

# Silverton Parish Neighbourhood Plan 2013-2033

## **Submission Version**

A Report to Mid Devon District Council on the Examination of the Silverton Parish Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Silverton Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Clarifying that the threshold for harm to the natural environment should be “greater than minimal adverse impact”.
- New and extended public rights-of-way routes should only be sought where they are feasible.
- Removing the southside of Applemede from the list of local green spaces.
- The SUDS policy should only apply to extensions, new buildings and engineering operations, not all developments.
- Setting the threshold for harm to the amenity of neighbouring properties on to “unacceptable adverse impact”.
- Developments affecting the setting of Conservation Area rather than just being in proximity should demonstrate how they conserve and enhance the conservation area and removing the need for all development to show how it respects heritage assets and the need to enhance the rural character of the parish.
- Removing the support for housing sites on the edge of the village.
- Changing the housing allocation at The Glebe to become a mixed allocation comprising housing and open space.
- The Tiverton Road allocation site should accommodate at least two dwellings.
- Amending the community housing policy to remove support from sites away from the village and also introducing a cross reference to Policy DM6 of the Mid Devon Local Plan 2013 - 2033.
- Removing the requirement to install electric car charging points on new dwellings.
- Caveating the working from home policy to only those circumstances where planning permission is required.
- The policy requiring transport assessments to relate only to major developments and removing the elements of the policy dealing with traffic management, speed limits and lorry access.
- Removing the requirements for development to comply with car parking standards which are set in other policies which already apply to the parish.
- Deleting the vehicle sharing policy.
- Listing the community facilities and introducing a viability test in the cases where there are also business uses as well as community assets.

The referendum area does not need to be extended beyond the Plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan does provide the community with the ability to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the policies in the Mid Devon Local Plan 2013 - 2033, adopted in July 2020. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Silverton Parish Council. A Steering Group was appointed to undertake the Plan's preparations.
3. This report is the outcome of my examination of the Submission Version of the Silverton Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Mid Devon District Council.

## The Examiner's Role

4. I was appointed by Mid Devon District Council in April 2023, with the agreement of Silverton Parish Council, to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 45 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Mid Devon District Council and Silverton Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
  - That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum, if modified.

- That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Silverton Neighbourhood Plan area.
  8. In examining the Plan, the Independent Examiner is expected to address the following questions:
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
  9. I am able to confirm that, if the plan is modified in accordance with my recommendations, the Plan will only relate to the development and use of land, covering the area designated by Mid Devon District Council, for the Silverton Neighbourhood Plan, on 7<sup>th</sup> July 2014.
  10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2013 up to 2033, which coincides with the dates of the adopted Mid Devon Local Plan 2013 - 2033.
  11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
  12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  13. I am satisfied that Silverton Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

### **The Examination Process**

14. Once I had reviewed the submitted documents, my first task was to conduct a site visit to Silverton. This was carried out on Tuesday 25<sup>th</sup> April 2023.
15. I crossed into the parish, over the M5, at Hele. I approach the village of Silverton from the south via Ellerhayes. Upon arriving in Silverton, I orientated myself by driving past the village shop on Newcourt Road. I then drove north out of the village on Fore Street and then travelled through the northern half of the parish before joining the A 396 south of Bickleigh. I returned to the village along Upexe Lane. I spent some time in the village, noting the proposed nine local green spaces as well as the other recreational spaces. I spent some time at the two allocation sites, in particular the site at the Glebe where I parked at The Berry and took in the views from the raised land around the church looking south. I also noted the position of a number of the list of buildings in this part

of the village. I walked down the lane to understand the relationship between the proposed open space and the housing site and noted the proposed access to the land proposed in Policy HSO3. Returning to my car, I drove through each of the character areas identified within the plan and I then left Silverton passing the Rooster site on Babylon Lane before exiting the parish towards Exeter down the Exe Valley.

16. Upon my return from Silverton, I prepared the document entitled Initial Comments of the Independent Examiner, dated 28<sup>th</sup> April 2023. I received a response from Mid Devon District Council on 7<sup>th</sup> June 2023 and from Silverton Parish Council, on 3<sup>rd</sup> June 2023.
17. Following the receipt of the comments there remained in my mind, outstanding questions regarding the Strategic Environmental Assessment, which I will expand upon under the appropriate heading later in this report. I set out my concerns in a note entitled Further Comments of the Independent Examiner, which I issued on 19<sup>th</sup> June 2023. In that document I gave advance notice that I had already concluded that a hearing would be required.
18. I subsequently issued a Notice of Public Hearing document dated 12<sup>th</sup> of June 2019 2023 which confirmed that the hearing will take place on 29<sup>th</sup> of September 2023 in this meeting. The note sets out the questions that I will be seeking to address as well as agenda for the day.
19. The public hearing took place on 29<sup>th</sup> September 2023, at the Millennium Hall in Silverton. It started at 10:00am and it lasted until 12.45pm. The only parties that were invited to participate were the Parish Council and the District Council and the hearing was well attended by members of the public. I would like to place on record, my appreciation for the constructive approach exhibited by all the contributors.

### **The Consultation Process**

20. Following a public meeting, held in February 2014, the Parish Council took the decision to prepare a neighbourhood plan. It subsequently established a community steering group, comprising both parish councillors and local residents and their work was guided by a Community Engagement Strategy.
21. An initial letter and questionnaire were distributed to every household in the parish in May 2014. This was followed up by two parish events held on 6<sup>th</sup> and 7<sup>th</sup> June 2014 which were attended by over 200 people. The responses from these events plus the 360 questionnaire replies were then analysed. In addition letters were sent out to local organisations and statutory consultees in September 2014.
22. Invitations were sent out to residents to attend a consultation event held over two days in the Community Hall, on the 5<sup>th</sup> and 6<sup>th</sup> December 2014.
23. A housing needs survey was circulated in February 2016 and a further event was held on the 9<sup>th</sup> and 10<sup>th</sup> September to allow residents to view and comment on housing sites which have been put forward, following a call for sites. They were also asked to comment on the draft Design Statement.
24. There then appears to have been a hiatus in terms of progress on neighbourhood plan with little activity being recorded until 4<sup>th</sup> September 2021

when the Pre- Submission version of the plan was published. This was the subject of a six - week consultation, known as the Regulation 14 Consultation, which ran until 5th November 2021. This exercise generated 87 responses from residents as well as 10 other responses, which are all set out in document which has a link in the Consultation Statement.

