

Ms Jo Talbot
Ottery St Mary and West Hill Neighbourhood Plan.

Examination ref; 02/MOR/ONP

22nd January 2018.

Dear Ms. O'Rourke,

Thank you for your letter dated 16th January in which you raise a number of points following your initial examination of our draft neighbourhood plan. I am responding on behalf of the working group and I trust that we have fully addressed the points that you raise. Please do not hesitate to get in touch with me again should there be the need for further clarification.

For ease of reference, we have set out our responses using as headings the NP policies identified in your letter and we have addressed them in the same order.

Attached is a copy of the draft neighbourhood plan with maps mentioned added*.

1. The Proposal maps and Inserts. Appendix 1. Alfrington Inset Plan was omitted by error and has now been reinstated – page 89*
2. Inset Map for West Hill in Appendix 1. We can confirm that the inset map for West Hill on page 86 (now page 87*) is that submitted to the examination of the East Devon Villages Plan, and confirm that no modifications relating to West Hill are recommended by the Inspector in the Main modifications.
3. Policy NP1. We believe that the case is wholly made out for the approach that we have taken in draft NP1. You raise two points.

An important theme from the first visioning workshops onwards was the desire to protect the landscape, summarised as 'Protecting the highly valued landscape and environmental assets of the Parish'. Residents felt strongly that they did not want additional development above that required by the Local plan. The policy is intended to add extra detail and refinement to Strategy 7 of the Local plan.

First, you seek justification and explanation for the inclusion of the phrase 'exceptional circumstances' in NP1. Hence, the justification for a high presumption against development in the countryside is as follows:

- The countryside of the NP area is highly valued by local people and this was a fundamental point made during public consultations and at exhibitions. (See Para 3.5 of the NP and other supporting documentation). This led to its protection becoming a central plank of our *Vision Statement* and it is given pride of place in the NP's *Themes and Objectives*. (See pages 20 and 21 of the NP).
- While it is correct to acknowledge that some protection is already provided by the policies in EDDC's Local Plan, these have application to all of East Devon and it is crucial to note the specific challenges to preserving the countryside in our NP plan area. It is this fact that has caused us to place a very high value on NP1. We cite in particular:
 - The high quality of the environment to be protected.

- The very high pressure for development in this part of EDDC as opposed to elsewhere in the District (i.e. its closeness to Exeter and good communication links thereto)
- Likewise, its closeness to the major expansion area at Cranbrook.
- The pressure that is extant from developers at Cranbrook seeking to develop outwith Cranbrook with higher valued properties. This has led to increased interest in what are perceived as potential development sites in the countryside of our NP area.
- The 25% growth in the number of homes in Ottery St Mary against an initial proposal in EDDC's early draft local plan for an 8% growth (this in itself higher than for most other parts of EDDC), a substantial part of which was accommodated on land designated as countryside and outwith BUABs, amply demonstrates the pressure that the countryside within the NP area faces compared to other area of the EDDC Local Plan and justifies the higher level of protection required.
- We cite as examples the following recent developments and applications adversely affecting our countryside:
 - The Redrow housing development off Butts Road in the countryside and outwith the BUAB of Ottery St Mary (EDDC did not support this development).
 - 'The Nursery' development to the south in the countryside and outwith the BUAB of the Ottery St Mary.
 - Housing development adjacent to Barton Orchard Tipton St John against local preferences and that impinges on an AONB.
 - Proposals by Persimmon for development at Higher Metcombe.

Second, you ask what might be determined to be 'exceptional circumstances.' The legal meaning of this phrase is well known, including in planning cases. (We have taken as a useful summary source the Landmark Chambers reference paper at - <http://www.landmarkchambers.co.uk/nppf9>).

In short, case law makes clear that exceptional circumstances turn on the facts of the particular case. As the particular facts can be legion, it would not be helpful to attempt to identify and particularise specific factors for our NP. We are content to rely on the body of case law.

4. Policy NP4 A new map has been added – page 83* of the amended version of the draft plan to show the intended area between Ottery St Mary and West Hill to be covered by the settlement containment.
5. Policy NP5 We agree that the play areas at the Gerway Nurseries site (v) and Kings Reach site (w) probably do not meet the criteria for LGS and will be covered by planning conditions. We are content that these be removed from the list of LGSs.

