

EAST DEVON DISTRICT COUNCIL

OTTERY ST MARY & WEST HILL NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, East Devon District Council now confirms that the Ottery St Mary & West Hill Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 On 7 January 2015, East Devon District Council designated the area comprising the Parish of Ottery St Mary (at that time encompassing the recently established Parish of West Hill) as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Ottery St Mary & West Hill Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 1 December 2017.
- 2.4 East Devon District Council appointed an independent Examiner, Mary O'Rourke, to recommend whether the Plan should proceed to referendum.
- 2.5 The Examiner's report concludes that subject to making the minor modifications recommended by the Examiner, the Plan meets the Basic Conditions set out in the legislation and should proceed to referendum.

3. Decision and Reasons

- 3.1 The District Council has made the following modifications, to secure that the draft plan meets the basic conditions set out in legislation, for the reasons given:

| Examiner's Reason for Change | Recommended change |
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| 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 applications ⁸ . 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. | PM1 Policy NP1 Delete the first sentence. Replace the word 'it' in the second sentence with ' development in the countryside '. |
| 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). | PM2 Policy NP3 Insert (A) before ' Planning permission ... ' and include under policy NP3 (A) the four criteria on the left hand side of page 29. |

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| | <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> |
| <p>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.</p> | <p>PM3 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> |
| <p>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. (PM4)</p> | <p>PM4 Amend policy NP6 to replace ‘these are listed at Appendix 2’ by ‘these are shown on the Key Viewpoints maps in Appendix 1’. Include the 4 Key Viewpoints maps in Appendix 1. Delete Appendix 2 and renumber accordingly.</p> |
| <p>Given the number of potential wildlife sites in the area that are still 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).</p> | <p>PM5 Delete the text of policy NP8 and replace with the text of paragraph 6.31.</p> |
| <p>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).</p> | <p>PM6 Delete the second sentence of policy NP22.</p> |

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| <p>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 ‘<i>and highway improvements</i>’ (PM7).</p> | <p>PM7 Delete the words ‘and highway improvements’ from the title of policy NP23.</p> |
| <p>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).</p> | <p>PM8 Ensure that the up to date BUAB is shown on the West Hill Inset in Appendix 1.</p> |
| <p>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.</p> | <p>PM9 Delete paragraph 10.5 and Appendix 6</p> |
| <p>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).</p> | <p>PM10 Delete spaces (v) and (w) from policy NP5.</p> |
| <p>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.</p> | <p>PM11 Redraw the Barton Orchard LGSs on the Tipton St John Inset to reflect the areas of open space shown on the permitted development scheme.</p> |

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| <p>Whilst the PPG does not preclude Local Green Spaces 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).</p> | <p>PM12 Delete spaces (a), (b), (c), (d), (e), (f) and (k) from policy NP5 and renumber accordingly.</p> |
| <p>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.</p> | <p>PM13 Include the Alfington Inset Map.</p> |
| <p>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).</p> | <p>PM14 Rewrite paragraph 7.18 to reflect most recent information in the Infrastructure Delivery Plan Review of November 2017.</p> |
| <p>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).</p> | <p>PM15 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'.</p> |

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| <p>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).</p> | <p>PM16 Delete the second part of policy NP17.</p> |
| <p>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).</p> | <p>PM17 Delete the second part of policy NP18 from 'In addition to'. addition to'.</p> |
| <p>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.</p> | <p>PM18 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 direct HGV traffic to access the Estate from Daisymount to the west.'</i></p> |
| <p>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</p> | <p>PM19 In policy 21 remove in lines 3 and 8 the words 'within existing settlements'.</p> |

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| <p>settlements (PM19), I am satisfied that policy NP21 would contribute toward the achievement of sustainable development and meet the Basic Conditions.</p> | |
| <p>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).</p> | <p>PM20 In policy NP7 delete the word 'usually' in the third line.</p> |

- 3.2 The District Council has considered whether to extend the area in which the referendum is to take place. Like the Examiner, the District Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.
- 3.3 The Examiner has concluded that with the minor modifications made the Plan meets the Basic Conditions and other relevant legal requirements. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want East Devon District Council to use the Neighbourhood Plan for Ottery St Mary & West Hill to help determine planning applications in the neighbourhood area?' will be held in the Parish of Ottery St Mary & West Hill.
- 3.4 The date on which the referendum will take place is agreed as 21 June 2018.

EAST DEVON DISTRICT COUNCIL CABINET
2 May 2018