## **Regulation 16 Consultation**

25. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six- week period, between 18<sup>th</sup> January 2023 and 3<sup>rd</sup> March 2023. This consultation was organised by Mid Devon District Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
26. In total, 13 responses were received, including: Mid Devon District Council, National Highways, Natural England, Environment Agency, Network Rail, the Coal Authority, Devon and Cornwall Police, Exmoor National Park Authority, Bradninch Parish Council. The Devon Countryside Access Forum, National Grid and 2 local residents.
27. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

## **The Basic Conditions**

28. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
  - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

## Compliance with the Development Plan

30. The Mid Devon Local Plan 2013 - 2033 forms part of the development plan alongside the Devon County Council Waste and Minerals Local Plan.
31. Silverton is one of the number of villages identified as locations where limited development is be targeted to provide housing, shops, local and community facilities and low impact business commensurate of the to the scale of the existing village.
32. The local plan proposes over the period 2013 – 2033, a minimum of 7860 new dwellings as set out in Policy S2, of which 786 are expected to be allocated or otherwise committed in the rural areas, which is about 10% of the overall housing requirement. Policy S3 states that housing sites of over six units, 30% should be affordable, although this can be by financial contributions on schemes of between 6 and 10 units.
33. Policy S9 is a wide-ranging environmental policy, covering requirements for high-quality sustainable design, the efficient use and conservation of natural resources, areas liable to flood, renewable energy and protection of landscape and sites of ecological and heritage assets.
34. Policy S13 names Silverton as one of the villages where development will be limited to proposals within settlement boundaries and allocations to small-scale housing, employment, tourism and leisure, services and facilities serving the area and other limited developments to enhance the localities community viability or to meet the needs of the area.
35. Policy S14 covers the areas which fall outside settlement boundaries which are subject to countryside policies which include affordable and low-cost housing to meet local needs.
36. The Local Plan 2013 - 2033 has two housing allocations within Silverton Parish, namely the Old Butterleigh Road for eight units and The Garage for five units.
37. All the above-mentioned policies are identified by Mid Devon District Council as being strategic policies.
38. In terms of development management policies, Policy DM1 deals with high-quality design, Policy DM5 sets parking requirements. Policy DM6 deals with rural exception sites which sets a number of detailed criteria including sites should adjoin settlements and being in a suitable location having regard to visual amenity and other relevant planning issues. Policy DM18 allows new build employment development. Policy DM24 protects local green space and recreational land and building. The local plan does not identify any local green space in Silverton. Of particular relevance to one of the sites allocated by the neighbourhood plan, at the Glebe, Policy DM25 sets out policy for protecting heritage assets.
39. The District Council is preparing a new Mid Devon Local Plan to cover the period 2023-43 and that has been the subject of its Regulation 18 consultation. The plan is still emerging and has not been subject to its examination and can



accordingly only be given minimal weight. In terms of the consideration of the basic condition relating to the neighbourhood plan being in general conformity with the strategic policies in the adopted local plan, the emerging plan is not relevant.

40. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Mid Devon Local Plan 2013 - 2033.

## **Compliance with European and Human Rights Legislation**

41. Mid Devon District Council issued a Screening Opinion, in a report produced in November 2018, which concluded, after consulting the 3 statutory bodies, that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required. In March 2019, AECOM, who had been commissioned by the Parish Council to carry out the assessment work, issued a Scoping Report which set out the matters that would be considered. Historic England commented on that scoping.
42. When the Regulation 14 consultation was published by the Parish Council, a February 2020 version of the Environmental Report was made available on the council’s website. However, there is no record of the draft assessment having been the subject of its own consultation, which is a requirement under Regulation 13 of the Environmental Assessment of the Plans and Programmes Regulations 2004. It appears that Historic England expressed some concerns regarding the report’s assessment of the impact of the Glebe Site on heritage assets.
43. An updated Environmental Report was accordingly produced, when the neighbourhood plan was formally submitted under Regulation 15, including greater detail on the scale of impact of the Glebe allocation on the heritage assets to address Historic England’s concerns.
44. That report should have been advertised alongside the other submission documents that had been submitted to Mid Devon District Council. Unfortunately when the Regulation 16 consultation was carried out the document that was provided was the Council’s original screening report. This was an issue that I identified during my consideration of the plan, as the Regulation 16 consultation would have allowed the public and statutory consultees to comment on the AECOM Environmental Report, which would have satisfied the requirements of Regulation 13 of the SEA Regulations.
45. I identified this as an issue in my Further Comments of the Independent Examiner document, which I issued on 19<sup>th</sup> June 2023. The omission was acknowledged by the District Council and it agreed to carry out a second Regulation 16 consultation, which ran from 11<sup>th</sup> July to 29<sup>th</sup> August 2023. That consultation specifically invited comments on the final Environmental Report and that resulted in 4 additional responses, from National Highways, Devon

Countryside Access Forum, Environment Agency and most importantly from Historic England. These were considered alongside the original Regulation 16 correspondence.

46. The carrying out of the second Regulation 16 consultation, in my opinion, means that the SEA Regulation's publicity requirements had been satisfied and I am content that the SEA had been produced in accordance with the usual methodology including looking at reasonable alternatives and has properly assessed the impacts of the plan's policies.
47. The Council, as competent authority, in the same screening report produced in November 2018, also screened the Plan under the Conservation of Habitat and Species Regulations. This concluded that a full Habitat Assessment would not be required as the plan was not expected to have any significant effects upon any of the European protected sites, which all lie outside a 10 km buffer agreed with Natural England.
48. I am now satisfied that the basic conditions regarding compliance with European legislation, including the basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

49. This neighbourhood plan covers the period up to 2033, which coincides with the end date of the adopted local plan. The local plan sets out the housing requirements which are expected to be delivered over that period, within Silverton parish. Overall there is a requirement for 1,627 new homes to be created in the district's rural areas and the plan makes two housing allocations for Silverton, the Old Butterleigh Road site (Site S11) and The Garage Site (Site S12), both of which have been developed. The minimum housing requirement set out in the local plan for the rural area have now been met. Therefore there is no outstanding housing expectations, placed on the parish, which the neighbourhood plan could be required to have to respond to, to achieve the Local Plan's aspirations for the parish, over the remainder of the plan period.
50. Nevertheless there is nothing to preclude a neighbourhood plan from delivering higher levels of housing than envisaged in the adopted local plan and this is recognised by the Parish Council. At the hearing, I heard that Mid Devon District Council is not yet in a position to set out a housing requirement for Silverton Parish for the period beyond 2033 as its work on the new local plan is not sufficiently advanced.
51. Silverton Parish Council, therefore, finds itself in a position that it recognises the desire to provide new housing, although it is not compelled to by the District Council's, housing requirements, and it has sought to do that by introducing policies which will allow small site development on the edge of the village.
52. At the present time, the village is constrained by the current settlement boundary which was established by the Mid Devon Local Plan 2013 - 2033 which was adopted in 2020. The local plan policy is to limit housing

development to within settlement boundaries unless the sites are treated as rural exception sites or the development is required to be located in the countryside.