The Tipton St John site, Barton Orchard (x) comprises two public open spaces that are designated in the approved planning permission– These are of high landscape value and

amenity value as described in the assessment proforma. The site is also within the East Devon AONB. We therefore consider that this site warrants inclusion as an LGS. A copy of the proforma and plan are in the LGS consultation documents. The correct boundaries of the public open spaces are demarcated by a purple dotted line in the plan (from the planning application) attached for easy reference.

Publicity at the early stages of the NP **invited** landowners and other interested parties to come forward and talk to the NP working group. This approach has been maintained throughout the preparation of the NP and has included personal contacts by the Town Mayor. A farmer from a significant local landowner family has been a member of the NP working Group so as to provide a direct input to the working group on local landowner issues. DCC and landowners were contacted in the regulation 14 consultation. No comments were received on the particular issues in this draft policy. See page 12 under education in the consultation document. Also see appendices K in the pre submission consultation draft. Developers and landowners were consulted and their comments are under appendices L.

6. Policy NP5 School Playing Fields and /or play areas. Our purpose for listing NP open spaces at schools as LGSs is to secure their use by school children and others as places to enjoy and to exercise recognising the pressures on those whom control large estates (including education authorities) to take commercial decisions that may not be to the advantage of local people.

Hence, we would not wish to see playing fields sold off for general development, including housing. We note Gladman's point about school expansion but observe that this is fully addressed by NPPF and Local Plan policies such that a case for school expansion could be made out (including on a playing field LGS) subject to the particular facts and proposals. That said, we believe that the inclusion of the school LGSs is essential to our NP.

NPPF Para 77 includes playing fields as an example of why an LGS might have special significance, e.g. recreational value. Therefore we feel it is appropriate to include playing fields/play areas as an LGS.

Expansion of Ottery St Mary primary school has been ruled out; hence the need for a new primary school to be situated next to King's School. West Hill primary School has no plans or desire to expand. The new primary school in Ottery St Mary will provide extra capacity. The Tipton St John School Playing Field and the Tipton St John Playing Field are both in flood Zone 2 and are therefore unsuitable for any other development.

7. Policy NP6 Protected Views. We note the point you make about Appendix 2 to the NP briefly listing the *protected value views* (PVVs). We rely on the supporting documentation submitted as part of the examination (available on the EDDC website at: <http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/ottery-st-mary-and-west-hill/>) as a means for fully identifying, particularising and justifying the PVVs.

We believe that this supporting documentation sufficiently describes and identifies the relevant views for each of the PVVs. Local communities and their representatives on the NP Working Group have identified the views and developed the supporting evidence. Our NP is unusual in having so many communities within its boundary: hence, we acknowledge some variations in the way in which the detail is presented. However, our various communities

believe that the case is made out to protect the views listed in Appendix 2 which our residents feel strongly should be protected.

We would be pleased to respond to you on specific PVVs should you would wish to identify them through further and better particulars: you will appreciate that it is not possible for us to respond on particular PVVs at this time.

8. Policy NP25 6.64ha of land west of King's School for education or community use. The intention of EDDC in safeguarding the 3.27ha in the local plan was to provide for possible future expansion of the King's School. Since publication of the Local Plan, there has been a new proposal to use some of this land for a primary school, which was not envisaged previously and not considered by EDDC. Therefore the Working Group wished to safeguard additional land so that there would still be at least 3-4ha for possible use by The King's School. We understand that EDDC are wholly supportive of this position. As there are some current community facilities in the area (The Skate Park, Colin Tooze Leisure Centre) it also seemed sensible to safeguard some additional land for future community use.
9. Project Boxes. Although we agree the PPG advice is generally that community projects would be best in an annex or companion document, there is no absolute need for such separation. Our current draft reflects the views expressed by local people and members of the NP working group that the policies and projects are inseparable in delivering our *vision*. Hence, we consider that the context for the projects is better understood by including it in the main document. Separating out the 14 projects would make it more difficult to understand their relevance and would mean constant cross referencing to the main text. Our preference would be to retain the projects within the main text.

I hope that this is helpful and you have all the documents you need. If you need further clarification or help please do not hesitate to get in touch. This has been a big project and as you can appreciate involves two parishes having to work together under unusual circumstances as they were once all one and split into two (but with the same Neighbourhood plan area) during the process.

Yours sincerely,

Jo Talbot.
Chair Ottery St Mary and West Hill Neighbourhood Plan.

