

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the MID DEVON DISTRICT COUNCIL will be held at Lords Meadow Leisure Centre on Thursday, 1 July 2021 at 6.00 pm

ALL MEMBERS of the COUNCIL are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below.

[The next meeting is scheduled to be held in Tiverton on Wednesday, 25 August 2021 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

23 June 2021

Important - this meeting will take place at **Lords Meadow Leisure Centre, Crediton** (the meeting has been moved to this venue to allow all those attending to be socially distanced). This will not be a hybrid meeting, members of the public and the press will need to attend in person – but we do ask that you register your attendance to allow for a full risk assessment of the meeting to take place.

AGENDA

1 Ceremonial Procedures

As the Annual Meeting took place on 28 April 2021 remotely, there is a need for the previous Chairman of the Council to receive his past Chairman badge and present the chains of office to the new Chairman and for the Vice Chairman to receive his ribbon.

2 Apologies

To receive any apologies for absence.

3 Public Question Time

To receive any questions relating to items on the agenda from members of the public and replies thereto.

4 Declarations of Interest under the Code of Conduct

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

5 **Minutes** (*Pages 7 - 20*)

Members to consider whether to approve the minutes as a correct record of the meeting held on 28 April 2021

Members to consider whether to approve the minutes as a correct record of the Annual Meeting held on 28 April 2021

The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

6 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

7 **Petitions**

To receive any petitions from members of the public.

8 **Notices of Motions**

(1) MOTION 573 – (COUNCILLORS MISS E WAINWRIGHT and C R SLADE– 11 MAY 2021)

The Council has before it a **MOTION** submitted for the first time

Motion to Support the Climate and Ecological Emergency Bill

Preamble

The impacts of climate change are being felt in the UK and around the world. Global temperatures have increased by 1 degree Celsius from pre-industrial levels. Atmospheric carbon dioxide levels are above 400 parts per million (ppm) and continue to rise. This far exceeds the 350 ppm deemed to be a safe level for humanity.

Without more significant and sustained action, the world is set to exceed the Paris Agreement's 1.5°C limit between 2030 and 2040. The current UK target of net zero by 2050 is therefore not satisfactory. We are not set to meet our future targets and the targets themselves do not properly account for our consumption emissions.

The increase in harm caused by a rise of 2°C rather than 1.5°C is significant. This is described by the Intergovernmental Panel on Climate Change's Special Report on Global Warming of 1.5°C published in October 2018. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities. The costs of failing to address this crisis will far outstrip the investments required to prevent it. Investing now will bring many benefits in the form

of good jobs, breathable cities and thriving communities. And in the year that the UK co-hosts COP26, our responsibility to show bold global leadership on climate and nature could not be greater.

Council notes that

1. This council has signed up to the Devon Climate Declaration.
2. There is a Bill before Parliament -- the Climate and Ecological Emergency Bill (published as the “Climate and Ecology Bill”) -- according to which the Government must develop an emergency strategy that:
 - a. requires that the UK plays its fair and proper role in reducing greenhouse gas emissions consistent with limiting global temperature increase to 1.5 degrees Celsius above pre-industrial temperatures;
 - b. ensures that all the UK’s consumption emissions are accounted for;
 - c. includes emissions from aviation and shipping;
 - d. protects and restores biodiverse habitats along overseas supply chains;
 - e. restores and regenerates the UK’s depleted soils, wildlife habitats and species populations to healthy and robust states, maximising their capacity to absorb CO₂ and their resistance to climate heating;
 - f. sets up an independent Citizens’ Assembly, representative of the UK’s population, to engage with Parliament and Government and help develop the emergency strategy.

This Council therefore resolves to:

1. Support the Climate and Ecological Emergency Bill
2. Inform the local media of this decision;
3. Write to local MPs, asking them to support or thanking them for supporting the Bill; and
4. Write to the [CEE Bill Alliance](#), the organisers of the campaign for the Bill, expressing its support.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) will be referred without discussion to the Environment Policy Development Group unless there is an alternative proposition.

(2) MOTION 574 – (COUNCILLOR B A MOORE – 8 JUNE 2021)

The Council has before it a **MOTION** submitted for the first time

That this Council resolves to ask the Standards Committee to convene a working group to review the procedural rules relating to Scrutiny, Audit and the Policy Development Groups (Part 4 Section 5 of the

Constitution). The purpose of the review is to make recommendations on those procedural rules, with particular regard to ensuring that items included on meeting agendas, notably at short notice, including duplication, are democratically determined by Members of that committee.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) be dealt with at this meeting.

9 **Reports** (*Pages 21 - 210*)

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

- (1) Cabinet
 - 13 May 2021
 - 8 June 2021
- 2) Scrutiny Committee
 - 21 June 2021 - to follow
- (3) Planning Committee
 - 26 May 2021
 - 16 June 2021
 - 23 June 2021 – to follow

10 **Questions in accordance with Procedure Rule 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

11 **Allocation of seats and appointment of Committees, Policy Development Groups, certain Working Groups and other Council Bodies** (*Pages 211 - 212*)

It is **recommended**:

- (a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule;
- (b) that Members be appointed to Committees and Policy Development Groups, in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (c) that Members also be appointed to Working Groups

and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;

- (d) that the Chief Executive be authorised to make changes to membership of Committees, Policy Development Groups, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council;
- (e) that the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting

12 Appointment of Monitoring Officer *(Pages 213 - 216)*

To receive a report of the Chief Executive with regard to the interim appointment of an interim Monitoring Officer from 30 June 2021 and a permanent appointment to commence later in 2021.

13 Budget Provision for Decarbonisation Grant *(Pages 217 - 218)*

To receive a report of the Deputy Chief Executive (S151) seeking approval from council to facilitate the expenditure of grant monies that have been secured as part of the Public Sector Decarbonisation Scheme. This report seeks approval to increase planned budget expenditure by the amount secured in grant funds.

14 Special Urgency Decisions

Decisions taken under Rule 16 (of the Constitution) Special Urgency – no decisions of this kind have been made since the last meeting.

15 Questions to Cabinet Members

Cabinet Members will answer questions from Members on their Portfolios.

16 Members Business

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

From 7 May 2021, the law requires all councils to hold formal meetings in person.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on Monday 28th June. This will ensure that your name is on the list to speak and that your attendance will be recorded in the risk assessment for the meeting.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:
E-Mail: sgabriel@middevon.gov.uk

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 28 April 2021 at 6.00 pm

Present

Councillors

L J Cruwys (Chairman)
G Barnell, E J Berry, W Burke, J Cairney,
R J Chesterton, S J Clist, Mrs C Collis,
Mrs F J Colthorpe, N V Davey,
Mrs C P Daw, R M Deed, R J Dolley,
J M Downes, C J Eginton, R Evans,
Mrs S Griggs, B Holdman, D J Knowles,
F W Letch, B A Moore, Miss J Norton,
S J Penny, D F Pugsley, R F Radford,
C R Slade, Mrs M E Squires, R L Stanley,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce,
Mrs N Woollatt, J Wright and A Wyer

Apologies

Councillors

Mrs E M Andrews and D R Coren

166 Councillor Glanmor Hughes and Honorary Alderman A.V.M Don Attlee (00-07-41)

Those in attendance observed a minute's silence in memory of Councillor Glanmor Hughes and Honorary Alderman A.V.M Don Attlee who had both recently passed away.

167 Apologies (00-13-56)

Apologies were received from Councillors: Mrs E M Andrews and D R Coren.

168 Protocol for Remote Meetings (00-14-24)

The protocol for remote meetings was **NOTED**.

169 Public Question Time (00-14-46)

There were no questions from members of the public present.

170 Declarations of Interest under the Code of Conduct (00-14-55)

Members were reminded of the need to declare any interests when appropriate.

171 Minutes (00-15-30)

The minutes of the meeting held on 24 February 2021 were agreed as a correct record.

The minutes of the extraordinary meeting held on 17 March 2021 were agreed as a correct record.

172 **Chairman's Announcements (00-16-00)**

The Chairman had the following announcements to make:

- He informed the Council of the arrival of travellers on council land in Tiverton, action had been taken and the travellers had been moved on. He recorded his thanks to officers for their quick response.
- Following the recent death of The Prince Philip, Duke of Edinburgh, he had attended a service at St Peters Church, Tiverton and the Leader had represented the council at a service at Exeter Cathedral.

173 **Petitions (00-19-05)**

There were no petitions presented.

174 **Notices of Motions (00-19-18)**

(1) Motion 567 – (Councillors: J Wright and Miss E Wainwright, R Dolley and Mrs C P Daw – 18 December 2020)

The following motion had been referred to the Environment Policy Development Group for consideration and report:

This Council:

- Welcomes and appreciates the work that has gone in to developing our climate action plan so far, especially in the context of the Covid pandemic, which stretched capacity and resources.
- Welcomes the recruitment of a Climate and Sustainability Officer, to develop our work.
- Requests that once in place, the new Climate and Sustainability Specialist focuses on further development to our climate action plan, so that it shows the priority actions for the short, mid and longer term, covering the entire period to 2030 and beyond. Plans should outline the strategic actions we need to take to be on track to meet this target.
- Requests that officers explore opportunities to develop the Net Zero Advisory Group, so that it has more authority and responsibility for our climate strategy, and so that the public can access it (e.g. via agendas published online, and being able to attend meetings).
- Requests that budget be created and ring-fenced for developing our climate work -- through a mixture of funding bids; income generation; prioritisation; partnerships; and 'spend to save' schemes.

The Environment Policy Development Group at its meeting on 9 March 2021 considered the Motion and following discussion **RECOMMENDED** to Council that the Motion should be supported with the following amendment to the final bullet point to state:

- Requests that future budgets be created and ring-fenced for developing our climate work - through a mixture of funding bids; income generation; prioritisation; partnerships; and 'spend to save' schemes.

In accordance with Procedure Rule 16.5, Councillor J Wright sought consent of the Council (which was agreed) to amend the motion to include the word 'future' as recommended by the Environment Policy Development Group

Following discussion and upon a vote being taken, the **MOTION** (as amended) was declared to have been **CARRIED**.

(2) MOTION 571 (COUNCILLOR A WILCE – 5 MARCH 2021)

That the Meeting Protocol is updated to specifically state that:

- 1) The primary objective of the Protocol shall be, so far as is practicable

'to ensure that the rights of members (and members of the public) shall not be diminished simply because the meeting is being held online and not face-to-face'.

and

- 2) The host of any meeting is the Chairman and the Officer's role as 'host' is solely administrative.

The **MOTION** was **MOVED** by Councillor A Wilce and seconded by Councillor Mrs N Woollatt.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that the matter be discussed at this meeting.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

175 Cabinet - Report of the meeting held on 4 March 2021 (00-33-46)

The Leader presented the report of the meeting of the Cabinet held on 4 March 2021.

176 Cabinet - Report of the meeting held on 8 April 2021 (00-34-28)

The Leader presented the report of the meeting of the Cabinet held on 8 April 2021.

1. Revised Schedule of Meetings (Minute 362)

The Leader **MOVED**

THAT the recommendations of the Cabinet as set out in Minute 362 be **NOTED**, this was **AGREED**.

177 Scrutiny Committee - Report of the meeting held on 1 March 2021 (00-37-05)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 1 March 2021.

178 Scrutiny Committee - Report of the meeting held on 15 March 2021 (00-38-04)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 15 March 2021.

179 Scrutiny Committee - Report of the Meeting held on 19 April 2021 (00-38-54)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 April 2021.

180 Audit Committee - Report of the Meeting held on 23 March 2021 (00-39-46)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 23 March 2021.

181 Environment Policy Development Group - Report of the Meeting held on 9 March 2021 (00-46-36)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 9 March 2021.

182 Environment Policy Development Group - Report of the meeting held on 13 April 2021 (00-41-16)

The Chairman of the Environment Policy Development Group presented the report of the special meeting of the Group held on 13 April 2021.

183 Homes Policy Development Group - Report of the Meeting held on 16 March 2021 (00-41-55)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 16 March 2021.

184 Economy Policy Development Group - Report of the Meeting held on 11 March 2021 (00-42-38)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 11 March 2021.

185 Community Policy Development Group - Report of the Meeting held on 23 March 2021 (00-43-56)

The Vice Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 23 March 2021.

186 Planning Committee - Report of the Meeting held on 10 March 2021 (00-45-05)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 10 March 2021.

187 Planning Committee - Report of the Meeting held on 31 March 2021 (00-45-51)

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 31 March 2021.

188 Planning Committee - Report of the Meeting held on 14 April 2021 ((00-46-22)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 14 April 2021.

189 Questions in accordance with Procedure Rule 13 (00-47-24)

The Chairman had agreed for the following urgent question to be considered under Procedure Rule 13.3.

Question to the Leader and Chief Executive

Recently Members have received communications from both the Leader and Chief Executive telling us of a major restructuring within the Senior Management Team, Cabinet and possibly also within Departments, together with new posts and responsibilities. These changes are being described by the Leader as heralding a "sea change" both in dealing with a backlog of work and in improving the responsiveness of Council services to service users. We are told that these changes have been planned by members of the Executive over the past four months. However Members have not been given any significant information either about the nature and purpose of the changes or about their cost.

We are, therefore, asking:-

"Will the Leader and Chief Executive arrange, as a matter of urgency, a full briefing for Members on the proposed changes including their cost?"

The Leader responded stating that a meeting would be arranged for the following week.

190 Special Urgency Decisions (00-52-30)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in that period

191 Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups (00-52-42)

The Chairmen of the Audit Committee and the Scrutiny Committee and the Chairmen of the Environment, Homes and Economy Policy Development Groups presented their Annual Reports* to the Council.

Note: *Reports previously circulated, copy attached to minutes.

192 Questions to Cabinet Members (00-53-08)

Councillor F W Letch addressing the Cabinet Member for Housing and Property Services stated that he had been in Tiverton recently and had walked to the St Georges site to see how the construction of the site was taking place, he was amazed at the amount of 'macarno' and metal on the site with just 2 men walking around and not a lot of building going on, was it possible for an update to be given on the work taking place on the site and how many workmen were available to work.

The Cabinet Member stated that a written response would be provided.

Councillor G Barnell addressing the Leader stated that he had written to him on 6 March requesting an investigation into the possible fraudulent activities involving 3 Rivers. The Leader had responded stating that he had commenced an investigation into the matter. He had asked again at the Scrutiny Committee on 15 March when he could expect the outcome of this investigation and the Leader had not replied. On 25 March the Leader had written to Councillor Letch stating that he had not undertaken any investigation and gave no explanation for this other than to describe the different purposes and processes which the company had submitted the development costs for. On 4 April he had written to the Leader again asking about the investigation and had not received a reply. He asked whether the Leader could give an answer now as to whether he would carry out an investigation into these issues.

The Leader responded stating – No.

Councillor B Holdman addressing the Cabinet Member for Planning and Economic Regeneration asked about the lack of a Tree Officer and whether a Tree Officer would be appointed?

The Cabinet Member stated that Councillor Holdman had asked the Head of Planning, Economy and Regeneration the previous week and had been supplied with an answer, but that he would try to find out more information and provide Councillor Holdman with a written response.

Councillor Barnell again addressing the Leader asked whether he could tell the Council why he had agreed to an investigation and now he was saying he would not progress this.

The Leader stated that the original request for an investigation had come from Councillor Barnell and in the course of many meetings there was a response to the question that he had asked. Councillor Barnell had alluded to Councillor Letch as the Chairman of the Scrutiny Committee where I said effectively because the question had been asked that I could only answer further if I had an answer that would satisfy Councillor Barnell and I am not sure that I will ever be in that position.

Councillor Holdman added to his question with regard to the Tree Officer stating that because of the public concern around the lack of a Tree Officer, could we please

have a public update on that. The Cabinet Member stated that an update would be provided.

Councillor B G J Warren addressing the Cabinet Member for Planning and Economic Regeneration stated that he understood that there had been difficulty recruiting and retaining a Tree Officer, because it was not a full-time job, had the Cabinet Member considered sharing an officer with an adjoining authority?

The Cabinet Member stated that this situation had occurred in the past and conversations had been had with other local authorities, no one was available at the current time, but it was being considered.

The Chairman addressing the Cabinet Member for Planning and Economic Regeneration stated that there had been a number of rumours in Tiverton regarding concern that a meeting of 4 Cabinet Members and the Leader had taken place with a representative from LVA who were the applicants for the Tidcombe Hall Development, he asked whether such a meeting had taken place and what was the reason for the meeting and whether it took place with the agreement of the Monitoring Officer and the Head of Planning, Economy and Regeneration.

The Cabinet Member responded stating that a briefing did take place, but that he didn't organise it and he did not know of any involvement of the Monitoring Officer and the Head of Planning, Economy and Regeneration.

The Leader stated that a meeting had taken place with people who were talking about carbon neutral housing and he would check the dates.

Councillor Miss E Wainwright stated that a zero carbon education meeting had taken place in July 2020 and the meeting had been offered by one of the partners looking at the Tidcombe Hall property, she had not attended as she had taken advice from the Monitoring Officer and the Head of Planning, Economy and Regeneration.

The Leader stated that the Cabinet were interested in carbon zero property development and that it was an education exercise and that it came via a party interested in the Tidcombe Hall development. The meeting had been a remote meeting and had not taken place at Tidcombe Hall.

Councillor B A Moore stated that he had the details of the meeting, it had been called 'a journey towards sustainable development' and had taken place on 9 September 2020 with a representative from LVA and other stakeholders. Tidcombe Hall had been mentioned but it was an educational and informative meeting with regard to carbon neutral developments.

Further discussion took place with regard to a proposed meeting in July and the meeting in September where some members of the new Cabinet did attend.

193 Members Business (1-16-34)

Councillor B A Moore informed the meeting that he was taking part in the 'Coast to Coast Challenge' later in the year in aid of 3 charities, MacMillan, the Blue Cross and INVOLVE and requested sponsorship for the event.

The Chairman was thanked by various members for his time as Chairman of the Council.

Councillor S J Clist wished to identify two local residents in his ward for ongoing community work, that of Stefan Laner and Dr Craig Newman.

Councillor F W Letch highlighted the vaccination programme that had taken place in the Crediton area and the work of the voluntary groups and the Town Council that had helped with this.

(The meeting ended at 7.25 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 28 April 2021 at 8.00 pm

Present Councillors

Mrs E M Andrews, G Barnell, E J Berry,
W Burke, J Cairney, R J Chesterton,
S J Clist, Mrs C Collis, Mrs F J Colthorpe,
L J Cruwys, N V Davey, Mrs C P Daw,
R M Deed, R J Dolley, J M Downes,
C J Eginton, R Evans, Mrs S Griggs,
B Holdman, D J Knowles, F W Letch,
B A Moore, Miss J Norton, S J Penny,
D F Pugsley, R F Radford, C R Slade,
Mrs M E Squires, R L Stanley, L D Taylor,
Ms E J Wainwright, B G J Warren, A White,
A Wilce, Mrs N Woollatt, J Wright and
A Wyer

Apologies Councillors

D R Coren

1 Chairman of the Council (00-06-50)

Councillor R B Evans nominated Councillor R F Radford for election as Chairman of the District Council for the year 2021/2022. This nomination was seconded by Councillor R J Dolley.

RESOLVED that Councillor R F Radford be elected Chairman of the Mid Devon District Council for the Municipal Year 2021/2022

In accordance with Section 83 of the Local Government Act 1972, Councillor R F Radford then made a Declaration of Acceptance of Office.

2 Retirement of the Chairman

The Chairman thanked the retiring Chairman, Councillor L J Cruwys for the way in which he had carried out the duties of his position. The retiring Chairman thanked the Council.

3 Chairman's Address

The Chairman addressed the Council and thanked the Members for electing him as Chairman.

4 Apologies (00-22-26)

Apologies were received from Councillor D R Coren.

5 **Protocol for Remote Meetings (00-22-44)**

The protocol for remote meetings was **NOTED**.

6 **Vice Chairman of the Council (00-22-44)**

The Leader **MOVED**, seconded by Councillor Mrs E M Andrews:-

“That Councillor R J Dolley be elected as Vice Chairman of the Council for the Municipal Year 2021/2022”.

RESOLVED that Councillor R J Dolley be elected Vice Chairman of Mid Devon District Council for the Municipal Year 2021/2022

In accordance with Section 83 of the Local Government Act, 1972, Councillor R J Dolley then made a Declaration of Acceptance of Office and thanked the Council for having elected him as its Vice Chairman.

7 **Chairman of the Scrutiny Committee (00-26-14)**

Councillor L D Taylor nominated Councillor F W Letch for election as Chairman of the Scrutiny Committee. The nomination was seconded by Councillor S J Clist.

Councillor R L Stanley nominated Councillor B G J Warren for election as Chairman of the Scrutiny Committee. The nomination was seconded by Councillor A Wilce.

Upon a vote being taken:

It was then:-

RESOLVED that Councillor B G J Warren be elected Chairman of the Scrutiny Committee for the Municipal Year 2021/2022.

8 **Allocation of seats and appointment of Committees, Policy Development Groups, certain Working Groups and other Council Bodies (00-32-24)**

The Council had before it Tables setting out the proposed allocation of seats on Committees and other Council bodies.

Arising thereon:-

Appointment of Committees, Policy Development Groups, certain Working Groups and other Council Bodies

The Chairman **MOVED THAT**,

- (a) The Council approve the allocation of seats on Committees and other Council Bodies as shown at Appendix 1;
- (b) Members be appointed to Committees, Policy Development Groups, certain Working Groups and other Council Bodies in accordance with the names notified to the Chief Executive by

each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;

- (c) The Chief Executive be authorised to make changes to the membership of Committees, Policy Development Groups, certain Working Groups and other Council Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council;
- (d) The remaining seats to be filled by ungrouped Members shall be so filled in accordance with the current membership of committees and other bodies shown at Appendix 2.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

9 Appointments to Outside Bodies (00-37-45)

Councillor Mrs N Woollatt **MOVED**, seconded by Councillor C R Slade

“**THAT** the current incumbents be carried forward from the previous year’

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.
Outside Appointments 2021/22

Outside Body	Representative/s	Appointment Length
Blackdown Hills AONB Partnership	Cllr S J Clist	Annual
Broadpath Landfill Liaison Committee	Cllr R B Evans	Annual
Building Control Joint Committee	The Leader Cabinet Member for Planning and Economic Regeneration	Annual
Business Forum Mid Devon	Cabinet Member for Planning and Economic Regeneration	Annual
Culm Garden Village Delivery Board	The Leader Cabinet Member for Planning and Economic Regeneration	Annual
Council for the Protection of Rural England Devon	TO BE REMOVED	Bi-annual (last appointed in May 2019)

Area Executive Committee		
Cullompton Town Team (2 Members)	Cllr Mrs E M Andrews VACANT	Annual
Devon Districts Forum / Devon Local Government Steering Group	Leader	Annual
Devon Historic Buildings Trust	Cllr G Barnell	Annual
Devon Rail Forum	Cllr J M Downes	Annual
Gypsy and Traveller Forum (3 Members)	<ol style="list-style-type: none"> 1. Cabinet Member for Planning and Economic Regeneration 2. Cabinet Member for Housing 3. Cllr F W Letch 	Annual
Heart of the South West Joint Committee	Leader	Annual
Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee	Cllr C J Eginton	Annual
INVOLVE – Voluntary Action in Mid Devon	Cllr B A Moore	Annual
Mid Devon Highways and Traffic Orders Committee (hosted by DCC) (2 Members)	Cllr J Cairney Cllr L J Cruwys	Bi-annual (Last appointed in May 2019)
OkeRail Forum	Cllr J M Downes	Annual
South West Councils	Leader	Annual
South West Councils Employers Panel	Cabinet Member for the Working Environment and Support Services	Annual

3 Rivers Developments Limited	Delegated to the Cabinet to agree a Member for this post.	Annual
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The Chairman **MOVED**,

“**THAT** Members be appointed to the new outside bodies in accordance with the list below”

Upon a vote being taken the **MOTION** was declared to have been **CARRIED** and the following appointments **APPROVED**.

Outside Body	Representative/s	Appointment Length
Most Sparsely Populated Councils Group (part of the RSN Rural Services Network) (Cllr Mrs M E Squires is the official representative)	Deputy – Cllr R J Dolley	4 years until May 2023
Plastic Free Tiverton	Cllr Mrs S Griggs	4 years until 2023
Tiverton Town Centre Partnership (3 Tiverton Town Members required)	Cllr B Holdman Cllr W Burke Cllr Mrs C Daw	Annual

10 **Scheme of Delegations (1-08-00)**

The Chairman **MOVED**:-

“**THAT** the Council agree the existing scheme of delegations as set out in Part 3 of the Constitution.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

11 **Programme of Meetings (1-09-41)**

The Chairman **MOVED**:-

THAT the following programme of ordinary meetings of the Council for the year 2021/22 be approved:-

30 June 2021, 25 August 2021, 27 October 2021, 22 December 2021, 23 February 2022, 27 April 2022

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**, with it being **AGREED** that the Monitoring Officer consider bringing forward the meeting of Council on 22 December, to avoid the Christmas period.

(The meeting ended at 9.12 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 13 May 2021 at 6.00 pm

Present

Councillors

R M Deed (Leader)
R J Chesterton, Mrs C P Daw, R Evans,
D J Knowles, B A Moore, C R Slade and
Mrs N Woollatt

Also Present

Councillor(s)

Mrs F J Colthorpe, L J Cruwys, R J Dolley, P J Heal,
Mrs E J Slade and B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Darren Beer (Operations Manager for Street Scene), John Bodley-Scott (Economic Development Team Leader), Philip Langdon (Solicitor), Vicky Lowman (Environment and Enforcement Manager), Tina Maryan (Area Planning Officer), Christie McCombe (Area Planning Officer), Chris Scobie (Cullompton High Street Heritage Zone Project Officer), Deborah Sharpley (Solicitor), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Jason Ball (Climate and Sustainability Specialist), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

1. APOLOGIES (00-03-20)

There were no apologies.

2. PROTOCOL FOR HYBRID MEETINGS (00-03-26)

The protocol for hybrid meetings was noted.

3. PUBLIC QUESTION TIME (00-03-56)

The Chairman read a set of questions on behalf of Mr Burrett:

Referring to item 6 on the agenda - Public Spaces Protection Order

How is the PSPO going to be enforced when Council Officers cannot gather evidence by:

- a) demanding names and addresses, and
- b) making contemporaneous video recordings?

Referring to Item 8 on the agenda - Cullompton Town Centre Masterplan

The Cullompton Masterplan shows that the most important criteria for those who responded to the consultation was the protection of green, open space, yet, as we know, this Council is planning to impair the wellbeing amenity value of the only large area of public, green open space in Cullompton by building a road alongside the edge of it and drastically reducing the ability of the public to roam across that open space. Respondents also said that the CCA Fields should be enhanced, but not how.

The CCA Fields were bought and paid for by the residents of Cullompton and are looked after by charity volunteers. Unlike other parks in the District it does not get any Council funding, despite the massive wellbeing benefits the green, open space provides to a significant number of people.

What 'enhancements' to the green space can be envisaged by this Council, when the Council is not the owner of the land, nor a contributor towards its upkeep, and the charity has very limited access to funds?

And, what financial help will be forthcoming to the Cullompton Community Association, on an ongoing basis, to enhance the environmental offering and to maintain this valuable community asset?

The Chairman indicated that answers to the questions would be provided when the item was debated.

4. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-37)

Cabinet Members made the following declarations:

Cllr Mrs Woollatt - Item 8 – Cullompton Town Centre Masterplan (Consultation Draft) - declared a personal interest as she lived within the area of the masterplan and that her property was mentioned in the document.

Cllr C R Slade - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council.

Cllr D J Knowles - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council.

Cllr Mrs C P Daw - - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council and a member of the Tiverton Town Centre Partnership.

5. MINUTES OF THE PREVIOUS MEETING (00-07-45)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

6. **PUBLIC SPACES PROTECTION ORDER (00-09-46)**

Arising from a report of the Environment and Enforcement Manager, the Environment Policy Development Group had made the following recommendations:

- 1) Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014
- 2) The fixed penalty for breach of the PSPO be set at the maximum permitted of £100

The Cabinet Member for the Environment and Climate Change outlined the contents of the report informing the meeting that this had been discussed towards the end of the previous year where some perceived inaccuracies had been identified, further work had taken place and the order had now been redrafted and the maps updated. He highlighted the appropriate areas where dogs could be let off leads, those areas excluded and the number of dogs that could be walked by one person; he also confirmed the fixed penalty charge.

In response to the question raised in Public Question Time, he stated that with regard to:

- a) Demanding names and addresses - although we have never had this issue as far as I am aware, if this was to occur the officers would contact the police who would attend and request that the individual provides such details. The District Officers caution individuals before requesting this information.
- b) Making contemporaneous video recordings - video cameras or recordings would only support the above offence if the individual refusing to give the information could be formally identified by Police or another officer.

Consideration was given to:

- Whether land at Cotteybrook, Tiverton was appropriate for dogs to be left off leads
- The above could be identified as part of the consultation process
- Whether a fixed penalty would be reduced if paid within a set period
- The thorough consideration of the document by the Policy Development Group

RESOLVED that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr C R Slade and seconded by Cllr D J Knowles)

Reason for the Decision: to enable further consultation with a view to widening enforcement powers in order to deliver a cleaner and more sustainable environment across the Mid Devon District.

7. **TIVERTON TOWN CENTRE REGENERATION MASTERPLAN PROJECTS (00-15-45)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration seeking to both update members on work to date, but also critically, to provide feedback on consultation meetings held with Ward Members, Tiverton Town Council and Tiverton Town Centre Partnership that were focused around the key intervention projects to be included in the masterplan. Due to current bid opportunities and the need to ensure readiness for submissions, this report focussed on potential projects.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the purpose of the report was to update members on project work associated with masterplanning for the regeneration and investment into Tiverton town centre. The report explained the work undertaken to date as well as providing feedback on consultation meetings which focused on key sites and projects to be included in the masterplan.

Following the Cabinet report in August of last year that set out a long-term town centre recovery plan officers had continued to work on a list of key sites and projects. As part of it, officers had held a ward member briefing, a Town Council briefing and a Tiverton Town Centre Partnership meeting. Following feedback from those meetings the key sites and projects to be included in the Tiverton Town Centre Masterplan have been updated as outlined in Section 4 of the report.

It was recognised though, that within the list of sites identified, there was an emphasis on Council owned assets and there would be a need for on-going engagement with private land owners to better understand their ambitions so a more meaningful and comprehensive regeneration of the town centre could be achieved.

Consideration was given to:

- Consultation that had taken place with various stakeholders
- The improvements to the plan and the proposal for opening up of the Pannier Market entrance from Fore Street
- How members of the Town Council were very pleased with the proposals

RESOLVED that authority be given for:

1. Officers to explore the opportunities to bring forward the projects and initiatives as outlined and prioritised in this report.
2. Property Services to seek funding opportunities to be in a position to proceed with feasibility appraisal of:
 - a) The opening connecting the Pannier Market and Fore Street (as detailed in para 4.3), and
 - b) Design, scope and cost a future redevelopment of the Phoenix Lane area in association with public and private investment, should funding become available in the future.

(Proposed by Cllr R J Chesterton and seconded by Cllr D J Knowles)

Reason for the decision – to identify projects to be included in the Tiverton Town Centre Masterplan and consider funding opportunities that may arise.

Notes:

- i) Cllrs: C R Slade and D J Knowles declared personal interests as members of Tiverton Town Council;
- ii) Cllr Mrs C P Daw declared a personal interest as a member of Tiverton Town Council and a member of the Town Centre Partnership;
- iii) *Report previously circulated and attached to the minutes.

8. CULLOMPTON TOWN CENTRE MASTERPLAN (CONSULTATION DRAFT) (00-23-00)

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy requesting approval of the draft Cullompton Town Centre Masterplan for Stage 2 Public Consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the purpose of the report was to seek approval to take the Draft Cullompton Town Centre Masterplan to stage 2 public consultation. A stage 1 public consultation had been held early last year and following that, the Draft Masterplan had been produced. It took into account the comments received at stage 1 public consultation and the strategic projects happening in and around Cullompton. Those include the urban extensions, the relief road, the railway station and the High Street Heritage Action Zone project.

The Draft Masterplan was structured around 6 themes or objectives that focussed on:

- i) Historic buildings and landscape;
- ii) the town centre as a place to work;
- iii) the visitor experience;
- iv) how spaces and places in the town centre might support community activities;
- v) growth that encourages 'shop local', healthy living and community activities; and finally
- vi) the ability to move around without reliance on the private car.

Chapter 4 of the plan introduces 8 key opportunity sites for development. The masterplan provided the details specific to each site. To bring them forward further discussion will be required with landowners. The eight sites identified included:

1. Alexandria Industrial Estate
2. Railway Station
3. Tannery Site
4. Higher Bull Ring
5. Improvements to cycling between proposed new rail station and the town centre.

6. Fore Street enhancement
7. Leat footbridge
8. The Old Cinema Site.

The next stage (if approved for consultation) was to commence the stage 2 public consultation this month with adoption of the Draft Masterplan in August of this year.

Answering the questions posed in public question time, the Cabinet Member stated that: The alignment of the relief road chosen seeks to reduce impact upon the CCA Fields and was the route favoured during the public consultation. Issues around the impact of the road scheme, its relationship with the CCA Fields, compensatory land and other mitigation measures were all considered and found acceptable as part of the planning application process. Planning permission has been granted and the project now moves to implementation. The emerging masterplan does not affect that grant of permission or the ability to implement it.

Masterplan stage 1 consultation responses also expressed a strong wish to alleviate traffic within the town centre. This reflects previous consultations where the community has expressed strong support for the delivery of the scheme. In respect of CCA Field land acquisition to deliver the road, the principle of equivalent reinstatement will be followed and hence maintenance implications would be similar to those existing.

Once adopted, the masterplan will help support any bids should opportunities arise to seek funding sources for the enhancement of the CCA Fields. It is expected that the masterplan delivery process will inevitably involve external funding and bid submissions.

Consideration was given to:

- The possible use of S106 funding from development near to the CCA fields to be used to enhance the area and the need to engage with Ward members with regard to this
- The level of responses to consultations and the need to use digital engagement platforms

RESOLVED that:

1. The draft Cullompton Town Centre Masterplan for stage 2 public consultation be approved;
2. The associated Strategic Environmental Screening Report and the Habitats Regulations Assessment Screening Report for consultation be approved; and
3. Delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the material and arrangements for consultation.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for the decision – There is a need for a second consultation period to take place.

Notes:

- i) Cllr Mrs N Woollatt declared a personal interest as she lived within the masterplanning area and that her property was mentioned in the plan;
- ii) *Report previously circulated and attached to the minutes.

9. LEVELLING UP FUND SUBMISSION (00-35-22)

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy informing Members about the fund and setting out the criteria and timescales with regard to bid submission and to establish and agree the proposed basis and timing for bids.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the report set out information about the levelling up fund, including the criteria and timescales with regard to bid submission. It also sought to establish and agree the proposed basis and timing for bids taking into account the two parliamentary constituencies with which the Mid Devon geography was divided. The report identified potential projects for bids for both Tiverton and Honiton Constituency and the Central Devon Constituency including the various stages of advancement of project development. In compiling the report, officers had regard to a wide range of factors including investment criteria, discussions with other relevant Councils and greatest chance of bid success. Endorsements from the MPs was vital to this bid process and contact has been made with both MPs.

In the Tiverton and Honiton Constituency, it was felt that the Cullompton Town Centre relief road was an ideal project to focus on as it was also being supported by the Housing Infrastructure Fund and it was hoped that such a bid would be supported by the MP and the County Council.

He also highlighted projects that could take place in the Central Devon constituency (with other authorities) to support rural enterprise and enhance digital connectivity and that officers would continue to progress ideas for the second round of bidding.

Discussion took place with regard to if the round 1 bid was unsuccessful subsequent bids should have more local member involvement.

RESOLVED that the following be **AGREED**:

- i) To submit a levelling up fund bid in respect of the gap funding required to deliver the Cullompton Town Centre Relief Road and grant delegated authority to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration over:
 - a) departure from a round 1 bid in the event that it becomes evident that there is a greater chance of success in a later round, and

- b) the extent of the inclusion within the bid of additional cycle, pedestrian and vehicular access content in relation to the Station Road corridor.
- ii) To investigate the potential to work up a bid in partnership with neighbouring authorities within the Central Devon Constituency on the themes of rural enterprise and digital connectivity for submission to a future round of the fund.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for the decision – To agree the proposed basis and timing of bids.

Note: *Report previously circulated and attached to the minutes

10. **UK COMMUNITY RENEWAL FUND (00-43-00)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration informing Members about the UK Community Renewal Fund ; setting out the criteria and timescales identified in the fund prospectus; and seeking agreement as to the preferred course of action.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the report set out information about the Community Renewal Fund, its criteria and timescales as identified in the fund prospectus and sought agreement as to the preferred course of action. Local organisations could apply for up to £3 million of revenue funding for projects that invested in skills, helped people into employment, supported local businesses grow and develop, and helped local communities become more resilient and sustainable. Applications must be for a minimum bid value of £500,000. Devon County Council had a key role in assessing, prioritising and submitting local bids to Government.

The key criteria for assessment were:

- Deliverability by 31st March 2022.
- Strategic Fit
- Value for Money
- Targeting people and areas most in need - Although weighting would be given to projects that included delivery in the two priority areas of West Devon and Torridge.

The minimum bid value of £500k to be spent in the current financial year, limited the scope of the available projects and it was felt that the Tiverton Town Centre projects would fit into the scheme.

Consideration was given to:

- The need to grasp the opportunity for funding
- How relevant projects could fit
- The fact that other local organisations could also bid for funding for projects

RESOLVED that: delegated authority be given to the Portfolio Holder(s) for Planning and Economic Regeneration and Housing and Property Services to develop and

submit a bid to Devon County Council as set out in sections 6.0 and 7.0 for the regeneration projects within Tiverton.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for the decision – To agree the preferred course of action over bid submission.

Note: *Report previously circulated and attached to the minutes

11. CULLOMPTON HERITAGE ACTION ZONE

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy requesting the Cabinet to consider delegating decision making responsibility with regard to the Cullompton High Street Heritage Action Zone Grants Scheme to the Head of Planning, Economy & Regeneration.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that Historic England had awarded a High Street Heritage Action Zone to Cullompton, following a successful bid by this Council. The administration of the HAZ programme of works rested with this Council through to March 2024 and included:

- Public realm improvements around the Higher Bullring (with Devon County Council);
- A grants scheme for building repairs and historic reinstatement work;
- A cultural programme of activities in the town centre to align with the town's heritage; and
- A comprehensive update to the Cullompton Conservation Area and Management Plan (CAMP), as well as a new Mid Devon District Council Shopfront Design Guide;
- A package of community engagement activities.

The grants scheme would see property owners and repairing leaseholders invited to apply for building grants to support structural, historic reinstatement and shopfront improvement work in the town centre. Guidance to support the grants scheme was available and help would be provided by the Project and Conservation officers.

He outlined the mechanism for approving grant funding and the involvement of the Cullompton Town Centre Regeneration Partnership Group.

It was noted that the Cullompton Town Centre Regeneration Partnership Group were in agreement with the proposals for granting funding.

RESOLVED that: delegated authority be given to make decisions over the award of grants under the Cullompton High Street Heritage Action Zone to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

Reason for the decision – to allow for funding decisions to be made in consultation with the Cullompton Town Centre Regeneration Partnership Group

Note: *Report previously circulated and attached to the minutes

12. **APPOINTMENT OF CONSULTANTS TO PRODUCE A CULM GARDEN VILLAGE STRATEGIC FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY. (00-52-17)**

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy seeking approval to engage consultants to prepare a strategic flood risk assessment and drainage strategy as evidence base for the Culm Garden Village masterplanning process.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that at the meeting on 1 October 2020, Cabinet approved the appointment of consultants to progress a Masterplan SPD for the East Cullompton Local Plan allocation and a Framework Masterplan for the wider garden village. Flooding and hydrology was a very important consideration for the garden village, there being numerous small watercourses crossing the site, as well as the River Culm to the west of the garden village and areas of flood zones 2 and 3 in the wider garden village area. The flood risk and hydrology work was a key component of the evidence base for the garden village masterplan.

He outlined the work that was being commissioned in detail and how it would be funded via the Homes England garden communities capacity funding. Consideration was given to the importance of the work to be undertaken to mitigate flooding in the area.

RESOLVED that: delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to engage consultants to produce a strategic flood risk assessment and drainage strategy.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

Reason for the decision – There is a need for a strategic flood risk assessment and drainage strategy to be obtained as part of the Culm Garden Village masterplanning process.

