

**Independent Examiner's Report of the**  
**Cullompton Neighbourhood Plan**

Deborah McCann

*Author*

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

*Planning Consultant*

*NPIERS Examiner*

*CEDR accredited mediator*

*1<sup>st</sup> 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 provision<sup>12</sup> 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 County 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*

*1<sup>st</sup> of July 2020*