countryside, and the recent significant growth in new homes in Ottery St Mary, many of which were built outside the then BUAB; all of which are argued to justify the higher level of protection for the countryside being sought through policy NP1.

- 4.10 However, in not allowing development '*other than in exceptional circumstances*',³ I am concerned that the Plan inappropriately applies the stringent test for Green Belt protection to the countryside around Ottery St Mary, which is not Green Belt. Whilst national policy requires that planning should recognise the intrinsic character and beauty of the countryside, it should also support thriving communities within it⁴, promote a strong rural economy⁵, and support sustainable rural communities⁶ with well located housing. No explanation is given in the supporting text to policy NP1 as to what might be considered as constituting '*exceptional circumstances*', thus giving no guidance to decision makers to be able to apply it consistently and with confidence, contrary to the PPG⁷. In addition, there are internal inconsistencies within the Plan itself. For example, policy NP4 sets out criteria for development that may be permitted in the settlement containment area between Ottery St Mary and West Hill and policy NP20, consistent with Local Plan Strategy 28 and NPPF paragraph 28, is permissive of farm-based tourism, which likely will be in the countryside and thus, on the face of it, at odds with policy NP1 as drafted.
- 4.11 I am not satisfied that policy NP1, as drafted, has had adequate regard to national guidance and policy. Moreover, it lacks the necessary clarity to enable a decision maker to be able to apply it consistently and with confidence when determining planning applications⁸. Subject to the deletion of the first sentence (**PM1**), I am satisfied that the remainder of policy NP1 provides useful detail for applicants as to the features of importance for the maintenance of the rural character of the area which should be protected and retained.

Design

- 4.12 It is a core planning principle in the NPPF to always seek to secure high quality design and paragraph 58 requires local and neighbourhood plans to develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Strategy 48 of the Local Plan emphasises the critical importance of local distinctiveness and local design standards in the development process and the use of local materials and local forms and styles. Policy NP2 of the Plan builds on the strategic policy and on the design standards set out in the Local Plan, in

³ The Landmark Chambers' paper referred to in the Working Group's letter of 27 January 2018 deals explicitly with this phrase in relation to Section 9 of the NPPF and protecting Green Belt land.

⁴ NPPF paragraph 17 5th bullet.

⁵ NPPF paragraph 28.

⁶ NPPF paragraph 55 and PPG Reference ID: 41-044-20160519.

⁷ PPG Reference ID: 41-041-20140306.

⁸ PPG Reference ID: 41-041-20140306.

particular policies D1 to D3, to ensure new development embraces locally distinctive design and engenders a sense of place. I am satisfied that policy NP2, in setting out guidance on the scale, density, layout, landscape, materials, and parking for new development in relation to neighbouring buildings and the local area more generally, is not unnecessarily prescriptive. In seeking to promote local distinctiveness, policy NP2 has had regard to the NPPF paragraphs 58, 59 and 60, and is in general conformity with policies Strategy 6 and 48 of the Local Plan. In contributing to the achievement of sustainable development, it accords with the Basic Conditions.

- 4.13 The NPPF at paragraph 53 advises local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. In the Local Plan, Strategy 6 requires that within BUABs, development should be compatible with the character of the site and its surroundings and design management policy D1 addresses design and local distinctiveness, resisting development that adversely affects the existing urban form and the amenity of existing residents. The Plan refers at paragraph 6.10, to pressure in the area in recent years for development on infill plots and the subdivision of gardens, particularly in West Hill. Whilst accepted as making a valuable contribution to the provision of local housing and enhancing the sustainability of settlements, backland and garden development is noted as potentially having adverse impacts on residents and on the character of the area. Policy NP3 therefore sets out criteria for infill, backland and residential garden development to ensure proposals reflect the character, density and boundary treatments of the surrounding area, protect the amenity of neighbours, and provide adequate amenity and off-street parking.
- 4.14 As drafted policy NP3 has two distinct parts; the first being positively worded and setting out criteria which proposals should comply with if permission is to be permitted and then in the second part, setting out those circumstances where proposals will be resisted. Although the latter is essentially the reverse of the first, it seems to me reasonable in an area where pressure is likely to continue for small infill schemes to set out clearly for developers what they have to do to secure permission and where that would be refused. However as drafted the policy is not well laid out with the two sets of criteria sitting side by side, and I am recommending a modification to the Plan to clarify that policy NP3 is in two parts, to be set out as policy NP3 (A) and NP3 (B) (**PM2**). Subject to the recommended modification, I am satisfied that the policy has regard to national policy and guidance, is in general conformity with strategic policies, would contribute to sustainable development and therefore meets the Basic Conditions.

