

No.	Organisation	<p>Note: All responses are summarized and are subject to the Neighbourhood Planning Officer's interpretation of the comments received. Original responses are available to view on the District Council website:</p> <p>http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/ottery-st-mary-and-west-hill</p>
1	Amec Foster Wheeler for national Grid	<p>An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high pressure gas pipelines and also National Grid Gas Distribution's Intermediate / High Pressure apparatus.</p> <p>National Grid has identified the following high-pressure gas transmission pipelines as falling within the Neighbourhood area boundary:</p> <ul style="list-style-type: none"> • FM14 - Barrington to Aylesbeare • FM20 - Ottery St Mary to Aylesbeare <p>From the consultation information provided, the above overheads powerline does not interact with any of the proposed development sites.</p> <p><i>Gas Distribution – Low / Medium Pressure</i></p> <p>Whilst there is no implication for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites.</p>
2	Barton Wilmore for KCS Ltd.	<p>Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act (1990) only requires a NP to meet the following conditions:</p> <p>1. "Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</p> <p>2. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.</p> <p>3. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make</p>

the order. This applies only to Orders.

4. The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

5. The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

6. The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

7. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)."

Whilst it is acknowledged that national policy and guidance only require NP's to be in 'general conformity' with national policy, whilst contributing towards achieving the aims of sustainable development, we consider that given the emerging policy position in the GESP, the NP must plan positively to support local development.

The representation considers that:

The NP fails to allow for flexibility or future identified housing need, such as that set out within the emerging GESP, and is considered to be in conflict with condition 1 outlined above.

In relation to Condition 4 of the Act, the NP's intention to potentially further restrict growth in Ottery St Mary, a settlement which is highly sustainable, when consideration is given to the general level of services, facilities and amenities available. This would suggest that the NP does not contribute towards achieving sustainable development. Furthermore, the NP could also serve to obstruct the purposes of the emerging GESP by restricting the delivery of identified housing needs within a sustainable settlement.

Condition 5, as set out above, under paragraph 8(2) of Schedule 4B in the TCPA 1990 requires that the NP is in general conformity with the strategic policies of the development plan for the area, yet the evidence base prepared to inform the NP makes no reference to the emerging policies and/or evidence base of the GESP. Furthermore, National Planning Practice Guidance ('PPG') states that "Although a draft NP is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested...The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans". It is unclear whether the NP Group have worked closely with the GESP authorities to ensure that there is no conflict between the NP and the emerging GESP. Therefore, our Client considers that in order for the NP to be found sound by an Inspector and at a referendum, then further evidence must be provided to demonstrate how this condition has been met and where the NP gives specific regard to the evidence base and emerging policies contained within the GESP.

Policy specific comments:

Policy NP1: Development in the Countryside

Policy NP1 seeks to restrict development from taking place that is deemed to fall within the countryside and outside the settlements or built up area boundaries as defined by the 'Proposal Map', unless in exceptional circumstances. However, whilst the policy refers to specific features that must be protected and maintained, no definition of what would constitute 'exceptional circumstances' is provided. It is our opinion that this is in conflict with national policy, guidance and advice as well as the adopted Local Plan. In particular, Strategy 6 of the East Devon Local Plan sets guidelines for what development will be allowed within the settlement boundaries, whilst advising that Neighbourhood Plans may specifically allocate sites and/or include criteria based on other policies for promoting development beyond the boundaries.

The only comparable test in Planning Policy is that applied to the release of Green Belt land through the Local Plan process. Such a high test should not be applied to non-Green Belt land, therefore our client objects to this wording.

Our Client considers that the inclusion of Policy NP1 is unnecessary given the similarities of Strategy 6 of the adopted Local Plan, whilst serving to restrict the flexibility of the emerging GESP. This additional policy requirement would also serve to add further uncertainty in the decision-making process and would be in conflict with Condition 1.