53. The neighbourhood plan promotes a policy which will allow, through a generic development management policy, Policy HS01, small developments of up to 5 houses on sites which lie within, and importantly, adjacent to the settlement boundary. That has the consequence of introducing a presumption in favour of housing on any site which is outside, but adjacent to the settlement boundary.
54. At the hearing, we explored possible unintended consequences of such a policy, which could push the search for sites for local needs affordable housing, usually described as rural exception sites, to locations which are well away from the village. I posed a possible scenario of young families, with no access to a car during the working day, facing long walks twice a day to the primary school, along country lanes with no pavements. I questioned whether that could be described as sustainable development.
55. I then asked whether the Parish Council had considered the option of reviewing the settlement boundary. This was initially in the context of the recently approved housing scheme at Silverdale, and whether the boundary should be altered so that it now could fall inside the village envelope. I went on to suggest that a review of the settlement boundary would enable the Parish Council to be in a position to identify the small sites, which it recognises that the village needs, by including them within a village envelope. It would be proactively deciding where it wanted to see such housing development, by choosing the sites, rather proposing a blanket presumption in favour of any site that lies adjacent to the village. Such an approach would then be consistent with local plan policy which seeks to restrict residential development to sites within a settlement.
56. It quickly became evident that the Parish Council has not contemplated that its neighbourhood plan could review the current settlement boundary. I explained that I was aware of many neighbourhood plans which had reviewed and changed the settlement boundary to accommodate new development. The District Council representatives at the hearing, confirmed their view that the neighbourhood plan could have re-visited the established settlement boundary.
57. That led to a very fruitful discussion as to whether the Parish Council had the appetite to pursue a settlement boundary review and it was clear to me that this was something that it may wish to pursue, enabling it to be more proactive to identify the types of small sites that the community wishes to encourage, without then forcing low-cost, local needs housing to sites which are effectively separate from the village which the plan would allow under Policy HS05.
58. My conclusion at the end of the discussion was that the Parish Council had an appreciation that the Policy HS01 as drafted, could have repercussions by allowing development which it would not wish to support. I sensed there was a willingness to revisit the settlement boundary issue, which will then enable the Parish Council and the community to go further and identify those parts of

the village where an amendment to the settlement boundary could allow small sites to come forward, as opposed to the blanket policy as submitted.

59. I have come to the conclusion that Policy HS01, as submitted in respect of development on outside the settlement boundary and the consequential impact with Policy HSO5, for community housing, are significantly at variance to the approach set out in the Mid Devon Local Plan 2013 - 2033 and would undermine the spatial strategy for the parish and I do not think that necessarily is what the Parish Council was seeking to do. I will therefore be making amendments which bring the policy closer into alignment with the approach being promoted by Mid Devon District Council.
60. Another of the recurring themes that emerge from this examination, is that the Parish Council has sought to use the neighbourhood plan to promote policies which do not meet the stipulation as set out in legislation, that neighbourhood plan policy should be policy for the use and development of land, which can be used to determine planning applications.
61. This is now recognised by the Parish Council and in its response to my Initial Comments document, it is proposing that there should be a separate non-policy section which sits separately to the adopted policies of the neighbourhood plan policies. That is a solution which follows Secretary of State advice as set out in the neighbourhood planning section of the Planning Practice Guidance.
62. Notwithstanding, my concerns regarding the housing policies, overall my conclusion is that the neighbourhood plan is capable of delivering sustainable development- another of the basic conditions. It contains policies which stipulates the type of housing that is being sought, it supports local businesses and economic development and seeks to protect community facilities, local green spaces and the natural and built environment. It also is positive by allocating land for two sites to deliver housing, one of which will deliver a local area of open space, which will have long term benefits in terms of meeting the health and recreational needs of local residents.
63. My recommendations concentrate on the changes required to the wording of the policies, to ensure the plan meets the basic conditions and other legal requirements. I have shown as a ~~striketrough~~ text that I am recommending should be removed from the policy wording and any text that needs to be introduced is shown in *italics*.
64. There will need to be consequential changes to the supporting text to ensure the document reads as a coherent planning document.
65. I will leave it to the Parish Council to work alongside the Mid Devon District Council planners to address these consequential changes, when preparing the Referendum Version of the plan, which will have to be published alongside Mid Devon District Council's Decision Statement.

## The Neighbourhood Development Plan Policies

### Policy EN01: Retaining and Enhancing the Natural Beauty of Our Parish

66. This policy covers the impact of development on the landscape and biodiversity. It sets the threshold of development having “minimal impact”, which does not differentiate between a proposal having a positive or negative impact on the natural environment. With the introduction of biodiversity net gain and or mitigation measures, it is possible that developments may have an *impact* on the natural environment, but that impact could be positive.
67. I therefore propose to clarify the policy by stating that the plan does not support developments which would have a greater than minimal adverse impact on the natural environment. The threshold is for harm in terms of biodiversity, is set by paragraph 180 of the NPPF’s, at “significant harm”. I believe that is covered by my recommendation that the threshold is set at “greater than minimal adverse impact” which will more closely align with the Secretary of State’s approach.
68. I have no other comments in terms of the other two elements of the policy.

#### ***Recommendation***

Replace 1. With

**“Development proposals will ~~only~~ not be supported where they have demonstrated that there are a greater than minimal adverse impact on the natural environment (landscape and biodiversity), ~~or~~ unless they satisfactorily mitigate these adverse impacts. and Development will be expected to enhance the natural environment where there is the opportunity to do so.**

### Policy EN02: Rights of Way (Public Footpath, Bridleways and Cycleways)

69. In terms of the drafting of this policy, the wording is imprecise in terms of whether a proposal is expected to meet just one of the criteria, or all of them.
70. I believe that the policy should clarify whether every proposal needs to enhance the rights of way network through new or in extending routes. I propose to clarify the intentions of the policy by including “and” at the end of requirements (i) and (iii) but the second requirement should only be imposed where it is feasible, to provide a new or an extended public right of way, which will normally be dependent upon the location of the development site.