Note: *Report previously circulated and attached to the minutes

13. **OPTIONS FOR THE PROCUREMENT OF ELECTRIC CAR CHARGING UNITS (00-55-39)**

The Cabinet had before it a * report of the Corporate Manager for Property, Leisure and Climate Change providing Cabinet with an overview of options available to the Council to facilitate an increased provision of electric vehicle (EV) charging points across the district.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating that charging points were available at the leisure centres and within the multi-storey car park in Tiverton and that other sites within council owned land had been identified in line with the work taking place on the climate emergency and reducing the carbon footprint across the district

Consideration was given to the information available on the various options for the next wave of EV rapid chargers and possible encouragement for car sharing which was highlighted within one of the options.

It was therefore:

RESOLVED that: delegated authority be given to the Deputy Chief Executive (151) and the Portfolio Holder(s) for the Environment & Climate Change and Finance, in consultation with Property Services to facilitate the installation of additional electric vehicle charging points on Council land and across the District.

(Proposed by Cllr C R Slade and seconded by Cllr R J Chesterton)

Reason for the decision – the Council has identified the provision of electric vehicle charger points as a priority action in its Climate Strategy, this decision will progress the installation of these units.

Note: *Report previously circulated and attached to the minutes.

14. **NOTIFICATION OF KEY DECISIONS (00-59-42)**

The Cabinet had before it and **NOTED** its *rolling plan for June 2021 containing future key decisions.

The committee clerk updated the meeting on movements within the plan.

Note: *Plan previously circulated, copy attached to minutes.

15. **3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (1-1-42)**

The Cabinet had before it a * report from the Deputy Chief Executive (S151) providing an update on current project performance and any key risks.

During consideration of the report and following some discussion the Chairman **MOVED** that the meeting go into private session to consider the update in more detail.

Therefore under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

Upon a vote being taken, this was **AGREED**.

Following discussion, the meeting returned to open session and it was:

RESOLVED that the Audit Committee be requested to undertake a lessons learned review, providing a report to Cabinet on the financial and other impacts from the process followed for the sale of Park Road Nursery and recommending what improvements might be made in future.

(Proposed by Cllr B A Moore and seconded by the Chairman)

Reason for decision – so that improvements can be made to the process.

Note: *Report previously circulated, copy attached to minutes.

(The meeting ended at 7.25 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 8 June 2021 at 10.00 am

Present

Councillors

R M Deed (Leader)
R J Chesterton, Mrs C P Daw, R Evans,
D J Knowles, B A Moore, C R Slade and
Mrs N Woollatt

Also Present

Councillor(s)

R J Dolley and B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Tristan Peat (Forward Planning Team Leader), Arron Beecham (Forward Planning Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

16. APOLOGIES (00-03-13)

There were no apologies for absence.

17. PROTOCOL FOR HYBRID MEETINGS (00-03-16)

The protocol for hybrid meetings was NOTED.

18. PUBLIC QUESTION TIME (00-03-26)

There were no questions from members of the public present in the meeting.

19. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-03-31)

Members were reminded of the need to make declarations of interests.

20. MINUTES OF THE PREVIOUS MEETING (00-03-43)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

21. JOINT STRATEGY FOR STRATEGIC PLANNING (00-04-13)

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration seeking formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a need for a decision following the change in direction of the four Councils from preparing the Greater Exeter Strategic Plan (GESP) and previous decisions taken to support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area.

The preparation of a Joint Strategy would provide an overarching framework that allowed strategic planning and delivery matters to be considered collaboratively. The Joint Strategy would not be a statutory plan and therefore would not set the planning policies of the four Councils. This would be the role of local plans and each Council was currently preparing its own local plan for its area.

He highlighted the fact that the Joint Strategy could also help fulfil the legal duty to cooperate requirements, which would demonstrate a commitment to continued joint working that was vital to help lever in funding to the area to support delivery and critical infrastructure, and would help establish a recognisable brand for the area. It was proposed that the Joint Strategy should not be a one-off document. Instead it could be updated over time and as necessary to reflect the content of local plans as they were adopted, or new strategic infrastructure priorities and projects as they emerged.

A range of options had been considered for resourcing progress on the Joint Strategy and these were set out in appendix A to the report. The option that was recommended was to engage a consultant to prepare the Joint Strategy on behalf of the four Councils, supported in a limited capacity by a group of officers. Appropriate governance arrangements were proposed as set out in appendix B. He emphasised that there would be opportunities for member engagement to help shape the Joint Strategy in its draft form and also following its public consultation before being finalised. Final decision making powers to agree the draft and final versions of the Joint Strategy would rest with the relevant committees of the four Councils.

He outlined the proposed timetable for preparing the Joint Strategy as set out in Section 4 to the report and stated that there were sufficient funds available in the GESB budget to take the Joint Strategy through the stages set out in the timetable, including public consultation.

Consideration was given to:

- The public consultation that would take place but without a public examination
- The timing of the engagement of a consultant
- There would be no additional staff resources and that the Forward Planning Team would progress this work alongside their own work plan
- Member engagement throughout the whole process through relevant forums.

It was therefore:

RECOMMENDED to Council that: the scope, resourcing, timetable and governance arrangements be supported as set out in this report for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

(Proposed by Cllr R J Chesterton and seconded by Cllr B A Moore)

Reason for the decision – a recommendation to Council that Mid Devon District Council work collaboratively with neighbouring authorities on strategic planning matters as established by the 2011 Localism Act and the NPPF as part of the duty to cooperate with other local authorities to seek to address strategic planning matters.

Note: *Report previously circulated copy attached to minutes.

22. **CULLOMPTON NEIGHBOURHOOD PLAN ADOPTION (00-16-22)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration requesting the making (adopting) of the Cullompton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Cullompton Neighbourhood Plan had been prepared by Cullompton Town Council and was one of four neighbourhood plans currently being prepared in Mid Devon, the others being for Tiverton, Crediton and Silverton.

The Cullompton Neighbourhood Plan included a vision statement, and 39 planning policies covering a range of planning matters for the period to 2033. The neighbourhood plan recognised that Cullompton would be the strategic focus of new development in Mid Devon, and it was supportive of the principle of the Culm Garden Village.

He outlined the work that had taken place to reach the examination stages of the process and that the examiner's report had been received on 1st July 2020 and that this concluded that, subject to the recommended modifications, the Cullompton Neighbourhood Plan met basic conditions and could proceed to a referendum.

The referendum for the Cullompton Neighbourhood Plan was held on Thursday 6th May 2021 alongside other elections. The result of the referendum was that 87.3% of the votes recorded were cast in favour of a 'yes' to the question: "Do you want Mid Devon District Council to use the neighbourhood plan for Cullompton to help it decide planning applications in the neighbourhood area?"

Since more than 50% of voters were in favour of the Cullompton Neighbourhood Plan the plan attains the same legal status as a local plan and therefore becomes part of the statutory development plan for the area. In accordance with legislative requirements the Council must adopt the neighbourhood plan and bring it into force.

The Council may refuse to make the neighbourhood plan if it considers that making it would be a breach, or would otherwise be compatible with, any EU obligations or any human rights obligations. Officers held the view that the making of the neighbourhood plan would not breach those obligations. The Council must decide whether to make, or refuse to make, the neighbourhood plan and it was recommended that the neighbourhood plan be made. There was no opportunity at this stage to seek to amend the contents of the neighbourhood plan or make further representations to it.

Consideration was given to:

- That the neighbourhood plan provided local thinking for local policies

- The work of local councillors and volunteers to produce the plan
- Whether any funding was available following the removal of the Community Infrastructure Levy – it was suggested that S106 monies would be available for local projects and that the Government intended to replace the Community Infrastructure Levy with a National Infrastructure Levy at some point and therefore funding opportunities may be available

RECOMMENDED to Council that:

Cullompton Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the area.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

Reason for the decision – there is a need for the Council to adopt the Cullompton Neighbourhood Plan following the positive result of the referendum.

Note: *Report previously circulated, copy attached to minutes.

23. **3 RIVERS DEVELOPMENTS LIMITED - COMPANY DOCUMENTS (00-25-56)**

The Cabinet had before it a * report of the Head of Legal (Monitoring Officer). In June 2020, the Cabinet requested a review of the shareholder agreement and articles of association. This report setting out options would provide the conclusion to that review. This report now provides information about the review, an explanation of certain options and the draft documentation for formal review by the Cabinet prior to signature.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the shareholder agreement proposed was a combination of work using external legal advice and a project team of officers. This was a living document that would be reviewed from time to time.

Consideration was given to:

- Whether there was a possible conflict of interest with regard to the whole of the Cabinet fulfilling the shareholder function – the meeting was advised that the shareholder function rested with the Cabinet collectively and it could make further delegations if it chose to
- The role of the Leader who appointed the Cabinet and the collective decision-making of the Cabinet
- Confidentiality clauses at paragraph 15.11 of the agreement and the need for the representatives to be able to share information with other Cabinet members and the members of the Council – it was agreed that this clause required some rewording.
- Interest on late payments and the justification for 2% per annum above the base lending rate and views that it should be increased to the statutory interest rate
- Directors remuneration, the approval of salary increases and performance related pay awards, who should approve such increases and previous advice received - it was felt that the company needed to have the freedom to operate and that the shareholder should allow this.

- Whether recommendation (d) was open and transparent – it was felt that any such changes would have been identified by the Cabinet and that delegated decision forms would be published.
- Whether the word ‘may’ should be substituted by the word ‘will in paragraph 2.5 of the agreement – members were reminded that the shareholder function rested with the Cabinet.
- The renumbering of clauses
- Clause 26.3 with regard to interest on late payments – this was covered by loan agreements
- Dispute resolutions by the Chief Executive – which would be the normal escalation path
- Business support provided by the Council and whether there would be any conflict of interest – it was suggested that all professional services had been listed.

RESOLVED that:

- (a) The draft shareholder agreement at Appendix 1 be approved, subject to a review of clause 15.11 (Confidential Information) to ensure that representatives can report back as necessary and to change the interest rate in clause 26.2 (Interest on late payment) to the statutory rate.
- (b) The Deputy Chief Executive (s.151 Officer) be nominated to be the Named Officer for the purposes of the shareholder agreement;
- (c) Subject to recommendation (d)(ii), the draft articles of association at Appendix 2 be approved for discussion with, prior to adoption by, the Company; and
- (d) Delegated authority be given to the Monitoring Officer, in consultation with the Deputy Chief Executive (S.151 Officer) and the Cabinet Member for Finance to –
 - (i) make such changes to the shareholder agreement as are necessary to address the matters and/or changes identified by the Cabinet and then sign it on behalf of the Cabinet; and
 - (ii) negotiate a final version of the articles of association for adoption by 3 Rivers Developments Limited.

(Proposed by Cllr B A Moore and seconded by Cllr R B Evans)

Reason for the decision – a review of these documents would provide a conclusion to the work requested by the Cabinet in June 2020 and would regulate the relationship between the shareholder and the company.

Note: *Report previously circulated, copy attached to minutes.

24. NOTIFICATION OF KEY DECISIONS (1-13-33)

The Cabinet had before it and **NOTED** its *rolling plan for July 2021 containing future key decisions.

Note: *Plan previously circulated, copy attached to minutes.

25. **3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (1-14-12)**

The Cabinet had before it and **NOTED** a * report from the Deputy Chief Executive (S151) providing an update on current project performance and any key risks.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that this was the 9th monthly update report providing information to members and it was his intention that this update would be provided every 2 months in the future.

The work taking place at St Georges Court was raised, the Chairman and Vice Chairman of the Council had visited the site and had been impressed with the work that was taking place. This information was well received and would be passed on to the company.

(The meeting ended at 11.18 am)

CHAIRMAN

CABINET

8TH JUNE 2021

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

EAST DEVON, EXETER, MID DEVON AND TEIGNBRIDGE JOINT STRATEGY: SCOPE, RESOURCING, TIMETABLE AND GOVERNANCE

Cabinet Member(s): Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To seek formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

RECOMMENDATION:

That Cabinet recommends to Council to:

Support the scope, resourcing, timetable and governance arrangements set out in this report for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

Financial Implications: The resources required for preparing the Joint Strategy will be less than were previously committed for the discontinued Greater Exeter Strategic Plan (GESP). This is because a non-statutory plan:

- will not be subject to statutory consultation arrangements or a public examination;
- will not include development allocations, which require extensive site investigation work and master planning;
- can draw on the significant amount of evidence already collected for the GESP. Additional evidence may be required to support the Joint Strategy, but it will not be above what would have been required for the GESP; and
- will require less staff resource than the preparation of a statutory plan.

Sufficient funds are available in the GESP budget to cover the proposed approach to preparing the Joint Strategy set out in this report.

Legal Implications: The need for Mid Devon District Council to work collaboratively with neighbouring authorities on strategic planning matters is established by the 2011 Localism Act and the NPPF, which set out that local authorities have a legal Duty to Cooperate with other local authorities and organisations to seek to address strategic planning matters that are driven by larger-than-local issues and are likely to have an impact beyond the immediate District. Section 33A of the Planning and Compulsory Purchase Act 2004 sets out that to maximise effective working on

strategic matters throughout the preparation of plans, authorities have a duty to engage constructively, actively and on an ongoing basis.

Risk Assessment: The Joint Strategy will be jointly prepared by four authorities, with support from Devon County Council. This means that Committee decisions will be required from the four authorities at similar times to enable milestones to be reached. There is a risk that one or more of the authorities does not approve the Joint Strategy, in either its draft or final form. To help avoid this eventuality, the proposed governance arrangements set out in this report will help to ensure that Members from each authority are given significant opportunities to shape the plan as it is prepared.

Budget and Policy Framework: No direct budget implications as the funds already exist as part of the budget agreed for the GESP which is no longer being progressed. The non-statutory Joint Strategy will form part of the Council's policy framework for decision-making purposes on land use planning matters.

Equality Impact Assessment: Under the Equality Act 2010's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

In order to comply with the general duty the Council must assess the impact on equality of decisions, policies and practices. These duties do not prevent the Council from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community. In making decisions the Council must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision. As the detailed content of the Joint Strategy is still to be determined, the equalities impacts of the recommendation on people with protected characteristics as determined by the Act are assessed at this stage as neutral. An impact assessment of the Joint Strategy will be undertaken when it is brought to the Cabinet for approval at draft stage.

Relationship to Corporate Plan: Agreement of the proposed scope, timetable, resourcing and governance arrangements for the Joint Strategy will enable the document to be progressed in a timely manner. The Joint Strategy will provide a co-ordinated response to the sub-region's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment. The recommended decision will therefore help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

Impact on Climate Change: Climate change mitigation and adaptation should form a key part of joint planning work. By its nature, climate change cannot be addressed by one authority working in isolation. Measures to tackle climate change also need to

acknowledge cross-boundary transport movements and other strategic matters. The arrangements proposed in this report will enable the Joint Strategy to be prepared in a timely manner, providing an opportunity to adopt at the earliest opportunity a non-statutory plan that supports the emerging Devon Carbon Plan and considers the carbon emissions and climate change impacts of development and transport over a wider area than just Mid Devon. Because of this, the Joint Strategy is likely to be more beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district, albeit that the implications will depend to an extent upon the specific joint planning strategy that is chosen.

1.0 Introduction/Background

- 1.1 On 6th January 2021 the Council resolved (Minute 111) to support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with Exeter City Council, East Devon and Teignbridge District Councils and with the support of Devon County Council. This will be subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, and governance arrangements to be agreed at a later date. The Joint Strategy will be prepared in place of the statutory Greater Exeter Strategic Plan (GESP), on which all of the authorities were working in partnership until the end of 2020. The same resolution was made by the relevant committees of each authority during December 2020 / January 2021.
- 1.2 The reasons for recommending the preparation of the Joint Strategy in place of the GESP are set out in full in the 6th January report and are not reiterated in detail here. In summary, in place of the statutory GESP, a non-statutory Joint Strategy covering strategy and infrastructure matters:
 - is considered to be the most effective way of addressing the shared and inter-linked planning concerns that affect the four authorities;
 - will help to fulfil legal Duty to Cooperate requirements, thereby assisting with the preparation of each authority's Local Plan;
 - will demonstrate continued joint-working by the authorities on planning matters, which is vital to help lever in funding to the area to support delivery, particularly for critical strategic infrastructure;
 - will help to establish a recognisable 'brand' for the area, which may assist when making bids for Government (or other) infrastructure and delivery funding; and
 - will enable the local authorities to continue to share expertise and jointly commission relevant evidence to support their Local Plans, with potential cost saving and consistency benefits.
- 1.3 The 6th January report advised that proposals for the Joint Strategy's scope, resourcing, timetable and governance would be brought to the Council at the earliest opportunity. This report seeks the Council's agreement of those details. The relevant committees of Exeter City, East Devon and Teignbridge District Councils have, or will shortly be, considering the same recommendations, with the aim of achieving an agreed approach to joint planning in the sub-region.

2.0 Scope of the Joint Strategy

2.1 In order to achieve the benefits of preparing the Joint Strategy set out in paragraph 1.2 above, the proposed scope of the Joint Strategy is to:

- provide an opportunity for the authorities to jointly identify a clear, ambitious future for the area;
- demonstrate a commitment to joint working on strategic matters;
- distil the key strategic issues facing the area, to enable each of the authorities' Local Plans to respond in a way that reflects local conditions and support joint evidence preparation where appropriate;
- act as a prospectus to lever in external funding to overcome strategic issues and unlock development;
- Be a non-statutory living document which can be easily kept up to date to reflect evolving priorities and local conditions.

2.2 As regards the bullet points two and three, the Joint Strategy will not be a statutory plan and therefore will not set the planning policies of the four authorities. This will be the role of Local Plans. Instead, the Joint Strategy will provide an overarching framework that allows strategic planning and delivery matters to be considered collaboratively.

2.3 As regards the final bullet point above, it is proposed that the Joint Strategy should not be a one-off document. Instead it can be updated over time and as necessary to reflect the content of Local Plans as they are adopted, or new strategic infrastructure priorities and projects as they emerge.

3.0 Resourcing

3.1 A range of options for resourcing progress on the Joint Strategy have been considered:

- Divide the work equally between officers from the four authorities;
- Re-establish a dedicated team of officers from available resources within the authorities;
- Externally recruit a Project Manager to lead the project and work alongside a group of officers from the authorities (who would provide support in a limited time capacity);
- Complete an initial draft of the Joint Strategy in-house, then engage a consultant to progress the work on behalf of the authorities, supported in a limited capacity by a group of officers;
- Engage a consultant to prepare the Joint Strategy on behalf of the authorities, supported in a limited capacity by a group of officers.

3.2 **Appendix A** provides some high-level commentary on the pros and cons of the five resourcing options.

3.3 In considering the options, it has been clear that the Joint Strategy should be prepared promptly, so that its aforementioned benefits can be realised as soon as possible. At the same time, following the change in direction from preparing the GESP, the four local planning authorities are prioritising work on

their individual statutory Local Plans. Collectively, the authorities do not have the in-house resources available to prepare the Joint Strategy alongside Local Plans.

- 3.4 For these reasons, it is proposed to engage a consultant to prepare the Joint Strategy on behalf of the authorities (option 5). In doing so, the consultant will be expected to make use of the considerable body of joint planning evidence that was prepared for the GESP. Details of how the consultant's work will be managed are provided in paragraphs 5.1 and 5.2 below. The consultant will be required to demonstrate the skills and knowledge needed to ensure the effectiveness of the Joint Strategy as a significant proposition to the Government and be able to present and undertake consultation on the Joint Strategy in creative ways.
- 3.5 Sufficient funds are available in the GESP budget to cover the proposed approach to resourcing.

4.0 Timetable

- 4.1 The proposed timetable for preparing the first version of the Joint Strategy is as follows:

Jun-Jul 2021:	Formal agreement by relevant authority committees of scope, timetable, resourcing and governance of the Joint Strategy
Jul-Aug 2021:	Engage a consultant to prepare the Joint Strategy
Sept-Dec 2021:	Review previous joint planning work and prepare the draft Joint Strategy
Jan-Feb 2022:	Undertake Member and stakeholder engagement – including all Mid Devon Members including through the Council's Planning Policy Advisory Group meetings
Mar-Apr 2022:	Finalise draft Joint Strategy
May-June 2022:	Seek formal agreement from relevant authority committees of the draft Joint Strategy
Jul-Aug 2022:	Publicly consult on the draft Joint Strategy
Aug-Sept 2022:	Finalise the Joint Strategy
Sept-Oct 2022:	Seek formal agreement from relevant authority committees to adopt the Joint Strategy

- 4.2 The proposed timetable to achieve adoption of the first version of the Joint Strategy is reasonably swift, in order that the benefits set out in paragraph 1.2 of this report can be realised as soon as possible. The Strategy will not be a

statutory planning document and therefore will not be subject to the same statutory requirements for stages of public consultation and Examination as a Local Plan. This means that it can be prepared more speedily than a Local Plan. However, given the proposed scope of the Joint Strategy, it is important that Members, stakeholders and local communities are given an opportunity to have their say on the content of the document. Time for such consultation is therefore included in the proposed timetable.

- 4.3 There are sufficient funds available in the GESP budget to take the Joint Strategy through the stages set out in the timetable, including public consultation.
- 4.4 Since the Joint Strategy will not be a statutory document, Members should note that the proposed timetable is not a Local Development Scheme and may therefore be subject to change. However, there is a clear intention to adopt the Joint Strategy no later than October 2022.
- 4.5 The stages of preparation needed for any future iterations of the Joint Strategy will depend upon the nature of revisions to the document. It should not be necessary to publically consult on revisions that arise from the adoption of Local Plans, as these will already have been subject to statutory public consultation through the Local Plan adoption process.

5.0 Governance

Governance arrangements

- 5.1 The diagram at **Appendix B** summarises the proposed governance structure for the Joint Strategy.
- 5.2 In summary, the proposed governance arrangements will see the Joint Strategy prepared by a Project Lead (the appointed consultant), supported in a limited capacity by a small working group of experienced planning and/or delivery officers from each of the authorities. The work of the Project Lead will be managed by a Project Assurance Group (PAG) comprising the planning or delivery leads from each authority. The PAG will in turn report to a Principals group comprising the Chief Executives or Directors from each authority and representatives from Homes England and the LEP acting in an advisory capacity. The involvement of Homes England and the LEP in the Principals group is vitally important in respect of a key role of the Joint Strategy – i.e. its use as a prospectus to help lever in funding to support development delivery.

Member engagement

- 5.3 As set out in paragraph 4.1, the timetable includes Member consultation on the draft Joint Strategy in January and February 2022. The nature of this consultation is yet to be determined in detail. Final decision-making powers to agree the draft and final versions of the Joint Strategy will rest with the relevant committees of the four local planning authorities.

- 5.4 There will be an opportunity for all Mid Devon Members to engage with the Joint Strategy, including through the Council's Planning Policy Advisory Group. It is envisaged that at least one all Member meeting and at least one of the Planning Policy Advisory Group will be arranged to allow Members to review, discuss and comment on the content of the draft Joint Strategy, so that these comments can be taken into consideration and the draft Joint Strategy can be amended, before it is approved by the Cabinet (and by the relevant committees of the other Council's) for publication and public consultation. There will be further opportunity for all Mid Devon Members to attend at least one meeting of the Planning Policy Advisory Group following the public consultation, to consider a finalised Joint Strategy and to inform a recommendation to the Cabinet regarding a decision for the Council that the Joint Strategy is approved as part of the Council's policy framework.

6.0 Conclusions

- 6.1 This report sets out the proposed scope, resourcing, timetable and governance arrangements for preparing a Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge. The proposed arrangements are considered to offer the most appropriate means to deliver a non-statutory Joint Strategy in a timely manner, thereby helping to demonstrate and ensure continued successful joint planning across the sub-region.
- 6.2 The Joint Strategy could be prepared with an alternative scope and different timetable, resourcing and governance arrangements from those set out in this report. However, in each case, the proposals are considered to offer the best option for demonstrating and delivering a shared approach to strategic planning matters such as economic and housing development, carbon reduction, digital connectivity, infrastructure delivery and habitats mitigation across the sub-region, whilst enabling each local planning authority to retain control over the scope and timetable of statutory Local Plans.

7.0 Planning Policy Advisory Group

- 7.1 The Planning Policy Advisory Group met on 20th May. The group noted the contents of the report and has endorsed the recommendation.

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Mrs Jenny Clifford, Head of Planning, Economy and Regeneration 01884 234346

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Circulation of the Report: Cabinet Member

List of Background Papers and relevant links:

Appendix A – Assessment of options to resource the Joint Strategy

Appendix B – Governance proposals

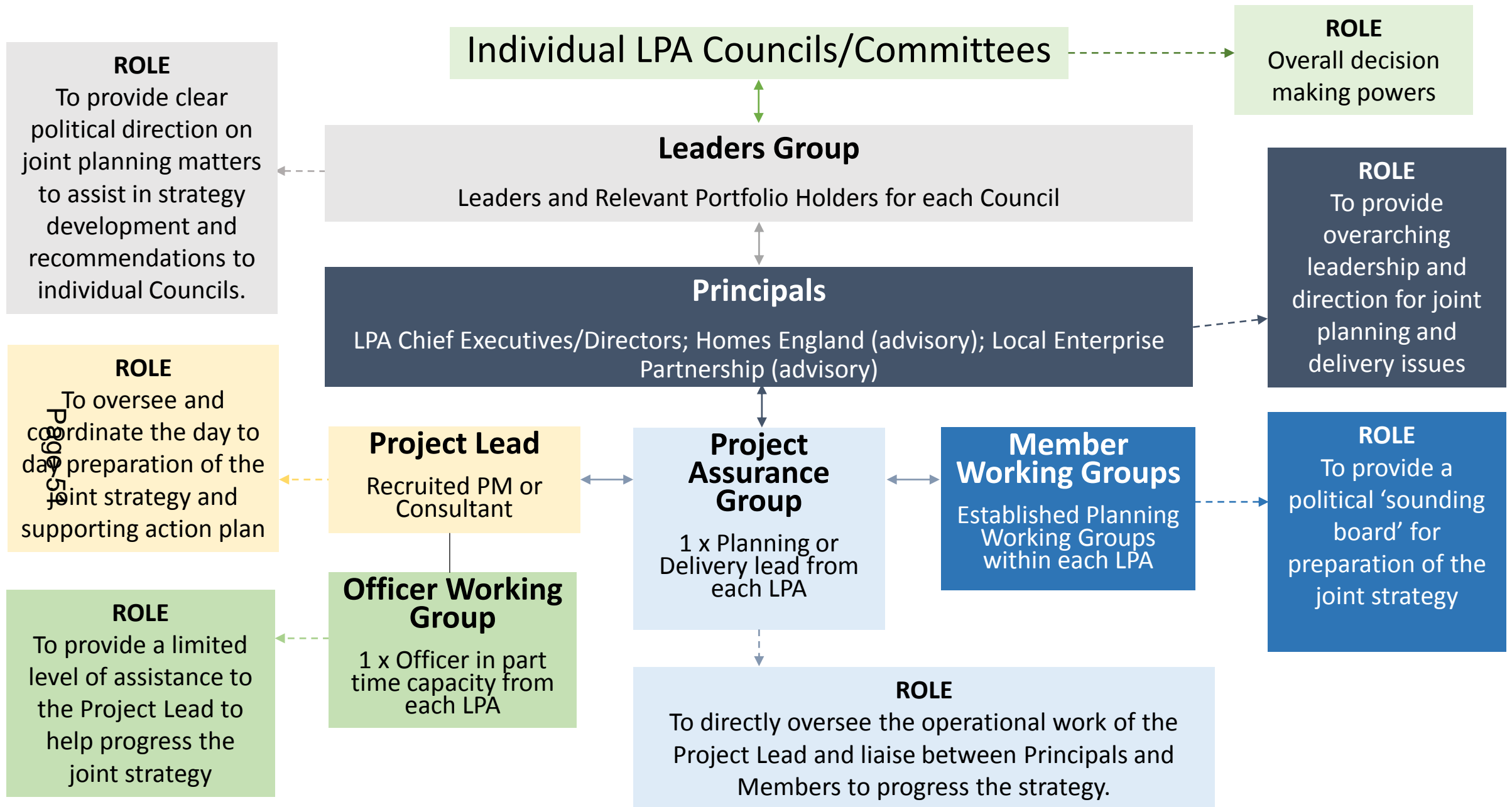
Assessment of options to resource the Joint Strategy

Option	Pros	Cons
1. Work on the joint strategy is split equally between the 4 authorities	<p>The joint strategy will start to be prepared within the shortest timeframe possible.</p> <p>Officers preparing the Joint Strategy will have the benefit of local knowledge, previous involvement in GESP and close ties with the evidence, stakeholders and Members.</p> <p>No additional cost.</p>	<p>No overall lead officer is in place to project manage the work, ensure consistency, etc.</p> <p>Due to timescales and approach to resourcing, there will be limited opportunity to explore different ways to present the Joint Strategy. It's therefore likely that the document would be prepared in a chapter format, similar to the GESP.</p> <p>It will require some authorities to pause work on their Local Plan for at least two months in order to resource the work.</p> <p>There is potential for major editorial/stylistic differences between the different sections, as they will be prepared by different authorities.</p>
2. Re-establish a dedicated team of officers from available resources.	<p>Officers preparing the Joint Strategy will have the benefit of local knowledge, previous involvement in GESP, and close ties with the evidence, stakeholders and Members.</p> <p>An overall lead will be appointed to project manage the work, ensure consistency, etc.</p> <p>There will be potential to explore different/creative ways of presenting the Joint Strategy.</p> <p>No additional costs unless recruitment is required.</p>	<p>Will require the redistribution of resources within existing teams and the reprioritisation of workload/review of Local Plan timetables. This is likely to result in delays to Local Plan preparation unless additional resource is brought in.</p> <p>Could take at least a couple of months to organise the redistribution of resources and amend Local Plan timetables, and/or externally recruit additional resource.</p>
3. Externally recruit a	A dedicated lead officer will project	Will create an additional resource

<p>Project Manager to lead the project and work alongside a group of officers from the authorities (who would provide support in a part time capacity)</p>	<p>manage the work, ensure consistency, etc.</p> <p>The supporting group of officers will have the benefit of local knowledge, previous involvement in GESP, and close ties with the evidence, stakeholders and Members.</p> <p>There will be potential to explore different/creative ways of presenting the information</p>	<p>cost, although funds are available in the GESP budget, The PM will need to initially be employed on a fixed term 1 year contract, but this might need to be extended if work is not completed within this timeframe.</p> <p>Will take several months to go through the process of job evaluation for a new post and recruitment.</p> <p>Still likely to require a reasonable level of resource from Local Plan teams to support the work, with potential knock-on effects for Local Plan preparation.</p>
<p>4. Completed an initial draft in-house, then engage a consultant to progress the work on behalf of the authorities, supported in a limited capacity by a group of officers</p>	<p>The supporting group of officers will have the benefit of local knowledge, previous involvement in GESP and close ties with the evidence, stakeholders and Members.</p> <p>The consultant could coordinate consultation, which is resource intensive.</p>	<p>Will create an additional resource cost, although funds are available in the GESP budget (Planning Delivery Fund).</p> <p>Will take a couple of months to go through competitive tender recruitment process – but could be done alongside a draft being prepared.</p> <p>There is potential for confused project management between the early and latter stages. Also, there is no dedicated project manager in place in the early stages (see options 1 and 2).</p> <p>There is potential for conflict between the initial draft and final versions, due to different people working on the Joint Strategy.</p> <p>Use of officer time in preparing the first draft will result in delays to Local Plan preparation.</p> <p>Consultants may not have the benefit of local knowledge, and will not have previous involvement in GESP or close ties with the evidence,</p>

		stakeholders and Members. This can be managed to a large degree by ensuring that all Member-facing work is undertaken by officers and that PAG carefully steer the work of the consultant.
5. Engage a consultant to prepare the Joint Strategy on behalf of the authorities, supported in a limited capacity by a group of officers	<p>There will be a dedicated project management to oversee the work.</p> <p>A consultant is likely to have additional skills and knowledge to improve the effectiveness of the Joint Strategy as a significant national proposition to government.</p> <p>It offers the potential to explore different/creative ways of presenting the Joint Strategy.</p> <p>Having a small group of officers supporting in a limited capacity should not affect Local Plan preparation.</p>	<p>Will create an additional cost resource, although funds available within the GESP budget (Planning Delivery Fund).</p> <p>Will take a couple of months to go through competitive tender recruitment process.</p> <p>Consultants may not have the benefit of local knowledge, previous involvement in GESP, and close ties with the evidence, stakeholders and Members. This could be managed to a large degree by ensuring that all Member-facing work is undertaken by officers and that PAG carefully steer the work of the consultant.</p>

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Leaders Group

Who?

Leaders and Relevant Portfolio Holders for each Council

Role

To provide clear political direction on joint planning matters to assist in strategy development and recommendations to individual Councils.

Key responsibilities

- Provide political leadership, governance and direction for decision making;
- Actively work with nominated Leaders of the other authorities to deliver an agreed approach to joint planning matters;
- Ensure full engagement of elected members for their authority in joint planning matters.

Principals

Who?

LPA Chief Executives/Directors; Homes England; Local Enterprise Partnership

Role

To provide overarching leadership and direction for joint planning and delivery issues

Key responsibilities

- Advise and agree at a strategic level on priorities and risks associated with joint planning matters;
- Have overall accountability for joint planning work;
- Ensure that adequate resources are available and provide direction between conflicting work priorities
- Review status reports.

Project Assurance Group

Who?

1 x Planning or Delivery lead from each LPA

Role

To directly oversee the operational work of the Project Lead and liaise between Principals and Members to progress the strategy.

Key responsibilities

- Ensure work is implemented to agreed timelines and deliverables;
- Anticipate and manage business related issues that may affect work progress;
- Manage budget;
- Manage procurement of evidence as required;
- Manage resources.

Project Lead

Who?

Recruited Project Manager or Consultant

Role

To oversee and coordinate the day to day preparation of the joint strategy and supporting action plan

Key responsibilities

- Project management of the production of the joint strategy;
- Reporting to the Project Assurance Group and other governance groups as required on progress;
- Liaison with external partners where required;
- Reporting to relevant Member Working Groups of the 4 Councils as required on progress achieved;
- Co-ordination of external communications in association with public consultation.

Officer Working Group

Who?

1 x Officer in part time capacity from each LPA

Role

To provide a limited level of assistance to the Project Lead to help progress the joint strategy

Key responsibilities

- Supply Project lead with relevant evidence and information;
- Undertake data collation exercises;
- Assist in consultation arrangements and liaison with communications teams.

Member Working Groups

Who?

Established Planning Working Groups within each LPA

Role

To provide a political 'sounding board' for joint planning and delivery issues

Key responsibilities

- Provide local context, political advice and guidance on planning matters being progressed through joint planning channels;
- Provide views on proposed consultation and engagement arrangements.

CABINET

8TH JUNE 2021

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

CULLOMPTON NEIGHBOURHOOD PLAN

Cabinet Member(s): Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To make (adopt) the Cullompton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

RECOMMENDATION:

That Cabinet recommends to Council that:

the Cullompton Neighbourhood Plan (Appendix 1) is ‘made’ (adopted) and brought into force as part of the statutory development plan for the area.

Financial Implications: There are no direct financial implications from adopting the Cullompton Neighbourhood Plan. However, the process leading to the adoption of a Neighbourhood Plan has financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by Mid Devon District Council. The Council has received burdens payments from the Government to help meet these costs to the sum of £5,000 for the area designation process and £20,000 to cover costs associated with the Examination and Referendum. Since the Council has resolved (at its meeting on 6th January 2021, Minute 270) not to progress a Community Infrastructure Levy for Mid Devon there will be no neighbourhood proportion of a Community Infrastructure Levy to be passed to Cullompton Town Council.

Legal Implications: Changes made to section 38 of the Planning and Compulsory Purchase Act 2004 (through provision 3 of the Neighbourhood Planning Act 2017) mean a neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum, rather than when it is made (adopted) by the relevant authority. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the Neighbourhood Plan will be used alongside policies in the adopted Mid Devon Local Plan, the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination and the decisions made on these.

Risk Assessment: None identified.

Budget and Policy Framework: No direct budget implications. Now that the Neighbourhood Plan has been approved by referendum, it forms part of the Council's policy framework for decision-making purposes on land use planning matters.

Equality Impact Assessment: The Decision Statement for the Cullompton Neighbourhood Plan (see **Appendix 3**) concludes that 'the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990'. Therefore, the Council has concluded that the 'making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area, which were subject to a full Equalities Impact Assessment. On this basis, the Cullompton Neighbourhood Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the "protected characteristics") over and above those considered and addressed through the Local Plan Equalities Impact Assessment.

Relationship to Corporate Plan: now that it has been approved by referendum, the Cullompton Neighbourhood Plan forms part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district, allocate sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of the environment and managing development. The plan will help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

Impact on Climate Change: The preparation of development plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy.

1.0 Introduction/Background

About neighbourhood plans

- 1.1 The Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended) introduced powers to allowing qualifying bodies (parish councils, or neighbourhood forums in areas without parish councils) to produce neighbourhood plans and Neighbourhood Development Orders. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Stages in production of a neighbourhood plan

- 1.2 There are a number of key stage in the production of a neighbourhood plan and these can be summarised as:

- Designating a neighbourhood area
- Preparing a draft neighbourhood plan
- Pre-submission publicity and consultation
- Submission of a neighbourhood plan to the local planning authority
- Independent examination
- Referendum
- Bringing the neighbourhood plan into force

The role of the Council

- 1.3 The Council, as the Local Planning Authority must take decisions at key stages in the neighbourhood planning process and within specified time limits, and has a duty to provide advice or assistance to a parish council as it considers appropriate for the purpose or, or in connection with, facilitating the making of proposals in relation to the neighbourhood plan. This includes providing comments on 'general conformity' of the neighbourhood plan policies with the strategic policies of the Local Plan, advising on neighbourhood plan requirements (including Strategic Environmental Assessment 'SEA' and Habitat Regulations Assessment 'HRA'), undertaking post-submission consultation on the neighbourhood plan (Regulation 16 consultation), the appointment of an independent examiner, making arrangements for the referendum, and bringing the neighbourhood plan into force.

Neighbourhood planning in Mid Devon

- 1.4 Mid Devon is a fully parished district, where parish councils can choose to prepare a neighbourhood plan and can work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan or Order.
- 1.5 Before a parish council in Mid Devon can prepare a neighbourhood plan it must apply to the Council as the local planning authority for a neighbourhood area to be designated. This must include a statement why the proposed neighbourhood area is an appropriate area.
- 1.6 There are currently four designated neighbourhood areas in Mid Devon where neighbourhood planning can take place:
- Tiverton Neighbourhood Area, designated on 12th November 2018
 - Cullompton Neighbourhood Area, designated on 30th April 2014
 - Silverton Neighbourhood Area, designated on 3rd July 2014
 - Crediton Neighbourhood Area, designated 2nd July 2014
- 1.7 Neighbourhood Plans are currently being prepared for all four designated areas and these have reached various stages of completion.

2.0 Cullompton Neighbourhood Plan

About the Plan

2.1 The Cullompton Neighbourhood Plan has been prepared by Cullompton Town Council and the period to which it relates is 2019 – 2033.

2.2 The Cullompton Neighbourhood Plan includes:

- A vision statement for Cullompton
- 7 topics:

Sustainable Development; Highways, Travel and Transport; Housing; Natural and Rural Environment; Town Centre, Heritage and Culture; Local Economy and Jobs; Community Wellbeing and Leisure.

Each topic has aims and objectives and the neighbourhood plan includes 39 policies covering a range of planning matters. The neighbourhood plan recognises that Cullompton will be the strategic focus of new development in Mid Devon, and it is supportive of the principle of the Culm Garden Village.

Strategic Environmental Assessment and Habitat Regulations Assessment

2.3 The Cullompton Neighbourhood Plan has been subject to a Strategic Environmental Assessment and Habitat Regulation Assessment screening undertaken by the Council (2015), and a subsequent Strategic Environmental Assessment by consultant AECOM in 2017 and updated in 2019.

Public consultation and submission

2.4 The Neighbourhood Plan has been subject to several rounds of public consultation providing an opportunity for residents in Cullompton parish to help shape its content.

2.5 Officers have provided comments to Cullompton Town Council on the 'general conformity' of the Neighbourhood Plan policies with the strategic policies of the Local Plan 2013 – 2033 at various stages of the plan's preparation.

2.6 The Cullompton Neighbourhood Plan was submitted to the Council on 5th April 2019. It was then subject to a 6-week post-submission consultation prior to being examined by an independent examiner. A number of representations were received during the consultation period and these were provided to an examiner together with relevant documents, including the:

- Cullompton Neighbourhood Plan
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment
- Habitat Regulations Assessment, and
- Local Green Space Report.

