



Response to Consultation

North Tawton Neighbourhood Plan - Topic Papers

for Wainhomes (South West) Holdings Ltd

9100

Project : 9100
Site address : Land at North Tawton,
West Devon.
Client : Wainhomes (South West)
Holdings Ltd

Date : 3 February 2017
Author : Teresa Cook

Approved by : Stephen Harris

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1. Introduction

1.1 Emery Planning is instructed to submit a response to the consultation on the North Tawton Neighbourhood Plan (hereafter referred to as the 'NTNP') on behalf of the Wainhomes (South West) Holdings Limited (hereafter referred to as 'Wainhomes'). Wainhomes has site specific interests:

- Batheway Fields (Land west of High Street), Phase 1 & 2
- Batheway Fields, strategic extension
- The Old Woollen Mill

1.2 In summary, we welcome the opportunity to respond to the emerging Neighbourhood Plan policies, in advance of the formal consultation stages which will follow (under Regulation 14 and Regulation 16). We support the production of the NTNP and the progress being made by the Neighbourhood Plan Team in its production of the Neighbourhood Plan.

1.3 Notwithstanding our in principle support for the Neighbourhood Plan, we consider that a number of changes will be needed to ensure that the plan meets the basic conditions. In particular, we are concerned that the prioritisation of previously developed land is inconsistent with national planning policy, and that proposals for Important Amenity Views are not justified. We are also promoting the land west of the High Street as a sustainable urban extension to the south-west of North Tawton, which could make a valuable contribution to the supply of housing and employment land in the medium to longer term.

1.4 Our response is set out below, under the following key headings:

- The Basic Conditions
- National Planning Policy and Guidance
- The Development Plan
- Response to the draft policies
- Summary and conclusions

2. The Basic Conditions

2.1 The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

3. National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

3.1 The NPPF was adopted in March 2012. It sets out the Government's planning policies for England and how these are expected to be applied. The purpose of the planning system is to

contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

3.2 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, which is the golden thread running through both plan-making and decision-taking. For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

3.3 Paragraph 16 states that the application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

3.4 Paragraph 17 identifies that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. All of the principles set out (not repeated here for brevity) are relevant to the neighbourhood plan must be considered.

3.5 Paragraph 47 requires that to boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is

consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

3.6 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

3.7 Paragraph 156 requires local planning authorities to set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

3.8 Paragraph 159 states that local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
- meets household and population projections, taking account of migration and demographic change;
- addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and
- caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

3.9 Paragraph 184 states that Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. [our emphasis]

3.10 Paragraph 198 sets out that where a Neighbourhood Development Order has been made, a planning application is not required for development that is within the terms of the order. Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

National Planning Practice Guidance (PPG)

3.11 The PPG was launched in March 2014. It replaced a number of practice guidance documents that were deleted when the PPG was published.

3.12 The Government's guidance sets out the correct sequence of events in neighbourhood plan preparation at Paragraph: 080 Reference ID: 41-080-20140306 and subsequent PPG paragraphs:

"Step 1: Designating neighbourhood area and if appropriate neighbourhood forum

...

Step 2: Preparing a draft neighbourhood plan or Order

Qualifying body develops proposals (advised or assisted by the local planning authority)

- gather baseline information and evidence
- engage and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers)
- talk to land owners and the development industry
- identify and assess options
- determine whether European Directives might apply
- start to prepare proposals documents e.g. basic conditions statement

Step 3: Pre-submission publicity & consultation

The qualifying body:

- publicises the draft plan or Order and invites representations
- consults the consultation bodies as appropriate
- sends a copy of the draft plan or Order to the local planning authority
- where European Obligations apply, complies with relevant publicity and consultation requirements
- considers consultation responses and amends plan / Order if appropriate
- prepares consultation statement and other proposal documents"

Step 4: Submission of a neighbourhood plan or Order proposal to the local planning authority

- Qualifying body submits the plan or Order proposal to the local planning authority
- Local planning authority checks that submitted proposal complies with all relevant legislation
- If the local planning authority finds that the plan or order meets the legal requirements it:
 - publicises the proposal for minimum 6 weeks and invites representations
 - notifies consultation bodies referred to in the consultation statement
 - appoints an independent examiner (with the agreement of the qualifying body)..."