Policy NP4: Settlement Containment

This policy seeks to restrict the coalescence of both Ottery St Mary and West Hill, specifically identifying land to the south and west of Ottery St Mary and to the east and north of West Hill as an area to protect. It is clear that the wording of this policy has been amended to address previous comments from the Local Authority, when at that time the draft wording of Policy NP4 referenced the inclusion of a 'green wedge' between the settlements of Ottery St Mary and West Hill. It is clear that the rewording of this policy is effectively just another attempt to restrict development in this part of the Neighbourhood Area without the appropriate evidence base or justification for doing so. The comments provided by the Local Authority at the last round of consultation made direct reference to the findings of the Inspector who presided over the examination of the East Devon Local Plan, who stated:

"A Green Wedge between Ottery St Mary and West Hill is not necessary to make the plan sound. Green Wedges are proposed where there is a strategic need to prevent settlement coalescence so that the separate identities and landscape settings of the East Devon settlements are retained. Green Wedges are proposed along the Exe Estuary to help avoid the creation of unrelieved development along the Estuary. They also perform a strategic function in relation to the direction of growth of Exeter and Cranbrook. In the case of Budleigh and Knowle and Seaton and Colyford the settlements are much closer than Ottery St Mary and West Hill. Proposed Strategy 7 of the local plan, which seeks to protect the countryside from unwarranted development, is sufficient to ensure that the individual identities of West Hill and Ottery St Mary are protected."

Policy NP4 effectively remains a green wedge policy, albeit not in name, which is inconsistent with the strategic policy of the adopted East Devon Local Plan (Strategy 7 and Strategy 8) which seek to

restricts development in the countryside and propose Green Wedges identified on the Local Plan Proposal Map. Furthermore, and as referenced by the Inspector, there is insufficient evidence in place to justify the inclusion of this policy at this location, whilst the distance between the two settlements exceeds over a mile in places. By effectively restricting the delivery of any development within this area, the NP provides little flexibility and is at odds with the strategic aims or needs of the Grater Exeter area as defined in the emerging GESP. In addition, our Client also agrees with the Inspector in that the policy is unnecessary given the wording of Strategy 7 within the East Devon Local Plan. Unless the NP can sufficiently demonstrate and justify the inclusion of this policy through its evidence base then it should not be included and to include the policy in its current form without this evidence base would lead to the plan being unsound.

Policy NP 8: Protection of Local Wildlife Sites and Features of Ecological Value

It is considered that the inclusion of this policy within the NP is unnecessary given the policies identified within the adopted East Devon Local Plan and in particular Strategy 5 'Environment'. Additional and inconsistent coverage in the NP would undermine certainty in the decision making process, leaving decision makers unable to apply policy consistently and with confidence.

Policy NP 12: Appropriate Housing Mix

The NP's reluctance to identify any housing allocations at West Hill and to treat the settlement as open countryside, is in direct conflict with the East Devon Local Plan and indeed direct reference is made to this at paragraph 7.3 where it states "West Hill is identified as the only 'sustainable' village appropriate for limited growth to meet local needs". Nevertheless, the NP has chosen to ignore this and instead sought to restrict the sustainable future growth of these settlements which could in turn directly address the affordability issues and housing mix requirements identified under policy NP12.

In terms of the housing mix, our Client supports the wording of the policy in principle and agrees that a mix of housing types and sizes should be provided as part of new developments. Notwithstanding this, it is our Clients opinion that market forces should dictate the type of housing that is required in the area as this is likely to fluctuate over the plan period and greater flexibility should be provided within the policy.

		<p>Furthermore, consideration must be given to the repercussions of advocating a housing mix and how this can impact upon the viability of schemes.</p> <p>As currently drafted, it is not considered that the policy fully accords with the adopted East Devon Local Plan and as such fails to meet the requirements of paragraph 184 of the NPPF.</p> <p>Policy NP 18: Supporting Ottery St Mary as the Economic Focus for the Parish</p> <p>Policy NP18 seeks to protect and support employment within Ottery St Mary that is vital to the sustainability of the community. Our Client’s concerns with this policy is that the NP fails to recognise or acknowledge the role that housing development has in achieving the aims of the policy and indeed many of the other Neighbourhood Plan Objectives. Economic growth and housing are intrinsically linked, with new housing being a catalyst in generating growth whilst encouraging longer term benefits and improvements to commercial and business uses in an area through increased spending and investment in services. Likewise, new housing delivery can support economic growth by providing attractive, affordable and desirable housing in areas where people want to live, in turn reducing out commuting and attracting and retaining local people and a skilled workforce. New housing development within Ottery St Mary has the potential to significantly improve the viability and vitality of the town centre and should be acknowledged and allowed for within the policy.</p>
3	Environment Agency	<p>We would recommend the inclusion of an objective that seeks to improve the quality of the water environment in the parish. At present the River Otter through the parish is classified as being at Poor Ecological Status and is failing with regard to phosphates and macrophytes/phytobenthos (both indicating high nutrient levels).</p> <p>Within policy NP1 (development in the countryside) we support the requirement for new development to protect habitats, especially tree lined streams and wetlands.</p> <p>We support the aims of policy NP7 (flood defences). However, we recommend a more ambitious policy is developed which goes further than simply supporting proposals for</p>