Examination

- 2.7 To meet the basic conditions the neighbourhood plan must have ‘regard to national policy and advice contained in guidance’, be ‘in general conformity with the strategic policies contained in the development plan for the area’, contribute to the ‘achievement of sustainable development’, have ‘special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses’, have ‘special regard to the desirability of preserving or enhancing the character or appearance of any conservation area’, ‘does not breach, and is otherwise compatible with, EU obligations’ and ‘does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017’.
- 2.8 The Examiner’s report was received on 1st July 2020. In her report the Examiner recommended a number of modifications to policies within the Cullompton Neighbourhood Plan in order that the plan and its policies met the ‘basic conditions’. The recommended modifications and reasons for these can be found in the Examiner’s Report (see **Appendix 2**).
- 2.9 The Examiner’s report has concluded that, subject to the recommended modifications, the Cullompton Neighbourhood Plan met the basic conditions and could proceed to a Referendum.

Referendum

- 2.10 The referendum for the Cullompton Neighbourhood Plan was held on Thursday 6th May 2021 at the same time as local elections for Devon County Council, District Council By-Elections, Town / Parish By-Elections and elections for the Police and Crime Commissioner.
- 2.11 The referendum documents published included:
- Referendum Version of the Neighbourhood Plan (see **Appendix 1**)
 - Report of the Independent Examiner (see **Appendix 2**)
 - Statement by the local authority that the draft plan meets the basic conditions and other necessary provisions (Decision Statement) (see **Appendix 3**)

And the following documents (links to these are provided at the end of this report)

- Summary of Representations submitted to the Independent Examiner
 - Cullompton Neighbourhood Plan Referendum Information Statement
 - Statement that sets out general information as to town and country planning including neighbourhood planning and the referendum (information for voters)
- 2.12 In accordance with the Neighbourhood Planning regulations the referendum asked persons eligible to vote within the neighbourhood plan area (Cullompton Parish) the following question:

“Do you want Mid Devon District Council to use the neighbourhood plan for Cullompton to help it decide planning applications in the neighbourhood area?”

2.13 The result of the referendum was as follows:

	Votes Recorded
Number cast in favour of a Yes	2037 (87.3%)
Number cast in favour of a No	272 (11.7%)
Number of spoilt ballot papers	25
Total number of votes cast	2334
Electorate: 7840	Turnout: 29.77 %

2.14 Since 87.3 % of voters are in favour of the Cullompton Neighbourhood Plan the plan becomes part of the statutory development plan for the area and the Council must bring it into force.

3.0 Adoption of the Neighbourhood Plan

3.1 In accordance with Section 38(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 25A of The Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must make (adopt) the Plan as soon as reasonably practicable after the referendum is held and, in any event, not later than the last day of the period of 8 weeks from the day after the referendum is held.

3.2 However, the Council may refuse to make the Plan if it considers that making it would be a breach, or would otherwise be incompatible with, any EU obligations or any human rights obligations.

3.3 Council officers hold the view that the making of the Plan would not breach these obligations (as set out within the Council’s Decision Statement). The Council must decide whether to make, or refuse to make, the Plan. It is recommended that the Plan is ‘made’. There is no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.

4.0 Groups Consulted

4.1 The Planning Policy Advisory Group met on 20th May. The group noted the contents of the report and has endorsed the recommendation.

5.0 Next steps

5.1 The Cullompton Neighbourhood Plan will be published on the Council’s website and made available to the public, together with a statement setting out the decision and the Council’s reasons for making that decision.

5.2 Cullompton Town Council will be responsible for any future review of the Cullompton Neighbourhood Plan, although there is no requirement to review or update a neighbourhood plan.

- 5.3 Requests for printed copies of the Cullompton Neighbourhood Plan should be made to Cullompton Town Council, although Mid Devon District Council will provide a copy of the Decision Statement (as per paragraph 5.1) to any person who has asked to be notified of the decision to make the neighbourhood plan.

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Circulation of the Report: Cabinet Member

List of Background Papers and relevant links:

Appendix 1 - Cullompton Neighbourhood Plan referendum version
<https://www.legislation.gov.uk/ukpga/2017/20/contents>

Appendix 2 - Independent Examiner's Report of the Cullompton Neighbourhood Plan
<https://www.middevon.gov.uk/media/352474/ii-examiners-final-report-into-the-cullompton-neighbourhood-plan.pdf>

Appendix 3 - Statement by the local authority that the draft plan meets the basic conditions and other necessary provisions (Decision Statement)
<https://www.middevon.gov.uk/media/352476/iv-decision-statement-cullompton-neighbourhood-plan.pdf>

Summary of Representations submitted to the Independent Examiner
<https://www.middevon.gov.uk/media/352475/iii-summary-of-representations-submitted-to-the-independent-examiner.pdf>

Cullompton Neighbourhood Plan Referendum Information Statement
<https://www.middevon.gov.uk/media/352472/cullompton-np-referendum-information-statement.pdf>

Statement that sets out general information as to town and country planning including neighbourhood planning and the referendum (information for voters)
<https://www.middevon.gov.uk/media/352477/v-general-information-on-town-and-country-planning.pdf>

The Neighbourhood Planning (General) Regulations 2012
[The Neighbourhood Planning \(General\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2012/24/contents)

Neighbourhood Planning Act 2017
<https://www.legislation.gov.uk/ukpga/2017/20/contents>

Town and Country Planning Act 1990 (as amended) schedule 4b
<https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B>

Localism Act 2011 (see Chapter 3 Neighbourhood Planning)
<https://www.legislation.gov.uk/ukpga/2011/20/contents>

Planning and Compulsory Purchase Act 2004
<https://www.legislation.gov.uk/ukpga/2004/5/contents>

Cullompton Neighbourhood Plan 2020-2033

Referendum Version



Cullompton Town Council
August 2020



Amendment Schedule

Version 1	1st circulation draft	June 2015
Version 2	Informal consultation draft	February 2016
Version 3	Pre-submission version	October 2017
Version 4	Submission version	August 2019
Version 5	Referendum Version	August 2020

Steering Group Members:

Councillor Eileen Andrews
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Councillor Chaim Ebanks
Tim Duxbury (DCC)
Sue Edwards (DCC)
Councillor Claire Francis
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Councillor Pauline Hammett
Steve Hellier
Ann McClements
Cathy Penharris (Vice Chair)
Jenny Penharris (Secretary)
Councillor Rachel Sinclair
Councillor Martin Smith
Michael Speirs (Vice Chair and former Chair)

Others:

Lou Maddocks - Administrator (2014 - 2020)
Steve Reardon - Administrator (2018 - 2019)
Paul Weston - Consultant

All individuals and groups involved in the production of this Neighbourhood Plan document have declared any relevant pecuniary or personal interests throughout.

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Foreword

Welcome to the Cullompton Neighbourhood Plan Referendum Version August 2020. This is a plan for the parish of Cullompton that will guide developers and planners through the next twenty years. The Submission Version of the Cullompton Neighbourhood Plan and its policies have been developed through an extensive process of community dialogue and consultation. It reflects the concerns and aspirations of the community as expressed by the many groups and individuals who engaged in the surveys, public consultations, workshops and discussions with members of the Neighbourhood Plan Steering Group or Cullompton Town Council. The Neighbourhood Plan also provides a firm foundation for continued community involvement with major planning projects such as the Garden Village, and the provision of high-class sports and recreation facilities, which will become particularly significant in Cullompton given the extensive housing development anticipated over the next decade. The Plan also provides some protection as we move forward into the sphere of influence of the Greater Exeter Plan.

Preparing the Neighbourhood Plan has occupied us for much longer than anticipated because we wished to publish after the Mid Devon Local Plan Review had taken place. This extended period of preparation has enabled us to look closely at the impact of developments such as the North West Extension and the Garden Village, as well as how the Swimming Pool Project can best be supported.

We are grateful to everybody who engaged in neighbourhood planning for Cullompton over the past few years. You have all contributed to the evolution of the Cullompton Neighbourhood Plan in some way. There are restrictions on what the Neighbourhood Plan can do. It is at heart a planning document, not a spending proposal or even a wish list. Within the constraints imposed, we have tried to incorporate the spirit of what we have been told should be the direction of future development within the parish to ensure that it is a vibrant place to live and work and meets the needs of its diverse population over the next two decades.

The policies in the Neighbourhood Plan will be Cullompton-specific additions to the national and district policies that guide planners and developers. Every policy is intended to add value to existing policies and provide locally relevant context and reasonable requirements for future development that is consistent with national planning guidelines.

A special thank-you is extended to everybody who contributed to completing the task of producing the Submission Version of the Cullompton Neighbourhood Plan, particularly the members of the Steering Committee, our consultants, the working groups and the Town Council.

Michael Speirs

Chair (2011 to 2015)
Cullompton NP Steering Group

Gordon Guest

Chair (2015 to present)
Cullompton NP Steering Group

Introduction

The Community's Plan

1.1 This Neighbourhood Plan is the community's plan. It represents the community's vision and priorities for how they would like to see the Cullompton area develop and change in the coming years and in doing so it sets out the local, neighbourhood planning policies which will be taken into account as and when any proposals for development come forward in Cullompton's parish area.

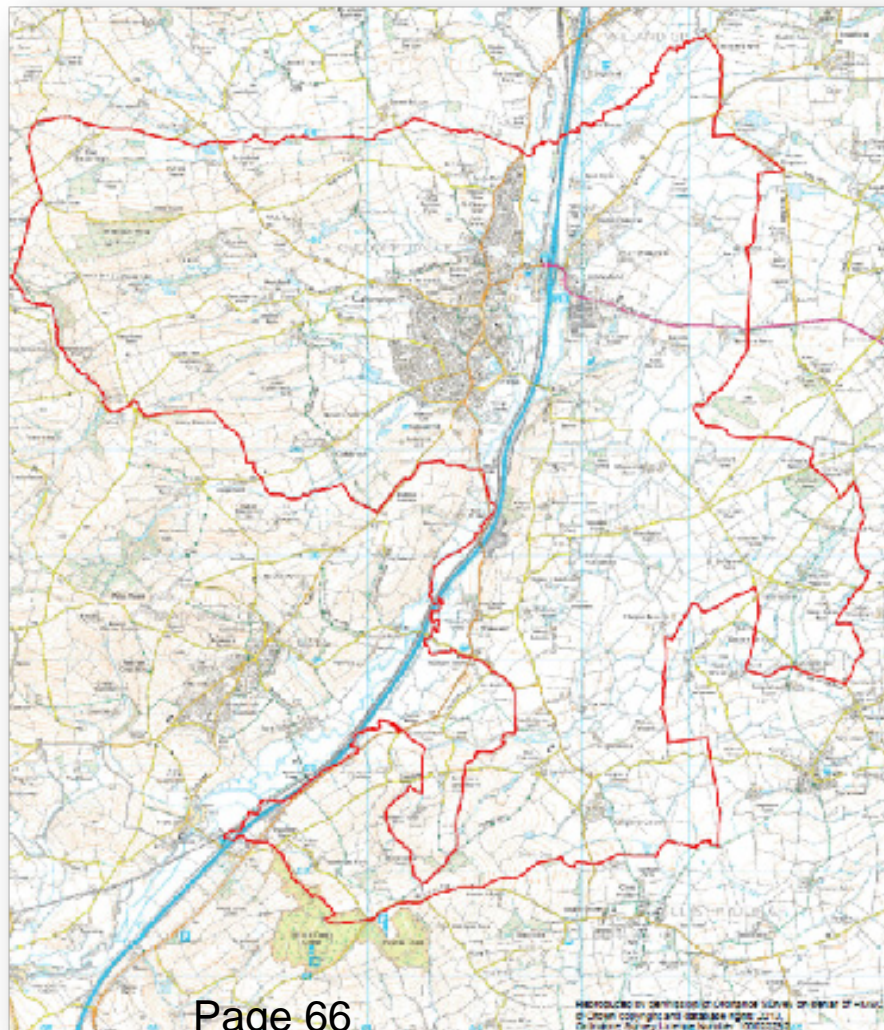
1.2 The Neighbourhood Plan is not a plan which can cover every issue identified as being important to the community: it has a focus on responding to proposals for development and the appropriate use of land. It puts us, as a community, in the driving seat when it comes to having a say over what, how and where development should take place where it requires planning permission.

1.3 The Plan covers the period up until 2033, and is therefore in line with the Local Plan produced by Mid Devon District Council as the local planning authority.

The Plan Area

1.4 The Cullompton neighbourhood plan area (the whole Parish) was designated by Mid Devon District Council on the 30 April 2014. Map 1 below shows the extent of the area that is the subject of this Neighbourhood Plan and its policies.

Map 1:
Cullompton Parish
and Designated
Neighbourhood Area



A Vision Statement for Cullompton

Cullompton is a market town with a distinct character and identity rooted in a rich history that will be conserved as the town grows into the future as a vibrant centre for its residents and the surrounding rural area.

To meet the needs of a rapidly expanding population, the town will provide an excellent mix of housing reflecting the distinctive character of the town through varied external finishes and integration of the various styles and types of housing required to meet local needs and encourage families to settle in the town and become part of the community. The housing and amenities will integrate the needs of people and nature, retaining the feel of a country town through abundant use of trees, flowering-trees, hedgerows and imaginative use of water management.

The high street will be a pedestrian-friendly economic and social centre for the community, providing a mix of shops, offices, dwellings and places to eat. Further retail will be encouraged in the smaller trading estates bordering the town centre. The leisure pursuits of all age groups will be catered for by excellent sports and activity facilities and easy access to the natural, nearby features of countryside and water.

Taking advantage of its location, the town will be a communications hub with good links by rail, road, paths and broadband to the region and beyond.

The Planning Process

2.1 The development and preparation of the Neighbourhood Plan has been undertaken by a Steering Group comprised of representatives of groups in the town along with Town Councillors and County Council officers.

2.2 It was understood from the outset that for the Plan to be truly representative of the planning issues of relevance in the area and to be the community's plan, we would need to carry out a thorough and on-going consultation process with those who live and work in the parish area of Cullompton. We also recognised that the Plan could not be properly developed without the input of organisations and agencies with a district, county, sub-regional or national remit and an interest in the area.

2.3 The process and the types of consultation exercise and discussion that we have gone through is documented in detail in a Consultation Statement, which accompanies the Submission Version of the Neighbourhood Plan. The key methods we have used have included:

- Public exhibitions, meetings and events
- Regular articles in the Cullompton Crier
- Use of social media (including website and Facebook)
- Local newspaper and noticeboards
- A community questionnaire delivered to all households
- Focus groups and workshops
- Survey and discussion with local businesses
- Directly contacting wider-than-local organisations and agencies (strategic stakeholders) which have an interest in planning issues in the area
- Consultation 'windows' during which comments have been invited on draft documents



2.4 The development of the Plan was based on a desire to be open and to welcome comments and contributions from all quarters. Our aim has been to encourage discussion and debate within the community about the issues and opportunities that face us and strive to achieve a community consensus. This Neighbourhood Plan represents the product of this process.

2.5 Having developed the Plan through this iterative and inclusive approach, the Regulations required us to carry out a formal consultation on the pre-submission version of the Plan and engage with the community, local stakeholder and strategic and statutory organisations. Having undertaken this consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations, the Plan has been readied for formal submission to the local planning authority and examination of the Plan by an independent Examiner. After that, assuming that the Plan passes through the Examination successfully, the Neighbourhood Plan will be subject to a public referendum where residents on the electoral register will be asked if they support the final version of the Plan. If the referendum answer is a "yes" from a majority of voters turning out on the day, the Plan will be "made" (or adopted) by the local planning authority, Mid Devon District Council.

Environmental Impact

2.6 The Neighbourhood Plan is also subject to sustainability testing as it is developed, to help establish the Plan's positive or negative impact on the social, environmental and economic character of the parish area. This has been done through a strategic environmental assessment (SEA). The purpose of the SEA is to identify impacts and, if necessary, propose possible amendments to policies to lessen any potential negative impacts which could arise as a result of the Plan's policies and/or proposals. The findings and the recommendations from the SEA is documented in detail in the SEA Report¹, which accompanies the Submission Version of the Neighbourhood Plan. The on-going assessment process has influenced the policy content of the Neighbourhood Plan.

2.8 The Neighbourhood Plan's policies, however, cannot guarantee that a development proposal will either be refused or be granted permission; but the policies will carry significant weight, alongside policies of the National Planning Policy Framework and the Mid Devon Local Plan when the local planning authority weighs up the appropriateness of the proposal in question.

The Neighbourhood Plan's Status

2.7 The Cullompton Neighbourhood Plan, once made, will be a statutory development plan. That means that its policies will have significant bearing when it comes to being used by the local planning authority at Mid Devon District Council to help determine proposals for development submitted through planning applications. It will form the local tier of planning policy across our parish area. It sits with the district-wide Local Plan, produced by Mid Devon District Council (also a statutory development plan) and underneath the umbrella of national planning policy in the Government's National Planning Policy Framework (NPPF) as the main planning policy documents relevant to the Cullompton area. Other important planning documents which govern specific issues are the Minerals and Waste Plans produced at the county-wide level.

¹ https://www.cullomptonneighbourhoodplan.co.uk/Cullompton%20NP%20SEA%20Submission%20ER_v1.0_190107-1.pdf

The Structure of the Neighbourhood Plan

3.1 Our Neighbourhood Plan has a locally determined 'framework' in the form of an overall vision for the Cullompton area and a series of aims and objectives which we have set for the Plan. These have been the subject of dialogue with the community and informed by the existing planning policies, plans and contributions of key organisations and agencies, with an interest in the area.

3.2 Having explained our rationale for these (in section 5, that follows), the Plan then sets out our local neighbourhood planning policies on a topic by topic basis, which we believe are necessary to supplement and complement to policies in the Mid Devon Local Plan to ensure the community's agenda for development and growth is achieved.

3.3 The community's agenda, derived through consultation, is reflected in the topics and their themes, and the broad aims and more specific objectives for each topic. The policies under each topic heading are those that we believe will achieve the objectives. Under each topic heading we have set out our neighbourhood policies, along with an explanation of the policy, reference to the national and local policies with which our policy aligns, and why we feel a neighbourhood plan policy is required.

3.4 It is important to note that whilst we have grouped policies under topic headings, when development proposals are being assessed, the whole plan (i.e. all policies) should be considered. Policies under one topic may also apply to proposals which naturally fit under another.

3.5 The Neighbourhood Plan finishes with an explanation of how we will monitor and review the Plan, a glossary which seeks to demystify some of the planning terminology used in our plan and a bibliography which includes the details of documents referred to and current web-links to those documents.

Community Actions

3.6 Inevitably when carrying out a community consultation, matters not directly related to the use and development of land are raised by the members of the public. Those that are not land-use-related have not been disregarded. They have been referred to the Town Council for further consideration and action.

Companion Documents

3.7 Several documents will be prepared to accompany the Plan. We are obliged to produce a:

- Consultation Statement
- Basic Conditions Statement
- A Strategic Environmental Assessment

3.8 The Consultation Statement must satisfy the requirements of the Neighbourhood Planning Regulations 2012, Part 5 section 15, and provide a document which:

- contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- explains how they were consulted;
- summarises the main issues and concerns raised by the persons consulted; and
- describes how these issues and concerns have been considered and, where relevant addressed in the proposed neighbourhood development plan.

3.9 The Basic Conditions Statement must be submitted alongside the draft Neighbourhood Plan. We are required to demonstrate how our Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

3.10 The Neighbourhood Plan has been assessed by the local planning authority to consider whether it should be subject to a Strategic Environmental Assessment (SEA). In circumstances, where a neighbourhood plan is considered likely to have significant environmental effects, it may require a strategic environmental assessment. The process to determine whether this is so is commonly referred to as a 'screening assessment'. If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those regulations. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).

3.11 After discussions with the local planning authority, a SEA was carried out on both the Pre-submission and Submission versions of the Cullompton Neighbourhood Plan. The SEA reports¹ can be seen in full on the website and are summarised in the Basic Conditions Statement.² Changes as a result of the recommendations in the SEA Reports have been incorporated in the Cullompton Neighbourhood Plan.

² <https://www.cullomptonneighbourhoodplan.co.uk/documents>

The Planning Context

National Policy and Sustainable Development

4.1 In preparing the Neighbourhood Plan we are obliged, by law, to:

- have regard to national policies and advice contained in guidance issued by the Secretary of State
- ensure the Plan is in general conformity with the strategic policies contained in the Local Plan.

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policy to which all plans and proposals for development should comply. The NPPF includes, at its heart, a "presumption in favour of sustainable development" (NPPF para. 11). It states that "neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies". The NPPF goes on to say that "strategic policies [in the Local Plan] should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans." Outside of strategic policies therefore, we are encouraged to shape and direct sustainable development in our area through our Neighbourhood Plan. "Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan" (NPPF para. 29). All references in this document are to the Revised National Planning Policy Framework³ (published February 2019).

³ <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

⁴ <https://www.middevon.gov.uk/residents/planning-policy/local-plan-review/>

Mid Devon Local Plan

4.3 The Town Council appreciates that, in preparing a Neighbourhood Plan, it is a basic condition that the Plan should conform to the strategic policies of the development plan for the area i.e. the currently adopted Local Plan. During the preparation of the Cullompton Neighbourhood Plan we have referred to the Core Strategy 2026, which was adopted in July 2007, along with the Allocations and Infrastructure Development Plan Document (adopted 2010) and Local Plan Part 3: Development Management Policies (adopted 2013). Together these comprise the development plan for the area. We have demonstrated in the Basic Condition Statement that accompanies the submitted Neighbourhood Plan, how our Plan and its policies is in general conformity with the strategic policies contained in the adopted development plan for Mid Devon.

4.4 Throughout the period in which we have been preparing the Neighbourhood Plan the Mid Devon Local Plan has been going through a review process that has involved several periods of public consultation. The resultant Local Plan Review will guide development in the District over the next 20 years. It is approaching the final stages in its development and adoption. "It aims to make sure that new homes, jobs and services required by communities are located in the most sustainable places. It will also help deliver the infrastructure, facilities and other development needed to make this possible."⁴

4.5 The Cullompton community has been engaged with this process in as much as the local planning authority has staged several consultation events in the area and had a dialogue with Cullompton Town Council. The Town Council has striven to exert influence over the development of the new Local Plan at all stages through written submissions. We have endeavoured to ensure the Neighbourhood Plan has remained in general conformity with the strategic policies contained in the new Local Plan as well as the adopted Local

Plan. To demonstrate conformity, references to the strategic policies of the new Local Plan are included, within the supporting statements that accompany the policies in the Neighbourhood Plan.

4.6 The Local Plan Review has been through four stages of consultation since 2013. It was submitted to the Secretary of State along with other relevant documents. In September 2017, however, Mid Devon District Council requested an adjournment of the Local Plan Hearings to commission an independent report to review the Sustainability Appraisal (SA) of the proposed Local Plan, which itself was subject to a public consultation in the spring of 2018. Preliminary hearings for the examination of the Mid Devon Local Plan Review commenced on 20th and 21st September 2018. Hearings will continue into 2019.

4.7 Cullompton Town Council's position throughout the consultation process has been one of general endorsement of the strategic direction of growth proposed in the Local Plan Review. Cullompton Town Council is pleased that Cullompton will be a strategic development location.

4.8 Since 2013 the Town Council has been calling for additional land needs to be identified in the Local Plan for residential and commercial development. The second round of Local Plan consultation in 2014 left the option open; major growth in the Cullompton area was just one of four strategic development options. In response to the 2014 options document the Town Council clearly set out its position and the case for growth to be focussed on Cullompton.

4.9 Cullompton Town Council is seeking a fully cohesive, integrated vision that will self-support long term economic, environmental and employment benefits. It is the Town Council's belief that:

- i the proposed growth of Cullompton over the next 20 years is a positive move
- ii the need for a Relief Road to relieve traffic congestion within the town is an imperative
- iii most of the identified sites to the west of Cullompton will be full or nearly completed by 2026 and that the expansion along the A373 Honiton Road is a sensible and logical next step after 2026
- iv Cullompton's growth in housing must be matched by growth in infrastructure, commercial development and M5 junction 28 improvement
- v a new community east of junction 28 to allow for existing and future development of the town up to 2036 is supported provided that measures are put in place to fully integrate this community with the existing settlement area
- vi the development of the M5 corridor is critical to the economic growth and prosperity of Cullompton
- vii with a growing population, there is a need for some medium sized retail outlets to enhance the retail experience and commercial appeal of the area

We are pleased that this 'approach' has been found preferable by Mid Devon District Council and is central to the strategic growth policies of the Local Plan Review.

4.10 As an endorsement of this approach, Mid Devon District Council submitted 'East Cullompton' as a potential development area to be advanced as part of the Government's 'Garden Village Initiative' (see glossary). The Government indicated in January 2017 that it was impressed with the prospect and potential of a 'Garden Village' extension to the east of Cullompton. It has awarded

Mid Devon District Council a substantial package of support to advance the initiative.

4.11 Cullompton Town Council lent its support to the application, particularly because of its emphasis on infrastructure. The bid referred to:

- Junction 28 capacity improvements being essential to delivering the Garden Village Project
- Loan funding required for modifications to junction 28 to enable the project, swifter delivery, and continuity of delivery in association with a NW extension to Cullompton
- Brokerage with Highways England, Network Rail and the Environment Agency
- Access to new rail station's funding
- Access to starter homes funding

4.12 Garden villages are intended to be part of a new generation of locally-led development to meet local housing need, with a focus on creating attractive, well-designed places. One of the key benefits of garden village status is that it will assist in delivering urgently needed infrastructure for Cullompton. Mid Devon District Council's first public announcement after its 'award' was to say, "we propose to prioritise any government financial support to highway improvements including the town centre relief road and M5 Junction 28 improvements together with measures to reduce flood risk".

4.13 Cullompton Town Council is happy to go along with the 'Garden Village' approach to development in east Cullompton if it helps achieve the strategic policies of the Local Plan, delivers a high-quality living environment and facilitates sustainable growth of Cullompton that will offer benefits to all the parishioners of the area. However, it is the Town Council's position that this can only be achieved if the east Cullompton growth area is conceived from the outset as an integral part of the town of Cullompton and not a separate settlement; and master-planned accordingly.

4.14 The Cullompton Neighbourhood Plan is designed to be a document which will help facilitate change in the parish area. It seeks to:

- i provide support to the strategic policies in the Local Plan and the general principles behind them
- ii set out a local development strategy that reflects how the community want to see Cullompton change and improve
- iii provide an additional level of detailed planning policies or a distinct local approach to that set out in the strategic policy without undermining the policy
- iv introduce new local policies to ensure growth can be accommodated and bring net benefits to the whole area
- v protect everything that is precious to us and promote its recognition and enhancement
- vi encourage community action to ensure growth brings the significant community benefits

4.15 With a focus on sustainable development it is inevitable that the Cullompton Neighbourhood Plan concentrates on the urban area i.e. the town of Cullompton, and its fringe. In no way, should this be interpreted that the rural parts of Cullompton parish are not important. Indeed, the reason why there are so few neighbourhood plan policies relating specifically to the countryside parts of the area is because we regard them as special and unsuitable for development of any scale. We support Local Plan Review strategic policy S14 which states that: "development outside the settlements defined by Policies S10-S13⁵ will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy." Only development that is agricultural or considered "appropriate rural uses" in type and scale will be permitted.

Cullompton Today

4.16 The starting point for the Neighbourhood Plan is Cullompton today. We have undertaken research and surveys to establish the ‘evidence base’ for the Plan. The local social, economic and environmental conditions, issues and opportunities as we have identified and interpreted them are described in detail in an Evidence Base Report.⁶

4.17 Cullompton is a historic market town and civil parish in the district of Mid Devon and the county of Devon. The parish area extends some seven miles along the valley of the River Culm, covering nearly 8,000 acres, with over 9,200 inhabitants (in 2014) in Cullompton. Devon County Councils last estimate (2019) for the population of the hinterland (defined as the collections of towns and villages surrounding a market or coastal town) was in excess of 23,500. The town’s history dates well back into Roman times and it has been a market town since the 13th century. In the past the town’s economy had a large component of wool and cloth manufacture, then later leather working and paper manufacture. A large proportion of today’s inhabitants are commuters, but there is still some local manufacturing, including flour and paper mills.

Natural and Rural Environment

4.18 The rural parts of the Parish fall into one of two character areas. Land to the west of Cullompton is generally rolling farmland and valley slopes. The landscape to the east and south along the river Culm is categorised as ‘lowland plains’. Cullompton boasts three ‘county wildlife’ sites and a number of other important wildlife habitat sites and within the parish area. The CCA⁷ Fields host several notable species and habitats including:

- ponds, ditches and leats
- woodland and trees
- hedgerows and boundaries

4.19 In terms of public access, the Cullompton area has fewer public rights of way than most other Mid Devon parishes. The CCA Fields and High Banks, which runs alongside the River Culm are both popular open spaces for recreation walks and for young people to play.

4.20 Flooding is a perpetual hazard in the Culm valley. There were significant occurrences in both 2012 and 2013. In 2009, it was estimated that within the Parish there were 499 current properties in flood zone 2 (at moderate risk of flooding) and 424 in flood zone 3 (high risk).

Heritage

4.21 Cullompton Conservation Area is focussed on the town centre area. It has 50 designated heritage assets including the Grade I, St Andrew’s Church (15th C); the Grade II, Trott’s Almshouses (16th C) and the recently renovated Grade I, Walronds (17th C). Cullompton also boasts a range of other areas and features of local heritage significance such as Pound Square, Upper/Higher Bullring and the cobbled pathway at the side of the White Hart Public House. The Town Team, of local volunteers, has instigated a variety of projects to recognise and preserve our local heritage.

⁶ https://www.cullomptonneighbourhoodplan.co.uk/Cullompton%20NP_SEA%20Scoping%20Report_v1.0_080317.pdf

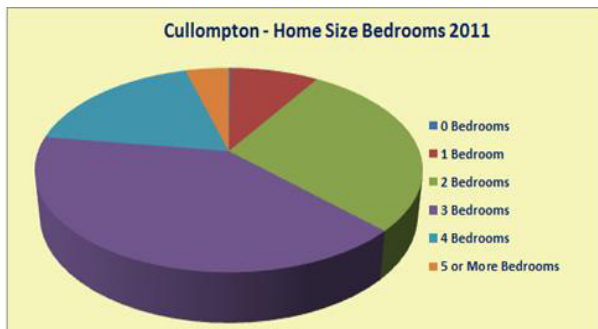
⁷ CCA = Cullompton Community Association

Housing

4.22 The parish population of over 9,000 is growing rapidly as a result of new housing developments. It is predicted to increase by 12% between 2006 and 2021. The most significant increase in population will be in the over 65 age group with a predicted increase of 52%.

4.23 A review of available housing data shows that:

- there is a relatively high level of home ownership (69%) and correspondingly low proportions of social and private rented housing
- the average house price in Cullompton in 2016 is £191,300, which is considerably lower than the Mid Devon average (£224,673)
- there is a wide range of properties, except for the 1 bedroom-type



Local Economy and Jobs

4.24 A district profile for 2011 showed that 70% of adults under the age of 75 were in employment, with unemployment relatively low (3%). The level of out-commuting in Cullompton is comparatively high for a Devon market town, with 65% of working residents of Cullompton (in 2011) travelling to destinations outside the town for work, such as Exeter (19%), Taunton and Tiverton.

4.25 The largest employers in the town are located on the Kingsmill Industrial Estate, a 24ha area to the East of Cullompton. The main employers at Kingsmill include Gregory Distribution, Milk Link, St Regis (paper manufacturers) and an industrial clothing shop. The Kingsmill Industrial Estate benefits from close links to the motorway network and local

distributor roads. Tesco is also a significant employer within the town.

Retailing and Town Centre

4.26 Cullompton's shops are focussed predominantly on the High Street. Tesco and Aldi are the two main supermarkets in the town. The 2012 household survey indicates:

- For food shopping, 32% of residents visit the town centre daily or more than once a week
- Only 13% of shoppers visited Cullompton town centre more than once a week for non-food shopping purposes
- For visits to services, 30% of visitors use the town centre once a week or more
- 74% of residents never visit Cullompton town centre in the evening

4.27 In a 2010 bench-marking survey by the County Council, 75% of town centre visitors rated the town's variety of shops as either 'poor' or 'very poor'. 61% rated the town's leisure and cultural facilities as 'poor' or 'very poor'. Town centre retailing has had a difficult time over the past 10 years. The Community Survey of 2014 showed however that local people still appreciated convenient access to the shops and put forward several ideas of how Cullompton town centre could be made more attractive and successful.

Highways, Transport and Travel

4.28 The M5, accessed via junction 28, is a major route for residents, commuters, visitors and commercial traffic. This junction is constrained and is often congested during peak hours, on all approaches - which causes further congestion and delay on other local roads.

4.29 An area of the town centre comprising the B3181 route, Station Road and a section of Tiverton Road has been designated as an Air Quality Management Area. The car still predominates travel patterns. 84% of Cullompton households have access to at least one car or van. 67% of the working population of Cullompton drive to work.

There is a lack of off-road parking spaces, which often contributes to congestion.

4.30 There are regular bus services from the town to Exeter and Tiverton. Cullompton is currently lacking in dedicated cycle routes, but several potential new routes have been identified.

4.31 Cullompton's railway station closed in 1964. Local residents have campaigned for many years to have a new railway station. Devon County Council and Mid Devon District Council are in support of this.

Community Wellbeing and Leisure

4.32 Cullompton is blessed with some very good, new, community facilities such as the health centres, the Hayridge Library, Cullompton Community Centre and the Walronds. Several have come about largely because of community action. A community campaign to provide a swimming pool in the town is the latest campaign.

4.33 There is a shortage of sports pitches in the area, which could be even more marked as the population and demand increases. There are local football, rugby, bowls and cricket clubs in Cullompton, all of whom would like to expand their facilities to cope with a growing demand. The CCA Fields provides a home for the Football Club. The Cricket Club is located on its own site nearby.

4.34 Cullompton Community College is the only secondary school in the Parish and was close to capacity with 630 students in September 2017. The two primary schools in the parish are St Andrew's and Willowbank. The John Tallack Centre, owned by the John Tallack Youth Centre Trust, provides a vital focus for young people's activities. Cullompton Community College is rapidly reaching capacity; Planned Admission Numbers (PAN) for 2018 was 150 pupils with an increase in PAN to 180 (6 classes) brought forward from 2020 to 2019. All available spaces at the school are at the upper end with Y7, Y8 and Y9 at capacity in 2019. It is anticipated that in September 2019 will be 750 pupils and this clearly demonstrates the need to provide for their needs.

Academic Year	Actual Number	Proposed Number
2014	530	
2015	537	
2016	571	
2017	629	
2018	694	
2019		750

4.35 Despite its appearance and appeal as a typical Devon market town, Cullompton is a dynamic and complex settlement area with its own unique set of challenges. These are reflected in the response we received to the Community Survey 2014⁸

4.36 We have summarised below the context for the Neighbourhood Plan, which has been derived from our analysis of the evidence base:

Highways, Transport and Travel

- i an inadequate road network that must be sorted out
- ii the need to reduce substantially the damaging effect of heavy commercial vehicles and private motor cars
- iii the need to facilitate cheap and easy movement and travel
- iv the need to improve the M5 access links

Town Centre, Heritage and Culture

- i a town centre that still has a vital role to play
- ii a historic environment that needs respecting

Housing

- i a housing market that needs more understanding
- ii a housing stock with some inadequacies

Natural and Rural Environment

- i a countryside setting that needs looking after
- ii natural resources that need more management

Local Economy and Jobs

- i a strong desire to grow the local economy
- ii a need for more and better jobs

⁸ The report can be viewed at: <https://www.cullomptonneighbourhoodplan.co.uk/A8%20Community%20Questionnaire.pdf>

Community Wellbeing and Leisure

- i a desire for the highest quality of services and facilities
- ii public spaces that can be used and enjoyed
- iii the need to ensure the town provides a safe and pleasant experience for all its citizens, users and visitors

4.37 In summary, the Cullompton area needs revitalisation. With pro-active guidance and intervention by the Town Council the process has already begun, but much more is to be done. It will be further stimulated by our commitment to a sustainable growth strategy. The Neighbourhood Plan is intended to facilitate controlled sustainable growth – of the population, the housing stock and the economy. This, we believe, will achieve the scale of revitalisation we seek and secure a bright future for one of Devon’s best towns, its surrounding area and its inhabitants.

The Neighbourhood Planning Framework

Cullompton Neighbourhood Plan Topics and Themes

5.1 The Cullompton Neighbourhood Plan has the following topics and themes:

Topic 1: **Sustainable Development**

Ensure all new developments contribute to the overall sustainability of Cullompton as a town and a community

Topic 2: **Highways, Travel and Transport**

Improve mobility, accessibility and reduce the overall use and impact of the motor vehicle

Topic 3: **Housing**

Provide new dwellings to meet a wide range of needs and demands

Topic 4: **Natural & Rural Environment**

Respect and appreciate our natural environment

Topic 5: **Town Centre, Heritage and Culture**

Protect and enhance our historic built environment whilst broadening the appeal of the town and its cultural activities

Topic 6: **Local Economy & Jobs**

Make Cullompton more business friendly and commercially viable

Topic 7: **Community Wellbeing and Leisure**

Provide first class local community facilities and develop community-based services that meet the growing demands of the community

Deriving Our Aims and Objectives

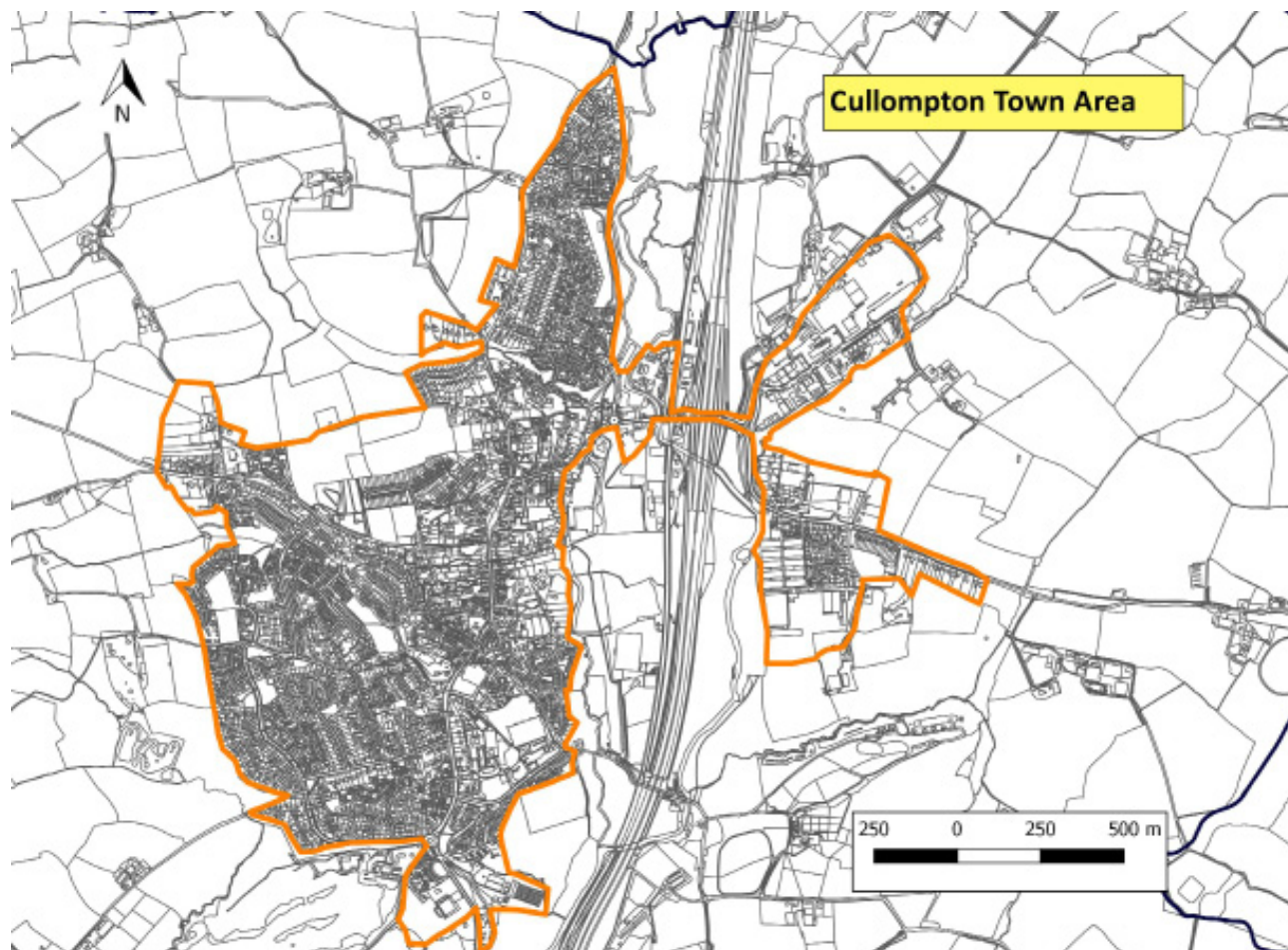
5.2 The process of arriving at an agreed set of aims and objectives started with a 'workshop' event at which the members of the Steering Group along with other interested members of the community took part in a session that examined the evidence and the response we had received to surveys and other forms of consultation. The process and outcomes can be found described fully in a Workshop Report, September 2014.⁹ A draft set of aims and objectives were subsequently refined by the Steering Group before being the focus of a community consultation in Cullompton in December 2014. The response was positive and encouraging. Details of what local people said can be found in the Cullompton Consultation Report December 2014¹⁰. As a result of the reaction and comments we reorganised the topic headings and made revisions to some of the objectives. The final set we believe reflects the community's neighbourhood planning and development agenda. It is this agenda that underpins the neighbourhood plan policies.