Settlement containment

- 4.15 In recent years, the parishes have experienced significant development pressures with permissions granted between 2012 and 2015 for around 600 new homes in and around Ottery St Mary and at West Hill. Concerns at the visioning workshops included the amount of new housing, the pressure on existing infrastructure and services, and the impact on the special character of the area over time with pressure from house builders to develop around the edges of these settlements outside of their BUABs. To support the long-term preservation of the settlements and maintain their separation, the Plan proposes a policy of settlement containment (policy NP4) on land to the south and west of Ottery St Mary and to the east and north of West Hill.
- 4.16 Representations have been made that the District Council and Local Plan Inspector have already rejected the identification in the Local Plan of a Green Wedge between Ottery St Mary and West Hill: yet policy NP4, to all intents and purposes, promotes a Green Wedge Policy that is unjustified. I accept that criteria 2 and 5 of policy NP4 are very similarly worded to Strategy 8, in seeking to maintain the separate identity of the settlements and discourage settlement coalescence. But whilst Ottery St Mary and West Hill are some 1.5km apart, there is evidence in representations made on the Plan of pressure for the release of land on their edges, and I am satisfied that there is local justification for a settlement containment policy in this location. In that criteria 1, 3 and 4 require that the open and undeveloped feel of the land is not compromised, the landscape setting of the settlement is not harmed, and existing isolated development in the countryside is not consolidated, policy NP4 accords with both national and strategic policy to protect the countryside and direct development to sustainable locations.
- 4.17 I am satisfied that policy NP4, as drafted, is in general conformity with and supports strategic policies Strategies 7 and 24 in the Local Plan to restrict development in the countryside and to see development at Ottery St Mary focused on meeting local needs with new homes provided within the BUAB. Further it has regard to Government policy in the NPPF that neighbourhoods should *'plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan'*⁹.
- 4.18 Policy NP4 is an important plank in the raft of policies in the Plan to protect the countryside and direct development to the main settlements, in accord with the strategic policies of the Local Plan. However, I have serious concerns at the way in which the area to which policy NP4 is intended to apply is identified in the Plan. Whilst the policy is described

⁹ NPPF paragraph 16 2nd bullet point.

as applying to development of land to the south and west of Ottery St Mary and to the east and north of West Hill, the only representation on the submitted Inset Maps is two short green lines; one running along the former BUAB to the north of West Hill and the other opposite The King's School, Ottery St Mary, and running along the other side of the lane to the new housing estate at Island Farm. From a development management point of view, it is not sufficient to say that policy NP4 would cover all of the land between the green lines¹⁰, when the lines do not face each other.

- 4.19 In response to my concerns at this ambiguity in the Plan¹¹, the Working Group, with the assistance of the District Council, has clarified the area to which policy NP4 would apply by reference to physical features on the ground¹². I am satisfied, from what I saw on my site visit, that the area shown cross hatched on the new plan that would be subject to policy NP4 is appropriately drawn, having regard to the objective of the policy and its detailed wording.
- 4.20 Subject to modifications to Appendix 1 to the Plan to remove the green lines shown on the Ottery St Mary and West Hill Inset Maps and to include the new plan showing the NP4 settlement containment area (**PM3**), I conclude that by shaping and directing development so as to protect and preserve the settlements and their unique qualities, policy NP4 will contribute to the achievement of sustainable development, and I am satisfied that it meets the Basic Conditions.

Valued views

- 4.21 Government policy is that the planning system should contribute to and enhance the natural and local environment, amongst other things, by protecting and enhancing valued landscapes. Paragraph 113 of the NPPF requires local planning authorities to set criteria-based policies against which development proposals on or affecting landscape areas will be judged. Strategy 46 of the Local Plan addresses landscape conservation and enhancement and Areas of Outstanding Natural Beauty (AONBs), and requires that development is undertaken in a manner sympathetic to, and which helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in AONBs.
- 4.22 Part of the Plan area to the south and including part of the village of Tipton St John lies within the East Devon AONB, and subject to the

¹⁰ Letter of 31 January 2018 from Jo Talbot, Chair Ottery St Mary and West Hill Neighbourhood Plan.

¹¹ My letter of 9 February 2018 to Jo Talbot.

¹² Email from Jo Talbot to IPE Ltd dated 19 February 2018 with attached plan and note.

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highest status of protection in relation to landscape and scenic beauty¹³. In addition, in consultations carried out during the preparation of the Plan, there was strong support in the community for the protection of what were considered to be key views in and around the settlements in the parishes that were important to the overall local character of the area. Paragraph 6.22 refers to the Working Group identifying valued views that merit specific protection and listed in Appendix 2 as subject to policy NP6.

- 4.23 I am satisfied that in terms of its wording, policy NP6 has regard to national guidance on valued landscapes/views, is in general conformity with Strategy 46 of the Local Plan and is sufficiently flexible not to preclude sustainable development. However, I have serious concerns in respect of Appendix 2 which lists 16 views but describes them in very general terms. For example, just to take the first listed, *'along the River Otter Valley throughout the Parish'* gives no indication of the location of the viewpoint (indeed whether it is one or multiple viewpoints), the direction and extent of the view and what in that view is assessed as being important. Similar comments can be made for most of the others listed. There are background papers on the East Devon District Council website which include some protected view cone maps, but they are not easy to read and have the appearance of field notes. I consider it unreasonable to require developers and/or decision makers to have to search for evidence to try and work out where a policy applies.
- 4.24 Once made, the Plan will form part of the statutory development plan and its policies will control and influence development in the local area for the next 13 years. Planning guidance requires, therefore, that policies should be clear and unambiguous, drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications¹⁴. I am not satisfied that Appendix 2 offers that confidence. Indeed, I note that the District Council in its initial feedback on the Plan in November 2016 had asked that *'to provide clarity, this policy requires a clear map showing the important views and viewpoints as there is concern that the policy could be used to argue against any development that would in some way affect these views'*.
- 4.25 In response to my letter of 16 January 2018, the District Council, on behalf of the Working Group, has reworked the field notes and provided maps showing the direction and extent of 35 views to which policy NP6 is proposed to apply around Alfington, Ottery St Mary, Tipton St John and West Hill and Higher Metcombe. They include places where there are views in one or more directions and where there are a number of views, for example, along a section of riverside. The Plan covers an area of attractive countryside including the Otter valley with long views of the

¹³ NPPF paragraph 115.