		<p>new flood defences. The policy could be more prescriptive in encouraging/supporting all development (except perhaps minor development) to play its part in improving flood risk management within the plan area.</p> <p>Examples of how proposals might contribute to an overall reduction in risk to a development and, more importantly, to the rest of the community might involve requiring developments:</p> <ul style="list-style-type: none"> · outside the floodplain to be designed in such a way that surface water is slowedown/ held-up compared to the pre-development state, · adjacent to or within (if necessary) the floodplain to seek opportunities for floodplain restoration/enhanced flood storage, · within the flood zone (if deemed necessary in such a location) contributing towards new/upgrade flood defences for the community. <p>This sort of approach is consistent with and builds upon national policy requirements that development must be safe for people and property over its lifetime without increasing flood risks elsewhere and, wherever possible, reducing flood risks overall.</p> <p>In addition, we support NP8 (protection of local wildlife sites) and Project 2 to develop a local green infrastructure network. Green infrastructure can deliver significant multifunctional benefits in terms of biodiversity, flood risk, water quality, amenity, health and recreation.</p> <p>We are pleased that the need to upgrade the sewerage and sewage treatment infrastructure to accommodate new houses in the parish.</p>
4	Gladman Developments Ltd	<p>Whilst Ottery St Mary has currently met the housing provision as set out in the Local Plan this is a minimum figure and sufficient flexibility should be drafted in the wording of the OSMWHNP policies to ensure longevity of the plans policies and enable the plans ability to respond to any changing market conditions such as a further need for housing in the neighbourhood plan area during the plan period.</p> <p>It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman has therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.</p>

Policy NP1: Development in the Countryside

This policy seeks to resist development in the countryside except in exceptional circumstances, effectively elevating the importance of the countryside to that of Green Belt. This does not accord with the Framework which does not seek to restrict development in the countryside in such a manner with one of the core planning principles stating that the intrinsic character and beauty of the countryside should be recognised.

Further, this policy is more restrictive than the adopted Local Plan Strategy regarding development in the countryside where development would be considered where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. To accord with the Framework and the EDLP, Gladman suggest the wording of this policy is modified to take a more flexible approach to any future development proposals.

Policy NP4: Settlement Containment

This policy seeks to define an area between Ottery St Mary and West Hill where development would not be permitted. Gladman consider this to be the designation of a strategic gap, a strategic policy beyond the remit of neighbourhood plans. The EDLP contains a Green Wedge policy, to prevent settlement coalescence in the identified wedges however between Ottery St Mary and West Hill no such wedge was identified. Gladman submit that new development can often be located in such gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. In such circumstances, we would question the purpose of such a policy if this would prevent the development of otherwise sustainable and deliverable housing sites coming forward and as such suggest this policy is deleted.

Policy NP5: Local Green Spaces

This policy seeks to designate 24 parcels of land as Local Green Space (LGS). In order to designate land as LGS the town council must ensure that it is able to demonstrate robust evidence to meet the national policy requirements set out in the Framework. The Framework makes clear at paragraph 76 that the role of communities seeking to designate land as LGS should be consistent with the local planning of sustainable development for the wider area. Paragraph 76 states that:

'Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.'

