



September 2022
Tiverton Neighbourhood Plan

Decision Statement: Tiverton Neighbourhood Plan proceeding to Referendum

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 Tiverton Neighbourhood Plan, Mid Devon District Council accepts the examiner's recommendation that, subject to modifications, the Tiverton Neighbourhood Plan can proceed to a Referendum.

The Examiner's Report, submission version of the Tiverton Neighbourhood Plan and associated documents, including this Decision Statement, are available to inspect on the Mid Devon District Council website: <https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/tiverton-neighbourhood-plan/> and at the Council's office at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP during opening hours.

BACKGROUND

Tiverton Town Council as the qualifying body has prepared a neighbourhood plan for the parish of Tiverton 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 Tiverton 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 final report was received on 27th July 2022. In the report the Examiner has recommended a number of modifications to policies within the Tiverton Neighbourhood Plan in order that the plan and its policies meet the 'basic conditions'. Additional minor modifications have also been recommended to improve the clarity of the neighbourhood plan. Full details of the 'basic conditions' against which the plan has been examined, the recommended modifications and reasons for these can be found in the Examiner's report.

The report has concluded that, subject to the recommended modifications, the Tiverton Neighbourhood Plan meets the basic conditions and can proceed to a Referendum. The Examiner has also confirmed that the Tiverton Neighbourhood Plan should proceed to a Referendum based on the neighbourhood area approved by Mid Devon District Council in November 2018, which is the Tiverton parish area and

is shown in Appendix 2.

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 Tiverton Neighbourhood 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 Tiverton Neighbourhood Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

Accordingly, the Tiverton Neighbourhood Plan, incorporating the Examiner's recommended modifications and typographical, grammatical and factual corrections which are set out in Appendix 1, may proceed to a Referendum.

A Referendum will be held within 56 working days following the publication of this Decision Statement and the date for this Referendum will be published not fewer than 28 days before the date on which the Referendum will be held.

To meet the requirements of the Localism Act 2011 the Referendum will pose the following question:

"Do you want Mid Devon District Council to use the Neighbourhood Plan for Tiverton to help it decide planning applications in the neighbourhood area?"

Government planning guidance advises that where a decision statement has been made detailing the intention to send a neighbourhood plan to Referendum, such as for the Tiverton Neighbourhood Plan, that plan can be given significant weight in planning decision-making, so far as the plan is material to the application.

**Tristan Peat,
Forward Planning Team Leader for Mid Devon District Council**

For further information, please contact the Forward Planning Team at fplan@middevon.gov.uk

Appendix 1 – Mid Devon District Council’s Decision Statement on the Examiner’s recommended modifications to the Tiverton Neighbourhood Plan July 2022

Neighbourhood Plan Policy	Examiner’s recommended modifications	Recommended Council decision and reason
Policy T1: Location and scale of development	In clause B criterion i. delete “Mid Devon District Council Local Plan Review” and replace with “Mid Devon Local Plan (adopted 2020)”.	Agreed. This modification is a factual correction to refer to the current adopted Mid Devon Local Plan and will add clarity.
Policy T3: Providing lifetime affordable housing	In clause C in third line delete “Mid Devon Local Plan Review” and replace with “Mid Devon Local Plan (adopted 2020)”.	Agreed. This modification is a factual correction to refer to the current adopted Mid Devon Local Plan and add clarity.
Policy T4: Character of development	In clause A in first line delete the word “preserve” and replace with the word “conserve”. In clause B criterion iii: <ul style="list-style-type: none"> delete the words “should enhance the significance and setting of the asset” and replace with the words “must comply with national policy requirements including the submission of an appropriately detailed Heritage Statement.”. In the second sentence delete the word “This” and replace this with the word “Proposals”. After clause B criterion iii. delete the sentence “Proposals are expected to be accompanied by a Heritage Statement.”	Agreed, These modifications are needed to reflect the wording of national planning policy and will add clarity to the policy T4. The modifications will add clarity and meet the Basic Conditions.