3.13 Paragraph: 001 Reference ID: 41-001-20140306 "What is neighbourhood planning?" provides (so far as relevant):

"...Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area."

3.14 Paragraph: 003 Reference ID: 41-003-20140306 "What are the benefits to a community of developing a neighbourhood plan or Order?" provides:

"...Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next ten, fifteen, twenty years in ways that meet identified local need and make sense for local people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see...."

3.15 Paragraph: 004 Reference ID: 41-004-20140306 "What should a Neighbourhood Plan address?" provides:

"...A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework."

3.16 Paragraph: 007 Reference ID: 41-007-20140306 "What weight can be attached to an emerging neighbourhood plan when determining planning applications?" provides:

"...The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals...."

3.17 Paragraph: 009 Reference ID: 41-009-20140306 "Can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?" provides:

"...Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- *the emerging neighbourhood plan*
- *the emerging Local Plan*

- *the adopted development plan*
- *with appropriate regard to national policy and guidance.*

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans...."

3.18 Paragraph: 040 Reference ID: 41-040-20140306 "What evidence is needed to support a neighbourhood plan or Order?" provides:

"While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body. Further details of the type of evidence supporting a Local Plan can be found here"

3.19 Paragraph: 041 Reference ID: 41-041-20140306 "How should the policies in a neighbourhood plan be drafted?" provides:

"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."

3.20 Paragraph: 042 Reference ID: 41-042-20140306 "Can a neighbourhood plan allocate sites for development?" provides:

"A neighbourhood plan can allocate sites for development. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability can be found here and here." [These link to PPG, Housing and economic land availability assessment and Viability]

3.21 Paragraph: 043 Reference ID: 41-043-20140306 "What if a local planning authority is also intending to allocate sites in the same neighbourhood area?" provides:

"If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process."

3.22 Paragraph: 047 Reference ID: 41-047-20140306 "What is the role of the wider community in neighbourhood planning?" provides:

"A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed*
- is able to make their views known throughout the process*
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- is made aware of how their views have informed the draft neighbourhood plan or Order."*

3.23 Paragraph: 048 Reference ID: 41-048-20140306 "Should other public bodies, landowners and the development industry be involved in preparing a draft neighbourhood plan or Order?" provides:

"A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended). Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development."

3.24 Paragraph: 051 Reference ID: 41-051-20140306 "Is additional publicity or consultation required where European directives might apply?" provides:

“European directives, incorporated into UK law, may apply to a draft neighbourhood plan or Order. Where they do apply a qualifying body must make sure that it also complies with any specific publicity and consultation requirements set out in the relevant legislation. The local planning authority should provide advice on this.

The legislation that may be of particular relevance to neighbourhood planning is:

- *the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)*
- *the Conservation of Habitats and Species Regulations 2010 (as amended)*
- *the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)*

It may be appropriate, and in some cases a requirement, that the statutory environmental bodies English Heritage, the Environment Agency and Natural England be consulted.”

3.25 Paragraph: 053 Reference ID: 41-053-20140306 “Does the local planning authority consider whether a neighbourhood plan or Order meets the basic conditions when a neighbourhood plan or Order is submitted to it?” provides:

“...The local planning authority should provide constructive comments on an emerging plan or Order before it is submitted.”

3.26 Paragraph: 066 Reference ID: 41-066-20140306 “When should a qualifying body consider the basic conditions that a neighbourhood plan or Order needs to meet?” provides:

“Throughout the process of developing a neighbourhood plan or Order a qualifying body should consider how it will demonstrate that its neighbourhood plan or Order will meet the basic conditions that must be met if the plan or order is to be successful at independent examination. The basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan or Order meets the basic conditions. A qualifying body is advised to discuss and share early drafts of its basic conditions statement with the local planning authority.”