5.3 Several objectives and policies relate only to the town area of Cullompton. The boundary on Map 2 (page 20) delineates what is meant throughout this Plan by the "town area".

⁹ The report can be viewed at: <https://www.cullomptonneighbourhoodplan.co.uk/Cullompton%20NP%20Workshop%20Report%20Final%20Sep14.pdf>

¹⁰ The report can be viewed at: <https://www.cullomptonneighbourhoodplan.co.uk/December%20Consultation%20Report%202014-1.pdf>

Map 2:
Cullompton Town area referred to in policies H03 and EJ02



Sustainable Development

Ensure all new developments contribute to the overall sustainability of Cullompton as a town and a community

Introduction

6.1 Sustainable development is development which meets the needs of the present while not preventing future generations meeting their own needs. The Neighbourhood Plan policies are intended to ensure that new development brings benefits to all the communities and settlement areas in the parish area whilst not worsening the lives of future generations. This includes protecting precious natural resources and increasing resilience to the short and long-term effects of climate change. Achieving sustainable development is the theme of the NPPF. Mid Devon District Council's vision and spatial strategy sets out how "the sustainable development of Mid Devon will bring positive benefits to local communities through promoting community well-being, supporting economic success, conserving and enhancing the area and respecting environmental limits"¹¹. The Cullompton Neighbourhood Plan seeks to contribute by facilitating the sustainable development that we judge is needed in a manner that minimises its negative impact on the environment.

Aims and Objectives

6.2 The following aims and objectives relating to sustainable development have emerged following a programme of community consultation. They have been used to help formulate the Neighbourhood Plan policies and inform a programme of other community actions. The policies in this section reflect a widespread concern about the adequacy of infrastructure to ensure that major growth does not threaten the overall sustainability of the town; and a determination that new development should not harm or deplete our environment or natural resources.

Planning Aims	Planning Objectives
Ensure new development has the appropriate infrastructure in place	<ul style="list-style-type: none"> • Ensure adequate infrastructure is in place before new development takes place • Plan new development road layout to help reduce vehicle use of town centre • Link new housing development to town centre facilities and amenities
Ensure new development avoids increasing the risk of flooding	<ul style="list-style-type: none"> • Ensure flood risk and drainage are built in to development agreements
Increase use of renewable energy	<ul style="list-style-type: none"> • Ensure new developments achieve high levels of energy efficiency • Control impact of renewable energy installations

¹¹ Local Plan Review 2013 – 2033 Proposed Submission, Mid Devon District Council, Feb 2015

Traffic Impact of Major Development

6.3 Cullompton has long suffered from traffic congestion, particularly in and around the town centre. The current situation is not at all satisfactory and is of major concern to the local community, as is evident from the results of the Community Survey 2014; 79% of respondents told us the motor vehicle should be far less dominant in town. Town centre congestion, and the concomitant problems it causes, is made worse whenever the M5 is closed and the town centre serves as a relief route. We want to minimise this congestion and its resulting pollution, which has an impact on air quality in the town centre.

6.4 The NPPF (para. 181) encourages us to identify “opportunities to improve air quality or mitigate impacts such as through traffic and travel management, and green infrastructure provision and enhancement.”



¹² Development prescribed under section 62A(2) of the 1990 Town and Country Planning Act as major development is any development involving one or more of the following—

- (a) the provision of dwelling houses where—
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (a) (i);
- (b) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
- (c) development carried out on a site having an area of 1 hectare or more.

6.5 Policy SD01 seeks to ensure that major new development (as defined by the Town and Country Planning Act 1990¹²) does not contribute further to the problems we experience, by increasing the volume of traffic that needs to use town centre roads. Under Local Plan Policies DM3 and DM4, most large developments are required to carry out integrated transport assessment, travel plan, traffic pollution assessment and low emission assessment. The highways authorities¹³ will expect developers to assess the impact of development on the M5 and junction 28 as well as the town centre and local road network. We expect any traffic impact assessment prepared by developers to demonstrate clearly and specifically how their proposals will help minimise the need for such traffic to use the town centre roads of Cullompton before any approval for a major development is given. Reducing the volume of traffic requiring use of town centre routes is a key objective of the Neighbourhood Plan. We do not want this negated by the impact of new development.

6.6 Our policy is consistent with the Cullompton Air Quality Management Area Action Plan 2009 which recognised the need to bring effective traffic relief to the town centre and introduce town centre traffic management measures.

Policy SD01 Traffic Impact of Major Development

Proposals for major development which are required to provide a Traffic Impact Assessment must demonstrate how the proposal will mitigate any negative impacts of the traffic generation associated with the proposed development on Cullompton town centre, including vehicular access/egress and circulation arrangements.

Road infrastructure requirements should be in place in good time so as to prevent an unacceptable impact on the existing road network, and the town centre in particular, as a result of the development.

Links to the Town Centre

6.7 Cullompton Town Council has made clear¹⁴ that it would like to see a coherent and extensive all-weather cycle and walking network that provides safe and accessible routes that will encourage local people to walk or cycle within the town as an alternative to using the motor vehicle; thereby realising the health benefits of doing so whilst reducing the amount of local traffic in and around the town. The Town Council is particularly keen to see all major new developments connected to the town centre and public facilities and services, such as GP surgeries and schools, and recreational venues by footpaths and cycle ways. In this way we hope too that the role of the town centre will be strengthened, as local people have asked. The NPPF (para. 91) calls for “safe and accessible developments... the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas”.

6.8 Local Plan Policies CU2 and CU8 make provision for cycle and pedestrian links to and from the town centre and the large housing extensions to North West Cullompton and East Cullompton when they are developed. Local Plan Policy CU13 provides for cycle and pedestrian links within the development at Knowle Lane and connections to the wider transport network. Policy SD02 seeks to endorse and extend this approach to new development and make provision for cycle and pedestrian links to and from all major development (as defined by the Town and Country Planning Act 1990¹⁵) to Cullompton town centre, where it is practical to do so.

6.9 Local people made it plain in the Community Survey 2014 that safety is a key concern. Policy SD02 therefore emphasises the need for safety and accessibility to be a major consideration in design and layout of new development. All new major developments should make footpath/cycleway provision that facilitates easy and safe movement around the development and establishes links to the town centre. In this way too, we aim to integrate all new developments with the rest of the town.

6.10 This policy is consistent with the approved Cullompton Multi-Use Path Cycle Path Policy Document 2013/14 which sets out the Town Council’s preferences and priorities for developing the network.

Policy SD02 Links to the Town Centre

All major developments should include provision for accessible pedestrian and cycle routes and connections that:

- i. link safely to the wider network of routes leading to and from Cullompton town centre and other essential public facilities, such as schools and health facilities; and
- ii. benefit from natural surveillance of public areas as well as satisfactory lighting.



¹⁴ Cullompton Multi-Use Path Cycle Path Policy Document 2013/14, approved by Cullompton Town Council 25 July 2013

¹⁵ See definition at footnote 11

Flood Attenuation

6.11 Cullompton Town Council is mindful of the serious flooding in 2012 and other localised flooding since. It is concerned about the changes to the watercourses, increased run-off and other factors resulting from major house building on green field sites. This could, potentially, increase the risk of flooding and all new development should pay particular attention to flood risk.

6.12 Flood risk is on the increase. We want to reduce the risk of flood and be assured that any and all new development will not only avoid heightening the flood risk in future but will actively contribute to minimising the risk of flooding in their vicinity and in the wider area. Reducing the risk of flooding is an imperative in all new development proposals. The NPPF (para. 155) calls for the avoidance of inappropriate development in areas at risk of flooding “by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”. The NPPF (para. 163) requires that any residual [flood] risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems. Consistent with this, Local Plan Policy S9 requires measures to reduce the risk of flooding and Local Plan Policy S11 is supportive of measures to reduce flood risk within Cullompton.

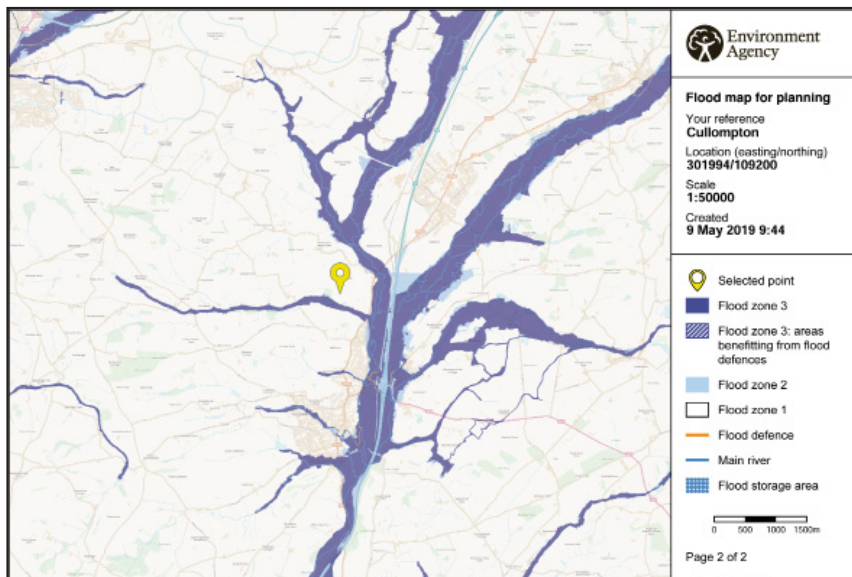
6.13 Flood attenuation, as part of a sustainable drainage system, is not only important in minimising risk. It provides an opportunity to add to the quality and variety of the local environment and contribute to improving our eco-systems. Policy SD03 requires developers to show how they will take the opportunity, whenever available, to create attractive new water features of the appropriate size to serve the main purpose that will also add positively to the local landscape and the amenity of the surrounding area. Where development proposals lie within flood risk areas or adjacent to a main river, the Environment Agency should always be consulted. Developers are encouraged to follow Devon County Council's guidance on sustainable drainage and flood risk management .¹⁶

6.14 Cullompton Town Council feels strongly that the collection and re-use of grey water in new build dwellings should be considered by developers in all new build schemes, especially the Garden Village and the North West Extension.

Policy SD03 Flood Attenuation

In addition to meeting national flood risk policy requirements, flood attenuation on major developments should, where appropriate make use of existing on- or off-site natural water features, or new onsite water features in suitable and safe locations, to contribute to the visual amenity and biodiversity of the area.

Map 3:
Flood Attenuation referred to in policy



¹⁶ <https://www.devon.gov.uk/floodriskmanagement/sustainable-drainage>

Solar Design in Housing Schemes

6.15 We want the Neighbourhood Plan to contribute to reducing greenhouse gas emissions such as carbon dioxide and minimising the impact of new development on the changing climate. The NPPF (para. 148) says the planning system should... support renewable and low carbon energy and associated infrastructure”.

6.16 We believe that every opportunity should be taken at the development stage to ensure new developments take advantage of Cullompton’s renewable local energy sources, and its sunshine in particular. We share the view expressed in the Planning Design Guide for Mid Devon “It is important that due consideration is given to energy conservation in the design and location of new buildings in accordance with principles for sustainable development, compatible with the need to harmonise the development with its surroundings.”¹⁷

6.17 Passive solar design refers to making use of the sun’s energy for the heating and cooling of living spaces. Passive solar design is the siting and design of buildings to maximise the use of the sun’s energy for heating and cooling. Passive solar design takes advantage of natural characteristics in building materials and air to help reduce the additional energy needed for heating and cooling. The PPG says that “policies can encourage sites to be planned to permit good solar access to as many buildings as possible. The potential benefits of passive solar design can only be realised by careful siting and layout... It is important that passive design considers the potential for overheating in the summer, as well as reducing need for heating in the winter.”¹⁸

6.18 Local Plan Policy CU5 requires “renewable and low carbon energy to provide a proportion of the site’s energy use” as part of the approach to major development in the ‘North West’ extension to Cullompton, in the interests of minimising “the overall carbon footprint of the development”. Policy SD04 requires the principles of passive solar design and renewable energy technologies to be central to the design and planning of all new housing areas. The policy does recognise that there is a need to achieve a balance between energy efficiency and acceptable standards of privacy and amenity. On the matter of possible noise disturbance, developers are encouraged to seek guidance from the Institute of Acoustics¹⁹.

Policy SD04 Solar Design in Housing Schemes

The use of passive solar design, renewable energy technologies and low energy systems in all new housing developments will be supported.

Wherever possible dwellings should be orientated so that principal habitable rooms can benefit from passive solar gain, maximising energy efficiency whilst ensuring that the site layout provides acceptable standards of privacy and amenity to all residents.

¹⁷ <https://www.middevon.gov.uk/residents/planning/conservation/design-guidance/>

¹⁸ NPPG Paragraph: 013 Reference ID: 26-013-20140306, Mar 2014

¹⁹ Professional Practice Guidance on Planning & Noise New Residential Development, Institute of Acoustics, May 2017
<https://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf>



Connectivity

6.18 We want the town to be as well connected as it can possibly be and to take full advantage of future improved technologies. We want Cullompton's residents, students and businesses to have access to the latest communication technology. The quality of local connectivity could influence local business start-ups and be crucial to the success of local enterprise. We endorse the Government's view that access to superfast broadband should be a right - absolutely fundamental to life in 21st century Britain and regarded as an essential service just like gas, electricity and water.²⁰ The NPPF (para. 42) states that "Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role".

6.19 Local Plan Policy S1 states that supporting high quality communications infrastructure by supporting the expansion of telecommunications and high speed broadband throughout Mid Devon is a priority. Therefore, Policy SD05 requires new buildings to have the necessary equipment i.e. suitable ducting for fibre connectivity and/or other apparatus in place, to enable high speed broadband connections and other media/communication connections to be a simple matter.

Policy SD05 Connectivity

All new residential, educational and business premises development should endeavour to make adequate provision for high speed broadband and other communication networks.



²⁰ Expressed in Prime Minister's speech 7th November 2015
<https://www.gov.uk/government/news/government-plans-to-make-sure-no-one-is-left-behind-on-broadband-access>

Culm Garden Village

6.20 The Local Plan Review has determined Cullompton will become the strategic focus of new development in Mid Devon, “reflecting its accessibility, economic potential and environmental capacity. This strategy will improve access to housing through urban extensions and expanded employment opportunities. There will be significant improvements to the town’s infrastructure and connectivity, including the reopening of the railway station, and improved services for its population and nearby rural areas. Proposals will provide for approximately 3,930 dwellings, of which 1,100 will be affordable, and 73,500 gross square metres of commercial floor space over the plan period” (Local Plan Policy S11).

6.21 A site of approximately 160ha. to the east of Cullompton has been designated in the Local Plan Review as a development area to provide 1,750 dwellings within the plan period and at least 850 further dwellings beyond 2033. Local Plan Policy CU7 sets out the strategic policy requirements and conditions. These include a “comprehensive master-planning” approach. Other Local Plan policies deal with the key aspects of:

- CU8 – transport provision
- CU9 – environmental protection and green infrastructure
- CU10 – community facilities
- CU11 – carbon reduction and air quality
- CU12 - phasing

6.22 Relevant to the Local Plan’s strategic policies is the ‘expression of interest’ made by Mid Devon District Council in 2016. It responded to a Government initiative launched in March 2016 “to support locally-led garden cities and towns in places where communities want them”. Mid Devon District Council considered that not only did the East Cullompton development strategy meet the eligibility criteria; here was an opportunity, with additional support from Government, “to ‘lock-in’ and maximise Garden Village principles, expedite the delivery of the initial phase and build momentum in respect of a further phase in the context of the forthcoming Greater Exeter Area

Strategic Plan”. Mid Devon District Council’s case was summarised as follows: “Culm Garden Village presents a genuinely locally led, credible, feasible and deliverable Garden Village concept. It will emerge and mature as a new settlement of up to 5,000 homes to the east of Junction 28 of the M5 to serve the Exeter Housing Market Area (HMA) and the ‘Heart of the South West’ Local Enterprise Partnership Area”.

6.23 Cullompton Town Council and the Neighbourhood Plan Steering Group supported the Garden Village ‘bid’ in principle. However, that support was conditional upon establishing a joined-up approach that ensures the planning of a garden village at East Cullompton is properly connected to the planning framework for the rest of the parish area; and enables the community, through the Town Council and its neighbourhood planning group, to participate in a meaningful way. In that way, it will be “genuinely locally led”.

6.24 How this can be achieved was considered and discussed at a Community workshop on 22nd March 2017²¹. The workshop was attended by over 50 people, and comprised not only a wide cross-section of community and business interests, but a variety of ages from school children and those in their early twenties, to retired residents. The Workshop proved to be both harmonious and positive.

6.25 The ‘headlines’ from the Workshop are:

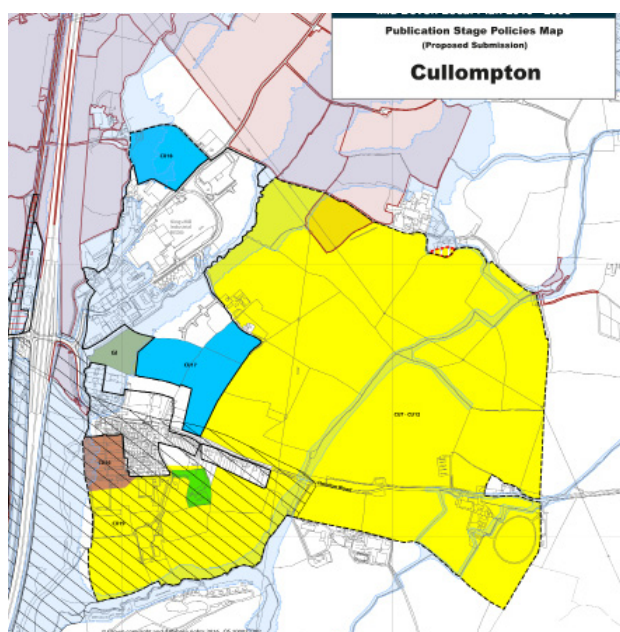
- The potential for financial support from the Government’s ‘flagship’ Garden Village Initiative offers a welcome opportunity to plan for and embrace growth, positively.
- There was a strong unanimity about the themes emerging.
- The workshop was willing to express ‘emphatic support’ for the Garden Village Initiative, if it is advanced and delivered in a way that accords with some important principles.

²¹ <https://www.cullomptonneighbourhoodplan.co.uk/Culm%20Garden%20Village%20neighbourhood%20plan%20report%202017.pdf>

- 6.26 The six “community principles” emphasised in the ‘bid’ are:
- a mix of homes for rent, sale, and shared ownership;
 - well-designed homes in beautiful landscaped settings;
 - development which enhances the natural environment;
 - a wide range of local jobs;
 - local leisure, cultural, shopping and community facilities; and
 - mobility for all enabling healthy living from an integrated transport system. We concur with these ‘objectives’.

6.27 Policy SD06 also reflects the community principles, we believe should underpin the approach taken to delivering growth of the town and the major development of East Cullompton. These principles mean that:

- it should be design, not developer-led;
- it should be guided by an agreed masterplan;
- every effort should be made to integrate and connect the new development to the existing community - both physically and socially; and
- Adequate infrastructure (including transport, community and environment) should, as far as possible, precede housing development.



6.28 In December 2017 Mid Devon District Council was awarded substantial monies from the Planning Delivery Fund to progress the master-planning of East Cullompton. The purpose of the Fund is to support:

- “more and better joint working, across local authority boundaries.
- a step change in the design quality of new development
- innovation to improve the efficiency and effectiveness of processes and enable the delivery of more high-quality homes²²”

We look forward to working closely with Mid Devon District Council’s planning team to realise a sustainable extension to Cullompton of the highest quality, that we can all be proud of.

6.29 The community participated in a series of workshops during 2018 to help inform the vision, principles and concept plan in respect of the whole garden village and to establish the constraints and opportunities in respect of a draft Masterplan SPD²³. The area subject to the masterplan exercise encompasses the areas of floodplain (to the north and east of land allocated in the Local Plan Policy CU7) to ensure that both the negative and positive impacts of the strategic development at East Cullompton on the floodplain can be properly assessed. The Town Council believes that the opportunity to create first class leisure provision for Cullompton, such as a country park and a ‘sports hub’, on this land should be an integral part of the masterplan.



²² <https://www.gov.uk/government/publications/planning-delivery-fund-prospectus>

²³ SPD = Supplementary Planning Document (see glossary) **Page 88**

6.30 The issue of 'integration', of the existing and new development, physically and socially, is perceived as the most challenging aspect of the East Cullompton development. We regard the Garden Village Initiative as a marvellous opportunity to deliver strategic growth at Cullompton in the public gaze. The Town Council expects the community to be a 'partner' in its planning and delivery. In this way, we can contribute to ensuring the Garden Village area becomes an integral part of the community and settlement of Cullompton, not a stand-alone settlement.

Policy SD06 Culm Garden Village

Proposals to develop a locally led garden village towards the east of Cullompton will be supported in principle. Any such development should be subject to a comprehensive masterplan that should:

- i. seek to create a new settlement area, of unique character, within an outstanding natural environment;
- ii. foster integration between the existing and new settlement areas;
- iii. secure sufficient physical connection between the proposed new development to the East and the existing town (including bridges, roads, pedestrian links, cycle paths and public transport);
- iv. plan for complementary facilities in and adjacent to the housing areas that can serve the needs of the whole community of the neighbourhood area, including sports, education, health/ wellbeing, community and faith spaces;
- v. embrace the principles of accessibility for all;
- vi. provide an appropriate range and scale of spaces for businesses to function effectively;
- vii. deliver mix of housing types, tenures and designs, that meet high standards of sustainable living; and
- viii. ensure there is a co-ordinated approach to achieving the timely delivery of infrastructure.

Infrastructure

6.31 Cullompton Town Council is very clear that the scale of development proposed for Cullompton requires major infrastructure improvements and new infrastructure projects. Housing development should only proceed if there are clear plans to improve infrastructure, including, but not limited to, green, blue and built infrastructure.

6.32 The Local Plan Review has acknowledged that the town's infrastructure will need considerable improvement, extension and enhancement to support sustainable growth to the scale that is proposed. Policy CU20 in the Local Plan is specifically about 'Cullompton Infrastructure' and states that Mid Devon District Council will make use of developer funding and planning obligations to deliver the required infrastructure. The list of 'required infrastructure' mentioned in the Local Plan includes: a town centre relief road, extra-care housing provision, green infrastructure, public transport service enhancement (including a railway station and bus interchange), additional community services and facilities. We would add the digital communication network and public utilities to the essential infrastructure list. The condition and capacity of the sewerage system is of particular concern. It has its limitations that "will require detailed investigations to assess what improvements will be required"²⁵. The Environment Agency has emphasised the need to ensure that adequate flood risk management infrastructure is in place. Kentisbeare Parish Council has told us that it is vital to include a 'recycling centre' in the growth proposals²⁶. The Garden Village Initiative will place even more demands on local infrastructure, including the means of accessing the motorway network from East Cullompton whilst not overburdening the local road network.

6.33 Local consultations continue to identify widespread concern that the town may suffer as a result of too rapid a growth. This must not occur. The phasing and timing of infrastructure provision must be a critical test as to whether major development should proceed. Devon County Council has recently warned that "it should be acknowledged that viability and funding

²⁴ Email from Development Co-ordinator, South West Water, 5th May 2017

²⁵ Reg. 14 Response, Kentisbeare Parish Council, 14th Nov 2017

availability can impact on infrastructure phasing”.

Policy SD07 is aimed at ensuring that the necessary test is applied and passed by major development proposals and the necessary infrastructure investment is assured.

6.34 The Town Council expects Mid Devon District Council to maintain a consultation-based dialogue with it, and the community at large, to ensure that the planned infrastructure is that which is needed and most likely to bring benefits to the whole of the town and parish area. The Town Council will be particularly concerned about the timing of infrastructure improvements.

Policy SD07 Timing of Infrastructure

Major development should be phased logically and in tandem with the timely and co-ordinated provision of infrastructure to help support sustainable growth and ensure that an unacceptable strain is not placed on the existing infrastructure.



Highways, Travel and Transport

Improve mobility, accessibility and reduce the overall use and impact of the motor vehicle

Introduction

7.1 The Neighbourhood Plan policies are intended to recognise and facilitate those, much needed, improvements to the local transport network that are required to reduce the intrusion of the motor vehicle; to increase the travel choices available locally; and the appeal of alternative forms of transport.

Aims and Objectives

7.2 The following aims and objectives relating to highways, travel and transport have emerged following a programme of community consultation. They have been used to help formulate our neighbourhood plan policies and inform a programme of other community actions. This topic features early in the Neighbourhood Plan because of the weight of concern about travel-related matters expressed at the various consultation events.

Highways, Travel and Transport	
Planning Aims	Planning Objectives
Upgrade Motorway junction 28 so as to be fit for purpose	<ul style="list-style-type: none"> • Improve junction 28 and ensure motorway connections remain adequate
Reduce vehicular traffic in Cullompton town centre	<ul style="list-style-type: none"> • Provide relief roads and traffic management plan • Control traffic flow through the town centre
Improve our public transport connections	<ul style="list-style-type: none"> • Create transport hub • Support new railway station
Extend and improve safe cycle routes	<ul style="list-style-type: none"> • Develop circular/linear cycle network with many linkages in and out of town
Improve the pedestrian experience in and around the town	<ul style="list-style-type: none"> • Ensure footpaths are of adequate width for mobility scooters and double buggies etc

Improving our Motorway Connection

7.3 The M5 motorway junction 28 that serves Cullompton and its hinterland is inadequate both in terms of capacity and safety. 72% of respondents to the Community Survey 2014 told us we needed a better motorway junction. It certainly needs improvement before substantial growth can take place in the area. Devon County Council has recently²⁶ carried out works at junction 28 to ease problems and to accommodate the already committed development in the area. It will likely prove to be inadequate on its own, when all the proposed development in the Local Plan takes place. An additional junction may well be required to ease the pressure on junction 28.

7.4 Devon County Council commissioned, in 2015, some initial modelling and design work and exploration of the options for motorway connections that would be required should development of the scale indicated in the Local Plan come forward. Mid Devon District Council has been working closely with statutory consultees to ensure emerging proposals for “junction 28 M5 improvements” are appropriately designed. However, as we were told in late 2017, Highways England has no further scheduled improvements earmarked for junction 28. It does, we are informed, continually monitor the performance of the junction.

7.5 Local Plan Policy S11 supports investment in improvements to the M5 motorway, including junction 28, to maintain highway capacity and safety. Policy CU7 of the Local Plan recognises that an essential prerequisite to major development east of Cullompton is “transport provision to ensure appropriate accessibility for all modes, including a new or improved access and egress onto the M5 motorway and pedestrian and cycling links across the motorway to the existing town”.

7.6 Policy HT01 is supportive of any improvements to junction 28 of the M5 that ensure it functions properly and efficiently and is no longer a cause of complaint and much frustration to local people and businesses, nor a lasting negative memory for many who visit the town. Any

upgrading should not only aid the motorist. There are many pedestrians that also cross the motorway regularly via junction 28. They need to do so safely.

7.7 The NPPF (para. 181) encourages transport solutions “solutions which support reductions in greenhouse gas emissions and reduce congestion”. Policy HT01 is consistent with the Cullompton Air Quality Management Area Action Plan 2009 which also prioritised the creation of additional capacity at Junction 28 of M5.

Policy HT01 Motorway Connection

Proposals to ensure that junction 28 of the M5 functions efficiently and safely as population and business activity in the Cullompton area grows, will be supported.

Improving our Public Transport Network

7.8 There is a proportion of the local community, many of whom are elderly, that will continue to be dependent on public transport. To encourage others to use public transport out of choice rather than need, we have to make public transport a more accessible and attractive option. A ‘transport interchange’ that links to parking areas, a new railway station and is easily accessible to and from the town centre by foot and connected to the cycle network, will go a significant way towards protecting the services we have and increasing demand for public transport. We would expect the interchange to be on a site near the railway station and determined as part of a master-planning exercise for the location.

7.9 The NPPF (para. 104) says that “planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development”. Local Plan Policy S7 supports traffic management measures in Cullompton including improving sustainable travel opportunities and interchange facilities to improve town centre environment and accessibility. Local

²⁶Autumn 2015

Plan Policy CU20 commits the local planning authority to seeking external funding and partners to deliver both a railway and bus interchange. During 2018 Mid Devon District Council began the process of developing a masterplan for Cullompton town centre that will result in a Supplementary Planning Document (SPD). The masterplan is intended to be wide-ranging and “seek to strengthen the economy by creating new opportunities for businesses, jobs, shops, leisure, heritage and culture, and transform public spaces to make the town a more attractive place to shop, relax and stay, strengthening the town’s role as growing market town”.²⁷ Transport options and the potential of a new transport interchange, and movement linkages with the proposed garden village, are an important part of the masterplan brief.

7.10 Policy HT02 expresses the Town Council’s support to the development of an interchange at a suitable location and seeks to facilitate a transport interchange for Cullompton, which should be connected to appropriate walking and cycling facilities and routes.

7.11 Cullompton Town Council feels very strongly that, in addition to a new railway station and bus interchange (bus station); there should be a Cullompton Park and Ride to provide an integrated local transport service. This should provide an integrated local transport network to get people from home to the bus or train station and so leave their vehicles at home when they go to work. This transport service should look to provide a route along the M5 as well as getting people to the bus/train station and other local facilities and services.

Policy HT02 Improving our Public Transport Network

Development proposals to further the provision of a transport interchange for Cullompton are supported.

Improving our Cycle Network

7.12 Cycling is on the increase and showing every sign, in 2017, that it will continue to grow in popularity. There are however, too few car-free cycle routes. 78% of respondents to the Community Survey 2014 told us we need more cycle routes. (para. 104) says “planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)”.

7.13 We want to make cycling more appealing as a regular travel and recreation option. This requires easy and safe routes being provided that create links between our neighbourhoods, existing and new, to the town centre, to employment areas and to other public facilities such as the health centre and schools. An improved network of paths for walking and cycling in Cullompton would increase the number of people walking and cycling for shorter journeys in the town. This will improve the health of the residents of Cullompton and reduce traffic levels in the town. The Town Council has adopted a Cycle Paths Plan²⁸ and expects developers to acknowledge this Plan and invest in its implementation. Cullompton Town Council would like to see an extended, coherent and extensive cycle path network, for health benefits and to reduce local traffic. This would include a new cycle route made from Cullompton that connects with the National Cycle Route 3 at Willand.



²⁷ <https://democracy.middevon.gov.uk/documents/s11478/Cabinet%205th%20April%20Cullompton%20town%20centre%20masterplan%203.pdf>

²⁸ Cullompton Multi-Use Path Cycle Path Policy Document 2013/14, Cullompton Town Council, 2013

7.14 Local Plan Policies CU2, CU8 and CU13 provide for cycle and pedestrian links to and from the town centre and within the major mixed-use urban extension areas of North West Cullompton and East Cullompton, as well as at Knowle Lane. Policy HT03 complements and extends the Local Plan's approach by supporting the development of a safe cycle network across and around the whole town and not just in and out of the new development areas.

7.15 Policy HT03 is consistent with the Cullompton Air Quality Management Area Action Plan 2009 which called for the provision of walking and cycling routes alongside all new road links.

Policy HT03 Improving our Cycle Network

Cullompton Town Council has adopted a Cycle Paths Plan. Where feasible and appropriate, developments should acknowledge the Cycle Paths Plan and make provision to assist in its implementation.

Proposals that further the development of an accessible network of cycle routes in and around Cullompton are supported. In particular, proposals should look to achieve a greater degree of safe linkage between residential areas, employment areas and public facilities.

²⁹ "In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2 metres" Manual for Streets, Department for Transport, 2007 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

³⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf

Improving our Footpaths

7.16 A lot of the local footpaths are narrow and make it difficult in many places for people to pass safely. We would like all new footpaths to be of a minimum width of 2,000mm, a recognised standard²⁹ for good accessibility.

7.17 With an ageing population and mobility aids becoming more commonplace, opportunities should be taken to ensure that there is sufficient width on a footpath to allow safe passing of a mobility scooter with other pedestrians, for two mobility scooters to pass each other with ease and meet the accepted width of pavements for persons with guide dogs.³⁰ The average size of a mobility scooter is growing. We urge new developments to make full allowance for this or, where it is not practicable, to allow for 'passing places' for mobility scooters at appropriate intervals along new footpaths. Such measures will also enable safe turning for people who use mobility scooters. New footpaths in major housing development areas should at least meet the minimum standard and be laid out as an attractive and safe network that links the new neighbourhoods with the town centre, employment areas and public facilities.



7.18 The NPPF (para. 110) requires us to "give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility "create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards". Local Plan Policy S1 also calls for safe and accessible environments. Local Plan Policy DM1 states that the design of new development must be of high quality and based upon creating safe and accessible places that also encourage sustainable modes of travel such as walking and cycling.

7.19 Policy HT04 ensures that, whenever possible, new footpaths are of adequate width to accommodate mobility vehicles and with gradients and terrain that will not impair, to ensure wheelchair accessibility. The 2,000mm width is the accepted standard for footpaths “that allows two wheelchairs to pass with comfort”.³⁰ This standard, we are informed has the support of Devon County Council “for any new footpaths created, where reasonable and practicable, working in liaison with landowners and developers”.

Policy HT04 Improving Footpaths

Footpaths that are provided by new development should be a minimum of 2000mm in width where reasonable and whenever practicable.

Footpaths should link to existing networks to facilitate easy and safe pedestrian access to the town centre and public facilities and services.



Housing

Provide new dwellings to meet a wide range of needs and demands

Introduction

8.1 We expect the Local Plan to allocate sufficient land in the appropriate locations to enable Cullompton to grow in an ordered and sustainable manner. Our view on what sites should be allocated for housing is set out in the Town Council's response to the Local Plan Review³¹. The Neighbourhood Plan policies are intended to ensure that we continue to meet all our local housing needs by recognising what those needs are and by providing good quality homes that people will be proud to live in. We expect them to be designed and laid out in a way that will help foster the sense of 'one town and one community' that is so important to the future wellbeing of the Cullompton area.



Aims and Objectives

8.2 The following aims and objectives relating to housing provision in the Cullompton area have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

Housing	
Planning Aims	Planning Objectives
Increase the housing stock and ensure it offers a wide range of types and choices	<ul style="list-style-type: none"> • Provide a wide range of family houses • Provide accommodation for young people, the elderly and single people
Ensure new family housing has adequate garden and parking spaces	<ul style="list-style-type: none"> • Ensure adequate parking and garden space is provided for all new dwellings
Ensure new housing developments encourage a sense of neighbourhood and community	<ul style="list-style-type: none"> • Ensure adequate local community spaces and facilities are provided for all new developments

Housing Mix

8.3 We want to ensure all types of local housing need are met. This requires new development to respond to the local demand for different types and sizes of dwelling to ensure that the supply of housing in the parish area meets the demand of the local and incoming population and households. We recognise that housing needs will change and will require regular re-assessment. We want the developer of any larger housing development to refer to an up-to-date assessment of the local housing market and needs (carried out every 12 months prior to the planning application

³¹ Local Plan Review Letter from Cullompton Town Council to Mid Devon District Council, 30th March 2015

submitted) and demonstrate, to Cullompton Town Council as well as Mid Devon District Council, how the proposed development will meet the local demand for the size and type of dwelling proposed and contribute towards improving the access of local people to new dwellings. The NPPF (para. 61) says “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”.

8.4 We want to create mixed communities. We expect all major housing developments to include both small and larger dwelling units and, if possible, provide a variety of family house sizes (two bedrooms and more) to accommodate different types and sizes of households. We want more flexibility in the housing stock. We want more houses that are big enough for a family to grow in and stay where they are, if they wish to do so. We also want to see more ‘whole life’-type housing developed i.e. homes designed to accommodate the changing needs occurring through one family’s lifetime, including small children, mobility difficulties and elderly person’s requirements.

8.5 Local Plan Policy S1 seeks to deliver a wide range of high quality homes through a diverse housing mix by meeting the housing needs of all sectors. Mid Devon’s Housing Need SPD³² requires a proportion of affordable dwellings to be built to life-time standards. Given that our demographic profile is ageing³³ and most residents wish to stay in Cullompton for the long-term (72% of respondents to the Community Survey 2014), we think it reasonable to require a proportion of all types of dwellings to be built to ‘lifetime standards’. These standards are now covered by the optional requirements for accessible and adaptable dwellings in the 2015 version of the Building Regulations 2010. To meet lifetime homes standards “reasonable provision should be made for most people to access the dwelling and incorporate features that make it potentially suitable for a range of occupiers including older people, those with reduced mobility and some wheelchair users”³⁴.

8.6 Policy HS01 requires the developer of major housing schemes³⁵ to consult with the Town Council and be aware of the up-to-date housing need situation in Cullompton and demonstrate how their proposed housing mix will help meet local need, in terms of size and type. The latest

Strategic Housing Market Assessment (SHMA) for the Exeter Housing Market and covering Mid Devon, confirmed our own conclusions that there was still a substantial need for small dwellings. SHMA states “broadly, we recommend a property size target [for market housing] 60% one and two bedrooms and 40% three/four bedroom split in the market sector to provide a better-balanced housing”. For low cost market housing, “given that household growth will be mostly from smaller households, it is considered that smaller units will play a key role in meeting future market housing requirements” and for social and affordable rented housing, “the vast majority of need across all authorities is for smaller 1 and 2 bedroom units ranging from 84.1% to 86.3% of waiting lists”³⁶.

Policy HS01 Housing Mix

Development proposals on major housing sites, of 10 or more dwellings or on sites of 0.5ha. or more, must contain an appropriate mixture of house types and sizes and show how they contribute to meeting current local housing needs of the neighbourhood area by referring to an up-to-date assessment of local housing need and evidence from Cullompton Town Council.

³² Policy MHN/4 Lifetime Homes “The Council will require that 20% or more of the affordable housing meets the Lifetime Homes Standard”

³³ “a large increase in persons of 65 years and over is projected for Mid Devon” - Evidence Base Report for the Mid Devon Local Plan Review, Devon County Council, Feb 2015

³⁴ Access to and Use of Buildings, The Building Regulations 2010, 2015 Edition, HM Government, 2015

³⁵ “major development” for housing as defined by Town and Country Planning (Development Management Procedure) (England) Order 2015 means development involving —the provision of dwelling houses where—
(i) the number of dwelling houses to be provided is 10 or more; or
(ii) the development is to be carried out on a site having an area of 0.5 hectares or more

³⁶ https://www.middevon.gov.uk/media/103519/shma_final_report_2015.pdf

Social and Affordable Housing

8.7 Policy S3 of the Local Plan sets out the district's requirements for new dwellings to meet the housing needs of today and the future. Policy S11 sets out the new housebuilding targets for the Cullompton area.

8.8 In promoting the delivery of these strategic policies, we want to help create mixed and inclusive communities and neighbourhoods. We expect a developer to achieve the required quota of affordable housing set by the Local Plan for all larger developments. However, we don't want affordable housing to be identifiable merely because of its appearance or location. Moreover, in no way do we want occupants of social housing to feel stigmatised.

8.9 Mid Devon District Council's SPD³⁷ on Affordable Housing has a section on 'Layout and Design' which also emphasises the need to ensure the "creation of inclusive, mixed communities as follows:

- a) Affordable and market housing on a site should be the same mix of sizes and visually indistinguishable from each other;
- b) Affordable and market dwellings should be intermixed within the site, avoiding any particular concentrations in any part of the site;
- c) Affordable housing should be provided broadly in step with the market housing as the development progresses."



8.10 We fully support this approach and, because a supplementary planning document does not have the status of an adopted development plan, we have therefore set Policy HS02 which requires the developer to ensure that the affordable housing is properly integrated with the rest of the development and not distinct or unnecessarily distinctive.

Policy HS02 Social and Affordable Housing

On all housing developments in the Cullompton area the required quota of affordable housing should be visually indistinguishable from other types of housing and not located separately on the development.



Creating Smaller Housing Units

8.11 A current deficiency in the local housing market, relative to the composition of households and population in the parish area, appears to be the number of small units available. We anticipate that the need for small, one- and two-bedroom, dwelling units is likely to continue well into future. The last Strategic Housing Market Assessment 2014 concluded that the "future need for all authorities is concluded to be largely dominated by a need for smaller properties, mostly in the 1 and 2 bedroom size categories.³⁸" The NPPF (para. 118) says planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained".