Neighbourhood Plan Policy	Examiner's recommended modifications	Recommended Council decision and reason
Policy T6: Energy efficiency and design	<p>In clause A:</p> <ul style="list-style-type: none"> In the second sentence, add the word "above" after the word "achieve", delete the word "minimum" and delete the words ", unless it can be demonstrated that doing so is not technically feasible or would make the scheme unviable:" Add a new sentence at the end of clause A "This includes wherever possible:" <p>In clause A criterion i:</p> <ul style="list-style-type: none"> Replace the first letter 'e' with a capital "E" in the word "energy" After the words "Energy efficiency" delete the words "19% carbon dioxide reduction improvement against Part L (2013)30 through the energy efficiency of the building" and replace with "measures to reduce carbon dioxide outputs both in construction and operation above policy requirements". <p>In clause A criterion 1 add the word "achieving" after the word "Major:"</p>	<p>Agreed,</p> <p>These modifications are needed to reflect that the Building Regulations (2013) have been replaced by the Building Regulations (2021) which took effect from 15th June and which represent a 20-30% uplift on the previous regulations.</p> <p>The addition of the word "achieving" will add clarity to the plan.</p> <p>The modifications will add clarity and meet the Basic Conditions.</p>
Policy T8: Local buildings and structures of merit and local heritage assets at risk	<p>In clause A delete the words "Mid Devon Local Plan Review" and replace with the words "Mid Devon Local Plan (adopted July 2020)".</p> <p>In clause B criterion v. delete the words "Mid Devon Local Plan Review" and replace with the words "Mid Devon Local Plan (adopted July 2020)".</p>	<p>Agreed.</p> <p>This modification is a factual correction to refer to the current adopted Mid Devon Local Plan.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications	Recommended Council decision and reason
<p>Policy T9: Green and blue infrastructure and delivering biodiversity net gain</p>	<p>In clause A second sentence;</p> <ul style="list-style-type: none"> delete the words “, the delivery of a minimum 10% biodiversity net gain for local people and wildlife required.” and replace these with the words “Proposals should include biodiversity net gain, which as a minimum meets national policy requirements.” <p>In clause B:</p> <ul style="list-style-type: none"> delete the word “Development”, and replace with the words “In accordance with national policy, proposals”. delete the word “not” between the words “not” and “be” delete the word “supported,” and add the words “refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.” <p>In clause D:</p> <ul style="list-style-type: none"> delete the words “to ensure that surface water run-off is prevented.” and add the words “to ensure that all drainage proposals demonstrate that they will have no adverse impact on the SSSI.” 	<p>Agreed.</p> <p>These modifications reflect that there is currently no legal requirement to provide a 10% biodiversity net gain. Although included in the Environment Act 2021 this provision will only become mandatory when the Town and Country Planning Act is amended and this is only likely to become law in 2023.</p> <p>The modification to clause D reflects advice provided by Natural England.</p> <p>The modifications will add clarity and meet the Basic Conditions.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications	Recommended Council decision and reason
Policy T10 Local green spaces	<p>Delete the words "The 30 areas listed in paragraph 7.18 and shown in Figures 7.3 and on the Policies Map are designated as a Local Green Spaces. Development proposals within the designated local green space will only be supported in very special circumstances." and replace this text with the following words:</p> <p>"The following sites are designated as Local Green Spaces as shown in Figures 7.3 and on the Policies Map:</p> <ol style="list-style-type: none"> 1. Green space in The Avenue 2. Westexe Recreation Ground off Wellbrook Street 3. Lowman Green, at the bottom of Gold Street 4. Leat Street open space 5. Beech Road Allotments 6. People's Park 7. Amory Park, inc. BMX track, off Siddals Gardens 8. 'Community' field on the confluence of the Exe and Lowman 9. Tomswell allotments, near Rackenford Road 10. Green space, off Rooks Way 11. Pinnex allotments, off Park Road 12. King Street Allotments 13. Harrowby Allotments, Lewis Avenue 14. Green Space to the opposite of 1-4 College View 15. Green space at Atherton Way, Canal Hill 16. Hay Park 17. Cluster of green spaces within the Pinnex Moor Estate 18. Cluster of green spaces within the Moorhayes Estate 	<p>Agreed.</p> <p>The modification will reflect the requirements of the NPPF 2021 and recent case law. It will add clarity and meet the Basic Conditions.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications	Recommended Council decision and reason
	<p>19. Palmerston Park estate community space</p> <p>20. Green space with play area at Roundhill, Cotteylands</p> <p>21. Adventure playground, Cowleymoor Road</p> <p>22. Rugby fields</p> <p>23. Playing field at Blackmore Road Wilcombe</p> <p>24. Grounds of Sunningmead Community Centre</p> <p>25. Green space at the end of Glebelands Road</p> <p>26. Narrow Lane & Howden Road green space</p> <p>27. Colley Stream green space</p> <p>28. John Street Allotments</p> <p>29. Elmore Allotments</p> <p>30. Ashley Rise Play Area</p> <p>Inappropriate development will not be supported except in very special circumstances."</p>	
Policy T11 Locally significant views	In clause A, third sentence delete the words "not" and "permitted" and replace with the words "not" and "supported".	<p>Agreed.</p> <p>This modification will add clarity and meet the Basic Conditions.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications	Recommended Council decision and reason
Policy T14 Cultural and community venues	<p>In clause A in the first sentence:</p> <ul style="list-style-type: none"> • add the words “for a change of use” between the word “Proposals” and the words “that would result in” • delete the words “(Use Class F)” between the words “community facilities” and “will only be supported” • after the word “provided” add the words “or where there is evidence to prove that the facility is no longer required or that is no longer viable.” <p>In criterion iii. after the word “is,” add the words “where possible”.</p>	<p>Agreed.</p> <p>The modifications will add clarity to the policy in relation to the use classes order, include the consideration of the viability of a facility, and remove the inflexible nature of the policy for when a replacement facility is made available.</p>
Policy T16 Encouraging safe and sustainable movement	<p>In clause D:</p> <ul style="list-style-type: none"> • add the words “wherever possible” between the words “Proposals should provide” and the words “the following infrastructure”. • Delete the word “Review” after the words “Mid Devon Local Plan” and replace this with the words “(adopted 2020):”. 	<p>Agreed.</p> <p>These modifications will remove the inflexible nature around the provision of the infrastructure that is identified in the policy where the requirement may not be appropriate or achievable for all developments, and include a factual correction to refer to the current adopted Mid Devon Local Plan.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications	Recommended Council decision and reason
Policy T17 Supporting a sustainable visitor economy	<p>In the first paragraph:</p> <ul style="list-style-type: none"> • before the word “policies” delete the word “other” and insert the word “the”, • insert the word “Development” before the word “Plan”. • delete the words “the following criteria can be met”. <p>In criterion iii:</p> <ul style="list-style-type: none"> • Delete the words “For proposals within the settlement Boundary, there should be no detrimental impact upon traffic movement through the town; and” and replace this with the words “A Transport Impact Assessment or Transport Statement demonstrates that the impact on traffic movement through the town can mitigated; and”. <p>In criterion iv:</p> <ul style="list-style-type: none"> • delete the words “developments should be in accessible sites” and replace with the words “proposals are in an accessible location” <p>In criterion v:</p> <ul style="list-style-type: none"> • add the words “There is” before the words “Adequate provision” and replace the capital letter “A” with a lower case “a” in the word “Adequate” • delete the words “is included,” after the words “- both car and bicycle –” 	<p>Agreed.</p> <p>The modifications will add clarity to the policy.</p>