#### ***Recommendation***

Revise the policy as follows:

**Proposals for development/ affecting public rights of way will be supported where:**

- 1. they promote, protect, maintain and enhance the existing local footpath and bridleway network for use on foot, bicycle or horseback and**
- 2. they improve and enhance the existing network through the provision of new**

or extended routes (*where it is feasible to do so*) and

3. they prevent motorised vehicles (except those specifically designed for the disabled) using designated footpaths, bridleways and cycleways *and*
4. they protect and/or enhance the value of the rights of way as a biodiversity corridor

### **Policy EN03: Local Green Space**

71. This was a matter that was discussed at the public hearing. Initially the Parish Council response to my Initial Comments request for clarification as to the basis of site selection, was “the only basis was that we did not want to lose any more green space within the village”. The Parish Council did concede, at the hearing, that they had not appreciated the elevated status of the local green space, being at the top of the open space hierarchy. As paragraph 101 of the Framework states this status allows “communities to identify and protect green areas of particular importance to them”.
72. I did question, for example, in view of the importance attached to land at the Glebe, covered by Policy HS03, whether it would, have justified local green space status. However I have concluded that it would be inappropriate for me to confer the status, at examination, on excluded sites, without public consultation.
73. Following my site visit, I did specifically raise the question as to whether the strip of land on the south side of Applemede, which is used for a variety of different purposes, merits this level of protection.
74. I am satisfied that the majority of the proposed local green spaces do merit that status, apart from Site E, which is described as “two green amenity sites that contribute significantly to the visual appearance of this area of bungalows”. In this respect I believe that the southern area could not be described as *demonstrably special*, but I accept the area of amenity grass on the north side of the road can continue to be protected.
75. The Parish Council may wish to revisit its methodology when it carries out a review of this neighbourhood plan and other sites could be considered for protection.

#### ***Recommendation***

Amend Map 5 to remove the area on the south side of Applemede

### **Policy EN04: Minimising Flood Risk**

76. As submitted, this policy places its obligations on all development proposals. However, there will be some development proposals that will not have implications, in terms of surface water disposal. For example, it will be unnecessary for the change of use of a property to have to incorporate sustainable drainage systems as run off from that property will not increase. I propose to clarify the policy only needs to be imposed on new buildings or extensions.

### *Recommendation*

Amend the policy as follows:

~~All development~~ **Proposals for new buildings/ extensions/engineering operations should show how they will incorporate Sustainable Drainage System (SUDS) principles and provision for their ongoing maintenance in order to buffer rainwater runoff and to ensure there is no adverse impact on local flood risk through development.**

### **Policy BE01: Local Character and Design Standards**

77. My only concern with regard to the first element of the policy, is that the threshold, in terms of protecting neighbouring properties amenities, is set at a level that the development should not adversely affect other properties. However, Policy DM1 of the Mid Devon Local Plan 2013 - 2033 sets the threshold, as proposals should not “have an *unacceptable* adverse effect on the privacy and amenities of neighbouring properties”. The significance is that it is possible that a proposal, particularly in a built-up location could have an effect on a neighbouring property, but that impact would not necessarily be so unacceptable as to justifying the refusal of the application, which implies the use of a degree of judgement by the decision maker.
78. A purpose of a neighbourhood plan policy is to influence how a planning application is to be determined rather than how it is submitted or indeed processed. A neighbourhood plan policy cannot dictate what documents should accompany the planning application. These requirements are set out in the Town and Country Planning (Development Management Procedures) Order 2015 and the District Councils Local Validation Checklist. Design and Access Statements can only be required for schemes of over 10 units or development in a conservation area.
79. However it is appropriate for an applicant to have to demonstrate how their proposals will affect the character of the area and how it has taken into account the Silverton Design Statement.

### *Recommendation*

Amend 1. (iii) as follows:

**demonstrates that the amenities of neighbouring residential occupiers will not be *unacceptably* adversely affected through overlooking, loss of light or outlook, over dominance or disturbance; and minimises visual impact through sensitive design and an appropriate level of landscaping and screening which complements and enhances the character of the local area.**

Amend 2. as follows:

**Development proposals should ~~be accompanied by a statement that sets out:~~ demonstrate**

**~~an assessment of the character of the site and its context;~~ how the proposed development fits in with ~~these specific characteristics~~ *character of the site and its wider context*; and how the Silverton Design Statement has been taken into account.**



## Policy BE02: Local Heritage

80. The first element of the policy relates to proposals within the conservation area. It also covers development “in proximity” to the conservation area. I do not consider that the issue is one, necessarily, of proximity, but rather, whether the development affects the “setting” of the conservation area. I will make a suitable recommended change.
81. The second element of the policy places an obligation on development anywhere in the parish, to have to show how they will respect heritage assets. My view is that it is unreasonable for applicants to have to go through the steps of justifying their proposals if they do not affect any heritage assets. If a planning application affected a heritage asset or its setting that would be a matter that would ordinarily be considered at the development management stage as there are specific legislative requirements for considering such applications, as well as guidance in the NPPF.
82. Equally, the need to show how the scheme will enhance the rural character of the area is both unnecessary and is an onerous requirement for those parts of the village which, by no stretch of the imagination, could be described as rural in their character. I will be proposing that this element of the policy be deleted.
83. The Parish Council did suggest that the obligation could remain but suggested an amendment to allow an applicant to justify why it did not apply to their location. That is not a reasonable expectation to place on an applicant.

### *Recommendation*

Amend the policy as follows

1. **Development proposals within or in proximity to which affects the setting of the Silvertown Conservation Area will be expected to demonstrate how they will positively conserve and enhance the unique characteristics of its location as identified in the Silvertown Conservation Area Appraisal and Management Plan.**
- ~~2. Development proposals in the wider Parish will also need to show how they will respect heritage assets and enhance the rural character of the area.~~
3. **Where a Heritage Statement is required to accompany a planning application it will be required to identify the heritage assets, provide a clear assessment of the significance and impact of the proposal on those assets and their setting and to justify the design approach taken.**

## Policy HS01: Scale of Housing Development

84. I have set out in the Plan Overview section of this report, my concern regarding the policy which allows housing development on unallocated sites at the edge of the village and its conflict with Policy S13 of the Local Plan, which I consider is a basic conditions issue. It will effectively rule out the delivery of rural exception sites which would otherwise be acceptable in such locations, due to the enhanced land value which would be attached to sites that can



accommodate market housing. That then has more significant repercussions which is likely to push low-cost affordable housing further away from the village and its facilities, leading to social isolation and are more likely to have to be entirely reliant on private car ownership. I have therefore recommended an amendment to remove support for housing on the edge of the village.

85. I fully accept the desire of the community to try to restrict developments to a maximum of five units. This is a theme that came from the community in its consultation responses. This was well articulated by the Parish Council at the hearing. Bearing in mind the housing requirements for the parish have been met for the lifetime of this local plan, I am satisfied that this restriction to small schemes is justified as a locally distinct policy.