3.27 Paragraph: 067 Reference ID: 41-067-20140306 “What should a local planning authority do to assist a qualifying body in considering the basic conditions?” provides:

“A local planning authority should provide constructive comments on the emerging neighbourhood plan or Order proposal prior to submission and discuss the contents of any supporting documents, including the basic conditions statement. If a local planning authority considers that a draft neighbourhood plan or Order may fall short of meeting one or more of the basic conditions they should discuss their concerns with the qualifying body in order that these can be considered before the draft neighbourhood plan or Order is formally submitted to the local planning authority.”

4. The Development Plan

- 4.1 Neighbourhood Plans must be in general conformity with the strategic policies of the wider local area, which in this instance are set out within the adopted West Devon Core Strategy (April 2011) and the Local Plan Review (2011).
- 4.2 There is also the emerging joint Local Plan, being prepared jointly by Plymouth City Council, South Hams District Council and West Devon Borough Council. They have consulted on the broad strategy and potential development sites and are intending to publish a draft Joint Local Plan in March 2017, with the submission of the Plan to the Planning Inspectorate in May 2017. The current programme anticipates adoption of the Plan in winter 2017.

5. Response to draft policies

Policy HO1 – New Dwellings

- 5.1 Policy HO1 applies to proposals for sites of 12 or more dwellings. It is not clear from the policies set out in the Housing Topic Paper that sites of fewer than 12 dwellings would be supported.
- 5.2 The criteria based approach used in HO1 to guide the nature of new residential development, as opposed to the use of settlement boundaries or allocated sites, is generally supported.
- 5.3 The criteria regarding the density and dwelling mix will need to be supported by a robust statement of the evidence behind their inclusion.
- 5.4 There should be provision for exceptions to the requirement for rainwater harvesting to be accepted where there is evidence in support of this, for example as a result of any technical or viability limitations.
- 5.5 Policy SP21 of the Core Strategy: "Flooding" states that development should avoid flood risk where possible, ensure protection from and not worsen flooding. Further, it states that development should seek to make use of areas of no or low risk of flooding (Flood Zone 1).
- 5.6 Policy PS2 of the Local Plan Review "Sustainable urban drainage systems" states that the Council will seek to ensure the use of SUDS in all developments. All developments must ensure that no surface water run-off is allowed to enter the foul sewage system. The proposals within HO1 with respect to these matters are therefore in line with the wider Core Strategy, although

Policy HO1 (iv) largely repeats the content of the Core Strategy. There should also be provision for alternative drainage solutions to be acceptable, where there are technical reasons that SUDS is not appropriate.

- 5.7 The proposed policy approach in HO 1(viii) that 'brownfield' or previously developed sites be considered before greenfield sites, is inconsistent with the Framework, which seeks to 'encourage' rather than 'prioritise' the development of previously developed land. The issue has arisen in numerous Local Plan examinations, but is probably best summarised in the Secretary of State appeal decision for Burgess Farm, Salford, which was issued shortly following the publication of the Framework (appeal ref: APP/U4230/A/11/2157433). Paragraph 14 of the decision letter clarifies the Secretary of State's position:

"He gives less weight to the sequential approach to release of sites. National planning policy in the Framework encourages the use of previously developed land, but does not promote a sequential approach to land use. It stresses the importance of achieving sustainable development to meet identified needs."

Policy HO2 – Affordable Housing

- 5.8 Whilst a consultation was held in 2014 for a housing needs survey for North Tawton there has not been a published report. The Executive Summary of the 2013 Strategic Housing Market Assessment for West Devon states:

*"The analysis of the current need for affordable housing in the authority over the next five years indicates **a high demand for this tenure. An annual need of 199 affordable properties is calculated as being required to meet the future needs over the next five years and the existing backlog** (with 59 of these required in the Dartmoor National Park). This reflects the impact of rising house prices over the first half of the last decade and the continued pressures on wages as well as the availability of mortgage finance. **It also reflects the fact that affordable housing makes up a relatively low proportion of the overall stock in the authority currently, approximately 9.5%, a proportion which is considerably below the national average of nearly 18%.**" (our emphasis)*

- 5.9 It then states:

*"The reduction, at least in the short term, in the availability of grant monies to aid in the delivery of affordable housing places greater pressure on delivering affordable housing tenures through traditional Planning Obligation approaches. **This requires a pro-active and responsive approach to enabling more viable housing sites to come forward earlier in the plan period. A pro-active approach in encouraging the delivery of more viable housing sites** will*

be important in addressing the wider demand for all tenures of housing and assist in ensuring that the ability of households to purchase housing is not further worsened through a continued lack of supply, which is likely to continue to drive up house prices." (our emphasis)

5.10 There is clearly a significant need for affordable homes going forward. Policy HO2 does not prescribe the amount of affordable housing to be provided. This approach is supported as this is set out in the Core Strategy.

Policy HO3 – Occupancy of Affordable Housing

5.11 The qualifying criteria set out in Policy HO3 would normally be expected to be included in a condition or Section 106 agreement attached to a permission for residential development. The consideration of what is a "reasonable period of time" for seeking occupiers who fulfil the criteria set out in HO3 a) or b) should be defined more clearly.

Policy HO4 – Retaining Affordable Housing for the Local Community

5.12 Core Strategy Strategic Policy 9 – Meeting Housing Needs makes provision for affordable housing to be retained in perpetuity through the use of conditions or planning agreements. NTNP Policy HO4 should clarify how it is distinct from the Core Strategy provision.

Policy HO5 – Private Rear Amenity Space (Gardens)

5.13 The introduction of the minimum garden size may conflict with the provisions of the NPPF which seeks to ensure that proposals for development "optimise the potential of the site to accommodate development" (paragraph 58).

Policy HO6 – Residential, Supported Care and Sheltered Homes

5.14 No comment at this time.

Policy HO7 – Parking in Residential Development

5.15 We consider that there is already adequate provision set out in national and local policies to address the intentions of Policy HO7.

Policy HO8 – Small Scale Self-build Housing

5.16 No comment at this time.

Policy E1 – Local Employment Land

- 5.1 The policy identifies the site at Batheway Fields for employment use and there is an extant permission in place for this use. However, as the Town Council is aware, there is a current application (2468/16/FUL) proposing that this site be developed for further housing due to the lack of demand for employment uses at this location.
- 5.2 The assessment of impacts set out in E1 (iii) will need to conform with the provisions of the NPPF regarding the scale of the impact. For example, the NPPF sets out that development proposals should only be prevented on transport grounds where the residual impacts are “severe” (paragraph 32).
- 5.3 With respect to the need to support proposed changes of use from employment by demonstrating that employment uses are no longer viable by marketing of the property, there will need to be provision for agreeing how ‘realistic’ price and ‘reasonable’ offers are assessed.

Policy E2 – Mixed Use

- 5.4 Providing a mix of uses will not be appropriate in all locations and the policy should acknowledge this.

Policy E3 – Live-Work Units

- 5.5 No comment at this time.

Policy E4 – Maintaining the Retail Offer

- 5.6 While the thrust of the Policy is understood, the policy would benefit from re-drafting. The criterion (i) will be ineffective without some clarity on how the results of the marketing exercise will be used in support of the proposal or not. Criterion (iii) is largely repeating the content of (ii).

Policy E5 - Transport & Parking

- 5.7 Policy SP14: Accessibility Planning of the Core Strategy sets out the Council's approach to managing the transport implications of development. It states that development should be located so as to reduce the need to travel and to optimise the potential for the most sustainable forms of travel. North Tawton offers a range of services in the town centre which are accessible by walking from the sites at Batheway Fields.

- 5.8 As currently drafted, Policy E5 will not provide sufficient guidance for applicants on how development proposals will be considered against this proposed policy.

Policy E7 – Safe Route from Moor View to the Barton

- 5.9 We support this draft policy. The proposed development at Phase 2 on Batheway Fields (reference 16/3868) anticipates providing for the improvement of the surface to the footpath within the application site to facilitate pedestrian and cycle access to the town centre. Footpaths within the site will also integrate with the route of the existing Public Right of Way to support the use of the footpath to access the services and facilities in the town centre.