Mid Devon District Council has made the following modifications to the Tiverton Neighbourhood Plan which are typographical, grammatical and factual corrections.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Council modifications	Reason
Section 1 Introduction, Page 9, Paragraph 1.14	Replace the words “has been” with the word “was” and replace the word “this” between the words” alongside” and “Submission Version” with the word “the”	Agreed. This is a factual correction to reflect that the Consultation Statement was submitted alongside the previous (submission) version of the neighbourhood plan.
Section 1 Introduction, Page 11, Paragraph 1.19	Remove the words “Pre-Submission Regulation 14”.	Agreed. This is a factual correction since the Sustainability Report for the Regulation 14 version of the Neighbourhood Plan was updated following comments received from Natural England and was provided to the Examiner.
Section 2 Local Context, Page 13, Paragraph 2.5	Remove refurbishment comment as it was not carried out.	This is a factual correction. Insert full stop after the word “Trust” and delete the words “and recently refurbished on the 150th anniversary of the publication of Lorna Doone by R D Blackmore, who was a pupil there.”
Section 2 Local Context, Page 13 Paragraph 2.6	Second picture - move apostrophe to after the “s” on “workers”.	This is a grammatical correction. Move apostrophe to after the “s” on “workers” to read “workers’ cottages”.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Council modifications	Reason
Section 2 Local Context, Page 14, Paragraph 2.9	Line 7 misspelling of “Exe”.	This is a typographical correction. Delete the space between the letters “x” and “e” in the word “Exe”.
Section 2 Local Context, Page 16, Paragraph 2.18	Line 10 needs a full stop after Covid 19.	This is a grammatical correction. Insert a full stop after the word “Covid 19”.
Section 2 Local Context, Page 19, Paragraph 2.39	Last line needs a full stop after “accommodation”.	This is a grammatical correction. Insert a full stop after the word “accommodation”.
Section 2 Local Context, Page 19, Paragraph 2.40	Line 2 there should be no “s” on the end of “meet”.	This is a typographical correction. Delete the letter “s” from the word “meets”.
Section 2 Local Context, Page 19, Paragraph 2.40	Line 3 “has” should be “have”.	This is a typographical correction Replace the word “has” with the word “have”.
Section 2 Local Context, Page 19, Paragraph 2.45	First bullet point - last line needs a full stop.	This is a grammatical correction. Insert a full stop after the word “itself”.
Section 5 Housing, Page 32, Paragraph 5.3	Line 1 should be “of” rather than “for”.	This is a grammatical correction, and the substitution of the word does not alter the meaning of the sentence. Replace the word “for” with the word “of”.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Council modifications	Reason
Section 5 Housing, Page 37 Text box after paragraph 5.21	Not in Italics.	While this is not a grammatical or a typographical correction, the removal of italics does not alter the content or meaning of the plan.
Section 6 Design and Heritage, Page 38, Paragraph 6.2	Line 1 “features” is plural so should be “define”.	This is a grammatical correction. Replace the word “defines” with the word “define”.
Section 6 Design and Heritage, Page 38, Paragraph 6.3	Line 1 “series” is singular, so should be “is”.	This is a grammatical correction. Replace the word “are” with the word “is”, between the words “There” and “ a series” .
Section 6 Design and Heritage, Page 38, Paragraph 6.4	Line 1 “conservation areas are not human and it should be “each with its own”.	This is a grammatical correction. Replace the word “their” with the word “its” between the words “each with” and “own appraisal”
Section 6 Design and Heritage, Page 39, Paragraph 6.4	Part i. last line St Andrews Street should have no “s”.	This is a typographical correction. Remove the letter “s” from the word “Andrews”.
Section 6 Design and Heritage, Page 40, Paragraph 6.9	Line 3 “Highways” should be singular.	This is a typographical correction. Remove the letter “s” from the word “Highways”.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Council modifications	Reason
Section 7 Natural Environment, Page 64, Paragraph 7.8	In the fifth sentence replace the words “proposed spaces for designation” with the words “sites designated”.	Agreed. This is factual correction to reflect that the Examiner’s report has agreed the sites that were proposed as Local Green Spaces.
Section 7 Natural Environment, Page 65, Paragraph 7.13	Line 1 add “trees” after “veteran”.	There is a missing word in the sentence, and a typographical correction is necessary so that the sentence makes sense. Add the word “trees” after the word “veteran”.
Section 9 Transport and Movement, Page 101, Text box after paragraph 9.12	Not in Italics.	While this is not a grammatical or a typographical correction, the removal of italics does not alter the content or meaning of the plan.
Section 10 Tiverton town centre and the wider local economy, Page 106, Text box after paragraph 10.11	Line 7 potential visitor policy delete “with”.	This is a typographical correction. Delete the word “with” between the words “other accommodation” and “to suit”.
Section 10 Tiverton town centre and the wider local economy, Page 108 Policy T17	Policy T17 should be T18.	This is a typographical correction. Amend the number of Policy “T17” to Policy “T18”.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Council modifications	Reason
Section 11 Non Policy Community Actions, Page 110, Reference 9	Ref 9 add 'a' to 'community energy scheme'.	There is a missing word in the sentence, and a typographical correction is necessary. Insert the word "a" before the words "community energy scheme".
Section 11 Non Policy Community Actions, Page 111, Reference 15	First sentence delete 'so that public transport'.	This is a typographical correction to remove superfluous words at the end of a sentence. Insert a full stop after the word "services" and delete the words ", so that public transport".
Section 12 Monitoring and Implementation, Page 113 Paragraph 12.3	First bullet "Pursing" should be "Pursuing".	This is typographical correction. Replace the first word of the first bullet "Pursing" with the word "Pursuing".
Appendix D Local Green Spaces, Page 128 Table, second row, second column	Second sentence – delete 'It is accessible to'.	This is a typographical correction to remove superfluous words at the end of a sentence. Delete the words "It is accessible to" after the first sentence.
Appendix D Local Green Spaces, Page 129, Table, first row, second column	Should be 'site' not 'sites'.	This is a typographical correction. Delete the letter "s" from the word "sites".