³⁷ SPD = Supplementary Planning Document

³⁸ Exeter Housing Market Area Strategic Housing Market Assessment Final Report 2014/15, DCA,

8.12 We want to see the provision of good quality, small dwelling units around the town suitable for young people, as well as for an ageing population and the growing need for housing suitable for older people.

8.13 We also want to widen housing choice and encourage opportunities to do so partly by making good use of existing buildings that may have become redundant.

Policy HS03 Creating Smaller Housing Units

The creation of smaller dwellings through the subdivision of existing larger dwellings or other redundant buildings within the town area of Cullompton (as defined on Map 2) will be supported where the development:

- i. meets an identifiable need for smaller properties across all tenures;
- ii. respects the character, scale, setting and design of the existing building;
- iii. will not result in over-development of the building's curtilage; and
- iv. will protect the residential amenity of adjoining occupiers.

Parking on Housing Schemes

8.14 Cullompton Town Council feels very strongly that residential garages should be of a size suitable for modern vehicles. They should have sufficient space for the car to be parked and the door opened so that the driver can exit the vehicle inside the garage. The Town Council also feels very strongly that driveways should be of sufficient length to enable modern vehicles to park on them without obstructing the pavement. Examples of these can be seen in Burgess Hill Policy S4.³⁹

8.15 On-street parking is not only a big problem in and around the town centre; it also disrupts traffic flows and creates safety problems on the new estates and distributor roads. We do not want new development to add to the on-street parking problem or repeat recent mistakes, which have received much criticism from residents and estate users. At the recent community consultations, several people referred to the recent developments in the north and west of Cullompton as being inadequate in terms of road widths and off-road parking spaces. Too often, cars, lorries, and other heavy goods vehicles are parked up on the footpaths. Some of the initial owners of the properties have complained that they were not advised properly on the lack of parking.

8.16 On new developments, we want to ensure that there is sufficient space provided within the curtilage of individual family dwellings or nearby, for occupants and their visitors and callers, which allows adequately for current car ownership levels and usage. Garage spaces are not considered as equating to a parking space; modern lifestyle means that garages are often used for storage, rather than for parking a car.

8.17 We are aware that home-delivery vehicles are a necessary part of the modern retailing, with online shopping growing in popularity. Therefore, we encourage the provision of short-term off-road parking areas for delivery vehicles in appropriate locations on new developments. These will also serve to avoid regular utility vehicles such as refuse collection and recycling vehicles from causing obstruction.

8.18 We are also concerned that residential streets with insufficient off-road parking space can lead to more on-street parking and consequently, emergency service vehicles facing difficulties getting to houses in the case of emergencies. We want to ensure that new developments are accessible to all vehicles and reflect the realistic demand for parking spaces and that the impact of on-road parking is minimised.

8.19 We note that a recent Government Statement recognises that "the imposition of

³⁹ Burgess Hill NP Policy S4 "New housing developments that include the provision of garage space must be of the minimum size for cars - 7.0m x 3.0m (internal dimension) for this to be counted as a parking space."

maximum parking standards lead to blocked and congested streets". As a result, the advice now is that local planning authorities should "only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage the local road network"⁴⁰. We believe that Cullompton does need to set minimum standards so as not to exacerbate a recognised problem and to ensure that the road network can cope at peak flow times. This includes those times when the M5 is closed and motorway traffic must use the roads through Cullompton, which can happen at any time of the day or night.

8.20 Local Plan Policies DM5 seeks to provide for an appropriate level of parking and sets the district's space standards for new housing development including parking. Local Plan Policy DM5 requires an average of 1.7 parking spaces per dwelling and 2-4 cycle parking spaces, depending on dwelling size.

8.21 Car ownership shows no sign of decreasing. Policy HS04 modifies the space requirement of the district policy in the interests of clarity and an overall increase in the number of off-road spaces. It also seeks to ensure that off-road visitor parking is provided for in the interests of road safety and the free flow of traffic. In accordance with the NPPF (para. 105), which states that "policies should take into account...adequate provision of spaces for charging plug-in and other ultra-low emission vehicles", the policy requires developers to be mindful of the growing demand for re-charging facilities for householders' and visitors' vehicles.

Policy HS04 Parking on Housing Schemes

New residential development should provide off street parking in accordance with the requirements of the Development Plan. Wherever possible, to reduce the potential for parking on the highway the following standards are encouraged subject to the accessibility of the site including to public transport:

- 1-bed house/flat 1 off-road car parking space
- 2-bed house/flat 2 off-road car parking spaces
- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles.

Parking schemes and layouts should not impair access required by the emergency services.

Adequate provision should be made for the charging of electric vehicles.

Wherever practical, permeable materials should be used for surface parking areas.



⁴⁰ Ministerial Statement, DCLG, Mar 2015

Gypsy and Traveller Sites

8.22 Traveller sites should be afforded the same degree of shelter and privacy that other residents of Cullompton would expect. Screening should be adequate to achieve this goal and add to the visual appearance of the local environment without creating separateness from the rest of the community. The NPPF (para. 127) says we should aim to ensure developments “establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.

8.23 Local Plan Policy S3 provides for a five-year supply of pitches for gypsies and travellers in the District. Local Policy CU1 requires a small site for at least five pitches at North West Cullompton (CU1-CU6); and at least 10 additional pitches are required as part of the major growth development at East Cullompton (CU7-CU12).

8.24 Local Plan Policy DM7 specifies the site requirements and the need for non-isolating boundary treatments. Policy HS05 seeks to be more positive about boundary treatments on any gypsy or traveller site provided in the Cullompton area to provide an appropriate level of privacy and make a positive contribution to the visual amenity of the neighbourhood. The Government’s advice is “the aim should be to achieve a boundary that is sympathetic to, and in keeping with, the surrounding area. Boundaries can also be used to provide shelter for more exposed sites. A balance needs to be struck between providing privacy and security for the site residents and avoiding a sense of enclosure through for example, the use of high metal railings”.⁴¹

Policy HS05 Gypsy and Traveller Sites

Gypsy and traveller sites provided in accordance with Development Plan should have an appropriate boundary treatment that is sympathetic to, and in keeping with, the surrounding area and which provides privacy and security for the occupants of the site.

Natural and Rural Environment

Respect and appreciate our countryside

Introduction

9.1 Our Neighbourhood Plan policies are intended to confirm our intention to safeguard the environmentally sensitive parts of the parish area by recognising those areas that need to be protected and where possible enhanced. Whilst much of the Neighbourhood Plan is about the urban area, the countryside is a precious resource that cannot be disregarded.

Aims and Objectives

9.2 The following aims and objectives relating to the local countryside, its ecology and habitats, have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

Natural and Rural Environment	
Planning Aims	Planning Objectives
Protect and enhance the natural environment and its bio-diversity	<ul style="list-style-type: none"> • Protect natural hedging and wildlife • Utilise public rights of way and local green spaces as biodiversity corridors
Respect, increase and protect public rights of way and access to the countryside	<ul style="list-style-type: none"> • Use 'Local Green Space' designation to protect areas of value to the community • Improve and maintain footpaths and bridleways
Enable new development where it assists the viability of farming and rural economy	<ul style="list-style-type: none"> • Allow conversion of farm buildings to increase farm viability

Protecting and Enhancing Local Wildlife

9.3 We respect the local natural environment and its biodiversity. Whilst there are no sites within the parish area that have protection through a statutory designation, there are many areas which are important to local biodiversity. 94% of respondents to the Community Survey 2014 agreed we need to protect the countryside around us. Most of the locally important sites have been identified and delineated by the Devon Biodiversity Records Centre on behalf of Cullompton Town Council (see map 3 on page 24)).

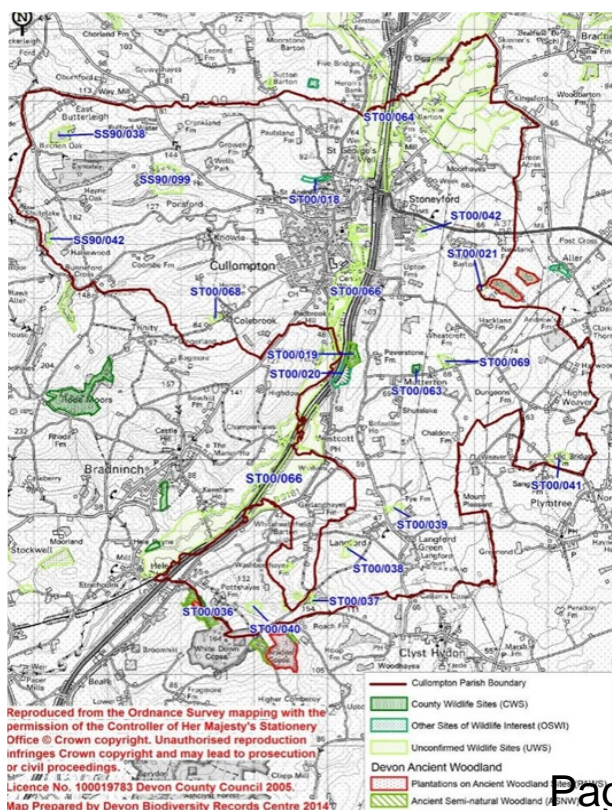
9.4 The town of Cullompton is growing. This makes the countryside and those remaining areas of natural environment even more special. We want to be assured that these sensitive sites will be protected and enhanced if possible. The areas identified on map 3 (page 24) are those regarded as sensitive and special, based on 2014 survey records. We are determined to protect the local habitats they provide and the species they host. We hope to use the development process not only to maintain but also to help increase local biodiversity. We are also reminded by the Environment Agency of the "importance of natural networks in managing water such as water quality and flood risk". The flood plain for instance coincides with several unconfirmed wildlife sites (see map 3 on page 24).



9.5 The NPPF (para 170) says “planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside.....minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

9.6 Local Plan Policies S1 and S9 set out the district policy to minimise impacts on biodiversity and geodiversity; and Local Plan Policy DM28 sets the method by which the local planning authority will assess the significance of the impact of any development. Policy EN01 provides support to these Local Plan policies, as they seek to protect those sites within the parish area identified as being of ecological or geological importance. We expect major development proposals to be supported by sufficient information for the impact of the proposals on the local natural environment and its inhabitants to be fully assessed and have a significant effect on the decisions taken related to that development proposal.

Map 4:
Areas of Local Ecological Significance
referred to in Policy EN01



Policy EN01 Protecting and Enhancing the Natural Environment

Where appropriate, development proposals will be expected to protect sites of ecological and/or geological importance and protect and enhance local biodiversity and wildlife to include:

- i. the safeguarding or protection of designated sites, protected species, priority species and habitats, ancient or species rich hedgerows, grasslands and woodlands;
- ii. the provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation and compensation measures where appropriate in accordance with the Development Plan.
- iii. the safeguarding and preservation of ecologically sensitive areas and ecological corridors;
- iv. the safeguarding of important geological sites;
- v. the protection of trees and tree groups of arboricultural or amenity value;
- vi. the appropriate planting of new native trees and hedges;
- vii. biodiversity enhancements incorporated into the development wherever possible; and
- viii. the provision of appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of European Sites.



Improving the Public Rights of Way Network

9.7 Cullompton has some beautiful countryside, rolling hills, river and streams and an identified list of local walks. We want to ensure that the existing walking and horse riding routes in the parish area remain fit for purpose. We want to increase the appeal of walking to the local population. We feel that this can be done in part by improving access to the countryside and promoting circular walking trails around the area.

9.8 Many rights of way and bridleways are “valuable for biodiversity by providing green corridors and linear grassland and hedgerow habitats.” We support improvements and extensions to the footpath network in the countryside as long as any developments to achieve this include measures to protect local flora and fauna and serve to encourage responsible access and enjoyment of the countryside.

9.9 The NPPF (para. 98) states that “planning policies should protect and enhance public rights of way and access”. Local Plan Policy S1 recognises the value of public rights of way and Local Plan Policy DM26 seeks to incorporate existing public rights of way in major development areas.

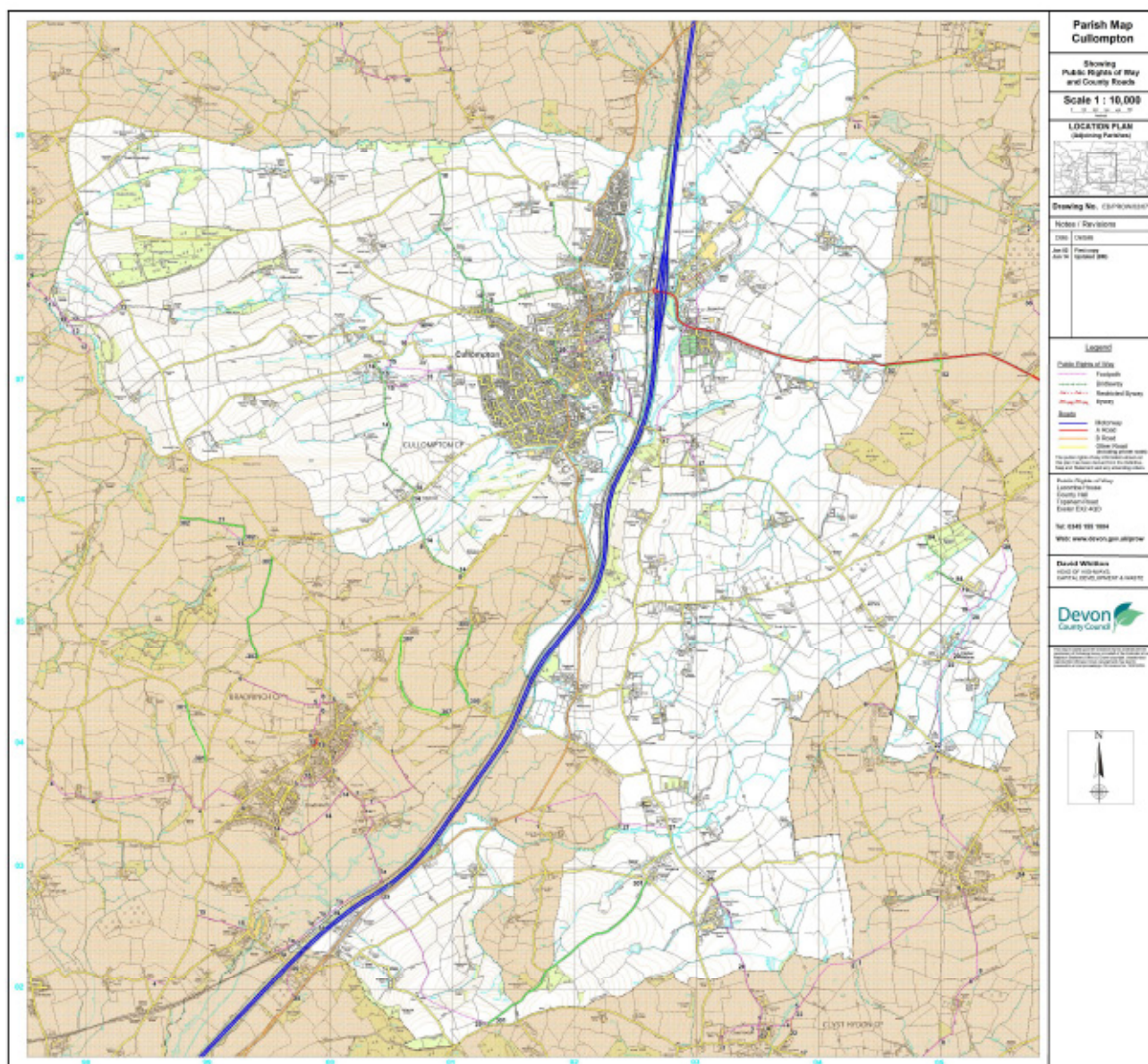
9.10 Local Plan Policy CU3 protects existing public rights of way (for the North West Cullompton development). Policy EN02 supports extensions and improvements to the network of public rights of way and bridleways across the whole parish area and endeavours to ensure that their value as biodiversity corridors is fully recognised, protected and, if possible, enhanced by any development work. In the interests of improving accessibility we are supportive of the removal of barriers (such as stiles and gates), wherever it is appropriate to do so. Map 5 shows the present network of public rights of way and bridleways in the parish area.

Policy EN02 Improving the Public Rights of Way Network

Measures to improve and extend the existing network of public rights of way and bridleways are supported so long as their value as biodiversity corridors is recognised, protected and efforts are made to enhance biodiversity as part of the ‘development’ work wherever appropriate.



Map 5:
Public Rights of Way and Bridleways referred to in Policy EN02



Local Green Space

9.11 A recent audit and assessment of local play areas and parks has been carried out on behalf of the Town Council. It looked at all local play areas and 'pocket parks' and took a view as to whether they were fit for purpose, capable of being maintained properly and worthy of protection. The conclusions from this assessment are reflected in the list of local green spaces in Policy EN03. The Local Plan through its policy DM24 recognises the value of local green space and acknowledges that "sites which are particularly important to local communities may be designated as Local Green Space, through the preparation of local or neighbourhood plans".

9.12 We are pleased to recognise that the town area has several small green areas that contribute significantly to the appearance and character of the local area and provide for a range of informal community leisure activities of the local population, not least providing somewhere safe for young children to play, as many of them do. Cullompton Town Council will be exploring how to reinforce their value as part of a network of green infrastructure throughout the town. As Natural England has reminded us, "green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement"⁴².

9.13 The areas identified in Policy EN03 meet the criteria of the NPPF (para. 100) which enables them to be designated as 'local green space' i.e.:

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

9.14 A thorough assessment of potential sites was carried out by the Neighbourhood Plan Steering Group to assess whether the 'candidate' sites met the NPPF criteria, including being demonstrably special to the local community. Consistent with the approach of Local Plan policy DM24, those 'green' sites that are valued primarily for their sport and recreational purposes, are identified on map 6 (page 48) and subject to a separate Policy WL01. The sites that are subject to Policy EN03 are designated as Local Green Space because they are highly valued green areas that contribute significantly to the amenity of their neighbourhood, and the community wants to ensure they continue to do so for a very long time. A Site Assessment Report⁴³ presents our site by site analysis and conclusions.

9.15 The sites we consider 'qualify' as local green space and to which Policy EN03 should apply are:

Bilbie Close/Crow Bridge - a stretch of grass that provides for a range of informal leisure activities. It is bordered on two sides by a local brook.

Bockland Close – is a play area at the rear of dwellings that provides a safe play space for local children. It has a range of play equipment with safety surfaces.

Clover Drive – a triangular piece of grass, fringed with mature trees that contains a small children's play area, with a modern multi-play installation and a safety surface.

Cross Parks – a corner plot of amenity land at the edge of a new housing estate. It helps green the local environment and effect a transition between the urban area and the nearby countryside.

Culm Lea Play Area (recently updated) – at the end of cul-de-sac, alongside a footpath that leads to an informal walkway along the River Culm, is a fenced local children's play area with some basic play equipment.

Forcefield Road – an amenity space with mature trees that provides a car-free pedestrian route through the estate.

Haymans Close - a modern railing-enclosed play area in the middle of this modern housing estate. It offers a range of play opportunities for young children. As well as a multi-play installation for the younger children, with safety surface, there is a flat

⁴² Reg. 14 Consultation response, Natural England, 8th Nov 2017

⁴³ <http://www.cullomptonneighbourhoodplan.co.uk/CullN%20Plan%20Assessment%20Report%20Nov17.pdf>

piece of grass that allows for a range of informal activities.

Haymans Green – also a modern railing-enclosed play area in the middle of this modern housing estate. It offers a range of play opportunities for young children. As well as a multi-play installation for the younger children, with safety surface, there is a kick-about area for the slightly older children of the locale.

Headweir Road (corner of Splatford Drive) – a fenced grass area with a large specimen oak tree. it has a children's play area with modern but traditional play equipment i.e. swings, slide and see-saw, all on safety surfaces.

Headweir Road (land between Nos. 73 & 75) – a green play and amenity space that includes a pedestrian link to Fairfax Road. Recently updated by Cullompton Town Council

Jubilee Gardens, Willand Road – an attractive gateway site that has been planted with ornamental shrubs and commemorative trees and features a flowerbed displaying the town's name.

Knightswood Play Park – a small park off Knightswood that provides a safe and sheltered play area away from the roads. It offers several pieces of play equipment and space to run around. Recently updated by Cullompton Town Council

Meadow Lane – an expanse of amenity grass that plays host to the town's skate-park.

Rivermead Play Area – a small triangular grassed area with three pieces of junior play equipment, with safety surfaces, and a bench serving the families of the local area.

Saxon Way/Windsor Close – at the junction of these two roads is an amenity area containing a fenced, modern, play area for young children serving the families of the local area.

St Andrew's Hill - the area of the Roman forts on St Andrews Hill, a scheduled ancient monument, is an important open green space in terms of its historic significance, that will impact positively on the north/north-west town expansion. Its designation was advocated by the Historic Environment Team at Devon County Council. As the planned development in North West Cullompton progresses

it will surround the site. Because of its proximity to the new community it is designated as a local green space.

Swallow Way – a green corridor crosses Swallow Way providing a well wooded pedestrian routeway across the estate leading westward into the countryside. At the eastern end with a footpath entrance off Manning Avenue is a fenced children's play area with a range of play equipment.

Tufty Park – a small, gated, play area on Shortlands Road with grass and a range of play equipment for young children, with safety surfaces. Recently updated.

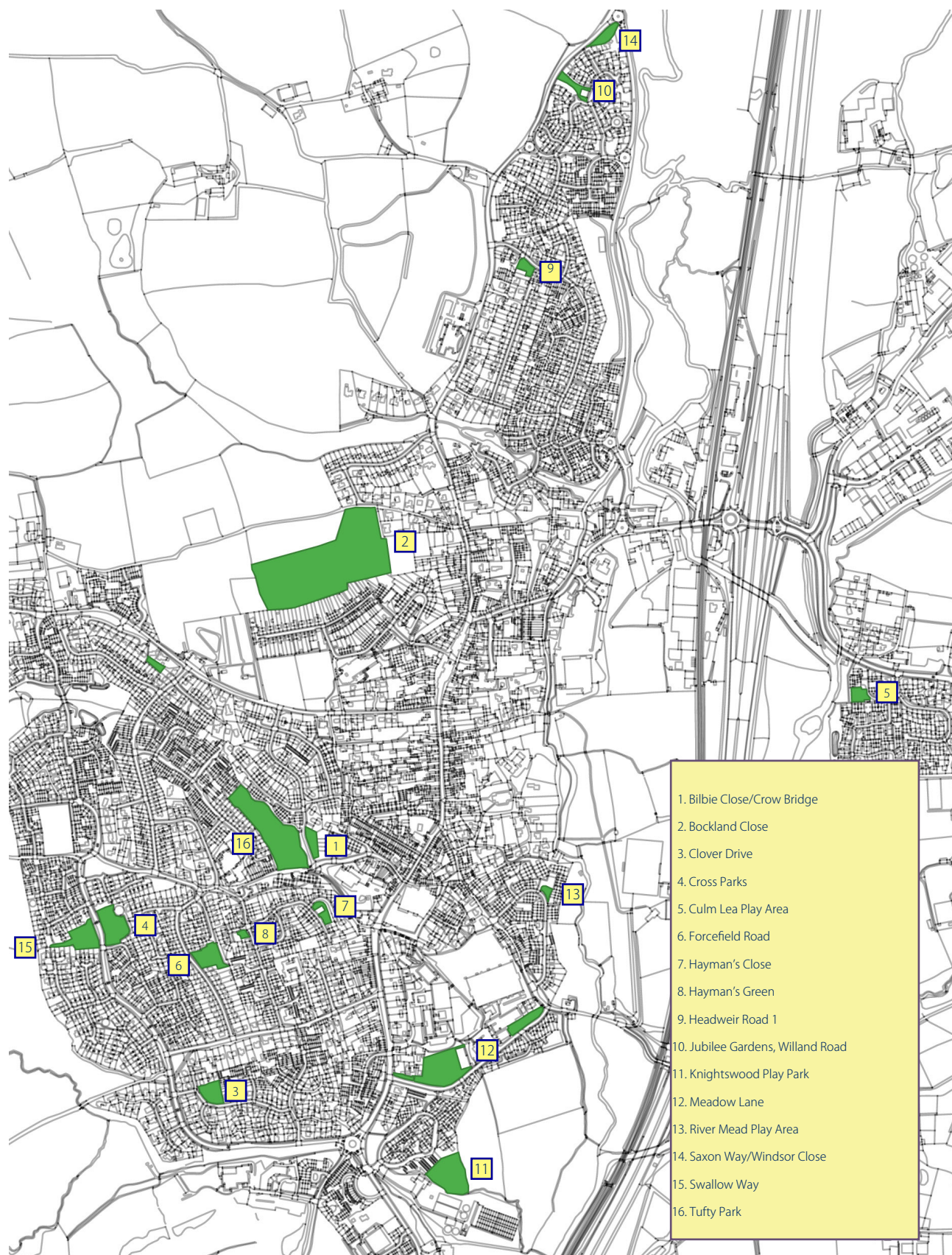
Policy EN03 Local Green Space

The following areas (listed below and identified on map 6) are designated as Local Green Spaces.

1. Bilbie Close/Crow Bridge
2. Bockland Close
3. Clover Drive
4. Cross Parks
5. Culm Lea Play Area
6. Forcefield Road
7. Hayman's Close
8. Hayman's Green
9. Headweir Road 1
10. Jubilee Gardens, Willand Road
11. Knightswood Play Park
12. Meadow Lane
13. River Mead Play Area
14. Saxon Way/Windsor Close
15. Swallow Way
16. Tufty Park

Proposals for built development on these areas will only be permitted in very special circumstances.

Map 6:
Designated Green Space referred to in Policy EN03



Town Centre, Heritage and Culture

Protect and enhance our historic built environment whilst broadening the appeal of the town and its cultural activity

Introduction

10.1 Our Neighbourhood Plan policies are intended to facilitate a continuous process of improvement to the historic core of the town of Cullompton to ensure it continues to serve as the centre of community life by meeting ever changing needs and demands whilst protecting and enhancing its special character and the heritage that it represents. We wish to ensure the historic buildings and spaces, some of which are currently 'at risk'⁴⁴, continue to play a worthwhile role in the life of the town.

Aims and Objectives

10.2 The following aims and objectives relating to Cullompton town centre and the area's rich heritage and culture have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.



Town Centre, Heritage and Culture	
Planning Aims	Planning Objectives
Protect and enhance our historical environment and heritage	<ul style="list-style-type: none"> • Restore and enhance High St/Fore St buildings • Facilitate the proper use of heritage buildings • Restore Cullompton cinema for community use
Make the town centre more pedestrian friendly	<ul style="list-style-type: none"> • Reduce traffic in town centre • Improve and control parking in town centre
Increase connectivity between areas of the town and beyond via network of footpaths and cycle routes	<ul style="list-style-type: none"> • Improve walking, cycling and mobility scooter routes in and around town centre
Improve the quality and appeal of the public realm	<ul style="list-style-type: none"> • Provide shared surfaces in suitable locations town centre • Define and enhance town squares • Install creative public art installations
Support a co-ordinated arts/culture agenda	<ul style="list-style-type: none"> • Develop Cullompton as a cultural hub
Encourage arts projects	<ul style="list-style-type: none"> • Develop an open art house bistro/gallery in the town
Protect the town centre's retail function	<ul style="list-style-type: none"> • Support new retail business in the town centre • Seek other activities that could enhance the town centre and attract footfall
Develop the town centre's evening economy and facilities, to cater for all ages	<ul style="list-style-type: none"> • Encourage diversity of evening entertainment provision to attract all groups • Explore the potential for a multi-use entertainment complex • Encourage businesses to take a flexible approach to opening hours

⁴⁴ According to Devon County Council in its Reg.14 Conservation Responses, these "include The Manor House Hotel, the Roman forts on St Andrew's Hill and also the Cullompton Conservation Area"

Heritage Assets

10.3 We want to ensure that our heritage is recognised and respected. 91% of respondents to the Community Survey 2014 told us we must protect old buildings and heritage. Our heritage assets are important to us for historical, cultural, urban design and 'sense of place' reasons. They help define what Cullompton, a proper Devon town, is all about. We would like to ensure they can continue to play a significant role in the life of the town. We want to ensure that uses are commensurate with the building's heritage.

10.4 The NPPF (para. 185) says "plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats." Local Plan Policy S1 recognises the need to conserve and enhance the historic environment through the identification and protection of both designated and non-designated heritage assets. Local Plan Policy DM25 sets out more detailed policy in the interest of protecting the heritage assets.

10.5 Policy TC01 emphasises the importance with which local heritage assets are regarded, by recognising the Mid Devon Register of Heritage Assets. The historic core of Cullompton is now encompassed by a Conservation Area, within which there are 46 Listed Buildings, including 42 Grade II Listed Buildings, as well as the Grade I, 15th century St Andrew's Church, the Grade I Listed 17th Century Walronds, the Grade II and II* Manor House Hotel and the Grade II Listed Merchants House. In addition, the Grade II Listed First Bridge spanning a tributary of the River Culm, is located beyond the Conservation Area boundary.



10.6 Mid Devon District Council has established a local Register of Heritage Assets⁴⁵, which includes several locations, buildings and structures in the Cullompton area that were identified in the Cullompton Conservation Area Appraisal⁴⁶. These include areas such as Queen Square and Higher Bull Ring and features such as pillar boxes, red telephone boxes and the seat and lean-to shelter at Trott's Alms Houses.

10.7 The Town Council may, from time to time, propose additional heritage features in the parish area for inclusion on the Register. We expect any development in the vicinity of a locally registered heritage asset to have a positive impact on the asset and local heritage and adhere to Local Plan Policy DM25, which requires applicants to provide a description of the significance of the heritage asset and/or its setting. We would expect a Heritage Impact Assessment to be presented in situations where development could directly affect a registered local heritage asset.

Policy TC01 Designated and Non-designated Heritage Assets

Development proposals affecting Designated and Non-Designated Heritage Assets must comply with national policy and the Development Plan.

⁴⁵ Register of Heritage Assets: Local List East, Mid Devon District Council, Jan 15
<https://www.middevon.gov.uk/media/114803/east-area-heritage-assets-part-1.pdf>

⁴⁶ Conservation Area Appraisal, Mid Devon District Council, 2009
https://new.middevon.gov.uk/media/114976/cullompton_conservation_appraisal_revised_2009.pdf

Character of the Built Environment

10.8 We want Cullompton to remain an attractive market town. We want to retain the essential character and appearance of Cullompton's built environment, which is epitomised by the variety of styles and forms on show. Adding new development to this mix is a design challenge that should not be taken lightly. We want development to complement and enhance its setting. Yet, as Cullompton Community Centre and our new Library, 'the Hayridge', have shown, there is 'room' for new forms of architecture and building. However, we do expect new buildings to fit in; to make use of local materials; and contribute positively to the character of the built environment.

10.9 The NPPF (para. 125) says that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The NPPF (para. 130) places great emphasis on the significance of good design and goes as far as saying "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

10.10 The NPPF (para. 127) wants us to ensure developments "are sympathetic to local character and history, including the surrounding built environment". Local Plan Policy H1 calls for design that respects local character, heritage, surroundings and materials. Local Plan Policies DM1 and DM14 acknowledges the need for new development proposals to take into account physical context, local character, density and land use mix and, in the town centre, retain or enhance the town centre's historic character and appearance, vitality and viability. The Conservation Area Management Plan recognises that the town has a historic core which contains "a number of high grade listed buildings, several traditional pubs, cafes, a variety of small independent shops as well as a monthly farmers' market and a weekly indoor market. There have been several small-scale enhancement schemes in the central area. Despite this the town centre generally lacks vitality and is not an attractive environment." The purpose of the Management Plan is to set development and design standards and stimulate better design within the Conservation Area.

10.11 Policy TC02 is our opportunity to endorse the Conservation Area Management Plan and put in place a locally relevant policy that reflects how local people have regard for the variety of types and styles that co-exist in Cullompton. A sensitive, yet imaginative, design approach to new development is required, especially in the town centre, that will produce a contemporary, high-quality development of merit, whilst adding to and complementing the variety and diversity that makes up the unique character of the built environment of Cullompton.



10.12 Within the Conservation Area this means “new buildings including those of contemporary design should reflect the scale, massing, height, spacing, materials and colour palette of the conservation area. Extensions and alterations to existing buildings should follow the scale, proportions, detailing and materials characteristic of the property type. Works of maintenance, repair or replacement in the public realm should comply with an agreed palette of materials, colours and textures”⁴⁷.

10.13 Outside the Conservation Area it means, for major development schemes, ensuring that design policies reflect local aspirations, and are grounded in an understanding and evaluation of the area’s defining characteristics. The NPPF (para. 125) says “design policies should be developed with local communities”. The Town Council will be happy to facilitate community engagement with the local planning authority and design experts to develop appropriate design guidance that will achieve: a harmony of design to ensure development fits in with the overall form and layout of its surroundings; an enhancement of the local character; promotes high levels of sustainability; and helps raise the standard of design more generally in an area, whilst not preventing diversity nor stifling innovation.

Policy TC02 Character of the Built Environment

Development should contribute positively to the character of the built environment in its locality by:

- i. demonstrating an understanding of the diverse qualities that contribute to this character; and
- ii. reinforcing local distinctiveness and a strong sense of place.

Development proposals in or within the setting of the Conservation Area should demonstrate how they have taken the Cullompton Conservation Area Appraisal and Management Plan into account.



⁴⁷ Conservation Area Management Plan for Cullompton, Mid Devon District Council, 2009
<https://www.middevon.gov.uk/media/114972/cullompton-conservation-area-management-plan-combined.pdf>

Pedestrian Priority in the Town Centre

10.14 The congestion and nuisance from traffic traversing the town centre is substantial. It is made even worse whenever the M5 is blocked and/or closed. We want to reduce the congestion in Cullompton town centre. We should improve the town centre for pedestrians. The community has told us that no longer should the town centre be dominated by the motor vehicle, not least because of the effect it has on air quality. We want to improve air quality⁴⁸. We have to reduce the volume of traffic using the town centre.

10.15 The Town Council aspires to see Fore Street become one-way from the Manor Hotel to the Library (the Hayridge), with short-term parking on one side of the road. Any measures that can help bring this about, which get the support of the community, will be welcomed. 80% of respondents to the consultation survey in the winter of 2016 supported the proposal to further pedestrian priority in the town centre.

10.16 The NPPF (para. 106) says in town centres we should “promote accessibility for pedestrians and cyclists”. Local Plan Policy S7 supports positive measures in the town centre including traffic management. Local Plan Policy S11 guides high quality development and other investment to support the implementation of the Cullompton Air Quality Action Plan including the construction of new highway links to relieve the town centre and enhanced walking and cycling opportunities around the town. Policy TC03 is aimed at facilitating a pedestrian-friendly town centre and supports measures that deter through traffic.

Policy TC03 Pedestrian Priority in the Town Centre

Design and highways proposals intended to reduce through-traffic on Fore Street and High Street and make the town centre more pedestrian-friendly will be supported.

Service Arrangements in the Town Centre

10.17 94% of respondents to the Community Survey 2014 told us we need a town centre with a strong retail function. In the interests of ensuring the town centre can continue to function as a retail centre, the Town Council would like to improve and simplify planning for retail businesses within the core of the town. It has long been recognised that servicing arrangements for town centre businesses needs improvement. The lack of specific servicing arrangements to most town centre businesses is a significant contributor to the traffic congestion we suffer from.

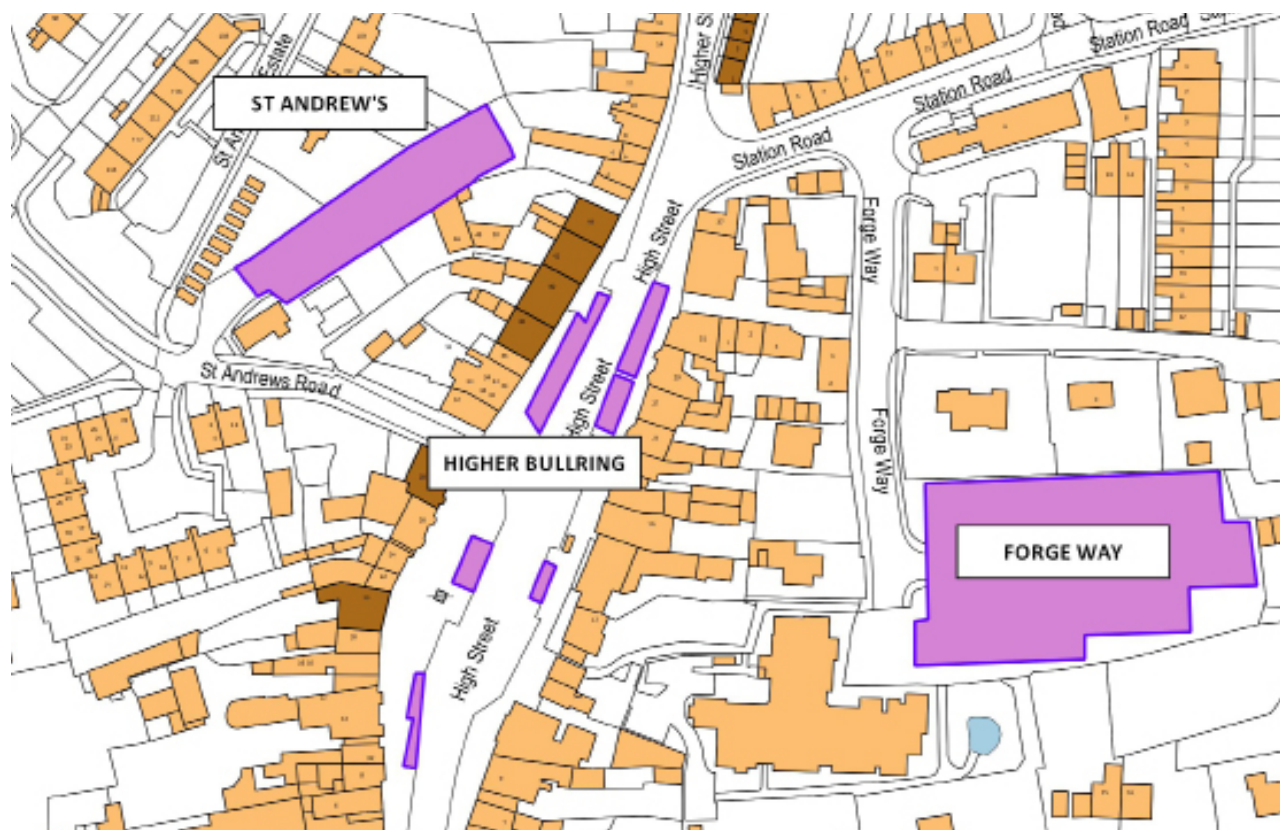
10.18 The NPPF (para. 85) requires us to “support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”. We want to see servicing made easier and not detrimental to the businesses in the town centre. The issue was highlighted with the closure of the Tiverton Road junction in 2015 due to repair work being carried out at the Manor House Hotel. During this period, restricted hours for loading and unloading was introduced along the length of Fore Street until the Tiverton Road junction was reopened. These temporary restrictions showed how much better Fore Street functions when servicing is controlled.

10.19 The current use of land in front of the Hayridge as a public car park has also demonstrated the value of additional car parking space in and around the town centre. 95% of respondents to the consultation survey in the winter of 2016 supported the proposal to safeguard existing town centre car parks. The NPPF (para. 106) states “In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure”.



⁴⁸ Cullompton has been subject of an Air Quality Management Area Order since December 2006
<https://new.middevon.gov.uk/media/103608/cullompton-air-quality-action-plan-2009.pdf>

Map 7: Parking Areas referred to in Policy TC04



10.20 Policy TC04 is supportive of development proposals that would result in the provision of better servicing and customer parking arrangements in the interests of relieving congestion and obstruction on roads in and around the town centre. To that end, we have also cited the three areas of public parking that are owned by public authorities. These areas we recognise as important community assets that are used by town centre users and help keep parked cars off the road.

Policy TC04 Service Arrangements in the Town Centre

Development proposals to improve servicing arrangements and/or increase customer parking to business premises in the town centre and thereby reduce congestion on nearby roads will be supported.

The St Andrews, Forge Way and Higher Bull Ring car parking areas (as defined on map 6) are important assets to the local community and are essential to the functionality of the town centre. Their use for car parking will be safeguarded and their capacity maintained unless it can be demonstrated that they are no longer needed or suitable alternative provision is made.

Art in the Public Realm

10.21 Cullompton needs a more positive image that engenders local pride and helps attract inward investment. To these ends, further town centre environmental improvements would be welcomed. The NPPF (para. 127) says “planning policies and decisions should ensure developments establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”. In support of the positive impact that innovation in design can have it also states (para. 131) “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”.



10.22 Along with restoring and improving buildings and making the town centre more pedestrian-friendly, we want to make visiting the town centre a more appealing and stimulating experience. We want to improve the quality of the public realm and welcome public art that has relevance and reinforces the character and individuality of public areas. Public art is art in any media that has been planned and executed with the intention of being staged in the public domain, usually outside and accessible to all. We have seen what can be achieved by recent installations such as the cemetery gates, designed by local students; the sheep noticeboards; and the mural at Station Road.