¹⁴ PPG Reference ID: 41-041-20140306.

East Hill ridge and I am satisfied from what I saw on my site visit that the identified views are special to the area and justify policy protection. I am therefore proposing to modify policy NP6 to substitute the 4 Key Viewpoints maps for Appendix 2, include the 4 Key Viewpoints maps in Appendix 1 and delete Appendix 2. Subject to these modifications (**PM4**), I am satisfied that the Plan has regard to national policy and guidance, would be in general conformity with the strategic policies of the Local Plan, and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

Natural environment

- 4.26 It is Government policy to conserve and enhance the natural environment. Paragraph 114 of the NPPF requires that local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The Local Plan includes both strategic (Strategy 5) and development management policies (EN4 and EN5) for the protection of areas of biodiversity importance and interest and to support important wildlife habitats and features not otherwise protected by policies.
- 4.27 Aside from the internationally and nationally protected Pebblebed Heath, on the southern fringe of the Plan area, there are County Wildlife Sites and also a number of what are described as Unconfirmed Wildlife Sites, which are said to have possible interest but have not been fully surveyed. Having regard to the advice in the PPG¹⁵, I am not satisfied that there is the proportionate, robust evidence needed to support the approach taken in policy NP8 towards the protection of local wildlife sites. Nor is there anything distinct about the policy to indicate that it is reflecting and responding to any particular unique characteristics or planning context local to the neighbourhood area. Having said that, given the number of potential wildlife sites in the area that are still to be surveyed, it seems to me there is a case to be made for all new development proposals to consider potential ecological impacts at an early stage in their design, as described in paragraph 6.31. For that reason, I am modifying the Plan to delete policy NP8 as written and to replace it as policy with paragraph 6.31 (**PM5**). I consider that such a policy would be in general conformity with Local Plan Strategy 5, has regard to national policy, and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

¹⁵ PPG Reference ID: 41-040-20160211.

Ottery St Mary

- 4.28 The Local Plan's vision for Ottery St Mary is to see development focused on meeting local needs and making the town a more vibrant centre, whilst conserving and enhancing its fine built heritage and Strategy 24 supports schemes which enhance the quality of the town's environment. Chapter 9 of the Plan provides specific policies for the town, the centre of which was first designated as a Conservation Area in 1973 and which now covers the historic market and ecclesiastical centre, most of the 19th century suburbs, and a large area of historic landscape to the north and west including the small hamlet of Dunkirk. With refurbishment work now taking place at the Mill, the Conservation Area has been taken off the National Heritage At Risk Register and the Town Council is looking to protect and improve the town's heritage quality and value. Policy NP22 supports proposals that would enhance or conserve the character, appearance, assets and setting of the Conservation Area. However as drafted the second part of the policy fails to have sufficient regard to national policy in the NPPF of the staged approach that must be taken to determining the impact of a proposed development on, and the weight to be given to any harm to, the significance of the Conservation Area as a heritage asset. For this reason, and as the NPPF and Local Plan provide sufficient protection for heritage assets, I am proposing to modify policy NP22 by deleting the second sentence to ensure that the Plan meets the Basic Conditions (**PM6**).
- 4.29 Consultation on the Neighbourhood Plan identified a desire by the community for improvements to the town centre, particularly to address issues of traffic congestion and inadequate off-street car parking, and a Public Realm Study, commissioned in 2016, identified various interventions to enhance the town centre. Whilst many of the suggested actions, for example upgraded paving and rationalised signage, lie outside the scope of a land use Plan, and are to be the subject of a Town Council Project, policy NP23 is supportive of proposals to enhance the public realm and buildings in the town centre. As the policy refers only to proposals that will enhance the public realm and buildings, I am modifying the policy title to delete the words '*and highway improvements*' (**PM7**). Subject to this modification, I am satisfied that policy NP23 meets the Basic Conditions.
- 4.30 Car parking capacity is a concern in many historic towns and was a particular issue for residents consulted on the Plan. Having regard to Paragraph 40 of the NPPF which requires local authorities to seek to improve the quality of parking in town centres so that it is convenient, safe and secure, policy NP24 supports the provision of additional parking capacity in the town centre to reduce on-street parking and congestion. I am satisfied that it has regard to national policy, is in general conformity with the strategic policies of the Local Plan and would contribute to the

achievement of sustainable development, thus meeting the Basic Conditions.