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Council modifications	Reason
Appendix D Local Green Spaces, Page 130, Table, first row, second column	First sentence 'near opposite' should be 'nearly opposite'.	This is a typographical correction. Amend the word "near" to "nearly" between the words "Gold Street" and "opposite the Clock Tower".
Appendix D Local Green Spaces, Page 130, Table, third row, second column	Needs a comma between ducks and coots.	This is a grammatical correction. Insert a comma between the words "ducks" and "coots".
Appendix D Local Green Spaces, Page 133, Table, first row, second column	Third para comma before 'as well as'.	This is a grammatical correction. Insert a comma between the words "park" and "as".
Appendix D Local Green Spaces, Page 157, Table, third row, second column	Omit 'provides'.	This is a typographical correction to remove a superfluous word in a sentence. Delete the word "provides" between the words "associated walk" and "is used for".
Appendix D Local Green Spaces, Page 158, Appendix D, Table, first row, second column	Description should read 'These allotments are owned by Knightshayes Estates' (ie not TCC)	This is a factual correction. Replace the words "Tiverton Town Council" with "Knightshayes Estates".
Appendix E, Locally significant views, Page 164 Table, first row second column	Head Wei' should be 'Head Weir'.	This is a typographical correction. Amend "Head Wei" to read "Head Weir".