#### ***Recommendation***

Amend the policy as follows:

**Proposals for housing development of five and fewer dwellings within ~~or on the edge of the Village Settlement Boundary as shown on the Policies Map~~ and on sites allocated in the Neighbourhood Plan will be supported provided they conform to the other policies of this Plan.**

### **Policy HS02: Meeting Local Housing Need**

86. I have no comments on this policy.

### **Policy HS03: The Glebe Housing Site**

87. This housing allocation has proved to be the most controversial aspect of the neighbourhood plan, which generated a strong objection from Mid Devon District Council and in particular, from its Conservation Officer. This topic took up the majority of the time at the hearing. Objections had also been made at Regulation 16 stage by Historic England and I had invited their participation, but regrettably they were not able to attend the hearing. Nevertheless their position had been made clear in correspondence.
88. The genesis of this allocation stems from an offer originally made in 2017 between the landowner of the land at the Glebe and the then Steering Group. Essentially, it proposed that in exchange for the allocation of an area for 5 houses, the remainder of the site at The Glebe would be transferred to the Parish Council to enable the land to become public open space.
89. At the present time, the land is in private ownership and there is no public access. The majority of the site lies within the boundary of the Silverton Conservation Area as it was revised in 2015. The Silverton Conservation Area Appraisal and Management Plan reduced the extent of the Conservation Area and it removed the area now proposed for the housing allocation. I heard at the hearing the explanation of why this was countenanced, namely in terms of the changes to the protection now given to the setting of heritage assets.
90. It is almost unanimously agreed that this land at The Glebe is a much-valued piece of open space which, as well as mostly being in the Conservation Area,

also forms the setting of a number of listed buildings including the Grade 1 St Mary The Virgin Church. The Conservation Area Appraisal recognises this parcel of land as an Area of Merit in terms of the contribution it makes to the Conservation Area with its views across the site from the raised land at The Berry.

91. When I appraised the site and using the telephone pole as a reference point, it was evident to me that the potential residential development will have an impact on the Conservation Area and also the setting of the important listed buildings. There are no landscape features or field boundaries that will, at least in the short term, provide any screening of the new housing when viewed from the north. The important question for this examination is what is the scale of that impact and that has been the subject of extensive assessment work and discussion, some of which was of a technical nature.
92. To a large extent, it appeared to me that much of Historic England's concerns were related to the plan making process, in that whilst there was acceptance that harm would result, there was not a clear understanding of the extent of that harm. This was reflected in a number of iterations of AECOM's Strategic Environmental Assessment and it was only when the final version of the Environmental Report dated September 2022 had been produced, were Historic England satisfied that the matter had been properly assessed.
93. The assessment concluded that The Glebe site would have the potential for a medium adverse impact on a number of medium and high significance heritage assets. Historic England did not disagree with that assessment of harm and, to be fair, Mid Devon's Conservation Officer also concurred. The assessment of that level of harm is important in terms of the weight to be ascribed to it as set out in the NPPF. Paragraph 202 states that "Where a development proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal....."
94. There now appears to be a general consensus that the level of harm on the conservation area and the setting of the listed buildings, is "less than substantial" and therefore the balance of public benefit kicks in.
95. My assessment has to weigh whether the public benefits of securing the public access to this valued piece of open land, located in a part of the village which lacks such informal recreation areas, coupled with placing it in public ownership which will ensure that it maintains its undeveloped and open aspect are compelling arguments in favour of the proposed allocation and reflect the community's wishes as articulated by the Parish Council, outweigh the harm caused by the new housing, especially to the Conservation Area.
96. I appreciate that some members of the public do not support the proposed housing but I see this is a matter for the Parish Council to come to its own view and from what I have read, the proposed arrangement does enjoy a level of community support. I am not in a position to disregard the opportunity that has been presented to the community, if it accepts the "price" it is prepared to pay by allocating land for five new residential units to secure that new informal recreation area which can act as wildlife meadow, woodland, community

- orchard. I consider that this is exactly the type of initiative that the neighbourhood planning is encouraging and is an example of positive neighbourhood planning, accepting trade-offs to achieve community benefit.
97. There was some discussion at the hearing as to the robustness of the policy, which allocates specifically land for housing, if a proposal came forward without the accompanying public access and open space. I sought reassurance at the hearing in terms of the “offer” from the landowner and I was shown the correspondence from his solicitors which had been issued in 2017. However on closer scrutiny, it appears that what was initially being offered did not coincide with what the neighbourhood plan was proposing and some of the housing areas was to be situated within the Conservation Area. I therefore asked for the Parish Council to clarify with the landowner whether, in 2023, he was still proposing the arrangement as proposed in the neighbourhood plan. I subsequently received a letter which he has signed, indicating this continued support for the arrangement. In the interests of transparency I will attach a redacted version of this letter to this report.
98. At the hearing I heard concerns from the District Council regarding the legitimacy of the proposed arrangement. The concern was whether it raised issues with complying with Regulation 122 of the Community Infrastructure Levy Regulations 2010. That requires that any Section 106 agreement must meet the tests of “is it necessary to make the development acceptable, is it directly related to the development and is it fairly and reasonably related in scale and kind to the development”.
99. I will propose to address this by recommending that the policy proposes an allocation for a mixed use on the combined site providing for the housing use of the site shown in brown on Map 8 and recreational open space with public access on the area coloured green (but with the small building shown in brown being excluded for the allocation site). That should ensure that the housing cannot be considered separately from the remainder of the land at The Glebe.
100. I will also refer to the need for there to be a planning obligation that ensures the transfer of the green land to the Parish Council before the commencement of the development of any housing.

### *Recommendation*

Retitle the Policy as “Land at The Glebe”

Amend the policy as follows:

**~~Development proposals~~ Land at The Glebe is allocated for a mixed use development to provide up to 5 dwellings on the site area shaded brown and an area of public open space on the area shaded green as indicated on Map 8. A comprehensive development proposal will be supported provided:**

- I. the *housing* scheme is sensitive to its setting, ~~within~~ adjacent to the conservation area and its close proximity to the countryside;
- II. the visual impact of the *housing* development from the Churchyard and the Berry is minimised. A Heritage Assessment would be taken into account.