West Hill

- 4.31 Chapter 10 of the Plan deals with West Hill, which is the largest village in the Plan area and identified in the emerging Villages Plan as a sustainable settlement with a range of accessible services and facilities, for which a BUAB is defined. The Villages Plan has been the subject of examination with consultation on the Inspector's main modifications ending on 2 February 2018 and the Working Group has confirmed that no modifications were recommended to the West Hill BUAB, shown on the Inset map at Appendix 1. Minor modification is recommended to the Inset map to confirm that the BUAB shown is that proposed to be adopted in the Villages Plan (**PM8**).
- 4.32 West Hill has a locally distinctive wooded character with generally low-density housing set in spacious treed plots. To help protect and maintain this special character, the West Hill Design Statement was prepared by the Residents Association and the Plan refers to its subsequent adoption in 2006 by East Devon District Council as supplementary planning guidance. Paragraph 10.3 refers to the Design Statement having been reviewed but the current status of the document is unclear as to whether the review was undertaken by the District Council or the Residents Association. Paragraph 10.5 refers to Appendix 6 to the Plan as including further detail summarised from the reviewed Village Design Statement.
- 4.33 However, given that the Plan includes a specific policy NP26 on West Hill Design, I see no justification for appending a summarised version of the Design Statement to the Plan. Indeed, as there are some differences between some principles set out in the Appendix 6¹⁶ and the policy, its inclusion in the Plan has the potential to confuse applicants/developers and risk undermining the policy's clarity. As drafted, policy NP26 is specific and detailed, giving clear guidance on the design principles to be incorporated into new residential proposals in West Hill. I am satisfied that, subject to the deletion of paragraph 10.5 and Appendix 6 (**PM9**), policy NP26 will contribute to the achievement of sustainable development and meet the Basic Conditions.
- 4.34 Overall, I conclude on my first issue that subject to the recommended modifications being made, the Neighbourhood Plan policies for the built and natural environment (alongside the protection of the historic environment already provided by the NPPF and the Local Plan), will secure high standards of design and protect heritage and environmental assets,

¹⁶ For example, A2 (views out), A4 (building lines), C2 (shared access drives), C4 (limit to one access per dwelling).

having regard to national policy and guidance and are in general conformity with the strategic policies in the Local Plan, thus meeting the Basic Conditions.

Issue 2 – local green spaces

- 4.35 Section 8 of the NPPF addresses the way planning can promote healthy communities and the Local Plan policies Strategy 3 and Strategy 4 provide for the achievement of sustainable development and balanced communities including by conserving and enhancing the environment and promoting social well-being. Paragraph 76 of the NPPF enables local communities through local and neighbourhood plans to identify for special protection green areas of particular importance to them. By designating land as Local Green Space (LGS), local communities are able to rule out new development other than in very special circumstances. Thus, policies identifying LGSs must be consistent with planning for sustainable development and must complement investment in sufficient homes, jobs and other essential services. They should be capable of enduring beyond the end of the Plan period.
- 4.36 Stringent criteria on Local Green Spaces are set out in the NPPF at paragraph 77 and there is further advice in the PPG. Policy NP5 designates 24 open spaces as LGSs within the parishes and they are identified by letter on the Inset maps in Appendix 1. They are varied in character and include sports pitches, school playing fields, greens and parks, play areas, and woodland. Descriptions and assessments of the spaces against the NPPF criteria are provided in the background papers. Having regard to this evidence, and what I saw on my site visit, I am satisfied that the following spaces are local in character, but not extensive tracts of land, are demonstrably special and in close proximity to the community they serve. They should therefore be listed in policy NP5. They are: land at Canaan Park, Ottery St Mary (h), Millennium Green, Ottery St Mary (i), allotments, Higher Ridgeway, Ottery St Mary (j), the play park, Butts Road, Ottery St Mary (l), Claremont Field, Ottery St Mary (t), the play area by the school/village hall West Hill (m), Woodland Trust wood, Higher Broad Oak Road, West Hill (o), Elsdon Wood, West Hill (p), Broad Oak plantation (q), West Hill, Tipton St John playing fields (r), and Kings School playing fields towards Strawberry Lane (u).
- 4.37 The NPPF cautions that LGS designation will not be appropriate for most green areas or open space and I have carefully considered the case for including in policy NP5 the playing fields of Ottery St Mary, Tipton St John and West Hill primary schools. In response to my question, the Working Group has said that it would not want to see these school playing fields being sold off for general development. However, the NPPF at paragraph 74 is clear that such land should not be built on unless rigorous tests are met and Local Plan policy RC1 resists the loss of open space used for

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recreational purposes. They are also proposed to be protected under policy NP17, as community facilities of value. Whilst I am mindful of the advice in the PPG that consideration should be given to whether any additional local benefit would be gained by designation as LGS, from what I saw on my visit and the assessments provided, I am satisfied that LGS designation is warranted for these three sites. Each of the playing fields is compact, local to the community it serves, and demonstrably special because of its recreational value. Accordingly, I consider it appropriate to include Ottery St Mary primary school playing fields (g), Tipton St John primary school playing field (s), and West Hill primary school playing field (n) in policy NP5.