10.23 Local Plan Policy DM1 applies to new development and recognises the value of visually attractive places and the components that contribute toward this.

10.24 We want to encourage and accommodate innovative public art and design whether temporary or permanent, wherever appropriate throughout the town. In this way, we hope to stimulate a greater interest in community arts and culture, increase ‘community pride’ in the town and enhance the overall impression left on visitors. 80% of respondents to the Community Survey 2014 felt we needed to develop the town’s tourism appeal.

10.25 Policy TC05 makes the quality of the public realm the subject of the policy and recognises how we can reinforce the character and vitality of the public realm and spaces through the introduction of innovative design and high-quality public art features.

Policy TC05 Art in the Public Realm

Proposals to introduce innovative public art which enliven and add positively to the character of the public realm and which facilitate or encourage greater community use of public spaces will be supported .

Cultural and Leisure Facilities in the Town Centre

10.26 We want to strengthen and broaden the role of the town centre. The Town Council would like to attract new businesses and new shops and promote tourism/leisure. We want to encourage town centre-based arts and cultural activity. We want to make better use of buildings and spaces in the town centre for community purposes. We want to bring redundant buildings back in to use. 91% of respondents to the consultation survey in the winter of 2016 supported the proposal to improve and increase the cultural and leisure facilities in Cullompton town centre. A cinema and swimming pool were high on the 'wish-list' of new facilities that were wanted by the pupils of Cullompton Community College when they were surveyed in 2014.

10.27 The NPPF (para. 92) says we should "plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities". Local Plan Policy DM14 promotes the sustainable growth and regeneration of Cullompton through the support of development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development where they retain or enhance the town centre's historic character and appearance, vitality and viability. Local Plan Policy DM23 supports proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

10.28 Policy TC06 encourages the conversion of redundant buildings and spaces in the town centre specifically for leisure and cultural purposes.

Policy TC06 Cultural and Leisure Facilities in the Town Centre

Proposals that increase the provision of cultural and leisure facilities in the town centre through the conversion and/or better use of redundant buildings and spaces are supported.



Former Cullompton Cinema

10.29 The town lacks breadth in social/leisure facilities and opportunities. The town centre has an important role to play in community life and we also want to develop the town's tourism appeal and offer.

10.30 Local Plan Policy S7 is supportive of positive measures of enhancement and regeneration. Local Plan Policy DM14 promotes the sustainable growth and regeneration of Cullompton and states that within the town centre, development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development will be supported where they retain or enhance the town centre's historic character and appearance, vitality and viability. Local Plan Policy DM22 supports proposals for new or expanded tourism, visitor or leisure facilities will be supported within the town centre.

10.31 It has been suggested at several local consultation events that the former Cullompton cinema building could still play a role in community life. The building situated at No.4 High Street, Cullompton is still remembered fondly for the role it used to play in community life. 86% of respondents to the consultation survey in the winter of 2016 supported the proposal to bring the former cinema back into community use. We would welcome proposals coming forward that could bring its use for community activity about once again; particularly if it helps encourage local arts and cultural activity and improves local leisure facilities and opportunities. Such a development would increase use and the appeal of the town centre.

10.32 Policy TC07 applies specifically to a former community asset that many believe still can play a part in community life if the opportunity arises.

Policy TC07 Former Cullompton Cinema

Proposals that enable the re-use of the former Cullompton Cinema building for community leisure and or cultural purposes would be supported.

Extending the Attraction of the Town Centre

10.33 The town centre is very important to us. We want to support the town centre economy and we want to strengthen the role of the town centre in community life and make it more appealing to visitors. We want to enable a wider range of community and social activity so as to extend the hours, particularly into the evening, when the town centre is a focus for community activity and events. The evening economy of the town centre should be broader and more family-oriented. In doing this, there is also significant tourism potential that could be exploited. 98% of respondents to the consultation survey in the winter of 2016 supported proposals to provide more and better evening leisure and social facilities.

10.34 The NPPF (para. 85) says "planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation... and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries". Local Plan Policy S7 seeks to promote positive measures of enhancement and regeneration to the town centre with new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability. Local Plan Policy S11 guides high quality development and other investment in Cullompton to promote new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability. Local Plan Policy DM14 promotes the sustainable growth and regeneration of Cullompton through the support of development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development where they retain or enhance the town centre's historic character and appearance, vitality and viability.

10.35 Policy TC08 is made in the interests of encouraging more family leisure uses and developing the evening economy of the town centre in the interests of the whole community.

10.36 Cullompton Town Council is very concerned about the future of the high street and town centre areas. The Council feels that the town centre reflects the heart of the town and that new development should recognise this. As well as new amenities and facilities within all the new housing developments the role of the town centre should be strengthened and developers should indicate how they contribute to the town centre.

Policy TC08 Extending the Attraction of the Town Centre

Proposals that help promote the development of a visitor and evening economy in the town centre are supported.

Improving the Town Centre Offer

10.37 We want to support the town centre economy and we want to strengthen the retail role of the town centre and make it more appealing to visitors. 80% of respondents to the Community Survey 2014 told us we need to develop the town's tourism appeal. Retailing is part of that appeal and the role and attraction of the town centre would be increased by a broader range of retail outlets. Making use of the 'side courts' and introducing new forms of retailing would also provide opportunities for new retailers and other micro-businesses to get started, or just have a go. 85% of respondents to the consultation survey in the winter of 2016 supported the idea of making use of these by-ways to enliven the town centre and increase its commercial appeal.

10.38 The NPPF (para. 85) encourages us, in town centres, to "retain and enhance existing markets and, where appropriate, re-introduce or create new ones". This is echoed in Local Plan Policy S7 which advocates "positive measures of enhancement and regeneration". Local Plan policy DM14 promotes the sustainable growth and regeneration of Cullompton through the support of development proposals for retail, leisure, commercial, office,

tourism, cultural, community and residential development where they retain or enhance the town centre's historic character and appearance, vitality and viability.

10.39 Policy TC09 seeks to take advantage of some of the 'character spaces' that exist in the town centre, e.g. the side courts, of which there are many. We seek to encourage additional and alternative types of services and facilities in appropriate locations that will contribute to its variety and enliven the town centre to help more users and visitors.

10.40 The development of various forms of small start-up business within the town area (see map 2 page 20) is to be encouraged, as long as they do not cause nuisance and conform to other policies within the Neighbourhood Plan, they are to be supported.

Policy TC09 Improving the Town Centre Offer

Proposals to provide small-scale retail units or stalls, tourist facilities, street cafes and visitor attractions in the side courts and other suitable spaces in Cullompton town centre will be supported provided they:

- i. are of an appropriate design and scale;
- ii. are temporary in nature;
- iii. do not restrict pedestrian or cycle passage;
- iv. provide free passage for those with mobility impairment; and
- v. do not cause nuisance to neighbouring uses and nearby residential areas.

Local Economy and Jobs

Make Cullompton more business friendly

Introduction

11.1 Our Neighbourhood Plan policies are intended to ease local barriers and broaden the supply of local business space so that Cullompton can continue to grow as an important business centre in Mid Devon and meet more of its local employment needs.



Aims and Objectives

11.2 The following aims and objectives relating to jobs and our local economy have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

Local Economy and Jobs	
Planning Aims	Planning Objectives
Encourage businesses to move to Cullompton	<ul style="list-style-type: none"> • Improve access to and from industrial estates
Foster a positive attitude towards promoting local economic development and attracting inward investment	<ul style="list-style-type: none"> • Increase the supply of flexible, easy in and out business spaces • Accommodate new forms of retailing such as click and collect

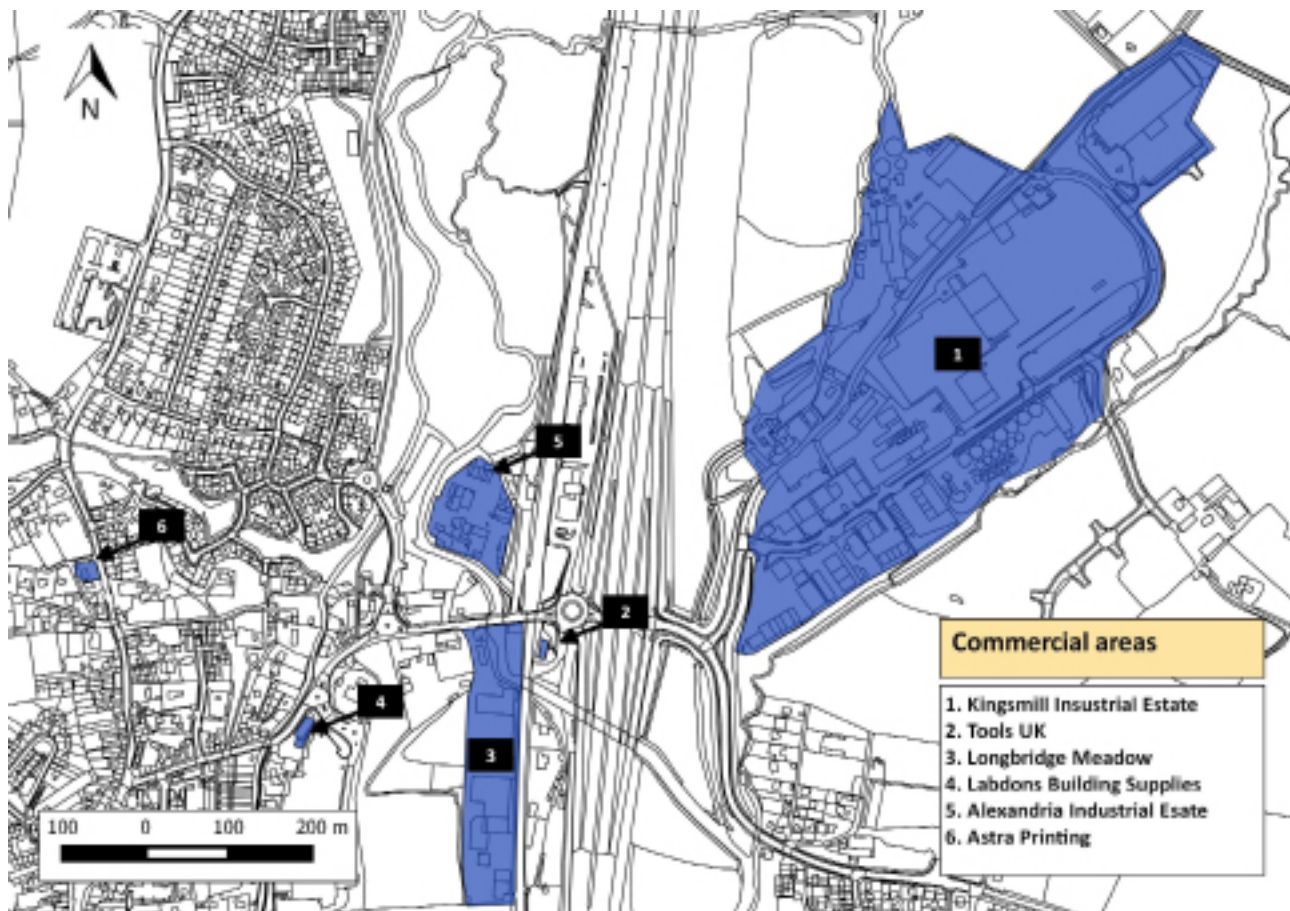
Improving Access to Commercial Areas

11.3 Access and egress to several of the commercial areas is a matter of concern, not least because of safety considerations. It is raised regularly with town councillors. Access and egress from the Kingsmill Estate is particularly hazardous because of the volume of traffic and the lack of separation between pedestrians, motor vehicles and cycles; but arrangements at the other busy commercial areas shown on map 8 (page 60) could also be improved. Improving access arrangements in the interests of safety is very important. Such measures would also help reduce one of the barriers to business development and likely to make these trading areas more attractive to new businesses as well as customers.

11.4 Local Plan Policy CU8 recognises the need to create safe and attractive pedestrian and cycle links between the new East Cullompton development, when it takes place, and the Kingsmill Industrial Estate (the area's main area of commercial activity).



Map 8: Commercial/Industrial Areas referred to in Policy EJ01



11.5 In the meantime, Policy EJ01 supports all development proposals that serve to improve safety and access to commercial areas for both pedestrian and road users.

Policy EJ01 Improving Access to Commercial Areas

Measures that improve access to and from the commercial areas (as identified on map 8) and increase safety of pedestrians and road users are necessary and will be supported.

Development of Small Business Units

11.6 There is a need for more and better quality local employment opportunities. 87% of respondents to the Community Survey 2014 told us that we should encourage more business and commercial development. Cullompton Community College tells us that the town “needs to attract business and a strong local economy in order to retain the excellent skill base of young people on its doorstep”⁴⁹ We want to encourage new business and enterprise of all kinds. The NPPF (para. 80) says “planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt” and “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances” (para. 81).

11.7 The strategic policies of the Local Plan focus on providing larger employment sites in association with the new housing on the major development areas of North West Cullompton (21,000 square metres commercial floorspace), East Cullompton (20,000 square metres commercial floorspace within the plan period and a further 12,000 post-2033), Week Farm (15,000 square metres of employment floorspace) and Venn Farm (9,000 square metres of employment floorspace). Local Plan Policy DM19 provides for the protection of existing employment land and premises.

11.8 The Mid Devon Employment Land Review of 2013 considered that “there is a case to argue that the portfolio of employment sites could be ‘rebalanced’ to include a number of smaller employment land allocations which are not dependent on provision of significant additional infrastructure, and could be easier to deliver in the short-to-medium term”⁵⁰. We want to help new small enterprises to get established and to engage with local markets. Providing for more small business units in the town may also reduce the need to commute out of Cullompton.

11.9 Policy EJ02 aims to be pro-active in the development of local enterprise and jobs at the micro-scale. It provides support to the development of various forms of small start-up business units within the town area (as defined on map 2, page 20) as long as they do not cause nuisance and conform to other policies in the Neighbourhood Plan.

Policy EJ02 Development of Small Business Units

Proposals that provide for the development of small-scale business units, including live-work units, in the town area (as defined on map 2) will be supported, provided that the proposals:

- i. contribute positively to the character and vitality of the local area;
- ii. are well integrated into, and complement, existing clusters of activity;
- iii. do not have an adverse impact on residential amenity; and
- iv. do not adversely impact upon road safety.



⁴⁹ Reg.14 Consultation response, Cullompton Community College, 12th Nov 201

⁵⁰ <https://www.middevon.gov.uk/media/85326/employment-land-review-nw-cullompton.pdf>

Community Wellbeing and Leisure

Provide first class local community facilities and develop community-based services that meet the growing demands of the community

Introduction

12.1 Our Neighbourhood Plan policies are intended to protect the social, community, leisure and recreation spaces and facilities we have and ensure that such facilities increase to meet the future demands of our growing community and help us become more involved, active and healthier.



Aims and Objectives

12.2 The aims and objectives relating to community wellbeing and leisure provision have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

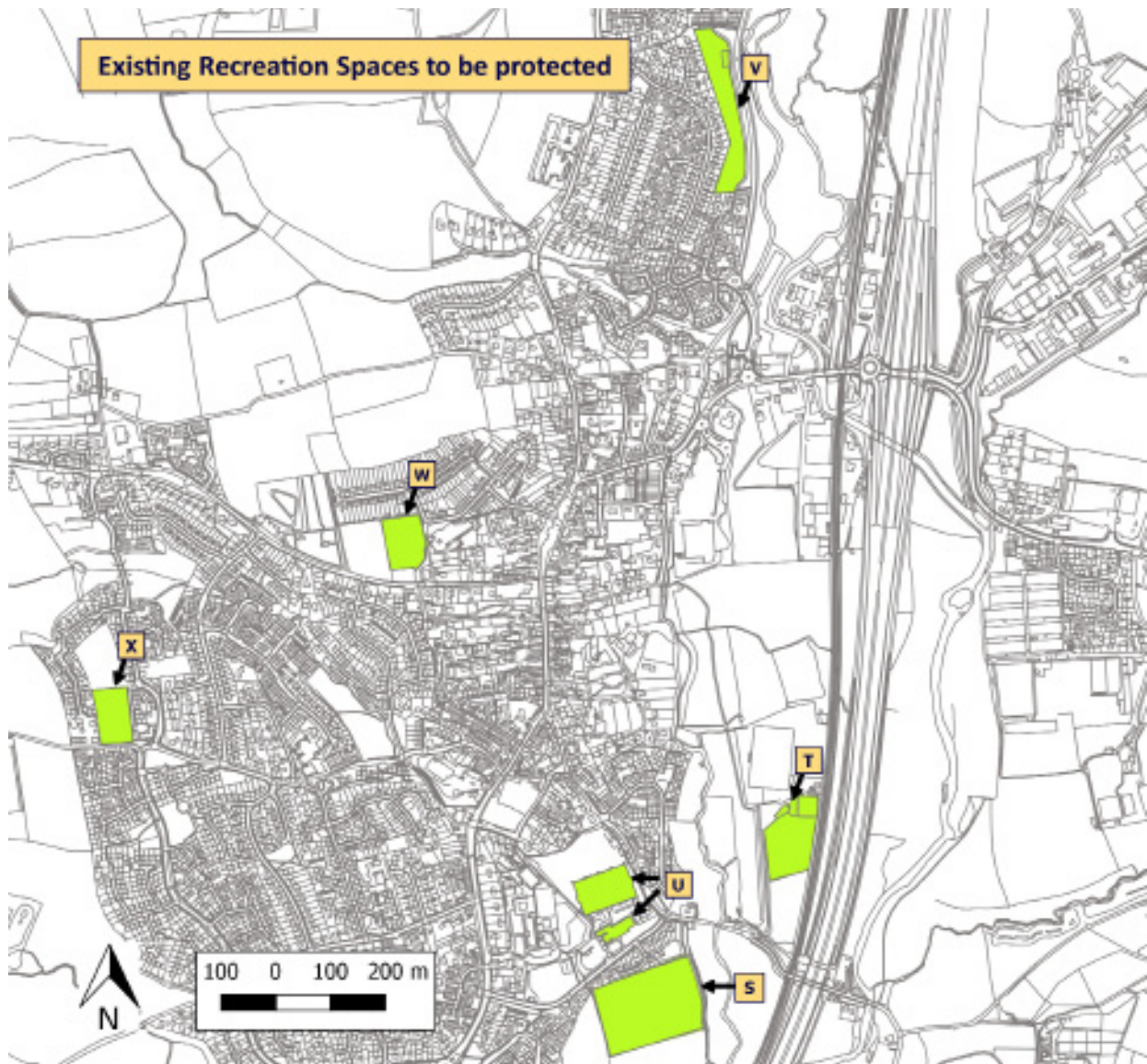
Community Wellbeing and Leisure	
Planning Aims	• Planning Objectives
Improve access to and the quality of public open spaces	• Plan footpaths, cycle routes and parking for open spaces
Ensure adequate indoor and outdoor facilities are available in local neighbourhoods	<ul style="list-style-type: none"> • Develop new larger scale open spaces to provide for a wide range of activities • Provide tennis courts and several multi-use games areas • Support the development of a swimming pool and other new indoor facilities
Develop sustainable community facilities	• Provide more allotments
Continue to improve community resilience	• Cullompton to become a dementia friendly town and community
Encourage the involvement of young people as part of the community	• Expand provision of youth facilities

Existing Recreation Spaces

12.3 The NPPF (para. 96) says “access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.” and says (para. 97) “existing open space, sports and recreational buildings and land, including playing fields, should not be built on”

12.4 It is certain that they are no longer needed.

Map 9: Existing Recreation Spaces in Cullompton to be Protected referred to in Policy WL01



12.4 The parish area has a limited number of sports and recreation areas. The ones we have are well used and serve an important role in community life. We want to encourage people to enjoy healthy leisure pursuits. We want to protect the recreation areas we have and ensure they are easily accessible and fit for modern purposes.

12.5 Local Plan Policy DM24 seeks to protect existing open space, sports and recreational buildings and land, including playing fields, unless they are deemed surplus to requirements or can be replaced by better.

12.6 The areas listed in Policy WL01 are those that are available for public use or serve the recreation needs of local schools. The Town Council has agreed that these should be afforded the protection of Local Plan Policy DM24.

Policy WL01 Existing Recreation Spaces

The following sports and recreational land and buildings (identified on map 9) are very important to the local community and should be protected in accordance with the relevant policies in the Development Plan.

- S Cullompton Community College sports pitches, Meadow Lane
- T Cullompton Cricket Club
- U Culm Valley Sports Centre
- V Linear Park, Millennium Way
- W Upcott Field
- X Willowbank School Field, Knowle Lane

CCA Fields

12.7 Both the adopted Local Plan and the emerging Local Plan identifies the CCA Fields as the potential route for a town centre relief road. It is shown on the policy maps and referred to in policies AL/CU/14 and Policy CU19 respectively. It is not a 'solution' that is easy to accept by the community, as consultation after consultation has shown, but we do acknowledge that a road to relieve congestion and air pollution in and around the town centre is very necessary, and even more so in the context of an expanding town and population; and it may help facilitate improvements to the motorway connection as per Policy HT01 (Motorway Connection).

12.8 The CCA Fields is a 13 hectares site that once belonged to two different farms. In many ways, it still has the appearance of open countryside yet it is close to the town centre of Cullompton. It has become a much loved, readily accessible leisure and recreation resource for the community. It is the home of several sports clubs, it includes formal play areas and it plays host to a range of town events such as the annual circus, dog shows and the Cullompton Town Fayre.

12.9 The CCA Fields is owned by the people of the town. It is managed on their behalf by Cullompton Community Association, which is a Registered Charity (no. 270312) formed in the 1970s following a public meeting, by a group of Cullompton residents to improve the life of the residents of Cullompton. The extent of the CCA Fields and the ownership of its various parts is shown on Map 9.

12.10 The CCA Fields were purchased for the community in the 1970s, using monies from dormant club and charity bank accounts with the permission of the Charity Commissioners. Much of the work to make it usable as public open space and recreation area was done by volunteers, with some help from the contractors that were constructing the nearby M5.

12.11 The Cricket Club (established 1891) owns the freehold of its own site excluding the car park. The 1.01ha. site comprises a cricket pitch, a club house with changing facilities, a bar and function rooms, modern cricket practice nets, an artificial wicket and storage facilities for mowers and other equipment. The Cricket Club has

indicated a desire to relocate. The Club has out-grown its current location and, recognising that a growth in population should lead to an increase in participants, it wishes to find space sufficient for two cricket pitches plus a club house and all the ancillary facilities a club of its stature needs. The England and Wales Cricket Board has advised that a site with a footprint of 4.85ha. is required to accommodate this size facility. The Bowling Club also owns the freehold of its site (see map 9).

12.12 The Local Plan Review Policy CU19 deals with displacement and replacement of open space and sporting facilities and the protection of archaeology, habitats and environmental features as a result of the construction of a relief road for Cullompton. The Local Plan also states that "the aim will be to cause minimum impact on the CCA Fields and acceptability in terms of flood risk and flood flows." Flood prevention proposals should be attentive to the current issues of flooding and drainage in the vicinity and along the Culm Valley. No doubt the planning of the final route will be guided by these important considerations.

12.13 Policy WL02 introduces additional safeguards and considerations. These have been informed by the representations of the Cullompton Community Association, which is taking seriously its role as a charity set up to advance education and to provide facilities in the interests of social welfare, recreation and leisure. The Association has debated the issue on several occasions over the past few years. At its meeting in March 2017 it considered the purpose and efficacy of a draft version of policy WL02 and made several suggestions, which the Neighbourhood Plan Steering Group has sought to accommodate within the policy.

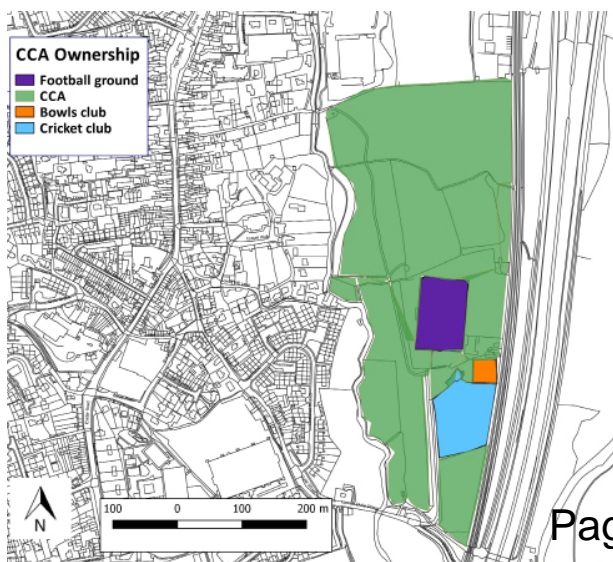


12.14 Our purpose is to minimise the permanent loss of most of the CCA Fields and retain most of their uses, if they are to be dissected by a relief road. Policy WL02 reflects this ambition and sets criteria to ensure:

- much of the CCA Fields would remain in use during a prolonged period of construction
- the community is compensated for the disturbance and any loss of precious recreation space
- there is no net loss in community recreation opportunities because of the construction of a relief road through the CCA Fields
- the CCA Fields can continue to provide for a variety of different recreational activities
- safety is a prime consideration and the CCA Fields remain a safe and secure environment for users
- any potential conflict between users of the CCA Fields and adjoining roads is avoided

12.15 Cullompton Town Council wishes it noted that in the autumn of 2018 and spring 2019 Mid Devon District Council and Devon County Council voted to approve a relief road through the CCA Fields and to progress detailed design work. MDDC and DCC voted for the relief road to run parallel with the railway line, including any additional design work. This would form part of a phased infrastructure plan to include an upgrade to Junction 28 of the M5.

Map 10: CCA Fields Ownership Pattern



Policy WL02 CCA Fields

The existing leisure and recreation space at the CCA Fields is an important resource for the local community. Any proposals to develop part of the CCA Fields to provide a relief road for Cullompton should:

- seek to maximise the single uninterrupted area of recreational land to be retained as the CCA Fields in their current location, ensuring that the remaining area of CCA Fields is capable of being used for a variety of recreational purposes in a safe manner.
- replace any recreation space lost with equivalent or better provision elsewhere in Cullompton, to be vested in the community.
- maintain as far as possible the continued use of sports facilities and recreation spaces during construction.
- ensure the relief road is suitably landscaped and screened to minimise disturbance to users of the CCA Fields.
- have regard to the most sensitive ecological areas and habitats, including proposals to mitigate any loss of or harm to the natural environment.
- maintain as far as possible current access routes to the fields to facilitate safe pedestrian access to the CCA Fields and prevent any unauthorized vehicular access to the CCA Fields from the relief road.
- ensure the provision of adequate car parking
- ensure that the development of the relief road does not increase flood risk.

Usable Public Open Space

12.16 The NPPF (para. 69) encourages us to create “opportunities for meetings between members of the community and ... safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space”. It also states (para. 73) that “planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision”.

12.17 We want to encourage people to enjoy the outdoor environment. 81% of respondents to the Community Survey 2014 told us we need better parks and open spaces in Cullompton. We want open space that is provided in new developments to be usable for a variety of recreational and leisure purposes and have the access and facilities that are required to enable their enjoyment by the local community. We want to encourage community activity on the open spaces. We want open space to be easily accessible by foot or bicycle. We want good quality play areas for younger children to be located close to family homes.

12.18 The Town Council has recently carried out an audit of local public open spaces⁵¹ to better understand their use and value. It was agreed that a few small park areas were underused and in a poor state of repair. The conclusion from the audit was that some of the smaller parks and play spaces in the town should be closed and replaced by bigger and better facilities nearby.

12.19 The Town Council will continue to monitor use of open space and the town’s recreation requirements and liaise with Mid Devon District Council in the interests of providing spaces that are needed, usable and fit for purpose.

12.20 We accept that the standards used in the Mid Devon Open Space Strategy of 300m distance for amenity space, allotments and children’s play areas and 600m for other forms of public open space are appropriate in establishing limits to what is reasonable in accessibility terms. These are the standards adopted in Local Plan Policy S5 of the new Mid Devon Local Plan, which sets standards of provision for open space. We would like to see these standards improved upon in new housing developments whenever possible.

12.21 Local Plan Policies CU3 and CU9 specifies the hectares of open space required in the North West Cullompton development for East Cullompton. Local Plan Policy CU13 does the same for Knowle Lane.

12.22 Policy WL03 requires new open space proposals to be based on an up-to-date assessment of the need for different activities and appropriate size requirements and ensure it is part of a joined-up strategy of provision for the whole town. It also emphasises the importance of location, to maximize visibility, and accessibility as well as size. It requires developers to consult with the Town Council in the interests of ensuring the open space provision is part of an overall approach, which ensures that all open space on housing schemes is more than adequate in scale and size, contributes to meeting local needs for leisure and recreation and, importantly, has satisfactory arrangements in place to secure the long-term maintenance of the public open space.

Policy WL03 Usable Public Open Space

Public open space on major new developments should be of adequate size and be located and designed so that it is usable by residents and other members of the public for a range of leisure and recreation activities.

Developers should seek to ensure that children’s play space benefits from natural surveillance and is located close to family-type housing areas. All new public open space should be accessible via the footpath network.

Developers are encouraged to involve Cullompton Town Council, at an early stage in the preparation of proposals for public open space provision.

Outdoor Sports Facilities

12.23 We are a sporting community. The importance of good quality sports facilities to the people of Cullompton is understood by the Town Council and reflected in the goals of the Provision of Leisure Facilities Report⁵¹, accepted by the Town Council in 2013. Cullompton Town Council would like a substantial expansion of sports/leisure facilities in Cullompton. The NPPF (para 73) recognises that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”.

12.24 Some sports areas may need up-dating or replacing. We need to ensure facilities are accessible to disabled persons. We need to ensure that there are a wide variety of indoor and outdoor facilities and a variety of different playing surfaces to facilitate the greatest variety of different sports. We want to increase the number and range of sports facilities that serve the whole community and meet the growing demand we anticipate, not least because of the intended new developments. Currently Cullompton Community College has an arrangement for shared use of sports facilities at the MDDC Leisure Centre. The College tells us that “as pupil numbers grow between 2018 – 2021, the need for greater use of the leisure centre during the daytime and after school clubs for larger numbers will increase. The Leisure Centre may not prove to be adequate for the rising 1,200 [pupil] capacity that the School requires”.⁵³

12.25 Whilst carrying out consultations for the Neighbourhood Plan we have been reminded that the current site and facilities enjoyed by Cullompton Rugby Club are a significant constraint on its growth and development. “As a Club we are in desperate need of more pitches for all our players to be able to use”⁵⁴ was the position in 2015 and remains the same in 2017. The Cricket Club too has made it clear that the capacity of its current site is constrained “our ground is now too small to support the levels of cricket demand that we are seeing even at this stage of Cullompton’s growth curve, with us literally not having any

further pitch capacity to support further growth in player numbers”.⁵⁵ Sport England (having consulted several sports governing bodies) has advocated that Mid Devon District Council should prepare a comprehensive “playing pitch strategy (PPS) as well as assessing the needs and opportunities for sporting provision. Sport England provides comprehensive guidance on how to undertake both pieces of work”.⁵⁶ Cullompton Town Council is wholly supportive of such a strategic approach, which takes account of the growth in population that is envisaged over the next 15 years and well beyond. It will be a willing participant.

12.26 We expect sufficient land to be allocated and safeguarded in appropriate locations by the policies in the Local Plan so as ensure there is sufficient space for the growth of outdoor sports provision in the area throughout the Plan period. A view on which land should be allocated for sports and recreation was set out in the Town Council’s response to the Local Plan Review.⁵⁷

12.27 Local Plan Policy CU3 sets down the required area of sports and recreation space to be provided in the North West Cullompton development and Local Plan Policy CU9 states the requirements for East Cullompton. Local Plan Policy CU20 lists community facilities, including sports and leisure facilities, amongst the required infrastructure for Cullompton.



⁵² Provision of Leisure Facilities, G. Guest for Cullompton Town Council, May 2013

⁵³ Reg.14 Consultation response, Cullompton Community College, 12th Nov 2017

⁵⁴ Letter to MDDC from Cullompton Rugby Club Project Manager, 16th Sep 2015

⁵⁵ Letter to NPSG from Chair, Cullompton Cricket Club, 6th Aug 2017

⁵⁶ Email to MDDC regarding NW Cullompton applications, Sport England, 14th Sep 2017

⁵⁷ Local Plan Review Letter from Cullompton Town Council to Mid Devon District Council, 30th March 2015

Indoor Sports Facilities

12.28 Policy WL04 provides support for flexible, accessible, sports facilities that are designed to serve the whole area and not just for new development areas. In some cases, this may mean considering a site outside of the settlement area. In these instances, the proposals should be assessed as being able to blend in and not cause harm to the countryside or ecology in the vicinity; nor having an unacceptably adverse effect by way of noise and light pollution, for instance, on neighbouring uses.

Policy WL04 Outdoor Sports Facilities

Proposals to provide more tennis courts, MUGAs and other outdoor sports facilities and pitches are supported provided they will:

- i. have no significant adverse impact on the character and ecology of the area;
- ii. not have an adverse effect on other land uses in the vicinity;
- iii. be capable of being integrated into the surrounding landscape, through landform and appropriate planting; and
- iv. have satisfactory arrangements put in place for their long-term maintenance.



12.29 The indoor sport and recreation provision we have in Cullompton in 2017 requires significant improvement just to bring the town up to a similar standard as Tiverton and Crediton. 84% of respondents to the Community Survey 2014 told us we need more leisure facilities. Cullompton Town Council's desire to see a substantial expansion of leisure facilities in Cullompton includes an indoor swimming facility.

12.30 If we adhere to the advice in the NPPF (para. 70) of planning "positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities...". The shortage of good quality public indoor sport and recreation space should be remedied when the major new developments take place.

12.31 Local Plan Policy DM23 supports the development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement.

12.32 Policy WL05 supports the provision of additional indoor sports and recreation facilities that serve the whole area in accordance with the latest standards of provision.

Policy WL05 Indoor Sports Facilities

Proposals to provide improved and additional indoor sports and recreation facilities in or adjacent to settlement areas will be supported.

Cullompton Swimming Pool Complex

12.33 A swimming pool campaign for Cullompton can be traced back as far as 1922. In 2005, a feasibility study by Mid Devon District Council acknowledged residents' support for and frustration over the lack of a local swimming pool. It accepted that there was an unmet demand locally, which unfortunately the District Council was unable to satisfy. There is an active community campaign and planning group in Cullompton, which has been raising project development funds since 2011. This has enabled progress to be made on proposals for a 'state of the art' swimming pool complex that includes:

- indoor swimming pool
- learner pool
- hydrotherapy pool
- dance studio/hall
- health and fitness suite
- ten pin bowling area (3 – 4 lanes)

12.34 The demand for a local swimming pool was confirmed by a very positive response to the Cullompton Swimming Pool Campaign Questionnaire 2014 and to subsequent neighbourhood planning consultations. Cullompton Town Council acknowledges that the benefits of a modern swimming pool complex to a growing town like Cullompton would be substantial. Policy WL06 reflects the town's continuing support for the development of a Swimming Pool Complex in the neighbourhood area with ancillary facilities, which could include appropriate (A1 and A3) commercial uses, that will ensure the Complex is a viable and sustainable community enterprise.



12.35 A community-based project to provide the Swimming Pool Complex should attract substantial grant funding towards its construction. It is likely however that additional and match-funding will be required to ensure that the multi-million-pound project is developed. To this end, the Swimming Pool 'Campaign' Group has been engaged in negotiations with local land-owners and developers.

12.36 To ensure that development proposals are in the best interest of the community, Cullompton Town Council is mindful to work with the partners in the Swimming Pool Complex during 2019/20 to prepare a Neighbourhood Development Order⁵⁸. This will engage the community in the preparation of plans for the swimming pool and associated development; and would vest the decision with the community, as to whether the package of development proposals should be granted outline planning permission.

Policy WL06 Cullompton Swimming Pool Complex

The development of a swimming pool complex with appropriate ancillary facilities will be supported provided:

- i. it does not have an unacceptable environmental impact;
- ii. the scale of the facility is related to the needs of the area; and
- iii. there is safe and convenient access for potential users.

⁵⁸<https://neighbourhoodplanning.org/toolkits-and-guidance/neighbourhood-development-orders-community-right-build-orders/>

Community Allotments, Orchards and Composting

12.37 The Town Council supports the further provision of allotments, community orchards and composting in development areas as part of planning to “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs” (NPPF para. 91).

12.38 Cullompton Town Council maintains a register of those interested in having an allotment. There is a waiting list for allotments. Such facilities should encourage healthier lifestyle and healthy leisure pursuits. Opportunities to provide more allotments, community orchards and community composting sites and encourage more local food growing should be realised as a direct result of the major new developments that will take place. If the trend of providing smaller gardens on new developments continues, this exacerbates the need for an increased supply of allotment or community gardening space. 88% of respondents to the consultation survey in the winter of 2016 supported the provision of more allotments.

12.39 All the larger housing proposals within the Cullompton area should allow for the provision of allotments, a composting site and a community orchard, as long as the demand is there.



12.40 Local Plan Strategic Policy S5 sets standards of provision for allotments in the Cullompton areas as 0.25 hectares per 1,000 persons, which should be within 300 metres or six to seven minutes’ walk time (presumably of those that use the allotments). Local Plan Policy CU3 sets down a required area of allotment space to be provided in the North West Cullompton development. Local Plan Policy CU9 states the requirement for East Cullompton.

12.41 Policy WL07 relates not just to the provision of allotments but to other forms of community horticulture and supports the Town Council’s policy of not only meeting local need but also encouraging more community-based horticulture and recycling activity. This starts with the availability of sites and, we believe that previously redundant land could be a focus for such activity.

Policy WL07 Community Allotments, Orchards and Composting

Proposals for the provision of allotments, community orchards and composting in the larger residential development areas (over 50 dwellings), in suitable locations and sufficient to meet local demand will be supported.

The use of redundant land for community allotment, orchard and composting initiatives in suitable locations will be supported.

12.42 “A dementia-friendly community is one in which people with dementia are empowered to have high aspirations and feel confident, knowing they can contribute and participate in activities that are meaningful to them. To achieve this, communities working to become dementia friendly should focus on ...Ensuring that the physical environment is accessible and easy to navigate for people with dementia.⁵⁷”

12.43 It is a core planning principle embodied in the NPPF that planning should “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”.

12.44 Environments that are easy for people to access, understand, use and enjoy are beneficial to everyone (all ages and to the able bodied and disabled). Good accessibility is becoming increasingly important as we experience an ageing population. While that population is generally staying more active for longer, a greater number of people living into old age means that we need an accessible town and an urban environment that is responsive to their needs.

12.45 Dementia is on the increase nationally (and locally). Dementia-friendly neighbourhoods are places that are familiar, legible, distinctive, accessible, comfortable and safe. By supporting change and development that helps make Cullompton a more dementia-friendly town shows that we care for all age groups and the more vulnerable amongst us. We want them to continue to enjoy being a part of the community. 98% of respondents to the consultation survey in the winter of 2016 supported the proposed initiative.

12.46 Cullompton Town Council will adopt a Dementia Strategy that will include a form of checklist that can be used to assess whether a development proposal is achieving the kind of dementia-friendly outdoor environment that is required. When in place, this checklist will be based on the principles of familiarity, legibility and distinctiveness that are considered important in helping persons with dementia to continue to cope alone.

12.47 There is no Local Plan policy on this matter.

12.48 In addition to dementia, Cullompton town council would like new development to consider the full spectrum of all physical and mental health disabilities. Developers should also consider physical disabilities requiring uses of walking aids or wheelchairs or mobility scooters, and old age in general to access properties. In addition, the local medical practices can provide evidence that Cullompton’s new housing development is attracting a high proportion of retired, older people into the area (note ref Dr Dixon’s letter). This means that Cullompton has a high need for support services and access facilities.

12.49 Policy WL08 reflects a desire to introduce and embed the concept of dementia-friendly to the development process in Cullompton and encourage developers to recognise the issue and opportunity. Land use planning in support of a dementia strategy is relatively new. Examples of good practice are limited. Oxford Brookes University has produced a useful checklist⁵⁷ of things to consider in the interest of creating a familiar, legible, distinctive, accessible, comfortable and safe environment. Developers will be encouraged to consult with the Town Council and the Devon Dementia Partnership and show how their development proposals have been influenced by local strategies, current guidance and good practice in planning to create a dementia-friendly environment.

Policy WL08 Dementia FriendlyTown

Proposals that contribute towards making Cullompton more dementia-friendly and an accessible town to disabled people will be supported.

Development proposals will be expected to show how they incorporate the principles of dementia-friendly and fully accessible environments by reference to the Cullompton Dementia Strategy and other relevant Town Council strategies.