- III. the *housing* development minimises the loss of existing trees and hedges and includes additional planting and other measures to protect Priority Habitat on the western boundary and improve ecological connections in the area, including the provision of green infrastructure enhancements to ensure a net gain in biodiversity
- IV. vehicular access *to the housing development* is provided from a single point with visibility splays appropriate to the speed of traffic and *the public open space incorporates a footpath link from the housing development to the village;*
- V. sufficient parking spaces for residents *of the new housing* and their visitors are provided within the *housing* site;
- VI. adequate recycling and storage areas are included on *housing* site as an integrated part of the design and layout of the scheme so as not to harm visual amenity;
- ~~VII. provision is made for an area of public open space of at least 0.5 ha on the Glebe including the planting of native tree species and hedging on boundaries.~~
- VIII. *Any planning application for the housing development on the land shaded brown shall be accompanied by a planning obligation that provides for the transfer of the land shaded green (excluding the small building shaded brown) to the Parish Council before the housing development is commenced.*



## Policy HS04: Tiverton Road Development Site

129. I have no objections to the principle of this allocation which is well related to the village. There is a mismatch between the wording of the policy, which refers to the provision of 2 dwellings, whilst the supporting text refers to “at least two dwellings”. The policy does not dictate the size of dwellings envisaged and so I will propose that the policy should retain a degree of flexibility, by reflecting the aspiration that the site should deliver at least 2 dwellings.

### **Recommendation**

Amend the policy as follows:

**Development proposals to provide *at least* two dwellings on the site indicated on Map 9 will be supported provided:**

- I. use of the existing topography to ensure that there will be no unacceptably detrimental impact on the skyline;**
- II. existing boundary hedgerow and trees are retained, except where some loss is unavoidable to create safe vehicular access to the site. If this loss occurs, it must be mitigated by restoration and re-creation to provide net-gain in biodiversity;**
- III. sufficient parking spaces for residents and their visitors are provided within the site;**
- IV. private garden space for each dwelling commensurate with the size of the dwelling is provided; and**
- V. adequate recycling and storage areas are included on site as an integrated part of the design and layout of the scheme so as not to harm visual amenity.**

## Policy HS05: Community Housing

130. Again this was a policy that was discussed at the hearing. I quite understand the desire of the Parish Council to want to promote community housing schemes and its aspiration to set up a Community Land Trust, as a vehicle for the delivery of low-cost affordable housing. The normal mechanism to deliver local needs affordable housing, is to promote it in locations where planning permission would not ordinarily be granted, through rural exception sites and there is a specific policy that covers them, namely Policy DM 6 of the Mid Devon Local Plan 2013 - 2033.

131. However, that local plan policy includes the stipulation that “The site adjoins a settlement and is in a suitable location which take as account of the potential for any visual impact and other relevant planning issues.” The difficulty with the approach being promoted in this policy, is that sites that adjoin the settlement boundary would be considered suitable for market

housing and as these schemes are limited to 5 units, they are unlikely to deliver affordable homes.

132. Whilst this neighbourhood plan policy includes a caveat, referring to locations within a reasonable and safe walking distance of existing community facilities, the existence of rural roads into the village, without pavements, would be likely to rule out such schemes. This was recognised by the Parish Council's response to my Initial Comments, when it said that it would reluctantly agree to locations further out by referencing the policy to "locations that are *preferably* within a reasonable and safe walking distance."
133. This could lead to isolated enclaves of affordable housing, which could be occupied by families isolated from community facilities such as the school, community centre, local shops etc, especially if they did not have access to a private car during the working day. I do not consider that constitutes a sustainable form of development. I will therefore be proposing, in line with my recommendation in respect of Policy HS01, that rather than relying on sites within "a reasonable and safe walking distance", I propose to refer to sites which adjoin the settlement boundary. This would bring the policy into closer alignment with the rural exception policy of the Local Plan. That policy would remain relevant if the Parish Council does take the initiative and review the settlement boundary as part of a future modification of this plan.
134. I propose to cross reference the policy with the requirements set in Policy DM6 which can then include the requirement to keep the housing as affordable and available to local people in perpetuity and also allows the inclusion of an element of market housing if that is necessary to deliver a viable affordable housing scheme.

### **Recommendation**

Amend the policy as follows

**Community Housing schemes, such as a Community Land Trust, of more than five dwellings will be supported on a site, or sites ~~in locations within a reasonable and safe walking distance of existing community facilities~~ adjacent to the settlement boundary, where development would not otherwise be permitted providing:**

- I. the development *meets the requirements set out in Policy DM6 of the Mid Devon Local Plan 2013 - 2033 including providing that provides* an appropriate mix of dwelling types and sizes reflecting identified local need and meets demand based on a current Local Housing Needs Assessment; and**
- II. the development will not have a significant adverse impact on the character of the area and local landscape setting *and*;**
- III. the scheme demonstrates it has taken the Silverton Design Statement into account; and the ~~land is held in trust as a community asset~~ affordable or low-cost housing will remain affordable in perpetuity ~~to provide genuinely affordable housing~~ to meet local needs.**



## Policy HS06: Parking Space on Housing Development

135. Due to the historic nature of much of the village, where properties were built before the motor car was invented, it is not surprising that there are serious on street car parking issues in the village. The Parish Council is proposing higher car parking requirements on new housing development than would be expected by the Mid Devon Local Plan 2013 - 2033, which sets a blanket expectation of 1.7 spaces per dwelling. The implications of that higher standard, in terms of one and two bed units, would be that an extra space would be required for a development of 4 units, bearing in mind that, in my experience, the usual practice is for carparking requirements to be rounded up. In terms of 3 bed units, again an extra space will be required for schemes of 4 units.
136. The Parish Council pointed me to the examples of parking issues in the village, which I saw for myself, to justify a Silverton parking standard. Because parking is such an important issue in the village, I do not think that the marginally higher requirements raise issues in terms of the basic conditions.
137. I note the fact that the policy does allow garages to be counted towards the parking provision. I am aware that many development plan policies that will not accept them as part of the parking supply, due to the propensity of householders to use the space for domestic storage etc.
138. I do not consider that it is unreasonable for the size expectation for a garage to include space for the parking of a bicycle. However, as the District Council's cycle parking requirements are 2 cycle parking spaces per 1 or 2 bed unit and 4 cycles spaces for 3 bed or more houses, if the scheme makes provision for a cycle store separate to the garage such as in a garden shed, I do not consider that it is reasonable to require the provision of one cycle space in a garage, as that would be significantly lower than existing district standards.
139. Whilst I entirely understand the desire for electric car charging to be installed, recently changes to the Building Regulations now require their installation under Part S. Accordingly, I will be recommending that this element of the policy can be omitted.