- 4.38 The Working Group has agreed that the play areas at the new housing developments at Gerway Nurseries (v) and at the Kings Reach site (w) probably do not meet the LGS criteria and it was content that they be removed from policy NP5 (**PM10**). As to Barton Orchard, Tipton St John (x), the PPG does not preclude new green areas, planned as part of a new residential development, being designated as LGS if they are demonstrably special and hold particular local significance¹⁷. The Barton Orchard development is on the edge of the village, on a sloping site within the AONB. I am satisfied that both the open play area at the entrance to the development and the attractive area of hillside which is to be informally laid out as open space meet these criteria. However, a minor modification is needed (**PM11**) to the Tipton St John Inset map to ensure the areas are delineated accurately.
- 4.39 There is considerable overlap between policy NP5 and policy NP17 which strongly resists the loss of community facilities of value listed in Appendix 5. The Appendix lists places like the Hospital, Old Town Hall, scout huts, village stores, but it also includes many of the outdoor sports' facilities that are also proposed to be designated as LGSs. Sports' clubs do change over time and may seek to invest in features such as new clubhouses, indoor sports' facilities and floodlighting to enhance their facilities. Whilst the PPG does not preclude LGSs including sports' pavilions, proposed additions or changes to them may not be seen as consistent with maintaining the land as 'Local Green Space'. In my view, it would benefit the Ottery St Mary Cricket Club (a), the Ottery St Mary Town Council sports facility (b), the Ottery St Mary Football Club (c), the football pitch and playground on Clapps Lane, Ottery St Mary (d), the Tennis Courts off Winters Lane (e), the Kings School sports pitches (f), and the Skate Park, off Cadhay Lane (k), in the future if they were protected by policy NP17 and not also by policy NP5. This would achieve greater consistency with the NPPF, paragraph 77, and I propose a modification accordingly (**PM12**).

¹⁷ PPG Reference ID: 37-012-20140306.

4.40 Providing the modifications set out above are made, I conclude that policy NP5 will appropriately provide for the designation and protection of LGSs, in accordance with national policy and guidance and the need to be consistent with the local planning of sustainable development, and in general conformity with strategic policies of the Local Plan. Accordingly, the Basic Conditions will be met.

Issue 3 – housing, community facilities, infrastructure and the economy

4.41 Objectives of the Plan include the promotion of sustainability, supporting the housing needs of the current and future community of the parishes, whilst ensuring that their social and physical infrastructure needs are met and supporting the local economy.

Housing

4.42 In recent years, there has been significant new housing development in Ottery St Mary and West Hill and consultation on the Plan identified widespread concern that this had placed significant pressure on the area's infrastructure. The Spatial Strategy in the Local Plan is to direct large-scale development to the West End and the main towns whilst development in the smaller towns, villages and rural areas is to be geared to meeting local needs. Within Ottery St Mary, the strategy is to see development focused on meeting local needs and making the town a more vibrant centre (Strategy 24). Whilst there are no specific housing allocations for the towns and villages in the period till 2031, Strategy 6 does allow for development within the defined BUABs of Ottery St Mary and the sustainable village of West Hill, subject to meeting stringent criteria.

4.43 It is national policy in the NPPF that planning should deliver a wide choice of high quality homes and plan for a mix of housing based on current and future demographic trends. Strategy 4 of the Local Plan notes that many East Devon communities have an overtly aged population profile and encourages residential development that will be suited to or provide for younger people and younger families and development management policy H2 seeks a range and mix of new housing. Census data and demographic projections indicate that the Plan area has an ageing population that is set to increase in the future, but at the same time affordability is an issue for families and younger people with a limited supply of smaller and cheaper houses. The Plan appropriately addresses these issues, through policy NP12 which requires all residential development to include an appropriate housing mix reflecting local need and to deliver smaller homes suitable for families and/or elderly people, and policy NP13 which supports the provision of accessible and adaptable homes in all housing developments, in general conformity with Strategy 36 of the Local Plan.

4.44 In the smaller villages and countryside, Local Plan Strategy 35 provides for exception sites aimed at securing affordable housing where there is a proven local need. In accord with the strategy, the Plan through policy NP27 allocates a small exception site in Alfington for a development of up to 5 homes, of which 3 are to be affordable. The site is physically well related to the built form of the village, is supported by the local community, and I am satisfied that, subject to the inclusion of the Alfington Inset map in the Plan (**PM13**), the allocation is in general conformity with the strategic policies of the Local Plan and would contribute to the achievement of sustainable development.

Infrastructure

4.45 It is recognised in the Local Plan that in the past infrastructure has not always kept 'in step' with development and Strategy 50 deals with infrastructure delivery and the production of an Infrastructure Delivery Plan for East Devon (IDP). The IDP was reviewed in November 2017 and paragraph 7.18 should be updated to reflect the most recent information on infrastructure needs (**PM14**). Chapter 7 of the Plan is entitled Community and, in addition to the housing policies NP12 and NP13 (see above), includes policies to address the local community's concerns about increasing pressure on existing infrastructure and ensure that future developments are supported by adequate infrastructure. In requiring developers to demonstrate how the infrastructure needs of the development will be addressed and in supporting health and social care infrastructure and schools, policies NP14, NP15 and NP16 are in general conformity with Strategies 3, 4, 24 and 50 of the Local Plan, have regard to national policy, and will contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

Education

4.46 Land in Ottery St Mary is identified in the Plan for education uses (policy NP25). The Local Plan and the Neighbourhood Plan both note the existing pressure on primary school places locally and in the surrounding area with a recent proposal and consultation on a new primary school to allow for the relocation of the school at Tipton St John and to serve developments in Ottery St Mary. Whilst some 3.27ha of land west of The King's School is allocated in the Local Plan for community and educational uses, the Neighbourhood Plan through policy NP25 now proposes that around 6.64ha is safeguarded '*for education or community use, with strong preference to be given to meeting the educational needs of the Neighbourhood Plan area*'.