12.50 We need more positive things for young people to be involved with. We recognise that many young people feel the town lacks facilities and the opportunities they want. 93% of respondents to the Community Survey 2014 told us we need to improve facilities for teenagers. Two thirds of respondents to the survey carried out at July 2014 amongst the students of Cullompton Community College said the same. However, we feel that the needs of young people need to be better understood and planned for. In the 2014 Survey, the most commonly suggested activities the students would like to see in Cullompton were a swimming pool (70%) and a cinema (12%). Many other activities were suggested including tennis courts, bigger parks, football pitches and bowling; but the preferences and priorities amongst young people were difficult to discern.

12.51 We need to find ways to engage with young people further to understand what they really want and involve them in its delivery. Cullompton Town Council would also like to involve young people in civic affairs and planning for the future. Over 87% of respondents to the Town Council's 2019 Budget Survey, of residents, regard investment on youth services as being important. In terms of the requirement to provide for young people,

12.52 Local Plan Policy S5 sets standards for outdoor space for youths and Local Plan Policy S8 refers to the need for "community halls" as part of the additional infrastructure requirements of the major new developments. Local Plan Policy CU10 goes as far as providing for new youth facilities in the long-term as part of a multi-purpose community building for youth, children and other community uses as part of the major development at East Cullompton.

12.53 We want to ensure that local young people are given a proper say in what is provided for them. Policy WL09 is framed around the principle that the end users should have a major say in what is being provided for them. This is particularly important for young people in helping establish a sense of ownership and responsibility towards the facilities. Bodies such as 'Youth Voice', or whatever representative bodies are active at the time, should be involved in the design and planning process.

12.54 Cullompton Town Council strongly believes in supporting young people. The Town Council has regular meetings with Cullompton Community College and the John Tallack Youth and Community Centre. It supports the Youth Council and liaises with the youth service providers. The council has taken on responsibility, from Mid Devon District Council, and is refurbishing a growing number of play parks. The Town Council believes that major new housing development should contribute to supporting amenities for young people. This should include a full range of services and amenities for children and young people.

Policy WL09 Providing for Young People

Proposals that provide additional facilities for the direct benefit of young people are supported where it is demonstrated, through direct engagement with recognised local youth organisations, that local young people have been consulted and involved in developing the proposal.



How We Will Monitor and Review the Plan

13.1 There is no statutory requirement for the impact of this Neighbourhood Plan and its policies to be monitored. Cullompton Town Council recognises that it is entering a period of unprecedented growth that will necessitate the monitoring of the impact of neighbourhood plan policies on the planning application decision-making process. The Town Council will do this in part by referring to this Neighbourhood Plan when reviewing the emerging planning proposals and planning applications. The Town Council will keep a record of its response to major planning proposals and the outcome, as a way of monitoring the impact and efficacy of the Neighbourhood Plan. Based on this monitoring, a full or partial review of this Plan will be undertaken after five years.

13.2 A full or partial review may also be triggered by changes to legislation, changes to national or district-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and/or existing neighbourhood plan policies.

Glossary of relevant terms

Affordable Housing	Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined by local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
Air Quality Management Area (AQMA)	If a Local Authority identifies any locations within its boundaries where the Air Quality Objectives are not likely to be achieved, it must declare the area as an Air Quality Management Area(AQMA). The area may encompass just one or two streets, or it could be much bigger. The Local Authority is subsequently required to put together a plan to improve air quality in that area - a Local Air Quality Action Plan.
Biodiversity	The variety of life in all forms e.g. wildlife, plants, etc.
Conservation Area	An area of special architectural or historic interest, designated under the Planning (Listed Buildings & Conservation Areas) Act 1991, whose character and appearance it is desirable to preserve and enhance. There are special rules on some development in conservation areas.
Dementia Friendly Community	A dementia-friendly community is one in which people with dementia are empowered to have high aspirations and feel confident, knowing they can contribute and participate in activities that are meaningful to them.
Design and Access Statement	A design and access (DAS) statement is a short report accompanying and supporting a planning application. It provides a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.
Design Guide	A document providing guidance on how development can be carried out in accordance with good design practice often produced by a local authority with a view to retaining local distinctiveness.
Design Statement	A Design Statement [DS] is a practical tool to help influence decisions on design and development. Prepared correctly, it will provide a clear statement of the character of a village or town against which planning applications may be assessed.
Flood Risk Assessment	An assessment of the likelihood of flooding in an area so that development needs and mitigation measures can be carefully considered
Garden Village Initiative	<p>A Government scheme to promote 'garden village' type developments of between 1,500 and 10,000. Government support to approved schemes could include a <i>"limited amount of funding"</i> until 2018 and advice from the Homes and Communities Agency.</p> <p>The prospectus said there is not a <i>"single template"</i> for garden villages, towns and cities but added the Government will not support places <i>"which merely use 'garden' as a convenient label"</i>. It said: <i>"We will want to see evidence of attractive, well-designed places with local support"</i>.</p>
Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Heritage Asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Heritage Impact Assessment	An Assessment Report with enough information to understand the impact of development proposals on the significance of any heritage assets affected.
Lifetime Home Standards	Criteria developed by a group convened by the Joseph Rowntree Foundation in 1991 to help house builders produce new homes flexible enough to deal with changes in life situations of occupants e.g. caring for young children, temporary injuries, declining mobility with age.
Local Development Scheme	Sets out the programme for the preparation of the local development documents.
Local Education Authority	The public body whose duty it is to carry out specific functions relating to education for a defined area. All references to local education authority apply in this Plan to Devon County Council.
Local Green Space	Green areas of importance to local communities designated to provide special protection against development.
Local Plan	A portfolio or folder of documents (Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs), setting out the planning strategy for a local planning authority area.
Local Planning Authority	The public body whose duty it is to carry out specific planning functions for a defined area. All references to local planning authority apply in this Plan to Mid Devon District Council
Minerals Plan	A statutory development plan prepared by a minerals' planning authority (Devon CC) setting out policies for the control of development constituting of the winning and working of minerals or the deposit of mineral waste
Neighbourhood Plan	A plan prepared by a Town or Parish Council or Neighbourhood Forum for a neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).
NPPF	The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities.
NPPG	The National Planning Practice Guidance is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of most of the Government Circulars which had previously given guidance on many aspects of planning.
Passive Solar Heating	A solar heating system using a simple solar collector, building materials, or an architectural design to capture and store the sun's heat. Very simple examples include a garden greenhouse, or a south-facing window in a dwelling
Permitted Development	Permission to carry out certain limited forms of development without the need to make an application to a local planning authority, as granted under the terms of the Town and Country Planning (General Permitted Development) Order.
Public Arts	Permanent or temporary physical works of art visible to the public, whether part of a building or free-standing. For example, sculpture, lighting effects, street furniture, paving, railings and signs.

Public Realm	Those parts of a village, town or city (whether publicly or privately owned) available, for everyone to use. This includes streets, squares and parks.
Public Right of Way	A public right of way is a highway over which the public have a right of access along the route.
SHMA	A Strategic housing market assessment is a study of the way the housing market works in an area. It considers the type of households living in the area, where they work and what sort of housing they live in. It attempts to estimate future housing needs across the area, broken down by tenure and size of housing.
Spatial Strategy	Sets out long-term spatial vision for the area and the strategic policies and proposals to deliver that vision. Broad locations for development are set out in a key diagram.
Strategic Environmental Assessment	A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
SUDS	Sustainable drainage is a concept that makes environmental quality and people a priority in drainage design, construction and maintenance. The sustainable drainage system (SUDS) approach includes measures to prevent pollution, reduce surface water runoff at source and provide a range of physical structures designed to receive the runoff.
Supplementary Planning Document (SPD)	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites or issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Sustainability Appraisal	The consideration of policies and proposals to assess their impact on sustainable development objectives.
Transport Impact Assessment	A Transport Impact Assessment considers the impact of a proposed development on all modes of transport and requires developers to consider ways to reduce the number of private car journeys and increase the use of more sustainable modes, to their development.



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Independent Examiner's Report of the
Cullompton Neighbourhood Plan

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1st July 2020

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SECTION 2

Summary

As the Independent Examiner appointed by Mid Devon District Council to examine the Cullompton Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Cullompton Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Cullompton Neighbourhood Plan go to Referendum.*
- 3. I have read the Cullompton Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Cullompton Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The Cullompton Neighbourhood Plan Area is within the area covered by Mid Devon District Council. At the time of my examination, the development plan for the area is the Mid Devon District Council Core Strategy 2026, which was adopted in July 2007, along with the Allocations and Infrastructure Development Plan Document (adopted 2010) and Local Plan Part 3: Development Management Policies (adopted 2013.)*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Cullompton Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Cullompton Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Cullompton Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Cullompton Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) specify the period to which it has effect;*
 - ii) not include provision about excluded development; and*
 - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus

of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Cullompton Neighbourhood Plan go to Referendum.

3.2 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development;*
- and*
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of Neighbourhood Plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Mid Devon District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Mid Devon District Council appointed me as the Independent Examiner for the Cullompton Neighbourhood Plan with the agreement of the Cullompton Neighbourhood Plan Group

2. Qualifying body

I am satisfied that Cullompton Town Council is the Qualifying Body.

3. Neighbourhood Plan Area

The application to designate the Neighbourhood Plan Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to Mid Devon District Council as the local planning authority in October 2013. Following a 6-week public consultation, the Neighbourhood Plan Area was formally approved by Mid Devon District Council in May 2014. The area covers the administrative boundaries of the Parish of Cullompton, the Qualifying Body have confirmed that there are no other neighbourhood plans covering the designated area.

4. Plan Period

The Plan identifies the period to which it relates as 2019 to 2033.

5. Mid Devon District Council Regulation 15 Assessment of the Plan.

Cullompton Town Council, the Qualifying Body, submitted the plan to Mid Devon District Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on the 5th April 2019. The Council has made an initial assessment of the submitted Cullompton Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. The Consultation Process

The Cullompton Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012 (as amended):

(a) It contains details of the persons and bodies who were consulted about the proposed Neighbourhood Plan;

(b) It explains how they were consulted;

(c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed Neighbourhood Plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was robust, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

7.Regulation 16 consultation by Mid Devon District Council and record of responses.

Mid Devon District Council placed the Cullompton Neighbourhood Plan out for the 6 week consultation period under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ending on the on Friday 15th November 2019.

A number of detailed representations were received during the consultation period and these were supplied by the Council as part of the supporting information for the examination process. I considered the representations,

have taken them into account in my examination of the plan and referred to them where appropriate.

8.Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 29th January 2020.

9. Compliance with the Basic Conditions

The Qualifying Body have produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Cullompton Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
- 5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

Documents brought to my attention by the Borough Council for my examination included:

- *Cullompton Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.*
- *Basic Conditions Statement - sets out how the plan meets the Basic Conditions*
- *Consultation Statement- – sets out how the community, and other stakeholders, have been involved in preparing the Plan.*
- *Strategic Environmental Assessment*
- *Local Green Space Report*

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Cullompton Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

4.10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF)February 2019 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to

deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.4 The Cullompton Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

4.10.5 I have examined the and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

4.11 Local Planning Policy- The Development Plan

The Cullompton Neighbourhood Plan Area is within the area covered by Mid Devon District Council. At the time of my examination, the development plan for the area is the Mid Devon District Council Core Strategy 2026 (WCS) which was adopted July 2007. I acknowledge that the emerging local plan is well progressed however at the time of my examination references to emerging policy etc. do not meet the Basic Conditions and should be removed from the plan.

To meet the Basic Conditions, the Cullompton Neighbourhood Plan Neighbourhood Plan must be in “general conformity” with the strategic policies of the Development Plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change*

management, and the provision of minerals and energy (including heat);

*c) community facilities (such as health, education and cultural infrastructure);
and*

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the

development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective*
- whether the policy seeks to shape the broad characteristics of development*
- the scale at which the policy is intended to operate*
- whether the policy sets a framework for decisions on how competing priorities should be balanced*
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- whether the Local Plan identifies the policy as being strategic”*

I have examined the Cullompton Neighbourhood Plan and consider that, subject to modification, the plan is in general conformity with the Strategic Policies of the Development Plan and does meet the Basic Conditions in this respect.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

Strategic Environmental Assessment

As a 'local plan', the Neighbourhood Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

A screening process was carried out by Mid Devon District Council during 2016 to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 was required.

Through consultation with the statutory environmental agencies, Mid Devon District Council concluded:

"it is unlikely that there will be significant effects in relation to the SEA criteria. As such it is recommended that a full SEA is not required".

Following amendments to the draft Plan in 2015, it was decided by the Neighbourhood Plan Steering Group that a SEA should be carried out. An initial SEA was carried out by AECOM in October 2017 and its finding taken into account when preparing the Pre-submission Version of the Plan. The SEA report was 'published' at the same time as the Pre-submission Version of the Cullompton Neighbourhood Plan.

The SEA was revisited by AECOM in early 2019 after the Submission Version of the Cullompton Neighbourhood Plan had been prepared. AECOM advised:

"the current version of the CNP [Cullompton Neighbourhood Plan] is likely to lead to significant positive effects in relation to the 'population and community' and 'health and wellbeing' SEA themes. These benefits largely relate to the carefully targeted approach to housing provision proposed by the current version of the CNP, the focus on enhancing accessibility to services and employment opportunities in Cullompton by sustainable modes of transport and the CNP's impetus on protecting and enhancing open space and green infrastructure networks. In addition, the Neighbourhood Plan has a strong focus on protecting and enhancing townscape character and the setting of the historic environment in Cullompton, leading to significant positive effects in relation to the 'historic environment and landscape' theme.

The current version of the CNP will initiate a number of beneficial approaches regarding the 'air quality' 'transportation', 'land, soil and water resources' and 'climate change' sustainability themes. However, these are not considered to be significant in the context of the SEA process given the scope of the Neighbourhood Plan, the lack of explicit housing and employment allocations, and the scale of proposals. Similarly, in relation to the 'biodiversity' SEA theme, whilst the scope and scale of the proposed policy approaches relating to the natural environment will help ensure that wide ranging benefits in relation to this theme are secured through the Neighbourhood Plan, these are not considered to be significant in the context of the SEA process."

No further changes were necessitated to the Submission Version of the Cullompton Neighbourhood Plan as a result of the final SEA.

Habitats Regulations Assessment (HRA)

A screening report was prepared by Mid Devon District Council in December 2015 to consider whether the content of the emerging Cullompton Neighbourhood Plan (NP) as at June 2015, required a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA) in accordance with the appropriate EU directives and Regulations. The screening report concluded that, on the basis of the policies presented, there were unlikely to be significant effects in relation to the SEA criteria or European sites identified and therefore recommended that a full SEA and appropriate assessment HRA were not required for the NP.

Due to the initial screening taking place in 2015 and to take account of amendments to legislation Mid Devon District Council prepared an addendum to the initial screening report. This addendum addresses whether any changes to the conclusions of the original screening report are required in relation to the need for an HRA only, in light of:

- Revised Habitat Regulations published since the December 2015 screening report (Conservation of Habitats and Species Regulations 2017 (as amended)).

- Updated content in the Mid Devon Local Plan Review and associated HRA since December 2015.

- Any updated content in the draft NP since the December 2015 screening report.

The conclusion of the addendum was:

“taking account of updates to the Cullompton Neighbourhood Plan, updated content in the Mid Devon Local Plan Review and associated HRA and revised regulations since December 2015, the conclusion of the Council’s December 2015 Screening Report remains appropriate: that it is unlikely that there will be significant effects in relation to the European Sites identified.”

11.2 Sustainable development

Paragraphs 7 to 14 of the NPPF (Feb 2019 as updated) identify the components of sustainable development, and how planning applications and local plans can meet these requirements.

The Basic Conditions Statement sets out how the neighbourhood plan addresses the requirement to achieve sustainable development.

My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Cullompton Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Cullompton Neighbourhood Plan has done so.

I am therefore satisfied that the Cullompton Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Cullompton Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Cullompton Neighbourhood Plan, subject to modification covers development and land use matters.

General Comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Cullompton Neighbourhood Plan meet the Basic Conditions it has been necessary for me

to make modifications to a number of policies. This includes modifications where policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.

As I have found it necessary to modify a number of policies it may also be necessary to modify the supporting text within the plan to align with the modified policies, where this is necessary. The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

12.The Neighbourhood Plan Vision, Strategic Aims and Policies

12.1 VISION Statement

Cullompton is a market town with a distinct character and identity rooted in a rich history that will be conserved as the town grows into the future as a vibrant centre for its residents and the surrounding rural area.

To meet the needs of a rapidly expanding population, the town will provide an excellent mix of housing reflecting the distinctive character of the town through varied external finishes and integration of the various styles and types of housing required to meet local needs and encourage families to settle in the town and become part of the community. The housing and amenities will integrate the needs of people and nature, retaining the feel of a country town through abundant use of trees, flowering-trees, hedgerows and imaginative use of water management.

The high street will be a pedestrian-friendly economic and social centre for the community, providing a mix of shops, offices, dwellings and places to eat. Further retail will be encouraged in the smaller trading estates bordering the town centre. The leisure pursuits of all age groups will be catered for by excellent sports and activity facilities and easy access to the natural, nearby features of countryside and water.

Taking advantage of its location, the town will be a communications hub with good links by rail, road, paths and broadband to the region and beyond.

Cullompton Neighbourhood Plan Aims and Objectives

Sustainable Development

Ensure all new developments contribute to the overall sustainability of Cullompton as a town and a community

Highways, Travel and Transport

Improve mobility, accessibility and reduce the overall use and impact of the motor vehicle

Housing

Provide new dwellings to meet a wide range of needs and demands

Natural & Rural Environment

Respect and appreciate our natural environment

Town Centre, Heritage and Culture

Protect and enhance our historic built environment whilst broadening the appeal of the town and its cultural activities

Local Economy & Jobs

Make Cullompton more business friendly and commercially viable

Community Wellbeing and Leisure

Provide first class local community facilities and develop community- based services that meet the growing demands of the community

COMMENT

I am satisfied that the Cullompton NDP vision, aims and objectives were developed from the consultation process and that the policies within the

plan reflect the vision, aims and objectives.

CULLOMPTON NEIGHBOURHOOD PLAN POLICIES

Policy SD01 Traffic Impact of Major Development

Proposals for major developments that are required to provide impact assessments under Local Plan Policy DM3 and/or Local Plan Policy DM4 should specifically demonstrate how the development's vehicular access/egress and circulation arrangements will mitigate the negative impacts of traffic in Cullompton town centre.

Road infrastructure requirements should be in place in good time so as to prevent an unacceptable impact on the existing road network, and the town centre in particular, as a result of the development.

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan. The Local Plan Policies referred to in policy SD01 form part of the policies of the emerging local plan. In addition, new developments can only be asked to address the impact of traffic arising from the proposed development and not preexisting traffic problems within the area. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy SD01 Traffic Impact of Major Development

Proposals for major development which are required to provide a Traffic Impact Assessment must demonstrate how the proposal will mitigate any negative impacts of the traffic generation associated with the proposed development on Cullompton town centre, including vehicular access/egress and circulation arrangements

Road infrastructure requirements should be in place in good time so as to prevent an unacceptable impact on the existing road network, and the

town centre in particular, as a result of the development.

Policy SD02 Links to the Town Centre

All major developments should include provision for accessible pedestrian and cycle routes and connections that:

- (i) link safely to the wider network of routes leading to and from Cullompton town centre and other essential public facilities, such as schools and health facilities; and*
- (ii) benefit from natural surveillance of public areas as well as satisfactory lighting.*

COMMENT

I have no comment on this policy.

Policy SD03 Flood Attenuation

Flood attenuation on major developments should make use of existing on- or off-site natural water features, or new onsite water features in suitable and safe locations, to contribute to the visual amenity and biodiversity of the area.

COMMENT

Flood risk policy is set at a national level, for clarity and to meet the Basic Conditions the policy should be modified as follows:

In addition to meeting national flood risk policy requirements, flood attenuation on major developments should, where appropriate make use of existing on- or off-site natural water features, or new onsite water features in suitable and safe locations, to contribute to the visual amenity and biodiversity of the area.

Policy SD04 Solar Design in Housing Schemes

The principles of passive solar design and the use of renewable energy technologies and low energy systems should be encouraged for all new housing developments.

Dwellings should be built whenever possible with the orientation of the principal habitable rooms taking account of passive solar gain and energy efficiency maximised whilst ensuring that the site layout provides acceptable standards of privacy and amenity to all residents.

COMMENT

This policy lacks clarity and should be modified as follows:

The use of passive solar design, renewable energy technologies and low energy systems in all new housing developments will be supported.

Wherever possible dwellings should be orientated so that principal habitable rooms can benefit from passive solar gain, maximising energy efficiency whilst ensuring that the site layout provides acceptable standards of privacy and amenity to all residents.

Connectivity Policy SD05 Connectivity

All new residential, educational and business premises development should endeavor to make adequate provision for high speed broadband and other communication networks.

COMMENT

I have no comment on this policy.

Culm Garden Village

Policy SD06 Culm Garden Village

Proposals to develop a major extension to Cullompton based on the principles of a 'garden village' are supported in principle. Any such development should be subject to a comprehensive masterplan that should:

- (i) seek to create a new settlement area, of unique character, within an outstanding natural environment;*
- (ii) foster integration between the existing and new settlement areas;*
- (iii) secure sufficient physical connection between East and West Cullompton (including bridges, roads, pedestrian links, cycle paths and public transport);*
- (iv) plan for complementary facilities in and adjacent to the housing areas that can serve the needs of the whole community of the neighbourhood area, including sports, education, health/ wellbeing, community and faith spaces;*
- (v) embrace the principles of accessibility for all;*
- (vi) provide an appropriate range and scale of spaces for businesses to function effectively;*
- (vii) deliver a mix of housing types, tenures and designs, that meet high standards of sustainable living; and*
- (viii) ensure there is a co-ordinated approach to achieving the timely delivery of infrastructure.*

COMMENT

Mid Devon District Council have made representation on this policy suggesting that the policy should be modified to reflect the Garden Village Expression of Interest. I concur with this suggestion. For clarity the first sentence of the policy should be modified as follows:

Proposals to develop a locally led garden village towards the east of Cullompton will be supported in principle.

To avoid confusion point (iii) should be modified as follows:

(iii) secure sufficient physical connection between the proposed new development to the East and the existing town (including bridges, roads, pedestrian links, cycle paths and public transport);

Policy SD07 Timing of Infrastructure

Major development should be phased logically and in tandem with the timely and co-ordinated provision of infrastructure to help support sustainable growth and ensure that an unacceptable strain is not placed on the existing infrastructure.

COMMENT

I have no comment on this policy.

Highways, Travel and Transport

Policy HT01 Motorway Connection

Proposals to ensure that junction 28 of the M5 functions efficiently and safely as population and business activity in the Cullompton area grows, are supported.

COMMENT

I have no comment on this policy.

Policy HT02 Improving our Public Transport Network

Development proposals to further the provision of a transport interchange for Cullompton are supported.

COMMENT

I have no comment on this policy.

Policy HT03 Improving our Cycle Network

Cullompton Town Council has adopted a Cycle Paths Plan. Where feasible and appropriate, developments should acknowledge the Cycle Paths Plan and make provision to assist in its implementation.

Proposals that further the development of an accessible network of cycle routes in and around Cullompton are supported. In particular, proposals should look to achieve a greater degree of safe linkage between residential areas, employment areas and public facilities.

COMMENT

I have no comment on this policy.

Policy HT04 Improving Footpaths

Footpaths that are provided by new development should be a minimum of 2000mm in width where reasonable and whenever practicable.

Footpaths should link to existing networks to facilitate easy and safe pedestrian access to the town centre and public facilities and services.

COMMENT

I have no comment on this policy.

Housing

Policy HS01 Housing Mix

Development proposals on major housing sites, of 10 or more dwellings or on sites of 0.5ha. or more, must contain an appropriate mixture of house types and sizes and show how they contribute to meeting current local housing

needs of the neighbourhood area by referring to an up-to-date assessment of local housing need and evidence from Cullompton Town Council.

COMMENT

I have no comment on this policy.

Policy HS02 Social and Affordable Housing

On all housing developments in the Cullompton area the required quota of affordable housing should be visually indistinguishable from other types of housing and not located separately.

COMMENT

For clarity this policy should be modified as follows:

Policy HS02 Social and Affordable Housing

On all housing developments in the Cullompton area the required quota of affordable housing should be visually indistinguishable from other types of housing and not located separately on the development.

Policy HS03 Creating Smaller Housing Units

The conversion and/or modification of existing larger dwellings or other redundant buildings within the town area of Cullompton (as defined on Map 2) is supported provided the development:

- (i) results in small dwelling units that meet an identifiable need for smaller properties across all tenures;*
- (ii) respects the character, scale, setting and design of the existing building;*
- (iii) will not result in over-development of the building's curtilage; and*
- (iv) will not have a significantly adverse impact on occupants of neighbouring properties.*

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan.

The policy as currently worded is problematic and would be difficult to apply in the determination of a planning application as there is no definition of “larger dwellings”. I also consider the policy to be unreasonable. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy HS03 Creating Smaller Housing Units

The creation of smaller dwellings through the subdivision of existing larger dwellings or other redundant buildings within the town area of Cullompton (as defined on Map 2) will be supported where the development:

- (i) meets an identifiable need for smaller properties across all tenures;*
- (ii) respects the character, scale, setting and design of the existing building;*
- (iii) will not result in over-development of the building’s curtilage; and*
- (iv) will protect the residential amenity of adjoining occupiers.*

Policy HS04 Parking on Housing Schemes

For all new residential development of more than 1 dwelling, the following minimum standards shall apply for the provision of off-road parking, not counting garage spaces:

- 1-bed house/flat 1 off-road car parking space*
- 2-bed house/flat 2 off-road car parking spaces*

- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles.

Parking schemes and layouts should not impair access required by the emergency services.

Adequate provision should be made for the charging of electric vehicles. Wherever practical, permeable materials should be used for surface parking areas.

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan. Imposing parking standards above those supported by national policy and guidance and the development plan can have consequences for the viability and deliverability of housing development frustrating the NPPF requirement to increase the supply of housing. In addition, I have not been provided with any evidence which relates to the Cullompton Neighbourhood Plan area specifically which supports the proposed parking standards. In order to meet the Basic Conditions, the policy should be modified as follows:

Policy HS04 Parking on Housing Schemes

New residential development should provide off street parking in accordance with the requirements of the Development Plan. Wherever possible, to reduce the potential for parking on the highway the following standards are encouraged subject to the accessibility of the site including to public transport:

- 1-bed house/flat 1 off-road car parking space
- 2-bed house/flat 2 off-road car parking spaces
- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles.

Parking schemes and layouts should not impair access required by the emergency services.

Adequate provision should be made for the charging of electric vehicles. Wherever practical, permeable materials should be used for surface parking areas.

Policy HS05 Gypsy and Traveller Sites

Gypsy and traveller sites provided in accordance with Local Plan Policy S3 should have an appropriate boundary treatment that is sympathetic to, and in keeping with, the surrounding area and which provides privacy and security for the occupants of the site.

COMMENT

This policy refers to Policy S3 of the emerging Local Plan. My examination of the Neighbourhood Plan must be based on the existing Development Plan. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy HS05 Gypsy and Traveller Sites

Gypsy and traveller sites provided in accordance with Development Plan should have an appropriate boundary treatment that is sympathetic to, and in keeping with, the surrounding area and which provides privacy and security for the occupants of the site

Natural and Rural Environment

Policy EN01 Protecting and Enhancing the Natural Environment

Where appropriate, development proposals will be expected to protect sites of ecological and/or geological importance and protect and enhance local biodiversity and wildlife to include:

- (i) the safeguarding or protection of designated sites, protected species, priority species and habitats, ancient or species rich hedgerows, grasslands and woodlands;*
- (ii) the provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation and compensation measures where appropriate (in accordance with Local Plan Policy S9 clause (f))*
- (iii) the safeguarding and preservation of ecologically sensitive areas and ecological corridors;*
- (iv) the safeguarding of important geological sites;*
- (v) the protection of trees and tree groups of arboricultural or amenity value;*
- (vi) the appropriate planting of new native trees and hedges; and*
- (vii) biodiversity enhancements incorporated into the development wherever possible; and*
- (viii) the provision of appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of European Sites.*

COMMENT

This policy refers to Policy S9 of the emerging Local Plan. My examination of the Neighbourhood Plan must be based on the existing Development Plan. For clarity and to meet the Basic Conditions paragraph ii) of the policy should be modified as follows:

(ii) the provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation and compensation measures where appropriate in accordance with the Development Plan.

Policy EN02 Improving the Public Rights of Way Network

Measures to improve and extend the existing network of public rights of way and bridleways are supported so long as their value as biodiversity corridors is recognised, protected and efforts are made to enhance biodiversity as part of the 'development' work wherever appropriate.

COMMENT

I have no comment on this policy.

Policy EN03 Local Green Space

The following areas (listed below and identified on map 5) are designated as Local Green Spaces in accordance with paragraph 99 of the NPPF.

Development proposals on designated Local Green Spaces will be supported only where such development demonstrably enhances the recreational use or amenity value of the green space.

1. Bilbie Close/Crow Bridge

2. Bockland Close

4. Clover Drive

5. *Cross Parks*
6. *Culm Lea Play Area*
7. *Forcefield Road*
8. *Hayman's Close*
9. *Hayman's Green*
10. *Headweir Road 1*
11. *Headweir Road 2*
12. *Jubilee Gardens, Willand Road*
13. *Knightswood Play Park*
14. *Meadow Lane*
15. *River Mead Play Area*
16. *Saxon Way/Windsor Close*
17. *St Andrew's Hill*
18. *Swallow Way*
19. *Tufty Park*

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan.

During the course of my examination, I found it necessary to seek clarification on the proposed Local Green Space Designations including whether or not the owners of the areas identified had been consulted.

In addition, the current policy refers to the areas being shown on Map 5, but they are in fact shown on map 6 and the area 9. Hayman's Green is not shown on the map.

The NPPF states:

“99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

The Cullompton Neighbourhood Development Plan proposes quite a large number of Local Green Spaces and the NPPF bar for meeting the designation is set high. I have been provided with the additional information sought and I have carefully considered the evidence before me .I have also taken into account that much of the area covered by the NDP is modern development which is relatively dense and therefore I acknowledge that the open spaces identified for Local Green Space designation are important to the community. On balance I am satisfied

that the areas listed in this policy do meet the NPPF requirements. There is however confusion in the numbering of the areas and their representation on the map and I have been advised that the area “Headweir Road 2” has been included in error. For clarity and to meet the Basic Conditions, the map should be revised the policy should be modified as follows:

Policy EN03 Local Green Space

The following areas (listed below and identified on map 6) are designated as Local Green Spaces.

- 1. Bilbie Close/Crow Bridge***
- 2. Bockland Close***
- 3. Clover Drive***
- 4. Cross Parks***
- 5. Culm Lea Play Area***
- 6. Forcefield Road***
- 7. Hayman’s Close***
- 8. Hayman’s Green***
- 9. Headweir Road 1***
- 10. Jubilee Gardens, Willand Road***
- 11. Knightswood Play Park***
- 12. Meadow Lane***
- 13. River Mead Play Area***
- 14. Saxon Way/Windsor Close***

15. Swallow Way

16. Tufty Park

Proposals for built development on these areas will only be permitted in very special circumstances.

Town Centre, Heritage and Culture

Policy TC01 Heritage Assets

Development will be supported that maintains or enhances the character and setting of a heritage asset.

Development proposals that affect a building or structure on the Register of Heritage Assets must demonstrate how they protect or enhance the heritage asset. Any renovations or alterations of buildings or structures identified on the Register of Heritage Assets requiring planning permission should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.

COMMENT

National policy and guidance already sets out the framework for the determination of applications affecting designated and non-designated heritage assets and does not need to be repeated here and policy TC01 does not reflect existing policy adequately. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy TC01 Designated and Non- Designated Heritage Assets

Development proposals affecting Designated and Non-Designated Heritage Assets must comply with national policy and the Development Plan.

Policy TC02 Character of the Built Environment

Development should contribute positively to the character of the built

environment in its locality by:

(i) demonstrating an understanding of the diverse qualities that contribute to this character; and

(ii) reinforcing local distinctiveness and a strong sense of place.

Development proposals in or within the setting of the Conservation Area should demonstrate how they have taken the Cullompton Conservation Area Appraisal and Management Plan into account.

COMMENT

I have no comment on this policy.

Policy TC03 Pedestrian Priority in the Town Centre

Design and highways proposals intended to reduce through-traffic on Fore Street and High Street and make the town centre more pedestrian-friendly will be supported.

COMMENT

I have no comment on this policy.

Policy TC04 Service Arrangements in the Town Centre

Development proposals to improve servicing arrangements and/or increase customer parking to business premises in the town centre and thereby reduce congestion on nearby roads will be supported.

The St Andrews, Forge Way and Higher Bull Ring car parking areas (as defined on map 6) are important assets to the local community and are essential to the functionality of the town centre. Their use for car parking will be safeguarded and their capacity maintained unless it can be demonstrated that they are no longer needed or suitable alternative provision is made.

COMMENT

I have no comment on this policy.

Policy TC05 Art in the Public Realm

Proposals to introduce innovative public art which enliven and add positively to the character of the public realm and which facilitate or encourage greater community use of public spaces are supported

COMMENT

I have no comment on this policy.

Policy TC06 Cultural and Leisure Facilities in the Town Centre

Proposals that increase the provision of cultural and leisure facilities in the town centre through the conversion and/or better use of redundant buildings and spaces are supported.

COMMENT

I have no comment on this policy.

Policy TC07 Former Cullompton Cinema

Proposals that enable the re-use of the former Cullompton Cinema building for community leisure and or cultural purposes would be supported.

COMMENT

I have no comment on this policy.

Policy TC08 Extending the Attraction of the Town Centre

Proposals that help promote the development of a visitor and evening economy in the town centre are supported.

COMMENT

I have no comment on this policy.

Policy TC09 Improving the Town Centre Offer

Proposals to provide small-scale retail units or stalls, tourist facilities, street cafes and visitor attractions in the side courts and other suitable spaces in Cullompton town centre will be supported provided they:

- i. are of an appropriate design and scale;*
- ii. are temporary in nature;*
- iii. do not restrict pedestrian or cycle passage;*
- iv. provide free passage for those with mobility impairment; and*
- v. do not cause nuisance to neighbouring uses and nearby residential areas.*

COMMENT

I have no comment on this policy.

Local Economy and Jobs

Policy EJ01 Improving Access to Commercial Areas

Measures that improve access to and from the commercial areas (as identified on map 8) and increase safety of pedestrians and road users are necessary and will be supported.

COMMENT

I have no comment on this policy.

Policy EJ02 Development of Small Business Units

Proposals that provide for the development of small-scale business units,

including live-work units, in the town area (as defined on map 2) are supported, provided that the proposals:

- i. contribute positively to the character and vitality of the local area;*
- ii. are well integrated into, and complement, existing clusters of activity;*
- iii. do not have an adverse impact on residential amenity; and*
- iv. do not adversely impact upon road safety.*

COMMENT

I have no comment on this policy.

Community Wellbeing and Leisure

Policy WL01 Existing Recreation Spaces

The following sports and recreational land and buildings (identified on maps 9) are very important to the local community and should be protected in accordance with Local Plan Policy DM26.

S Cullompton Community College sports pitches, Meadow Lane

T Cullompton Cricket Club

U Culm Valley Sports Centre

V Linear Park, Millennium Way

W Upcott Field

X Willowbank School Field, Knowle Lane

COMMENT

As the emerging Local Plan is at an advanced stage of production it would be appropriate, to avoid any policies in the Cullompton NDP

becoming out of date to modify this policy to remove the preference to policy DM26. For clarity the introductory paragraph of this policy should be modified as follows:

The following sports and recreational land and buildings (identified on map 9) are very important to the local community and should be protected in accordance with the relevant policies in the Development Plan.

Policy WL02 CCA Fields

The existing leisure and recreation space at the CCA Fields is an important resource for the local community. Any proposals to develop part of the CCA Fields to provide a relief road for Cullompton should:

- i. seek to maximise the single uninterrupted area of recreational land to be retained as the CCA fields in their current location*
- ii. be suitably landscaped and screened to minimise disturbance to users of the CCA Fields*
- iii. have regard to the most sensitive ecological areas and habitats*
- iv. include proposals to mitigate any loss of or harm to the natural environment*
- v. maintain as far as possible current access routes to the fields to facilitate:*
 - safe pedestrian access to the CCA fields*
 - continued use of the car park*
- vi. prevent any unauthorised access to the CCA Fields from the relief road*
- vii. include a management plan in relation to arrangements for the continued use of sports facilities and recreation spaces during construction*

viii. *replace any recreation space lost with equivalent or better elsewhere, to be vested in the community*

ix. *ensure the remaining area of CCA Fields is capable of being used for a variety of recreational purposes in a safe manner*

x. *include an appropriate contribution towards the long- term maintenance of the CCA Fields and other community recreation spaces*

xi. *ensure satisfactory arrangements are put in place for flood control on the CCA Fields and there is no adverse impact on flooding and drainage problems elsewhere*

COMMENT

I have received representation from Mid Devon District Council that they consider that this policy does not conform to the strategic policies of the Local Plan Review and may inhibit the implementation of the preferred highway improvement scheme. My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan. However, I am satisfied that once modified, the policy will be in general conformity with the strategic policies of the current development plan and will not hamper any future relief road.

Planning policy is not the mechanism to secure maintenance agreements or management plans, this needs to be done through a Section 106 or other legal agreement.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy WL02 CCA Fields

The existing leisure and recreation space at the CCA Fields is an important resource for the local community. Any proposals to develop

part of the CCA Fields to provide a relief road for Cullompton should:

- i. seek to maximise the single uninterrupted area of recreational land to be retained as the CCA fields in their current location, ensuring that the remaining area of CCA Fields is capable of being used for a variety of recreational purposes in a safe manner*
- ii. replace any recreation space lost with equivalent or better provision elsewhere in Cullompton, to be vested in the community*
- iii. maintain as far as possible the continued use of sports facilities and recreation spaces during construction*
- iv. ensure the relief road is suitably landscaped and screened to minimise disturbance to users of the CCA Fields*
- v. have regard to the most sensitive ecological areas and habitats, including proposals to mitigate any loss of or harm to the natural environment*
- vi. maintain as far as possible current access routes to the fields to facilitate safe pedestrian access to the CCA fields and prevent any unauthorized vehicular access to the CCA Fields from the relief road*
- vii. ensure the provision of adequate car parking*
- viii. ensure that the development of the relief road does not increase flood risk.*

Policy WL03 Usable Public Open Space

Public open space on major new developments should be of adequate size and be located and designed so that it is usable by residents and other members of the public for a range of leisure and recreation activities based on an up-to- date assessment of the needs of the area.

In consultation with Cullompton Town Council, developers should seek to maximise the amount of public open space on new housing developments.

Developers should seek to ensure that children's play space benefits from natural surveillance and is located close to family-type housing areas. All new public open space should be accessible via the footpath network.

The public open space should be provided in perpetuity along with an appropriate commuted sum for its long-term maintenance.

COMMENT

Planning policy is not the mechanism to secure maintenance agreements, this needs to be done through a Section 106 or other legal agreement. Point (iv) should be deleted from the policy.

Whilst I recognise the benefit of Cullompton Town Council being involved in developing proposals for public open space at an early stage there cannot be a requirement for developers to do this. In addition, there is only a requirement for developers to provide public open space to meet the need generated by the new development not address any existing shortfall.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy WL03 Usable Public Open Space

Public open space on major new developments should be of adequate size and be located and designed so that it is usable by residents and other members of the public for a range of leisure and recreation activities.

Developers should seek to ensure that children's play space benefits from natural surveillance and is located close to family-type housing areas. All new public open space should be accessible via the footpath network.

Developers are encouraged to involve Cullompton Town Council, at an

early stage in the preparation of proposals for public open space provision.

Policy WL04 Outdoor Sports Facilities

Proposals to provide more tennis courts, MUGAs and other outdoor sports facilities and pitches are supported provided they will:

(i) have no significant adverse impact on the character and ecology of the area;

(ii) not have an adverse effect on other land uses in the vicinity;

(iii) be capable of being integrated into the surrounding landscape, through landform and appropriate planting; and

(iv) have satisfactory arrangements put in place for their long-term maintenance.

COMMENT

For constancy of wording throughout the policy section the phrase “will be supported” should replace “are supported”.

Planning policy is not the mechanism to secure maintenance agreement, this needs to be done through a Section 106 or other legal agreement. Point (iv) should be deleted from the policy.

Policy WL05 Indoor Sports Facilities

Proposals to provide improved and additional indoor sports and recreation facilities in or adjacent to settlement areas are supported.

COMMENT

For constancy of wording throughout the policy section the phrase “will be supported” should replace “are supported”.

Policy WL06 Cullompton Swimming Pool Complex

The development of a swimming pool complex with appropriate ancillary facilities will be supported provided:

- i. it does not have an unacceptable environmental impact;*
- ii. the scale of the facility is related to the needs of the area; and*
- iii. there is safe and convenient access for potential users.*

COMMENT

I have no comment on this policy.