Policy P1 – Local Green Space

- 5.10 It is noted that proposals for designation 'Local Green Space' will follow in 2017. It is important that these proposals are supported by robust and transparent evidence.

Policy P2 – Design, Heritage and the Built Environment

- 5.11 Policy SP18 of the Core Strategy "The Heritage and Historical Character of West Devon" sets out that historic features and areas of historic importance and other elements of the historic environment, including their settings will be protected. Policy SP20 "Promoting High Quality Design" also requires that proposals support high quality, distinctive design in the built environment and landscaping.
- 5.12 It has not been possible to view the North Tawton Design Statement. However, the principles set out in the NTNP Policy P2 are in line with the Core Strategy and are generally supported, providing that there is an appropriate evidence base to support the Design Statement and the identified local amenity views (as discussed below).

Policy P3 - Important Amenity Views

- 5.13 It has not been possible to view the Map showing the proposed 'important views'. The identification of such designations should be supported by an appropriate evidence base. Without the evidence base required, the policy approach to creating the designation does not have regard to the Framework, in particular, paragraph 113 which requires distinction between the hierarchy of designated landscape areas, so that protection is commensurate with their status. The identification of important views based on questionnaire response alone is not

sufficient. It is not a professionally informed assessment, nor necessarily representative of the total population. The identification and protection of the important views will need to be supported by more robust evidence as the plan preparation progresses.

Policy CO1 – Protecting Community Facilities from Loss

- 5.14 Core Strategy SP 13, "Community Services and Facilities" also addresses the issue of the provision and retention of community facilities. A key aspect of SP13 is that it acknowledges that these facilities should be retained where there is a continuing need.
- 5.15 The provisions set out in the NTNP Policy CO1 would not be able to prevent changes which are allowed by the General Permitted Development Order, such as changes in use from small cafes and restaurants (Use class A3) to shops/premises for financial services (Use Class A1 or A2).

Policy CO2 – Replacement, improved and additional play, sports and recreation facilities

- 5.16 No comments at this time.

Policy CO3 – Priority Local Infrastructure and Projects

- 5.17 The use of Section 106 agreements (a planning obligation) to secure contributions associated with new development is governed by the tests set out in the CIL Regulations (122) and paragraph 204 of the Framework. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 5.18 Furthermore planning contributions cannot be used to fund private developments or organisations, over which the Neighbourhood Plan Group, West Devon Borough Council and the developer will have little or no control.
- 5.19 In order to meet the CIL Regulations (122), the policy should be amended to clarify that contributions will be sought specifically whereby a need to extend or improve existing facilities arises as a direct result of the proposed development. Contributions should not be sought

towards the maintenance of existing facilities, as this can reasonably be expected to be funded through other sources.

Policy IN1 – New Medical Practice

5.20 It is understood that the residents of North Tawton would wish to ensure that there are supportive policies in place for the provision of a new Medical Practice. However, as the supporting text acknowledges, the construction of a new facility is subject to the necessary funding being made available to the existing Medical Practice. While the Phase 1 Batheway Fields site includes a plot for a new medical centre, in response to a need expressed at the time of the application, we understand that alternative arrangements have since been made for the future operation of the practice and it is not clear that this need remains. The specific views of North Tawton Medical Practice should be sought on this matter.

Policy IN2 – Development and the Implications for Education

5.21 It is recognized that any impact of new development on the capacity of local education providers to meet local needs should be taken into account. Provision already exists for contributions towards improvements to capacity to be sought by the Local Authority.

Policy EE1 – New Housing Development and Energy

5.22 The inclusion of this policy will need to be supported by robust evidence for the local circumstances which suggest that this approach is necessary. The policy should also make provision for exceptions to this requirement to be allowed where there are technical or viability reasons which would prevent the measures from being incorporated.

6. Conclusion

- 6.1 We welcome the opportunity to respond on the Topic Paper and the policies set out within them. Wainhomes is committed to the sustainable development of North Tawton and wishes to be kept informed as to the further progression of the Neighbourhood Plan.