4.47 This is justified in the Plan by the need not only to provide land for a new primary school but also to safeguard additional land for The King's School, Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

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which is described as being currently at capacity. The recent IDP Review identifies a new primary school at Ottery St Mary as critical (priority 1 with delivery 2019-20) to the delivery of the vision, objectives and policies of the Local Plan. However, additional secondary school places are seen as less critical (priority 2 for delivery 2017-31), although the IDP Schedule notes that The Kings School will be over capacity due to additional dwellings in its catchment area, and currently has no land on which to expand nor finances to buy land or create the significant build to take more students.

- 4.48 Representations made by NPS SW Ltd on behalf of Devon County Council as landowner of the NP25 allocation question the Plan's focus on secondary provision and object to the safeguarding of more land. It does not appear to be in doubt that primary provision is under significant pressure but their evidence is that the existing allocation in the Local Plan is more than adequate to accommodate a 210-place primary school as well as the skateboard park. As to secondary provision, I note that the 2015 consultation on the Neighbourhood Plan with the education department of Devon County Council did not indicate a need for additional secondary capacity, noting that any difficulty was due to the high level of parental preference for The King's School from outside its catchment.
- 4.49 Advice in the PPG¹⁸ is that a neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan. In this case, I am not satisfied by the evidence that it has been demonstrated that there is a need here for secondary provision that justifies an allocation that is substantially larger than that in the Local Plan. It is clear on any reading of Strategy 24 that the Local Plan allocation was to provide for additional primary school places, as well as community uses, and this is confirmed in the IDP where a new primary school at Ottery St Mary is seen as critical. Whilst The King's School has recently undertaken some rationalisation and new development of classrooms and canteen facilities, I have not been shown any evidence of plans to increase its intake. But, even if there were a requirement for additional secondary places, I understand that the County Council could not direct The King's School, as an Academy school, to meet it.
- 4.50 Taking these matters together, and particularly given that the Local Plan allocation is more than sufficient to accommodate a new primary school, along with any proposed community uses, I conclude that the NP25 allocation of land to the west of The King's School, as shown on the Neighbourhood Plan Proposals Map, is not justified and should be deleted (**PM15**). I am however satisfied that there is merit in the detailed criteria of policy NP25 remaining in the Plan to give guidance to developers on the

¹⁸ PPG Reference ID: 41-044-20160519.

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form of development that would be acceptable on the site allocated in the Local Plan, including ensuring that the ability of The King's School to expand in the future is not compromised. Providing my modifications are made, policy NP25 will meet the Basic Conditions.

Community facilities

- 4.51 Those living in the villages in the Plan area are particularly reliant on their local facilities and their retention is a key factor in helping to secure the villages' sustainable future. Policy NP17 seeks to resist the loss of a wide range of community facilities that are highly valued locally and seen as making an important contribution to residents' quality of life. In addition to sports pitches/clubs/tennis courts, parks and allotments, Appendix 5 identifies village halls, pubs, post offices, local convenience stores, the library, and youth club facilities as community facilities of value. From what I saw on my visit, I am satisfied that all the sites and premises listed are of value to their communities and warrant protection. I conclude that the first part of policy NP17 meets the Basic Conditions, and by contributing to the achievement of sustainable development has regard to national policy and is in general conformity with strategic policies in the Local Plan to promote social wellbeing (Strategy 3), provide for balanced communities (Strategy 4), and resist the loss of employment, retail and community sites and buildings (Strategy 32).
- 4.52 However I have reservations about the second part of policy NP17, which resists any changes of use or redevelopment of the two listed Assets of Community Value. Given that the Local Plan already includes a strategic policy that resists the loss of employment, retail and community sites and buildings (Strategy 32), I am not satisfied that the second part of policy NP17 adds anything that is locally distinctive. For this reason, I am modifying the Plan to delete the second part of policy NP17 (**PM16**).

The Economy

- 4.53 Chapter 8 of the Plan deals with the economy and Ottery St Mary is supported as the economic focus for the Plan area. With a Sainsbury's supermarket, shops, services, secondary school and health, social and cultural facilities, it is the service centre for the area and identified in the Local Plan as one of the main towns in East Devon where development to meet local needs should be focused (Strategy 24). However, like many small towns, the commercial vitality of Ottery St Mary has suffered in recent years, despite the influx of new residents and the first part of policy NP18 seeks to redress the balance by encouraging new retail development in the town centre, the retention and enhancement of existing retail frontages, and new and improved employment premises and sites. It has regard to national policy which seeks to ensure the

vitality of town centres and build a strong, competitive economy¹⁹, is in general conformity with strategic policy in the Local Plan and would contribute to the achievement of sustainable development.