Further guidance is provided at paragraph 77 which sets out three tests that must be met for the designation of LGS and states that:

'The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is reasonably close proximity to the community it serves;*
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreation value (including as a playing field), tranquillity or richness of its wildlife; and*
- Where the green area concerned is local in character and is not an extensive tract of land.'*

The Town Council should therefore only be designating LGS where all of the above requirements are met. Gladman note that three of the proposed LGS designations currently have approved applications on, which are under construction. It is therefore inappropriate to designate LGS on these sites as it is not possible to determine the extent of the LGS designation at this time, it would also be difficult to determine how future open space currently as part of a development proposal is demonstrably special to the local community. Gladman also note that a number of school playing fields are to be designated as LGS which may prejudice any future expansion of the schools in the neighbourhood area to meet future capacity needs.

		<p>Policy NP6: Valued Views</p> <p>Whilst noting the intentions of this policy to protect the publicly valued views identified, Gladman are concerned with the extent of evidence provided to support these views. Paragraph 109 of the Framework states that <i>'the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...'</i> without defining what is considered to be a 'valued landscape'. Numerous appeals have sought to bring clarity to this term and the consensus suggests that for a landscape to be considered as valued it must exhibit some demonstrable physical attributes which elevate its importance above simply being a nice area of undeveloped countryside.</p> <p>Gladman note the map provided shows extensive coverage of these valued views and suggest that this would act as a blanket restriction to development in the neighbourhood plan area and having considered the evidence base suggest this does not demonstrate why several of the views should be afforded such a level of protection.</p>
5	Highways England	<p>We are satisfied that the proposed plan policies are unlikely to result in development which will impact significantly on the SRN and we are generally supportive of policies which look to support sustainable modes of transport and reduce the reliance on the private car. We have noted policy NP19 in relation to development at Finnimore Industrial Estate, and related comments within Appendix 4, which look to encourage HGV routing via the A30 Daisymount junction in preference to increasing HGV traffic on the narrow local road network, particularly through Alfington and on the Sidmouth Road. We would expect any major employment development coming forward at this location to be supported by an assessment of traffic impact which should include the SRN.</p>
6	Historic England	<p>We have raised various issues at stages in the Plan's preparation and are now pleased to advise that these have all been addressed.</p> <p>We would therefore only wish to extend our congratulations to the community on the preparation of an impressive document, especially in the comprehensiveness of its agenda for town centre enhancement.</p>
7	Natural England	<p>I confirm that we have no additional comments to make on top of those submitted previously. I note that most of our advice has been acted upon.</p>

8	NPS SW Ltd for Devon County Council	<p>This submission is made on behalf of Devon County Council, as landowner, differentiated from the Council's role as statutory consultee and planning authority for Minerals and Waste in Devon.</p> <p>Policy NP25 seeks to allocate an extension to the area allocated under the adopted plan for the area such that it will not be in conformity with the adopted plan. There is no justification for such an increase in the area to be allocated for community / education use – taking the current area for community/education use of 3.27 ha and expanding it to some 6.64 ha. Also little likelihood that community uses would seek to relocate the land at Thorn Farm to require such a large allocation of land.</p> <p>Concern that the neighbourhood plan focuses on secondary school provision when it is primary provision that is under significant pressure. Education provision outlined in policy NP25 is considered undeliverable.</p>
9	Persimmon Homes South West	<p>Note community concern over a 25% increase in housing conflicting with community concern with regard to a lack of choice of homes and opportunities to remain in the local area.</p> <p>The plan should point to opportunities to future proof the needs of the community over and above the proposal at Chapter 11 Policy NP 27 for the exception site for 5 homes at Alfington. Reference is made to the East Devon Villages Plan as the most recent evidence base to better inform policy proposals.</p> <p>Paragraph 3.7 of the plan refers to unconfirmed wildlife sites (appendix 3 of the plan). Site location 37 of that appendix identifies land north of Oak Road and west of Higher Broad Oak road as a potential location. Persimmon Homes undertook an ecological survey of that land in 2015 and assessed the ecological value of the site. It is not correct to state that on this site there has not been sufficient investigation.</p> <p>Object to policy NP1 – Development in the countryside. Suggest the built up area boundary (BUAB) does not include significant built up area to the south of the settlement and should be amended to include this built form.</p> <p>Object to policy NP3 – Infill backland and residential garden development. Suggests NPPF para. 55 has been misinterpreted as a result of current BUAB boundary excluding much of the built form to the south.</p>