### **Recommendation**

Amend the policy as follows:

**New housing development will be required to provide a minimum of two off-road parking space for units with 1 or 2 bedrooms and a minimum of three off-road parking spaces for units with 3 or more bedrooms. Garages that count against this requirement must be of a size that allows for the parking of a family size car and a bicycle *unless separate cycle storage is provided in accordance with Policy DM 5 of the Mid Devon Local Plan 2013 - 2033.***

**~~At least one electric car charging per house, with vehicle-to-grid connectivity~~**

~~when available.~~

### Policy BJ01: Roosters, Babylon Lane, Employment Site

140. This allocation covers part of the wider employment site. I have no concerns with regard to the basic conditions, although a planning policy cannot dictate from which directions vehicles are allowed to access the site from. That is a matter that would be covered by highways legislation via Traffic Regulation Orders. The policy can require any new access to be designed so as to prevent access from the west through the geometry of any new access.
141. There is an error in the key to Map 10 which refers to “potential residential use’ That is an error and needs to refer to business/ employment use.

#### **Recommendation**

Amend the policy as follows:

**Redevelopment proposals to protect existing or provide improved business/employment space at the site shown on Map 10 will be supported provided any redevelopment of the site does not result in a net increase in the total footprint of buildings on the site and they:**

- I. **minimise the loss of existing trees and hedges and include additional planting and other measures to ensure a net gain in biodiversity;**
- II. **include adequate and appropriate screen-planting to minimise visual impact and ensure that adjoining uses are not adversely impacted by business activity on the site;**
- III. **provide sufficient on-site parking together with an adequate service and turning area on site;**
- IV. **satisfactorily address traffic and highway issues with *any new* access being *designed to ensure that vehicles can only enter and leave the site from and towards the west only*;**
- V. **conform to the other policies of this Plan.**

### Policy BJ02: Super-fast Connectivity

142. My only concern relates to the requirement of new development “to be served” by superfast broadband. The delivery of internet facilities is not within the gift of the developer, but a telecommunications operator. What can be required is the provision of the necessary infrastructure such as ducting so as to enable the installation of the necessary equipment.

#### **Recommendation**

Amend the policy as follows:

1. **The development of a super-fast broadband infrastructure to serve Silverton Parish will be supported where it is sensitively sited and sympathetically designed.**
2. **All new residential, educational and business premises should *incorporate the necessary infrastructure (ducting etc.) to enable the premises to be served by a***



~~superfast broadband (fibre-optic) connection installed on an open access basis.~~

### Policy BJ03: Home Working

143. I applaud the desire of the Parish Council to respond to the recent phenomena of increased home working and seeking to encourage local enterprise and business development.
144. The issue is not necessarily straight forward, in that the use of part of a dwelling house or buildings within its curtilage, as a workplace / home office for the residents would normally be considered incidental to the enjoyment of the dwelling and would not need planning permission. That interpretation may change if other non-residents are employed at the premises.
145. It is not possible for the policy to be categoric as to the need for planning permission, which is a matter of legal interpretation, but I propose to recommend that the policy be prefaced to only apply in situations, where planning permission is required.
146. The second part of the policy deals with situations where “outbuildings” are converted and then are no longer required for that new purpose. I propose to differentiate between the situation where outbuildings lie within the curtilage of a dwelling, in which case if it were no longer used for that new purpose, it would naturally revert to the primary residential use of the premises, and other outbuildings.
147. If a building was not part of a residential property, for example, on a farm, then I see that there could be a case for keeping it as employment space, unless there was no market interest for that employment use, in which case there is no benefit of keeping a building vacant. The local plan requires a marketing exercise to be conducted for at least 18 months and I can see any reason for requiring a longer period in Silverton parish, compared to the rest of the district.
148. I do not see that there is justification for the building, in that situation, to have to revert to its previous use, when the thrust of national policy is to see rural buildings being converted into beneficial use, including residential in appropriate situations, as set out in Paragraph 80 c) of the NPPF.

#### **Recommendation**

Amend the policy as follows

1. ***Where planning permission is required, proposals for development that combines living and small-scale employment space for office and/or light industrial uses through:***
  - I. **the use of part of a dwelling; or**
  - II. **a small-scale free-standing building within its curtilage; or**
  - III. **extensions to the dwelling; or**
  - IV. **conversion of outbuildings *outside of residential curtilages*****will be supported provided there is no adverse impact on the character and**

- amenity of nearby residential areas and they meet the criteria of Policy BE01.
2. Employment space permitted under clause (IV) of this policy must remain as its approved use unless it has been actively marketed for *at least 18 months* ~~two years~~ and it can be demonstrated that no demand exists for its continuation for employment purposes. ~~In such cases, the redundant space should revert to its former use.~~

### Policy TR01: Non-Car Travel

149. I have no comments to make on this policy.

### Policy TR02: Pedestrian Link to Main Road

150. As drafted this policy, could be interpreted as supporting any development, which would otherwise not be acceptable, so long as that development delivered the pedestrian link. I do not believe that is the intention of the policy and so I will propose amendments to clarify, what is envisaged.

#### **Recommendation**

Amend the policy as follows:

**~~Development Proposals that further~~ for the creation of a safe pedestrian and cycle link between the Village and the A396 will be supported.**

### Policy TR03: Traffic Management

151. As previously mentioned, a neighbourhood plan policy is required by legislation to be a policy for the use and development of land, that can be used to determine planning applications. I am concerned that the final three elements of the policy do not meet that requirement and are in fact matters that are covered by highway legislation, rather than administered by the local planning authority.
152. The first element of the policy is setting out matters that would ordinarily be addressed in a Transport Assessment. Paragraph 113 of the NPPF states that such assessments should only be requested where the development would generate “significant amounts of movement.” The District Council confirmed that its Local Validation Checklist only requires their submission in cases of “major development”. I will incorporate that within my recommended changes to the policy.
153. In terms of the second criterion, I will expand its remit to look at the residual cumulative impact of the development on the road network is severe, which is in line with Secretary of State expectations.

#### **Recommendation**

Amend the policy as follows:

1. ***Major Development proposals that require the preparation of a Transport***

**Assessment** should identify the realistic level of traffic they are likely to generate. They must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the Silverton neighbourhood area and include measures to mitigate any impacts.

2. Development that would give rise to unacceptable highway dangers *or where the residual cumulative impact on the highway network is severe* ~~should~~ **will not be permitted.**
3. ~~Traffic management proposals to reduce speed and improve pedestrian safety on existing roads should be consulted on fully and show they have the support of the local community.~~
4. ~~A 20mph limit in built up areas throughout the parish is supported. If a legal limit proves problematic to implement, an advisory limit is recommended for a transitional period.~~
5. ~~Banning of lorries over 7.5T, except for access, in built areas of the Parish to improve safety is recommended.~~

#### **Policy TR04: Off Road Parking**

154. The first element of the policy is effectively a requirement for a development to have to comply with other policy, whether it is elsewhere in the neighbourhood plan or in the Local Plan. That policy will already apply to planning applications in the parish. This part of the policy serves no useful purpose and duplicates existing policy and as such is against the Secretary of State's advice set out in paragraph 16f of the NPPF, which requires that plans "should have clear purpose, avoiding the duplication of policies that apply to a particular area."
155. The encouragement, in requirement 4, for the adoption of the Driveway Sharing scheme is again not a policy that could be used in the determination of a planning application and is therefore recommended for deletion. It could be included in the clearly differentiated, non-land use policy part of the plan.