Policy WL07 Community Allotments, Orchards and Composting

Space should be set aside for the provision of allotments, community orchards and composting in the larger residential development areas (over 50 dwellings), in suitable locations and sufficient to meet local demand.

The use of redundant land for community allotment, orchard and composting initiatives in suitable locations and where viable should be considered favourably.

COMMENT

As currently worded, this is not a policy but a community aspiration/project. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy WL07 Community Allotments, Orchards and Composting

Proposals for the provision of allotments, community orchards and composting in the larger residential development areas (over 50 dwellings), in suitable locations and sufficient to meet local demand will be supported.

The use of redundant land for community allotment, orchard and composting initiatives in suitable locations will be supported.

Policy WL08 Dementia Friendly Town

Proposals that contribute towards making Cullompton more dementia-friendly and an accessible town to disabled people are supported.

Development proposals will be expected to show how they incorporate the principles of dementia-friendly and fully accessible environments by reference to the Cullompton Dementia Strategy and other relevant Town Council strategies.

COMMENT

For consistency replace “are supported” with “will be supported”

Policy WL09 Providing for Young People

Proposals that provide additional facilities for the direct benefit of young people are supported where it is demonstrated, through direct engagement with recognised local youth organisations, that local young people have been consulted and involved in developing the proposal.

COMMENT

This is a statement rather than a policy and should be deleted from the policy section and placed in the community aspiration/project section of the plan.

SECTION 5

Conclusion and Recommendations

1. *I find that the Cullompton Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The Cullompton Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.*
4. *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
5. *The policies and plans in the Cullompton Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan. At the time of my examination, the development plan for the area was the Mid Devon District Council Core Strategy 2026, which was adopted in July 2007, along with the Allocations and Infrastructure Development Plan Document (adopted 2010) and Local Plan Part 3: Development Management Policies (adopted 2013.)*
6. *I therefore conclude that the Cullompton Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

1st of July 2020



Decision Statement: Cullompton Neighbourhood Plan

REGULATION 18 - THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 AND THE LOCALISM ACT 2011

SUMMARY

This Decision Statement confirms that, following an independent examination of the Cullompton Neighbourhood Plan, Mid Devon District Council accepts the examiner's recommendation that, subject to modifications, the plan can proceed to a Referendum.

The Decision Statement, Examiner's Report, submission version of the Neighbourhood Plan and associated documents are available to view on the Mid Devon District Council website:

<https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/cullompton-neighbourhood-plan/>

BACKGROUND

Cullompton Town Council as the qualifying body has prepared a neighbourhood plan for the parish of Cullompton with the help of the local community. The plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

With the agreement of the qualifying body, Mid Devon District Council appointed an independent examiner to conduct the examination of the Cullompton Neighbourhood Plan. The examination is required to test whether the plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

EXAMINER'S RECOMMENDATIONS

The Examiner's report was received on 1st July 2020. In her report the Examiner recommended a number of modifications to policies within the Cullompton Neighbourhood Plan in order that the plan and its policies met the 'basic conditions'. Additional minor modifications were also recommended to improve clarity. Full details of the 'basic conditions' against which the plan was examined, the recommended modifications and reasons for these can be found in the Examiner's Report.

The report concluded that, subject to the recommended modifications, the Cullompton Neighbourhood Plan met the basic conditions and could proceed to a Referendum.

COUNCIL'S DECISION

As required under paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990, Mid Devon District Council must consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each.

Having considered the Examiner's report, the Council accepts the recommended modifications and the reasons given for these.

The Council considers that the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and that the Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

Accordingly, the Cullompton Neighbourhood Plan, incorporating the Examiner's recommended modifications, may proceed to a Referendum.

A referendum will be held as soon as reasonably practicable following the publication of this decision statement. Please note, all neighbourhood planning referendums are postponed until 6th May 2021, in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.

Tristan Peat, Forward Planning Team Leader

For further information, please contact the Forward Planning Team at fplan@middevon.gov.uk

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 26 May 2021 at 2.15 pm

Present Councillors

Mrs F J Colthorpe, G Barnell, S J Clist,
L J Cruwys, Mrs C P Daw, C J Eginton,
P J Heal, D J Knowles, F W Letch,
B G J Warren and R F Radford

Apologies Councillor(s)

E J Berry

Present Officers:

Jenny Clifford (Head of Planning, Economy and Regeneration), Maria De Leiburne (Legal Services Team Leader), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Adrian Devereaux (Area Team Leader), Angharad Williams (Area Team Leader), Oliver Dorrell (Planning Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR) (0.00.06)

Cllr Mrs F J Colthorpe was duly elected Chairman.

2 ELECTION OF VICE CHAIRMAN (0.03.13)

Cllr D J Knowles was duly elected Vice Chairman.

3 HYBRID MEETINGS PROTOCOL (0.08.46)

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes.

4 APOLOGIES AND SUBSTITUTE MEMBERS (0.09.12)

Apologies were received from Cllr E J Berry who was substituted by Cllr R F Radford.

5 PUBLIC QUESTION TIME (0.09.52)

There were no public questions.

6 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.10.08)

Members were reminded of the need to declare any interests when appropriate.

7 MINUTES OF THE PREVIOUS MEETING (0.10.21)

The minutes of the meeting held on 14th April 2021 were agreed as a true record and duly signed by the Chairman.

8 CHAIRMAN'S ANNOUNCEMENTS (0.11.27)

The Chairman advised the Committee that there would be two meetings in June on the 16th and 23rd of the month and that an interim Development Manager was due to start soon.

9 DEFERRALS FROM THE PLANS LIST (0.12.51)

There were no deferrals from the Plans list.

10 THE PLANS LIST (0.12.57)

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

a) 20/01991/FULL - Erection of an agricultural workers dwelling at Land at NGR 288335 107070, Road from Redyeates Cross to Hayne Cross, Cheriton Fitzpaine.

The Area Team Leader outlined the contents of the report by way of a presentation which detailed the site location plan, block plan, proposed elevations and photographs of the site.

The Officer informed Members that the farm consisted of about 250 acres and the dwelling was for a full time farm worker who was employed by the business. He stated that the proposal included an extended driveway and neighbouring properties were over 200 metres away.

He explained that policies S14 and DM8 allowed for agricultural/forestry/rural workers dwellings in the countryside where an essential need had been shown and the applicant had stated that a full time worker was required on site for the husbandry of the animals. He confirmed that there were no other buildings on the site which were suitable for conversion. He explained that there was no current policy which dictated the size of proposed tied properties but that Officers felt that 180sqm was acceptable.

There had been no objections from highways or public health and there was a condition which restricted the property to an agricultural dwelling in perpetuity.

In response to Members questions about the wording of condition 4 the Head of Planning, Economy and Regeneration advised that it was standard wording for tied properties which was used by all authorities and was accepted by the Inspectorate.

The Area Team Leader then explained that although the property was large, it incorporated an office and boot room and that its value would be reduced due to it being tied to agricultural workers.

Consideration was given to:

- The amount of land owned and rented by the applicant
- The length of the leases on the rented land
- The agricultural appraisal submitted by the applicant
- The proposed plans to expand the existing building to accommodate more livestock and over wintering of animals
- The agricultural appraisal was based on 53 acres which was in the ownership of the applicant
- The views of an objector who stated that the application did not satisfy the special circumstances of policy S14 and that they disputed the applicant's claims that there would be lambing and calving on the site. That there was affordable housing nearby which could be used by the worker who, in their opinion, did not need to be on site
- The views of the applicant who stated that his business supported local suppliers and that he needed to expand his herds in the next phase of the business. He was trying to ensure succession of the business by the employment of more workers so that it could continue for years to come. That he had rented some of the land for over 25 years
- Members views that condition 4 could be open to abuse
- Members views that the application was sound and in accordance with policies S14 and DM8

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr P Heal and seconded by Cllr Mrs C P Daw)

Reason for the Decision: As set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, Mrs C P Daw, L J Cruwys, C J Eginton, S J Clist, , P Heal, F W Letch, D J Knowles, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she knew the applicant and used the farm shop
- iii.) Cllr F W Letch requested that his vote against the decision be recorded
- iv.) Anna Chambers spoke as the objector
- v.) Anthony Thorne spoke as the applicant
- vi.) The following late information was reported:

One additional letter of objection received, with the main grounds of objection summarised as follows:

- They own a holiday cottage which looks towards the development and therefore this will have an impact on the view and therefore impact on the holiday cottage business.
- If approved could lead to other farmers applying for dwellings on green field sites.

Additional supporting information has been provided by the applicant to support the need for the dwelling, to clarify plans for the site with comments as follows:

‘Livestock management is conducted, of course, at a site remote from the main farm complex and this is the main justification behind the application to build an agricultural worker’s dwelling. I have also reviewed standard labour rates in line with the ABC costings book 89th edition 2019.

The proposal is to expand the number of animals onsite to:

- 60 sheep
- 60 breeding shorthorn beef cows
- Young/followers of those cows being heifers – which are kept for 2 years and sold in calf – and some bulls which are kept for 2 years and sold for breeding. I had estimated these at 45 in number but, in view of the 2 year timescale, am advised that in reality they would number around 100.

In addition, there are some 20 acres, on this site, of drip fed courgettes, beans and calabrese.

This equates to a calculation of:

60 sheep at 3hrs - 180
60 shorthorn beef cows at 18 hrs - 1,080
45 <9 month calves (inc. in above)
25 10-15 month bulling heifers and young bulls at 16 hrs - 400
30 other followers at 14 hrs - 420
15% maintenance - 312
TOTAL 2,392

Note the hours above include relevant field work.

In addition, there are 20 acres of drip-fed vegetables at 280hrs = 5,600

Taking the livestock elements on their own this would equate to 299 standard man days. Clearly the intention is that there will be other employees on site at various times assisting with the 20 acres of vegetables and other duties but the main employment of the individual carrying out this role will be the husbandry of the livestock.

Neil Jory ACIB, ACIS

Business Information Point 21/5/21’

11 **TREE PRESERVATION ORDER- 21/00001/TPO - Bethany, Bell Meadow, Bickleigh, Tiverton (1.04.23)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration with regard to an application for a Tree Preservation Order for Bethany, Bell Meadow, Bickleigh, Tiverton.

The Planning Officer outlined the contents of the report by way of a presentation which highlighted the site location plan and photographs of the site and the trees.

The Officer explained that a temporary order had been put in place in January 2021 and that the trees had been inspected by tree consultant acting on behalf of Mid Devon District Council and that both trees had scored enough for the order to be confirmed. The temporary TPO had been put in place due to reports of works taking place to trees in a conservation area.

In response to Members questions he confirmed that the location and size of the trees in relation to nearby dwellings had been considered by the tree surveyor as part of the assessment.

Consideration was given to:

- Members concerns with the species of the fir tree not being confirmed
- Members views that there were acceptable methods available to ensure that the trees did not become a danger to neighbouring properties

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr Mrs C P Daw and seconded by Cllr L J Cruwys)

Reason for the Decision: As set out in the report.

Notes: *Report previously circulated copy attached to the minutes.

12 **MAJOR APPLICATIONS WITH NO DECISION (1.23.39)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that:

21/00276/MFUL – Erection of 13 dwelling at Land at NGR 283084 102432 (Fanny's Lane) Sandford Devon – be brought before the committee for determination and that a site visit take place

Note: *List previously circulated; copy attached to the Minutes

13 **APPEAL DECISIONS (1.29.19)**

The Committee had before it, and **NOTED**, a list of appeal decisions * providing information on the outcome of recent planning appeals.

It was noted that the Higher Town, Sampford Peverell appeal was a public enquiry and not written representations as detailed in the report.

Note: *List previously circulated; copy attached to minutes.

14 **APPEALS PERFORMANCE (1.31.52)**

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration providing the Committee with information on the appeal decisions and performance of aspects of the planning function of the Council for 2019/2020, 2020/2021 and 2021/2022

The Head of Planning, Economy and Regeneration outlined the contents of the report and explained that it had been an extraordinary year which had impacted on appeal activity and processing which had rapidly moved to virtual settings.

She explained the Government target for appeal performance which included the speed and quality of decision making.

She provided Members with the appellant's award costs for Higher Town, Sampford Peverell which was £32k exclusive of VAT.

Consideration was given to:

- Members request that information be provided of the percentage of cases overturned at appeal by delegated and non-delegated decisions and the number of appeals for non-determination appeals
- That 93 – 98% of applications were delegated

Note: *Report previously circulated; copy attached to Minutes.

15 **DECISIONS CONTRARY TO RECOMMENDATIONS (1.51.02)**

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration providing the Committee with information on Committee decisions for 2020/2021 which were not in agreement with officer recommendations.

The Head of Planning, Economy and Regeneration outlined the contents of the report and explained that it provided a summary of applications where the Planning Committee had made decisions not in agreement with officer recommendations.

Note: *Report previously circulated and attached to the minutes.

16 **PLANNING PERFORMANCE (1.52.36)**

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration providing the Committee with information on Planning and Building Control Performance.

The Head of Planning, Economy and Regeneration outlined the contents of the report and highlighted that there were a range of indicators which monitored the speed and quality of decisions made.

Consideration was given to:

- That timeframes could be extended with an agreement with the applicant for an extension of time
- The intention of the Planning service to put in extra effort to clear the current backlog of applications to ensure that future applications were determined on time without extensive reliance upon extensions of time
- An upturn in the number of applications being received over recent months
- The number of vacant posts in the Planning service and additional resources being put in place
- A new enforcement officer was now in post

The officer explained that the Building Control service had put in new virtual processes to ensure that cases had been considered during the pandemic which had worked well.

Note: *Report previously circulated and attached to the minutes.

17 **START TIME OF MEETINGS (2.10.32)**

It was **AGREED** that the start time of meetings remain at 2.15pm for the remainder of the municipal year.

(The meeting ended at 4.27 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 16 June 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, C J Eginton, P J Heal,
B Holdman, D J Knowles, F W Letch and
B G J Warren

Apologies

Councillor(s)

G Barnell

Also Present

Councillor(s)

R M Deed and Mrs S Griggs

Present

Officers:

Jenny Clifford (Head of Planning, Economy and Regeneration), Maria De Leburne (Operations Manager Legal and Monitoring), Miles Joyce (Interim Development Management Manager), Adrian Devereaux (Area Team Leader), Angharad Williams (Area Team Leader), Christie McCombe (Area Planning Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

18 APOLOGIES AND SUBSTITUTE MEMBERS (0.04.47)

Apologies were received from Cllr G Barnell who was substituted by Cllr B Holdman.

19 HYBRID MEETINGS PROTOCOL (0.05.04)

The Committee had before it, and **NOTED**, the Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes.

20 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.05.33)

Members were reminded of the need to declare any interests when appropriate.

21 PUBLIC QUESTION TIME (0.05.44)

1. Pat Pratley referring to item 10 on the agenda stated

Question one: will the committee explain why they believe that this site, adjoining the settlement of Tiverton, defined in the Local Plan as a Market Town, qualifies as an exception site within the context of policy of DM6 which states that an exception site must adjoin a settlement which will usually mean one of the settlements, defined in policy S13 which is concerned with the development of 22 village locations and settlements which do not function as Market Towns?

Question two: If the interpretation placed on S13 and DM6 in the report is accepted, what does the committee consider will be the spatial implications for the three Market Towns with regard to future applications for affordable housing outside but adjacent to their settlement boundaries?

Question three: Members have been asked to consider the Local Plan in its totality and policy S10 states that the Council will guide development to retain the green setting provided by the green steep open hillsides particularly to the west and south. Policy S14 states in its introduction 'Development outside the settlements defined by policy S10 to S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside'. What is the committee's view of the ability of the development to achieve these objectives?

2. Major Jenkins referring to item 11 on the agenda provided the following questions which were read out by the Chairman:

Would the Committee agree that the 2 month delay in bringing this hearing back before the Planning Committee, requested by the applicants agent on the 22 March 2021 has tactically and unnecessarily moved the application into a time frame where it could be considered the building becomes exempt under the 'four year rule', a mitigating factor that the 'Implications Report' now raises, and that the decision should be firmly based on the date that the first request for a 'Certificate of Lawfulness' was applied for on 24 June 2020, at which point it was a further 13 months before it would be 4 years old, cognisant of the fact that the building first came to the attention of the Council in August 2019 as being in continuous occupation at which point the building was just over 2 years old.

Could it please be explained as to why the applicants agent has been able to submit further evidence, by way of yet further revised plans for consideration that have effectively changed the application, after the 14 day period, during which written objection had to be submitted which raised issues that were based on the evidence that had been previously submitted (prior to the 14 day period) and on which, notification of receipt and publication had been sent by the Planning Services Department on 13 May 21?

3. Lisa Clifford referring to item 11 on the agenda provided the following questions which were read out by the Chairman:

Why is there no reference to the installation of a WC and sewage facilities mentioned in the report? Given the proposed building is 14 mm at its narrowest and 18 mm at its widest to the neighbouring boundary, the roof gutter down pipe touches the boundary I feel there is good reason to consider the implication of installing a sanitary unit. There are Building Regulations specific to the purpose of

the installation or change of building to one that will house a sanitary unit, but I found this missing in the implication report, why?

What is the guarantee that the building will be built accordance to proper standards to ensure safety and hygiene?

I note that there have been no conditions put in place to increase the distance between the building and neighbouring boundaries, which are not the recommended 2.5 m but instead 14 mm at its narrowest and 18 mm. Why has the closeness of the shed to the boundary been ignored?

I wonder how the applicant will be able to access their building for maintenance if there is no access available?

When permission to access neighbouring gardens is given is relying on the removal of neighbours fencing to access the sides of the building for maintenance short sighted and impractical? What happens if a neighbour plans to place a building/shed next to their own fence, or as has been done invested a large amount of money on planting. Does it not seem more sensible to have a condition, if the application is approved, to narrow the building allowing easy access to the shed?

Why is this building constantly described as a timber building when it is timber cladding, which is not sound proof – I note there is no comments about sound proofing considering the building will have a living space, bedroom and shower/wc. Will the building be made soundproof to allow enjoyment of quiet of people's gardens?

The report has acknowledged it is a subjective, but it fails to consider and respect the sentiments of many applications that expressed a collective concern that the approval of this building will set a precedence. It ignores the fact that the proposed use of the building does not fit in with sheds/outbuilding in this small community. Why is this not important?

I have noted in the report that a financial risk sways the application towards approval, but the risk to the well-being of those living in the adjoining properties and implication of its approval in setting a precedence and the negative environmental affect this could have on the environment it surrounds is ignored, what is the rationale?

If the building is approved what are the ramifications of the building being used outside the permitted use outlined in the report? Who and how are these rules imposed and what are the penalties?

4. Paul Elstone, referring to item 9 on the agenda:

Madam Chair, you give me three minutes but my understanding is that 30 minutes are given to Public Questions normally within the planning process. Secondly and I totally respect your position as Chairman of the Planning Committee but I in advance was in communication with the MDDC Chief Executive, Mr Walford, and suggested that I would be asking quite a few

questions at this meeting and he encouraged me and suggested that it was totally appropriate to do so. I would add that I have on that basis 17 questions to ask.

The Chairman reminded Mr Elstone that 3 minutes is all that is allowed for each speaker during Public Question Time.

Mr Elstone continued.... Well given that, there is no point in me asking any questions because they are all very much interlinked. I am going to be selective as clearly I have tried to get some prearrangement whereby I wouldn't even be having to ask these questions at this moment. That failed so the fall back was, as I say, I did speak to Mr Walford and he suggested it was wholly appropriate that I raise them at this meeting but if that is your position I am going to have to be selective and it is going to be very difficult so just bear with me....

One question: Key section of the UK Governments National Planning Policy Framework, published in February 2019 section pre-application engagement on front loading, paragraph 40 extract, states the Local Planning Authorities have a key role to play in the process of public engagement. That LPA's should, where they think it will be beneficial, encourage any applicants who are not already required by law to engage with the local community and where relevant statutory or non statutory consultees be forced to consider applications. My question therefore is, did the MDDC Planning Officers at any stage stage encourage Redrows to enter into consultation with the public? If so, when and how was this done? I ask this question as in the Statement of Community Involvement in February 2021, section Appendix 1, section 3.5, Redrows say, because these design proposals relate closely to the EUE planning documents that they consider it not necessary to enter into further levels of public consultation. Respectfully we need to change that word from 'further' to 'no' public consultation. I would add that any cursory view of the mapping of the outline planning application for reserve matters show very many major changes. I do believe that the applicant is being very disingenuous, not only to the public and Tiverton Town but to MDDC councillors to say the very least.

I am going to go into another question in a similar vein which I would not have to ask if the public had been consulted. The Tiverton EUE Masterplan Supplementary Planning Document adopted by MDDC in 2018, states in section 1.7, that public consultation is required at the urban design of the planning process, it is considered that public consultation should be a prescriptive requirement. My question is why did this public consultation not happen? Especially important as there has been no public consultation on Area A of the Tiverton EUE development in 2014 as a function of the outline planning application. So this is a significant thing. As a result of there being no public consultation we have just one person left to speak for three minutes in a planning committee plus a chance to ask a few questions. This, after Planning Officers have made planning recommendations to the Planning Committee for approval of the planning application.

I am at a loss as to how constrained I am. I would like to ask one more question (Mr Elstone was then asked to conclude his statement by the Chairman....). He continued.....this just reflects what is wrong in the planning process, public consultation and no opportunity to ask questions at the planning stage. Thank you

Madam Chair, clearly it reaffirms a view of the whole planning process of what has been happening over recent months and recent years.

The Operations Manager for Legal and Monitoring advised Members that Mr Elstone had been in contact with the Chief Executive and the Monitoring Officer asking for a deferral of the application but that there was no basis for a deferral.

22 MINUTES OF THE PREVIOUS MEETING (0.23.39)

The minutes of the meeting held on 26th May 2021 were agreed as a true record and duly signed by the Chairman.

23 CHAIRMAN'S ANNOUNCEMENTS (0.25.04)

The Chairman introduced Myles Joyce the interim Development Management Manager and Michelle Woodgates the DCC Highways Officer.

24 ENFORCEMENT LIST (0.27.06)

There were no enforcement cases to report.

25 DEFERRALS FROM THE PLANS LIST (0.27.13)

There were no deferrals from the Plans List.

26 THE PLANS LIST (0.27.13)

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

- a) 21/00374/MARM - Reserved Matters in respect of (appearance, landscaping, layout and scale) for infrastructure associated with initial phases of development, following Outline approval 14/00881/MOUT at Land at NGR 298088 113134 (Adjacent Barnesmead), Blundells Road, Tiverton.**

The Planning Officer explained that the application before Members was reserved matters and part of the spine road which was previously the subject of an outline planning application.

The Planning Officer outlined the contents of the report via a presentation which highlighted site location plan, Tiverton EUE illustrative framework plan, aerial view, general arrangements plan, detailed landscape details and photographs of the site.

The officer explained that Adopted Masterplan SPD sets out the ambition for a roundabout on Blundells Road. Whilst a roundabout is visible on the plans it is outside the red line boundary of this application site, and officers the construction of the spine road will, in the first instance, be constructed with a T junction, on to Blundells Road. The application had footway provision on both sides of the road and incorporated sustainable drainage provision. Changes had been made to the outline

application which included an extension of the hedgerow and relocation of the electricity sub station. She confirmed that no trees were planned to be felled and a community space included seating, formal planting and a trim trail are to be provided.

She confirmed that the minimum 9 metre buffer width between the spine road and Barnsmead commenced at the boundary of Barnsmead.

In response to a question from Members, the officer confirmed that the application, if approved, gave certainty for future phases of development but did not predetermine where future phases would be situated.

The DCC Highways Officer confirmed that the T Junction on Blundells Road was a temporary solution until the proposed roundabout was delivered and that safety audits had been completed and confirmed that the junction was acceptable.

Consideration was given to:

- The views of the agent who stated that Redrow had been awarded the contract to construct the infrastructure on phase A of the Tiverton EUE and that the application was in accordance with the Local Plan. He explained that the application was before Committee early so that works could start on the spine road before September and the winter period.
- Members views that the site visit had revealed the welcome news that the proposed substation had been moved away from an existing property
- Confirmation that 150-200 dwellings had to be constructed and occupied before DCC Highways could consider the installation of the proposed roundabout onto Blundells Road
- Members views that it was difficult for them to deal with lots of smaller applications which made up the whole picture of the EUE
- Members concerns that if permitted, the siting of the proposed spur road on the spine road would predetermine where future housing would be built out
- Members concerns about the safety of the temporary T junction on Blundells Road

It was therefore **RESOLVED** that: planning permission be granted as recommended by the Head of Planning, Economy and Regeneration subject to: the receipt of a plan removing the access point to residential development to the west.

(Proposed by the Chairman)

Reason for the Decision: As set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, B Holdman, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal, D J Knowles, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors;
- ii.) Russell Smith spoke as the agent for the applicant.

27 Application 20/01263/MFUL - Allotments, Tumbling Field Lane, Tiverton Devon - Erection of 22 dwellings with parking, landscaping and construction of new access (1.08.34)

At the Planning Committee meeting on 14th April 2021, Members advised that they were minded to refuse the above application and invited an implications report for further consideration. The Committee therefore had before it a *report of the Head of Planning, Economy and Regeneration setting out the implications of refusal.

The Area Team Leader outlined the contents of the report by way of a presentation highlighting site location plan, site layout, accommodation tenure, elevations and photographs of the site.

She explained the reason for the implications report and the reasons why officers felt that the application was acceptable in terms of the Local Plan and MDDC planning policies.

In response to public questions the officer responded:

- Policy DM6 applied as it was outside the settlement limit of Tiverton but was predominately affordable housing which was acceptable.
- The application would not set a precedent in terms of policies S13 and DM6 as each application would be determined on its own merits. Applications could come forward but each would be determined against MDDC Policy.
- Biodiversity improvements and conditions included a comprehensive landscaping plan and new trees to be planted which were significant reasons for officers to recommended approval of this development.

Consideration was given to:

- Members views that the LPA was on track with it's 5 year housing plan and concerns that this application had come forward
- Members views that an adjoining disabled resident's access would be adversely affected during construction of the site
- Members concerns that sites kept being brought forward which were not included within the Local Plan
- Members views that more weight should be attributed to objectors concerns than advice provided by their Planning Officers
- Officers advice that an application for a rural (outside of a settlement) exception site which comprised of predominately affordable housing was not included within the 5 year land supply and could be brought forward under policy DM6
- Members views that the application was contrary to policy S10 as it did not retain the open setting in the south and west of the Town
- The independent viability assessors report which confirmed that the number of affordable units proposed was acceptable
- Members concerns with the visual impact of the proposed development
- The applicant was an affordable housing provider and that with further funding it was hoped that all 22 units would be affordable
- The views of Members that the officer advice regarding the applicants stated desire to appeal if permission was refused as to potential costs award if an

appeal failed was intimidating to Members. The officer response was that this was certainly not meant to be the case and that the report followed the same format as all other implication reports which sought to be honest and transparent with Members outlining the information received from applicants.

Therefore the Committee **RESOLVED** that: Planning permission be refused for the following reasons:

- a) The proposed development of 22 dwellings is in open countryside and will not preserve and enhance the character and appearance of the countryside. It is adjacent to the settlement area of the market town of Tiverton where suitable provision for sufficient housing, on allocated sites, in excess of requirement over the plan period, is also identified in policy S10 and the proposed site does not meet the criteria of an exception site as identified in policy DM6. It is contrary to policy S14.
- b) The proposed development will not retain the green setting provided by the steep open hillsides, particularly to the west and south of the town contrary to policy S10.

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs C P Daw)

Reason for the Decision: As set out in the report

Notes:

- i.) *Report previously circulated and attached to the minutes
- ii.) Cllrs Mrs F J Colthorpe, B Holdman, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal, D J Knowles, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- iii.) Cllrs Mrs F J Colthorpe, P J Heal and E J Berry requested that their vote against the decision to be recorded
- iv.) Cllr F W Letch requested that his abstention from voting be recorded
- v.) In the event of an appeal Cllrs L J Cruwys, Mrs C P Daw and Cllr B G J Warren would defend the decision
- vi.) The following late information was provided:

1 x representation from the Tiverton Neighbourhood Plan – this objects to the development on grounds that the upcoming plan supports the Tiverton Settlement Area as set out in the Local Plan and that it is considered that the Tiverton Eastern Urban Extension will fulfil the required number of homes and as such, they do not consider the development to be appropriate.

1 x representation from Devon CPRE – in summary, they object to the development on grounds that the land is good quality farmland, that the site access is in flood zone 3; and flooding could be an issue with run off from the hills; overdevelopment of the site and that the site is not designated for development or included within the 5 year land housing supply.

Supporting statement from LIVEWEST that has been sent around to members.

Objection from Patricia and Paul Pratley with a number of questions that members will have seen.

28 Application 20/01537/HOUSE - 19 Lower Millhayes Hemyock Cullompton Devon - Retention of timber outbuilding to be used ancillary to the main house, retention of decking and proposed installation of water supply and drainage pipes underground (2.16.58)

At the Planning Committee meeting on 10th March 2021, Members advised that they were minded to refuse the above application and invited an implications report for further consideration. The Committee therefore had before it a *report of the Head of Planning, Economy and Regeneration setting out the implications of refusal.

The Area Team Leader outlined the contents of the report and reminded Members of the application by way of a presentation which highlighted site location plan, floor plan, elevations, side view plan and photographs of the exterior and interior of the cabin.

The officer explained that the cabin appeared immune from enforcement action as it has been in situ for 4 years, as information had been received it was in situ in June 2017, and was to be used as ancillary to the house.

In response to public questions he responded:

- The WC was not mentioned on the implications report as it was not part of the original reasons for refusal
- The quality of the building was subject to building regulations
- Distance from neighbouring boundaries was not a policy requirement
- Access for maintenance was a civil issue and was no different than extensions built on boundary lines
- There was no planning policy which determined how far out building had to be constructed away from an existing boundary
- It was not considered that additional soundproofing is required
- The use of the outbuilding was a consideration for Members
- An implication report must include possible outcomes for Members if an appeal was lodged against refusal
- Any breach of conditions would be at risk from possible enforcement action from MDDC
- The LPA had not deliberately withheld the application, the applicant wanted to make changes after the last planning committee to alleviate Members concerns over the size of the decking
- Concerns were received in 2019 but an enforcement file was closed following an investigation because the use was considered to be within permitted development rights

Consideration was given to:

- The application being submitted in October 2020 when officers concluded that the cabin was not within permitted development rights and planning permission was required
- Members views that they had received private information that the cabin was not completed until June 2020 and that they questioned the need for an ancillary use building to the main property
- As no enforcement notice was issued in 2019 the date of June 2017 was used as the date the cabin was first in situ and therefore a period of 4 years had passed making it immune from enforcement action
- Members views that the cabin did not conform to ANOB foul drainage standards, it dominated the top of the garden and overlooked bedrooms of no 20 Lower Millhayes
- Members views that the cabin was overbearing, was not a positive dynamic and that condition 3 was unenforceable
- Members views that there was no need for a cabin for ancillary purposes as the main house was large enough to accommodate visitors

Therefore the Committee **RESOLVED** that: planning permission be refused for the following reason:

In the opinion of the Local Authority, the proposed outbuilding in terms of its size, appearance and location on an elevated site is not considered to make a positive contribution to the local character of the area. The development is considered to adversely affect the amenity of neighbouring occupiers by virtue of unacceptable overlooking and its overbearing nature, with inadequate justification provided for the proposed ancillary accommodation on site. The proposal is therefore considered to be contrary to policies DM1 and DM11 of the Mid Devon Local Plan 2013-2033.

(Proposed by Cllr S J Clist and seconded by Cllr F W Letch)

Reason for the Decision: As set out in the report

Notes:

- vii.) *report previously circulated and attached to the minutes
- viii.) Cllrs Mrs F J Colthorpe, B Holdman, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal, D J Knowles, F W Letch MBE and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ix.) Cllrs Mrs F J Colthorpe, P J Heal, D J Knowles and E J Berry requested that their vote against the decision to be recorded
- x.) In the event of an appeal Cllrs S J Clist and Cllr F W Letch would defend the decision.

29 MAJOR APPLICATIONS WITH NO DECISION (2.50.09)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that:

21/00883/MFUL Permanent siting of a Motorcross track, Station Road, East Langford, Bow be brought to Committee and a site visit take place if the officer recommendation was minded to approve.

Note: *List previously circulated; copy attached to the Minutes

30 **APPEAL DECISIONS (2.52.25)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to minutes.

(The meeting ended at 5.18 pm)

CHAIRMAN

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	Totals	Conservatives (Con) 20	Liberal Democrats (LD) 11	Independents (IND) 8	Greens (G) 2	Independent (U/I) (1)
% Based on current membership of 42	100	47.62%	26.19%	19.05%	4.76%	
Committee Seats	99	47	26	19	5	Take the remaining 2 available seats
Other Bodies	24	11	6	5	1	Take the remaining 1 available seat

COMMITTEE	No on Committee	Con 47	LD 26	IND 19	Greens 5	U/I 2
Scrutiny	12	5.71 6	3.14 3	2.29 2	0.57 1	
Audit	7	3.33 3	1.83 2	1.33 1	0.33 0	1
Environment PDG	9	4.29 4	2.36 2	1.71 2	0.43 1	0
Homes PDG	9	4.29 5	2.36 2	1.71 2	0.43 0	0
Economy PDG	9	4.29 4	2.36 3	1.71 2	0.43 0	0
Community PDG	9	4.29 4	2.36 3	1.71 2	0.43 0	0
Planning	11	5.24 5	2.88 3	2.10 2	0.52 1	0
Licensing	12	5.71 6	3.14 3	2.29 2	0.57 1	0
Regulatory	12	5.71 6	3.14 3	2.29 2	0.57 1	0
Standards Committee	9	4.29 4	2.36 2	1.71 2	0.43 0	1
TOTAL	99	47	26	19	5	2

Other Bodies	No on Group	Con 11	LD 6	IND 5	Greens 1	U/I 1
PWG	8	3.81 4	2.10 2	1.52 2	0.38 0	0
Planning Policy Advisory Group	9	4.29 4	2.36 2	1.71 2	0.43 1	0
Development Delivery Advisory Group	7	3.33 3	1.83 2	1.33 1	0.33 0	1
TOTAL	24	11	6	5	1	1

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COUNCIL

1 JULY 2021

APPOINTMENT OF MONITORING OFFICER

Cabinet Member(s): Cllr Bob Deed, Leader of the Council
Responsible Officer: Stephen Walford, Chief Executive

Reason for the Report and the Recommendation: the Council is required to have a Monitoring Officer at all times. This report makes recommendations for the interim appointment of an interim Monitoring Officer from 30 June 2021 and a permanent appointment to commence later in 2021

RECOMMENDATION: that the Council appoints:

- 1 Maria de Leiburne as an interim Monitoring Officer from 1 July 2021 until the new permanent Monitoring Officer commences employment later in the year; and**
- 2 Karen Trickey as the Monitoring Officer on a permanent basis from the commencement of her employment in 2021.**

Financial Implications: these decisions will not result in any budgetary increase for 2021/22

Budget and Policy Framework: There will be some additional legal costs arising from the need to put in place some casework support for the legal team. It is anticipated that it may be possible to absorb these over the remainder of the financial year through intra-budgetary changes.

Legal Implications: by section 5 of the Local Government and Housing Act 1989, the Council must designate one of their officers as the Monitoring Officer.

Risk Assessment: None directly arising – the recommendation for an interim Monitoring Officer meets the legal requirements and ensure that the overall compliance and standards obligations are monitored and maintained. A fully competitive recruitment process has ensured the selection of a suitably qualified candidate for the permanent role.

Equality Impact Assessment: the Council's recruitment processes and policies ensure that equality laws are satisfied.

Relationship to Corporate Plan: None directly arising.

Impact on Climate Change: None directly arising

1.0 Appointment of Monitoring Officer

- 1.1** With the departure of the Council's former Head of Legal (Monitoring Officer), Kathryn Tebbey, on 28 June 2021, the Council needs to appoint a new Monitoring Officer. Interviews took place in June for a permanent replacement to the newly styled "District Solicitor and Monitoring Officer" post.

- 1.2 Of the 4 candidates who applied, two were interviewed by a panel comprising the Chief Executive, Deputy Chief Executive, Director of Business Improvement and Operations and Head of Legal (Monitoring Officer). The Leader, Deputy Leader, Chair of Scrutiny Committee and Cabinet Member for the Working Environment also spent some time (via Zoom) speaking to the two candidates after their interviews.
- 1.3 The Chief Executive agreed with the interview panel and the member panel that Karen Trickey should be recommended for this appointment. Karen has extensive experience as a local government solicitor (specialising in planning) and has acted as a monitoring officer for a number of authorities, most recently Teignbridge District Council.
- 1.4 A brief summary of Ms Trickey's experience is set out in the confidential appendix 1 (exempt information – personal information).

2.0 Appointment of Interim Monitoring Officer

- 2.1 The Council must have a Monitoring Officer in post at all times. Maria de Leburne, is a solicitor and the Operations Manager for Legal Services and Monitoring. She has been deputy monitoring officer since 2016, alongside Sally Gabriel.
- 2.2 Maria is well-known and respected within the Council and has agreed to step up as Monitoring Officer on an interim basis. Due to the additional work load as Monitoring Officer, which can often be a full-time commitment, arrangements have been made to provide the necessary casework support during this interim period. Specifically, additional provision has been made to cover planning casework over the next 3-4 months.

Contact for more Information: Stephen Walford, Chief Executive (01884) 234201
swalford@middevon.gov.uk

Circulation of the Report: Council

List of Background Papers: None

Document is Restricted

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FULL COUNCIL 1 JULY 2021

BUDGET PROVISION FOR DECARBONISATION GRANT

Cabinet Member(s): Cllr Andrew Moore, Cabinet Member for Finance
Responsible Officer: Andrew Jarrett, Deputy Chief Executive and S151

Reason for Report:

To seek approval from council to facilitate the expenditure of grant monies that have been secured as part of the Public Sector Decarbonisation Scheme. This report seeks approval to increase planned budget expenditure by the amount secured in grant funds.

Recommendation:

- (1) That the council agrees the changes to the annual budget in 2021/22 in order to reflect the additional expenditure of £349k now required to implement the PSDS scheme.**

Financial Implications: This decision will allow the council's budgeted expenditure to be updated to accurately reflect known spend. Planned spend is 100% covered by external grant; there is no anticipated negative impact on base budget.

Budget and Policy Framework: This grant-funding was not known at the time the council's annual budget was approved. This decision approves the budget allowing for a future cabinet decision to be made about project implementation. The council's budget (planned expenditure) will be updated as a result of this decision.

Legal Implications: None arising from this decision. A policy decision on the project spend and implementation will be coming to cabinet on 6th July 2021.

Risk Assessment: If the council does not make sufficient provision in its budget for planned expenditure, there is a risk that full utilisation of the grant funding could be challenged as it exceeds the £250k threshold variance within the remit of cabinet.

Equality Impact Assessment: No impacts identified.

Relationship to Corporate Plan: This decision is to amend the budget to allow for expenditure of a government grant secured to reduce energy usage in public buildings. As such, this is aligned to the council's corporate plan, specifically in relation to the Environment theme – Encourage retro-fitting of measures to reduce energy use in buildings.

Impact on Climate Change: This decision is purely to allow for the additional planned expenditure in budget terms. The projects that the grant funding will deliver are specifically to reduce carbon emissions, and a decision to implement the grant itself will be going before cabinet on 6th July 2021.

1.0 Overview

- 1.1 When the council sets the annual budget it takes in all the known variables at that point in time. Variations from this budget are permitted within agreed tolerances as set out in the financial regulations.
- 1.2 A bid was submitted to the government's Public Sector Decarbonisation Scheme (PSDS) and the council has been notified of its success under this scheme, allowing for a further investment in carbon emission reduction activity to the value of £348,821 across three separate grant agreements.
- 1.3 This success was not known about when the budget was originally agreed by council, so this spend has not been approved.
- 1.4 Having been successful in securing this additional investment, the council's budget framework needs to be updated to reflect this additional expenditure, in order that subsequent decisions relating to implementation accord with the council's agreed budget.
- 1.5 The grants secured cover 100% of planned expenditure and there is no anticipated impact on base budget provision. However the council's budget needs to be updated, even when the council is planning to spend externally-sourced funds.

2.0 Summary

- 2.1 The PSDS funds need to be utilised by 30th September 2021, and a decision on project implementation will be coming to cabinet on 6th July to ensure that this timeframe can be met.
- 2.2 In summary, while this report has been necessitated by the welcome securing of additional grant monies from government, the council's budget approvals cover total expenditure not just that from its own resources. So full council needs to agree to expand the budget by the amount secured to cover this extra spend.

Contact for more Information:

Andrew Jarrett, Deputy Chief Executive and S151 – ajarrett@middevon.gov.uk