- 4.54 The second part of policy NP18 seeks to address the re-use of already redundant and unoccupied former employment, social or community premises. However, it adds nothing locally distinctive or different to Local Plan Strategy 32 which includes criteria on listed buildings and on the marketing of unoccupied premises. When made, the Neighbourhood Plan will form part of the development plan and with two policies saying nearly the same thing there is inevitably potential for confusion that can be exploited. In the interests of clarity, I am modifying policy NP18 by the deletion of the second part (**PM17**).
- 4.55 The Local Plan allocates an additional 2.2 hectares for employment uses at the Finnimore Industrial Estate in Ottery St Mary and policy NP19 provides support for the delivery of a high-quality development including improvements to the appearance of the Estate on an important gateway to the town. Industrial traffic is not suited to the narrow, congested streets of the town centre and the policy wants to ensure that HGV traffic accesses the site from the west, from the Daisymount junction with the A30. However, it seems to me that what the policy is seeking to secure is not a Travel Plan per se, but that applications are accompanied by a Transport Assessment²⁰, described in the PPG as a thorough assessment of the potential transport implications of development, and which could include mitigation measures to promote sustainable development including the preparation of a Travel Plan²¹. A Transport Assessment should also consider the impact of traffic from any new development on the strategic road network (A30). Subject to these modifications (**PM18**), I am satisfied that policy NP19 meets the Basic Conditions.
- 4.56 The Plan refers at paragraph 8.10 to the tourism potential of the area for both day trips and longer stays. Whilst there are already some facilities, evidence is that the tourist offer could be significantly enhanced, supporting more local jobs and enhancing the vitality and vibrancy of Ottery St Mary town centre and the area generally. National policy supports sustainable rural tourism and leisure developments that can benefit businesses in rural areas and communities as well as visitors. The Local Plan through policies Strategy 28 and Strategy 33 is also supportive of rural diversification and tourism and development management policy E20 supports the provision of visitor attractions. The Plan through policy NP20 specifically encourages small scale farm-based tourism, re-using

¹⁹ NPPF paragraphs 21 and 23.

²⁰ PPG Reference ID: 42-004-20140306.

²¹ A Travel Plan is long-term management strategy for integrating proposals for sustainable travel into the planning process.

redundant farm buildings, establishing campsites and providing accommodation in yurts or shepherd huts. I am satisfied that it would contribute to the achievement of sustainable development and meets the Basic Conditions.

- 4.57 Within the Plan area, 2011 census data indicates an above average proportion of people who work from home and with improved technology, this is likely to become more common. The NPPF recognises the importance of an advanced, high quality communications infrastructure for sustainable economic growth and slow broadband has been a constraint in the area. To address this, policy NP21 supports and encourages the provision of high speed broadband to achieve full coverage of the two parishes. But whilst the policy, in line with Local Plan Strategy 31, is generally supportive of development to provide appropriate homeworking facilities subject to there being no adverse effects on neighbours, this is limited to development within existing settlements as is the provision of or conversion of existing buildings to live-work units.
- 4.58 National policy supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings²². To promote sustainable development in rural areas, the NPPF at paragraph 55 is also supportive of housing where it will enhance or maintain the vitality of rural communities and provides for cases where residential development may be accepted, such as the re-use of redundant or disused buildings or where development represents the optimal viable use of heritage assets. Paragraph 15.9 of the Local Plan refers to the District Council's keenness to promote employment opportunities in rural areas and I do not consider that policy NP21, by limiting new or converted live-work units to existing settlements and precluding, for example, the conversion of rural buildings for such purposes, has sufficient regard to national and strategic policy for rural areas. However, subject to modification to remove the references to existing settlements (**PM19**), I am satisfied that policy NP21 would contribute toward the achievement of sustainable development and meet the Basic Conditions.

Flooding

- 4.59 The River Otter and its tributaries run through the heart of the Plan area and significant areas are identified by the Environment Agency as at risk of flooding. Section 10 of the NPPF sets out policy on meeting the challenge of climate change, flooding and coastal change. Along with Strategies 3 and 5 on sustainable development and the environment, Strategy 38 of the Local Plan recognises the need to take account of climate change and for new developments to minimise vulnerability and

²² NPPF paragraph 28.

build in resilience, with development management policies EN21 and EN22 addressing issues of river and coastal flooding and surface water run-off. There is specific mention at paragraph 12.5 h) to promoting measures to reduce potential future flooding and avoid development on the extensive flood zones to the West and North of Ottery St Mary. But whilst policy NP7 of the Neighbourhood Plan is supportive of proposals for flood defences and alleviation measures, I am concerned at the use of the word 'usually' before 'be encouraged and supported'. Without any further detail in the supporting text to explain or justify that qualification, it undermines the policy and I am recommending that it be deleted (**PM20**).

- 4.60 Providing the recommended modifications are made, I am satisfied that the Plan's policies for housing, infrastructure including education facilities, community facilities, the economy and flooding, will meet the Basic Conditions.

Issue 4 – accessibility and energy policies

Accessibility

- 4.61 The Plan from page 38 deals with accessibility and describes congestion and road safety as the big challenge and that traffic related issues were the number one concern of residents when consulted on the Plan. The Local Plan also refers in the justification supporting Strategy 24 to traffic congestion in the town centre. Projects supported by the Town and Parish Councils seek to enhance road safety, to develop a local green infrastructure network and support public transport. Accessible development is addressed in policy NP9 which requires new development to provide for safe pedestrian and cycle connections to reduce reliance on the private car. This policy is in accord with national policy in the NPPF which promotes sustainable transport and healthy communities and with Local Plan Strategies 5B and 24 and will contribute to the achievement of sustainable development.
- 4.62 It has been a longstanding aspiration of the Town, Parish, District and County Councils to explore the potential for a cycle and walking route from Feniton to the coast at Sidmouth, which would broadly follow the route of the former railway track as a safe off-road connection and provide the backbone for the Green Infrastructure Network for the area. Policy NP10 sets out local support for this link and encourages its delivery with an indicative route shown on the Proposals Map. A project is also identified for delivery of this link. I am satisfied that the policy is in general conformity with strategic policies for sustainable transport and tourism, has regard to national policy and meets the Basic Conditions.

Energy

4.63 Whilst national policy encourages the use of renewable resources, it recognises that adverse impacts should be satisfactorily addressed in policies, including cumulative landscape and visual impacts. The Local Plan considers renewables at paragraphs 17.15 to 17.18 and in Strategy 39. Given the openness of the topography and attractive landscape of the Otter Valley, the Plan through policy NP11 does not support wind turbines or medium or large scale photovoltaic installations and requires proposals for farm based anaerobic digesters to demonstrate that any adverse impacts can be mitigated. I am satisfied that the policy is justified having regard to the character of the Plan area, has regard to national policy, is in general conformity with strategic policies of the Local Plan and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.

Overview

- 5.4 I recognise that the Plan is the product of a lot of hard work by the Working Group and the Ottery St Mary Town Council and the newly formed West Hill Parish Council, at a time of great change with the two

parishes having to work together in unusual circumstances where they had once been one body. Considerable effort has been put in over the last two years to achieve the submitted Plan and, in the process, there has been engagement with a large number of local people and stakeholders. The output is a Plan which should help guide the area's future development in a positive way with the support of the local community. I commend the Town and Parish Councils and the Working Group for producing this Plan which, subject to some modifications, will influence development management decisions over the next 13 years.

Mary O'Rourke

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 25	<p>Policy NP1</p> <p>Delete the first sentence.</p> <p>Replace the word 'it' in the second sentence with 'development in the countryside'.</p>
PM2	Page 29	<p>Policy NP3</p> <p>Insert (A) before 'Planning permission ... 'and include under policy NP3 (A) the four criteria on the left hand side of page 29.</p> <p>Insert (B) before 'Proposals' and after 'Proposals' insert 'for residential development for one or more dwellings on infill, backland and residential garden sites' before the words 'will be resisted if:' and then include under policy NP3 (B) the 5 criteria listed on the right hand side of page 29.</p>
PM3	Page 30	<p>Amend Appendix 1 to the Plan to remove the green lines shown on the Ottery St Mary and West Hill Inset Maps and include the new plan (attached to Jo Talbot's email of 19 February 2018) showing the NP4 settlement containment area at a scale of 1:12,500.</p>
PM4	Page 34	<p>Amend policy NP6 to replace 'these are listed at Appendix 2' by 'these are shown on the Key Viewpoints maps in Appendix 1'.</p> <p>Include the 4 Key Viewpoints maps in Appendix 1.</p> <p>Delete Appendix 2 and renumber accordingly.</p>
PM5	Page 37	<p>Delete the text of policy NP8 and replace with the text of paragraph 6.31.</p>

PM6	Page 67	Delete the second sentence of policy NP22.
PM7	Page 70	Delete the words ' and highway improvements ' from the title of policy NP23.
PM8	Page 86	Ensure that the up to date BUAB is shown on the West Hill Inset in Appendix 1.
PM9	Pages 74 and 104 onwards	Delete paragraph 10.5 and Appendix 6
PM10	Page 32	Delete spaces (v) and (w) from policy NP5.
PM11	Page 87	Redraw the Barton Orchard LGSs on the Tipton St John Inset to reflect the areas of open space shown on the permitted development scheme.
PM12	Page 32	Delete spaces (a), (b), (c), (d), (e), (f) and (k) from policy NP5 and renumber accordingly.
PM13	Page 87	Include the Alfington Inset Map.
PM14	Page 52	Rewrite paragraph 7.18 to reflect most recent information in the Infrastructure Delivery Plan Review of November 2017.
PM15	Page 72	In Policy NP25 delete the words ' as shown on the Neighbourhood Plan Proposals Map ' and replace with ' as shown on the East Devon Local Plan 2013-2031 Proposals Map '.
PM16	Page 56	Delete the second part of policy NP17.
PM17	Page 60	Delete the second part of policy NP18 from ' In addition to '.
PM18	Page 61	Delete the second part of policy NP19 and replace with the following: <i>'Applications for employment development at Finnimore Industrial Estate should be accompanied by a Transport Assessment, to include the assessment of the impact of traffic on the A30 and on Ottery St Mary town centre, and include measures to</i>

		<i>direct HGV traffic to access the Estate from Daisymount to the west.'</i>
PM19	Page 64	In policy 21 remove in lines 3 and 8 the words ' within existing settlements '.
PM20	Page 36	In policy NP7 delete the word ' usually ' in the third line.