#### **Recommendation**

Amend the policy as follows:

~~Development proposals must make adequate provision for off road parking and service vehicles taking into consideration the type of development, the accessibility of the location, and the requirements of parking standards set down in policy HS06 of the Neighbourhood Plan for residential development, or any standards set by Devon County Council and/or Mid Devon District Council for non-residential developments.~~

**Development proposals to provide an additional public car park serving the Village of Silverton will be supported provided:**

- suitable points for the charging of electric vehicles
- suitable access/egress arrangements can be provided

- the car park is suitably landscaped
- it will not cause significant nuisance to adjoining properties
- It is suitably located
- Extension of the lay-by at Ellerhayes for additional parking is supported.
- ~~Adoption by individuals of Driveway Sharing schemes and Electric Charging Sharing scheme is encouraged.~~

Provision of electric chargers at existing car parks and community buildings with car park is encouraged.

### Policy TR05: Vehicle Sharing

156. Again this is a policy that could not be used to determine a planning application. I will recommend the policy be deleted. It can be moved to the community aspirations section of the policy.

#### *Recommendation*

The policy be deleted as follows

~~The following is encouraged, and is likely to use smartphone apps to enable these to a considerable degree.~~

- ~~1. Community Car Use – where people can book the use of a car, or cars, for self-driving, thus reducing the overall number of cars in the parish. It is preferable that such schemes use electric vehicles where possible.~~
- ~~2. Individual Car Share – shared rides to work, giving lifts~~
- ~~3. Taxi Share – sharing taxis~~

### Policy CR01: Existing Community Facilities and Assets

157. The policy makes reference to community assets listed on the Register of Assets of Community Value. The listing of an asset on the register only provides protection so that if the premises are being disposed of gives the Community a Right to Bid. A listing only last 5 years.

158. I do not consider that referring to properties included on the register would offer the same protection as being listed in the policy. I believe that it would be helpful to provide clarity as to the reach of the policy, if the community assets are listed in the policy.

159. The plan does not describe what community facilities fall within the category of “service provision” and I will recommend that category be omitted. The list of community facilities includes local pubs, which as well as being community assets within the village, are also local businesses and as such they could close on grounds of the loss of economic viability.

160. The second element, relating to including an environmental assessment to advice on reducing carbon emissions is not a policy for the use and development of land and according does not comply with the legal requirements for being a neighbourhood plan policy.

### **Recommendation**

Amend the policy as follows:

1. ~~Development proposals that result in the loss of local retail uses, service provision, or the following community facilities or a 'community asset' (listed on the Register kept by Mid Devon District Council)~~
2. Silverton Community Hall
3. St Mary's Church
4. St Mary's Church Hall
5. Evangelical Church and Hall
6. Methodist Church and Hall
7. The Lamb Inn
8. The Lamb Inn Shed
9. The Silverton Inn
10. Room 4U
11. Wyndham House Surgery

will only be supported where:

- they are to be replaced with community space of an equal or higher quality on the same site or another site within the area;
  - the proposed alternative use would, overall, provide equal or greater benefits to the local community; and
  - it is demonstrated, through local ~~community~~ consultation, that it is no longer required by the community for the current use it serves *or it is shown that the continued use is no longer economically viable.*
- ~~2. Community facilities are encouraged to have an environmental assessment undertaken to advise on how they can reduce their carbon emissions~~

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### **Policy CS02: Existing Recreation Space**

161. I have no comments to make on this policy.

### **Policy CS03: New Public Open Space**

162. I have no comments to make on this policy.

### **The Referendum Area**

163. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Silverton Parish Neighbourhood Plan as designated by Mid Devon District Council on 7<sup>th</sup> July 2014 is the appropriate area for the

referendum to be held and the area for the referendum does not need to be extended.

## Summary

164. I congratulate Silverton Parish Council on reaching a successful outcome to the examination of its neighbourhood plan.
165. It is clear that a huge amount of hard work has gone into this plan by volunteers on behalf of the local community and I am pleased to recognise their sterling work.
166. I would urge the Parish Council to respond to the opportunities which I have identified to review the settlement boundary which will enable sites to come forward in the future in a positive way that supports housing in areas identified by the community but in a way that also allows low cost, local needs housing to be built close to the village and its amenities rather than being forced to locate away from the village.
167. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
168. I am therefore delighted to recommend to Mid Devon District Council that the Silverton Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS  
John Slater Planning Ltd  
2<sup>nd</sup> October 2023



## APPENDIX

### Letter from Landowner of The Glebe

TO: John Slater BA(Hons) DMS MRTPI FRGS  
Examiner of Silverton Neighbourhood Plan  
The Oaks, Buckerell, Honiton, Devon, EX14 3ER

CC: Silverton Parish Council

Silverton Neighbourhood Plan – The Glebe, Church Road, Silverton

I, [redacted] confirm that I am the owner of land at The Glebe, Silverton extending in all to 1.068 hectares and including the cob-built store beside the gateway.  
The site is shown on the attached Map8A coloured brown, green and woodland.

I understand you have had sight of the letter dated 3<sup>rd</sup> October 2017 sent to the Parish Council by my solicitors, Trowers & Hamblins which refers to the land edged blue and red on the drawing.  
I confirm that it was the land edged blue (areas A1, A2, A3) which we had in mind for housing with the area edged red to the north to become recreational space.

I understand that the areas A2 and A3 will encroach into the Silverton Conservation Area and should be included in the proposed open space/woodland coloured green on Map 8A.  
The area A1 conforms to the area coloured brown on Map 8A which is to be allocated for housing.

As indicated by my solicitors, I remain supportive of the objectives of the Neighbourhood Plan that small sites for up to 5 houses be developed for sale to Parishioners and those with connections to Silverton at affordable prices.

I confirm that if the land coloured brown on Map8A is allocated to housing in the Neighbourhood Plan, I will transfer title to the land coloured green/woodland to the Silverton Parish Council to hold in perpetuity for recreational purposes.

This statement, with names and addresses redacted, may be published as part of the Examiner's Report.

Signed. [redacted]

Date.....16.....October 2023