		<p>Policy NP6 – Publicly valued views. Suggests that some views are less justified than others and a need to evidence the sensitivity of views.</p> <p>Considers that some of the sites ranked for development in the plan should be included for future review to allow flexibility for development.</p>
10	Somerset County Council	<p>Policy NP1: Development in the Countryside</p> <p>There appears no mention of tranquillity when considering the countryside in this section of policy or that of Policy NP4. Tranquillity is an attribute identified in section 123 of the NPPF where it states:</p> <p>‘Planning policies and decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason’.</p> <p>Although tranquillity is considered a significant asset of landscape and an attribute in a range of policies it only has mention in the plan within the supporting text to Local Green Space (6.19) and then is not associated with any listed site.</p> <p>In the view of the County Council Acoustics Specialist the insertion of a reference to tranquillity within policy NP1, NP4 (in place of the word ‘feel’) and within the sections of supporting text, may be helpful as this highlights the need for the consideration of both the aural and visual impacts of any new development. Supporting text might also wish to identify recent consideration of tranquillity as provided in the Landscape Institute Technical Information Note 2017: Tranquillity – An Overview.</p> <p>Policy NP2: Sensitive, High Quality Design</p>

		<p>The County Council Acoustics Specialist would suggest the highlighted addition to this policy:</p> <p>Applications for development should demonstrate in the planning submission how they meet the following general principles of high quality design:</p> <p>Incorporation of design features sufficient to enable any conflicting land uses to coexist The addition above is suggested so as to prevent the failure of a housing developer to design to adequately mitigate against the noise impacts from other established land uses. This may arise within the plan area if residential development occurs close to a commercial activity or arises from conversion of a farm building and remains in the presence of an active farm or one with other diversified development. In the view of the County Council Acoustics Specialist NPPF advice does not adequately replace the consideration once given to this issue in the repealed PPG24. It has therefore been left to local policy to identify that new housing may have a need to incorporate special measures if conflicting land uses are to successfully coexist. The text associated with this policy might also wish to highlight the recent acoustic advice provided in ProPG Professional Practice Guidance on Planning & Noise - New Residential Development.</p>
11	Sport England	No specific response provided. General guidance only.
12	Woodland Trust	<p>We are pleased to see that your Neighbourhood Plan for Ottery St Mary and West Hill identifies the countryside as being a highly valued asset with special character. Policy NP1 (Development in the Countryside) acknowledges mature trees as being a feature that must be protected and retained, and NP5 which includes open spaces which are Local Green Spaces that meet national designation criteria, and where new development should be restricted. One of these at Higher Broad Oak Road, is a wood owned by the Woodland Trust.</p> <p>We note that Neighbourhood Plan Project 14 does acknowledge the fact that trees contribute to the special character of West Hill Trees, there is also the need to identify and review ancient trees, and those trees of arboricultural or amenity value, so as to raise awareness of your tree heritage. We welcome your</p>

“Special Trees of West Hill” project is being used to identify ancient trees and trees of arboricultural or amenity value. Your Neighbourhood Plan section which looks at Ottery St Mary, should also seek to support conserving and enhancing ancient trees, and plant more trees in appropriate locations. Increasing the amount of trees and woods will provide enhanced green infrastructure for local communities, and also mitigate against future loss of trees to disease (eg Ash dieback) with a new generation of trees both in woods and also outside woods in streets, hedgerows and amenity sites.

We welcome the commitments in your Neighborhood Plan to trees or greenspaces that make a significant contribution to the character or ecological value of local areas in Ottery St Mary and West Hill, with Policy NP5 (Local Green Spaces) and also taking forward your Local Green Infrastructure Network. Also, the Woodland Trust is pleased to see Project 14, which acknowledges the fact that the wooded areas and individual trees and hedgebanks contribute to the special character of West Hill.

We would also highlight the Woodland Access Standard (WAS_t) in our Space for People publication (<https://www.woodlandtrust.org.uk/publications/2017/06/space-for-people-2017/>). As your Neighborhood Plan seeks to complement your vision and objectives by setting out in more detail the development aspirations and the planning requirement for the delivery of key development sites, you may consider using the WAS_t to support the design of green infrastructure and place making in the Neighbourhood Plan for Ottery St Mary and West Hill.