Appendix 2: Tiverton Neighbourhood Area Designation

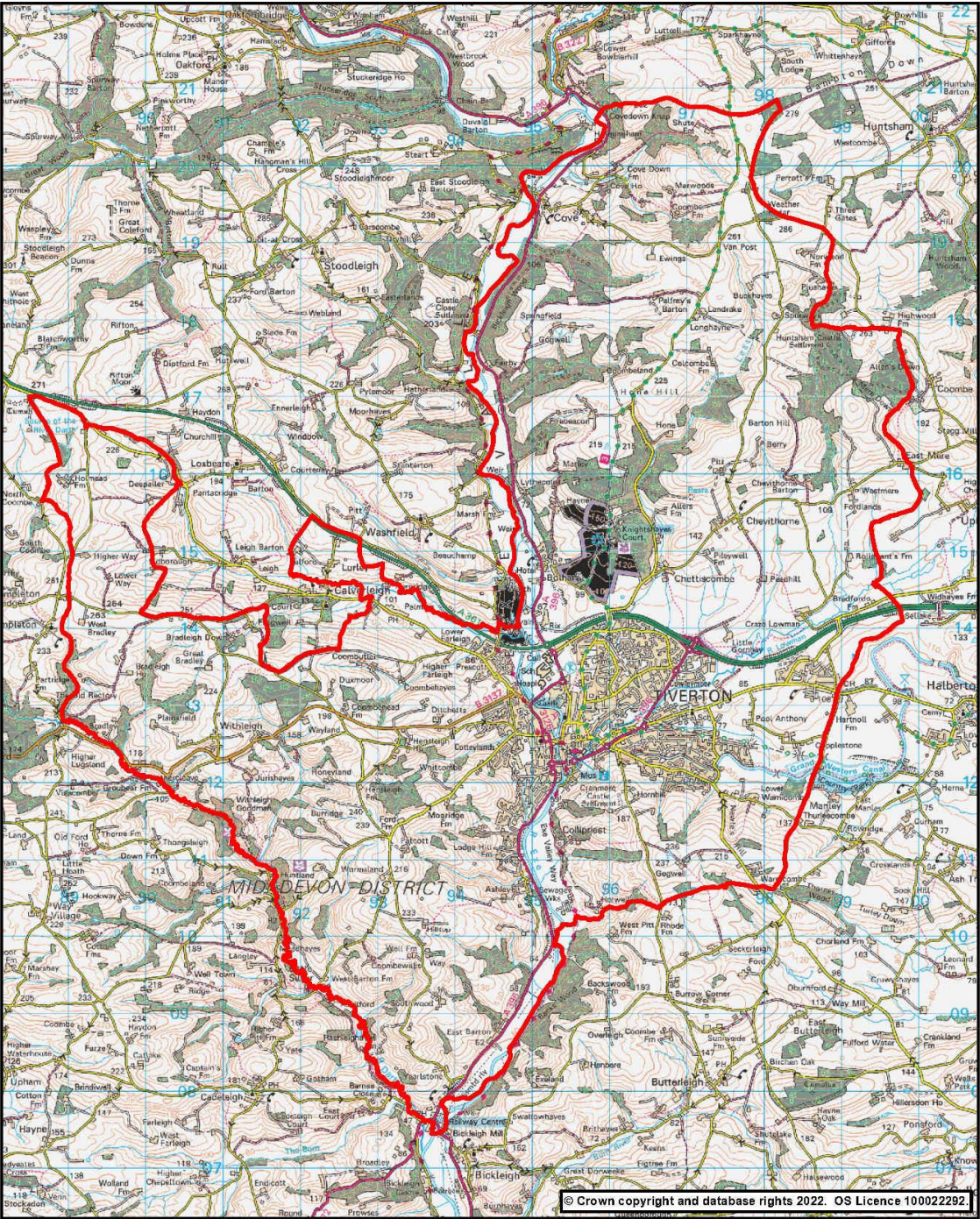


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