

Tiverton Neighbourhood Plan Steering Group
c/o Richard Ives
Volunteer Clerk and Project Manager
Tiverton Neighbourhood Plan
Town Hall
St Andrew St
Tiverton
EX16 6PG

Planning Services

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

Tel: 01884 255255
Fax: 01884 234235
e-mail: dpd@middevon.gov.uk

Date: 18th February 2022

Contact: Tristan Peat
Forward Planning Team Leader

Dear Richard,

Response to the Submission consultation on the Tiverton Neighbourhood Plan

Mid Devon District Council fully supports Tiverton Neighbourhood Plan Steering Group with its preparation of a Neighbourhood Plan.

At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. These are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State
- b) The making of the neighbourhood plan contributes to the achievement of sustainable development
- c) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- d) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- e) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

**Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk**

Having regard to the Basic Conditions set out above, this document sets out Mid Devon District Council's formal response to this consultation. Our previous responses sought to achieve general conformity with the strategic policies of the Mid Devon Local Plan. They were provided in order to enable a robust neighbourhood plan that meets the basic conditions and can be utilised effectively in the determination of planning applications. We have reviewed our previous comments in relation to the adopted Mid Devon Local Plan and confirm that all of the policies of the submitted Neighbourhood Plan bar one are in conformity with those of the adopted Mid Devon Local Plan. We have made a comment regarding Policy T9 advising modification of the policy so that it may be taken into consideration through the examination process.

We hope this comment is useful in progressing the plan through the Independent Examination.

Yours sincerely

Tristan Peat

Forward Planning Team Leader

**Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk**

To contact your local Councillor, his/her name and address can be obtained by visiting our website or telephoning Customer First on 01884 255255

Table 1: MDDC Comments by proposed NP policy

Tiverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Tiverton NP/ Adopted and Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
Policy T1: Location and Scale of Development	S2, S3, S6, S8, S10, S14	The policy in general conformity with local plan policy. Although clause B criterion iii is incomplete and we suggest that the policy should state 'or its significance' instead of 'significant'.
Policy T2: Meeting Local Housing Needs	S1, S2, S3	The policy in general conformity with local plan policy.
Policy T3: Providing Lifetime Affordable Housing	S2, S3	The policy in general conformity with local plan policy.
Policy T4: Character of Development	S1, S9, S10, S14, DM1	We recognise that the policy has been updated to strengthen the protection of designated heritage assets, although it is still considered that this needs to be strengthened further to accord with the NPPF. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The NP policy should reflect the application of NPPF policy in relation to substantial harm (and consideration of substantial public benefits) and less than substantial harm (and consideration of public benefits and securing optimum viable use).
Policy T5: Design of Development	S1, S9, S10, S14, DM1`	The policy is in general conformity with local plan policy.
Policy T6: Energy Efficiency and Design	S1, S9, S10, S14, DM1, DM2	The policy is in general conformity with local plan policy.
Policy T7: Minimising the Risk of Flooding	DM1	The policy is in general conformity with local plan policy.
Policy T8: Local Buildings and Structure of Merit		The policy is in general conformity with local plan policy. Typo in criterion A, it should be 'Police' Station instead of 'Policy'.

**Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk**

Tiverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Tiverton NP/ Adopted and Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
Policy T9: Green and Blue Infrastructure and Delivering Biodiversity Net Gain	S1, S9, S10, S14, TIV1-6, TIV7, TIV8, TIV9, TIV10, TIV11, TIV12, TIV13, TIV14, TIV15, TIV16	The policy is not in general conformity with national planning or local plan policy which makes clear that planning permission will only be granted where the benefits of and need for the development clearly outweigh the impact on the protected site. NPPF paragraph 180 criterion C states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'. Criterion B of Policy T9 therefore does not reflect national and local planning policies.
Policy T10: Local Green Spaces	S1, S9, S10, S14, DM24	The policy in general conformity with local plan policy.
Policy T11: Locally Significant Views	S1, S9, S10, S14, TIV1-6, TIV7, TIV8, TIV9, TIV10, TIV11, TIV12, TIV13, TIV14, TIV15, TIV16	The policy is in general conformity with local plan policy. However, in this context it is difficult to determine what is meant by 'significant harmful impacts'. Whilst Appendix E provides a description of the identified locally significant views, further evidence is required to establish why these are locally significant, what features contribute to this, and the methodology that has been applied in order to identify these. Further detailed evidence will aid application of the policy for the determination of planning applications.
Policy T12: Supporting Local Agriculture and Opportunities for Diversification	S1, S2, S3, S9, S10, S14, TIV1-6, TIV7, TIV8, TIV9, TIV10, TIV11, TIV12, TIV13, TIV14, TIV15, TIV16.	The policy is in general conformity with local plan policy.
Policy T13: Provision of Leisure and Recreation Facilities	S1, S5 S10, S14, TIV1-6, TIV7, TIV8, TIV9, TIV10, TIV11, TIV12, TIV13, TIV14, TIV15, TIV16, DM22, DM24	The policy is in general conformity with local plan policy.
Policy T14: Cultural and Community Venues	S1, S10, S14, DM23	The policy is in general conformity with local plan policy.

**Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk**

Tiverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Tiverton NP/ Adopted and Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
Policy T15: Allotments and Community Growing Spaces	S1, S10, S14, TIV1-6, TIV7, TIV8, TIV9, TIV10, TIV11, TIV12, TIV13, TIV14, TIV15, TIV16, DM24	The policy is in general conformity with local plan policy.
Policy T16: Encouraging Safe and Sustainable Movement	S1, S8, S9, S10, S14, TIV1-6, TIV7, TIV8, TIV9, TIV10, TIV11, TIV12, TIV13, TIV14, TIV15, TIV16, DM1, DM3, DM5	The policy is in general conformity with local plan policy.
Policy T17: Flexible Workspaces	S1, S10, S14, S6	The policy is in general conformity with local plan policy.
Policy T18: Supporting a Sustainable Visitor Economy	S1, S10, S14, DM22	The policy is in general conformity with local plan policy.

**Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk**