

Milton Abbot, Chillaton and Kelly (MACK) Neighbourhood Plan (Regulation 14 version, December 2020)

Draft Regulation 14 consultation response on behalf of West Devon Borough Council

Introduction

The Draft Milton Abbot, Chillaton and Kelly Neighbourhood Plan MACK Plan was published for a formal 6 week public consultation between 23rd December 2020 and February 20th 2021. This represents the plan reaching Regulation 14 stage of the plan preparation process, and offers the first formal opportunity for all stakeholders to comment on the emerging plan.

As the Local Planning Authority, West Devon Borough Council (WDBC) has a statutory duty to support the preparation of neighbourhood plans.

As well as its statutory duty, WDBC has an obligation to ensure that any planning document that sits within the suite of Development Plan Documents (DPDs) is consistent with its corporate objectives, and will make a positive contribution to the long term health, wellbeing and resilience of the borough's communities. Advice and guidance provided to neighbourhood plan groups will reflect this wider remit, although it is acknowledged that this guidance may go beyond what is strictly required by regulation. Where we do exceed the levels of guidance required by regulation, we will clearly state as much in our comments.

Advice and guidance at Regulation 14 stage is most usefully focused on:

- 1) The Draft Neighbourhood Plan Vision, Aims and Objectives
- 2) Comments on Supporting Text
- 3) The Draft Neighbourhood Plan Policies
- 4) The Draft Neighbourhood Plan Evidence Base
- 5) The Structure of the Draft Neighbourhood Plan and General Comments

1) The Draft MACK Neighbourhood Plan: Vision, Aims and Objectives

The MACK Neighbourhood Plan (the Plan) sets out policies and approaches which will add local detail to policies in the Plymouth and South West Devon Joint Local Plan. The Plan sets out a vision for the MACK area as follows:

“Our vision for the MACK Plan area is that by the end of the plan period in 2034 we will have safeguarded our rural environment and economy, through facilitating new homes that meet local needs, whilst having a minimal impact on their surroundings and support thriving sustainable local communities.”

The vision effectively provides a good summary of what is seeking to be achieved.

Underneath the Vision is a set of stated Objectives. These are clearly presented and link logically from the Vision to the Policies and are consistent with strategic planning policy. Only one issue:

- **Objective 4.3** please refer to the **Plymouth and South West Devon JLP: Supplementary Planning Document 2020**. This document sets out the approved car parking standards. If the plan proposes to exceed or fall below these standards this must be justified.

2) Comments on Supporting Text

- **Page 5, para 1.1.0.2** attribute quote.
- **Page 5, para 1.1.0.4** make clear highlighted points continue quote from NPPF?
- **Page 20 para 4.2.0.3** attribute quote.
- **Page 20 para 4.2.0.2** both Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) are required and have been undertaken voluntarily although neither were complete when the Regulation 14 Consultation was undertaken.
- **Page 20 para 4.2.0.3 2nd sentence** as above.
- **Page 22 para 4.4.0.3 1st sentence** this should read "...the former planning policies..." the JLP has replaced the plan you are referring to.
- **Section 5. Our Built Environment, Pages 27-29** Most NP Groups have identified a list of non-designated heritage assets for inclusion in their NP and set out a Policy to specifically protect such features. If you don't intend to do this then suggest you add a Community Action aimed at doing this and including that list and related Policy when the NP is reviewed.
- **Page 29 para 5.1.0.11** Is there a reason why all the Grade II Listed Buildings are not listed?
- **Section 5.5. Additional Funding Pages 35-36** The legislation and guidance relating Section 106 Funding is clear it can only be required to offset the unacceptable impacts of development. It cannot be seen as a funding mechanism to finance a wish list. There will be circumstances in the MACK area where it is appropriate to require 106 contributions. Given the low level of development envisaged, either through the allocation in the NP or by other means and the desire to maximise affordable housing opportunities, the list identified in Section 5.5 is, on face value, somewhat unrealistic. As such, I would suggest this Section is reviewed in the light of the legislation/guidance and an assessment of the potential developments that could be subject of realistic Section 106 requirements undertaken.
- **Section 5.6. Road Safety Page 36-39** I would suggest this Section is reviewed in the light of the meeting with Devon CC Highways Officers and improvements that could be sought which are not land use related are identified as Community Actions.
- **Section 6-4 Class Q Developments, Page 47** I would suggest that the impact of Class Q developments is accurately catalogued in the Evidence Base. Two examples are mentioned in the text. I would also suggest that the highlighted text at the end of para 6.4.0.4 becomes a Community Action along the lines the Parish Council will lobby the Local Planning Authority to introduce the changes that are sought.

- **Page 48 para 6.5.0.4** See comments on Policy 6.1 relating to JLP Policy TTV27. I would suggest greater clarity around developments the plan would support on the edge of settlement.
- **Page 48 para 6.5.0.5** Sites of over 5 dwellings approved after March 2017 do count toward the JLP Indicative Figure.
- **GENERAL COMMENT ON HOUSING ISSUES** I would suggest reference to JLP Policy TTV25 and Plymouth and South West Devon Joint Local Plans: Supplementary Planning Document 2020 (pages 209-211) which respectively sets out the key housing policy in respect of Sustainable Villages and the methodology for interpreting the JLP Indicative Housing targets.
- **Page 50 para 6.6.0.5** See comments on Policy 6.3, criteria 2 and 3.
- **6-8 Changing Environment pages 52-53** See comment made in regard of Policy 6-4.
- **Page 52 para 6.7.02** Information applicants must submit with planning applications is set out in the Local List. If the NP requires this to be exceeded then this must be fully justified.
- **7 Consideration of Sites (Where to Build) Pages 55-63** There is no need to include all of the information contained in this Section in regard of Site Assessment and Outcomes. This information, however, is essential to the justification of the Plan's choice of a housing site(s). I would suggest therefore that this information is included in an Appendix to the Plan. I would suggest some brief paragraphs replace this text in the Plan itself with clear cross referencing to that Appendix.

It will be necessary to include two Policies, in the Plan, that result from the content of this Section:-

- 1) A Policy that identifies the selected site and any criteria that are considered necessary to ensure its appropriate development.
- 2) A Policy that identifies the Settlement Boundary and the policies that would apply to development proposed; a) within the Settlement Boundary and; 2) outside the Settlement Boundary.

Please see Section 5 of this document entitled **The Structure of the Draft**

Neighbourhood Plan which sets out suggestions for the format and content of the Plan.

- **7 Consideration of Sites (Where to Build) Pages 55-63** A Proposals Map which identifies the allocated site and illustrates the Settlement Boundary should be included. This should be to a recognised and acceptable scale on an OS base so as to allow easy identification.

3) The Draft Neighbourhood Plan Policies

Neighbourhood Plans are advised not to try and repeat local or national planning policy. Some of the policies in the draft MACK Neighbourhood Plan are already the subject of adopted and emerging local planning policy and/or national planning policy or guidance. In such cases consideration needs to be given to what degree the NP policies add relevant and justifiable additional policy guidance for the locality.

The Plan contains 6 policies as summarised in the table below. A commentary is provided for each Policy that looks at the level of conformity with locally adopted policy and national guidance, as well as considering how each policy will be implemented in order to achieve the aims and objectives of the plan. ***NB I have numbered the criteria applying to each Policy to ease the cross referencing of my comments.***

Policy	WDBC comments
<p>Policy 5-1. Sustaining Local Infrastructure Any new development (including change of use and conversion) within the plan area should:</p> <ol style="list-style-type: none"> 1. Demonstrate that there would be no material adverse impact on the safe and efficient operation of the local road network, including residential roads, rural lanes and parking. 2. Proposals should demonstrate that traffic implications including parking have been fully considered, assessed and resolved. Access arrangements and off-street parking should be provided without impinging on adjoining residential and non-residential uses. 3. There will be a presumption against the loss of existing community and recreational facilities. 4. Developments must demonstrate that there will be no reduction in water supply and quality and that sewage and waste management implications have been assessed in order to ensure that existing networks have the capacity to manage increased demands. 5. JLP Policy DEV2 requires that development should prevent deterioration of and where appropriate protect, enhance and restore water quality. 6. Access roads will need to be designed with consideration of refuse collection vehicles (max 30 tons) and provide sufficient space for them to manoeuvre. They must also allow for the efficient delivery of goods, and access by service and emergency vehicles. 	<p>Criterion 1: Suggest rewording "...there would be no material <i>unacceptable</i> impact....."</p> <p>Criterion 2: Suggest <i>Plymouth and South West Devon JLP: Supplementary Planning Document 2020</i> is consulted to reword this criteria. (See comments on <i>Objective 4.3 above</i>). Is it required if the SDP already covers off the issues of concern?</p> <p>Criterion 3: Suggest this is a Policy in its own right. It will be necessary to identify and list the facilities you are seeking to protect. See Section 5. The Structure of the Draft Neighbourhood Plan of this document for suggested Policies.</p> <p>Criterion 4: Suggest the Environment Agency are consulted on these matters.</p> <p>Criterion 5: This is not a Criteria of the Policy, it's a repeat of the content of JLP Policy DEV2. Is it required if DEV2 covers?</p> <p>Criterion 6: Suggest <i>Plymouth and South West Devon JLP: Supplementary Planning Document 2020</i> is consulted to reword this criteria. (See comments on <i>Objective 4.3 above</i>). Is it required if the SDP already covers off the issues of concern?</p>

Policy 5-2. Parking

The JLP SPD DEV 29 Parking provision, calls for sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network and for specific provisions to include parking for residents with disabilities, cycle parking, and motorcycle parking. Planning permission for new development should only be granted where:

1. it is demonstrated that access roads will be capable of accommodating the volume and size of additional traffic that will be generated. Applicants will be required to demonstrate beyond any reasonable doubt that this is the case through the use of independently validated evidence. Safe access and egress must be provided.
2. adequate footpaths and cycle paths are provided to enable good and safe access both within the development and from it to local facilities, particularly to school bus stops and Milton Abbot school.
3. New developments do not rely on on-road parking but provide enough off-road parking spaces to ensure that pressure on existing parking is not increased. New housing needs to include a minimum of two off-road parking spaces for dwellings with 1 or 2 bedrooms and a minimum of three off-road parking spaces for dwellings with 3 bedrooms. Off-road parking spaces are in addition to garages, if present, and should be constructed of permeable materials to reduce the risk of run off flooding. Development that will result in the loss of public car parking should not normally be permitted unless suitable

I believe this Policy is too wide ranging in terms of what is sought to control. I suggest Section 5. **The Structure of the Draft Neighbourhood Plan** of this document is referred to and the car parking issues are drawn together into a single policy which does not repeat policy already set out in the JLP itself and the SDP.

Criterion 1: The Local List identifies the information that should be submitted with planning applications it is not necessary to repeat this or ask for more unless this is fully justified.

Criterion 2: This is a big ask of all developments and should be qualified by the words "*in appropriate circumstances.*"

Criterion 3: Suggest all Policy references to car parking are drawn together into a single policy which does not repeat policy already set out in the JLP itself and the SDP.

alternative provision can be made.

Policy 6-1. Affordable

Housing The MACK Plan area is bereft of suitable affordable homes; this must be addressed during any future development.

1 All future development will need to provide affordable housing either on-site or through a financial contribution.

2 Any development must provide at least 30% Affordable Housing.

3 Affordable housing should be provided in perpetuity, where feasible, for example, through a Community Land Trust or other community housing scheme / mechanism which retains stock for the benefit of the local community at an accessible cost. Community housing schemes will be supported.

Policy 6-2. Housing Density and Design

Residential development across the MACK Plan area should be supported provided:

1. It is of a density that reflects the rural nature of the area, giving an impression of space and avoiding uniform house and plot layouts. In line with WDBC Strategic Policy 6 (Density of Housing Development) Milton Abbot and Chillaton have a strongly defined low density character; therefore a housing density equivalent to 30 dwellings per hectare should be regarded as the maximum density for any new developments.

2. It is of a high quality, inclusive and safe. Proposals which are accompanied by a Commission for Architecture and the Built Environment (CABE) Building for Life 12 (BfL 12) assessment are strongly encouraged.

3. It supports basic lifestyle needs. Proposals will be strongly encouraged to meet or exceed the minimum space

I would suggest the opening statement is qualified by adding “....any future *appropriate* development...”.

Criterion 1 I would again suggest qualification “....All future *appropriate* development....”

Criterion 2 JLP Policy DEV8 already contains this requirement it needn't be repeated.

Criterion 3 No need for “...where feasible...” since this Policy applies to affordable housing that **is** provided.

The Plan omits to make reference to JLP Policy TTV27 which allows for the potential for “exception sites” to contribute towards fulfilling affordable housing need. I would suggest this Policy is considered in the light of prevailing circumstances in the MACK area and a Policy potentially included that takes account of any issues specific to the MACK area. Most NPs have done this or are doing this.

Criterion 1: Inclusion of this criterion requires a level of local supporting evidence.

Criterion 2 What exactly is high quality? Can you give something more tangible that could be applied when determining a planning application?

standards for new property sizes as set out by the Royal Institute of British Architects. (ref RIBA 'Case for Space').

4. That developments of 10 houses or more present a demonstrable return for the community in terms of delivering affordable homes, village green spaces and/or additional community amenities.

5. That proposed developments of up to 10 houses are within, or adjacent to, existing/proposed village boundaries seek to deliver on improving sustainability and help maintain or enhance the sense of community

6. Building styles, design, materials and roofscape are in keeping with the individual character and reflect the local distinctiveness of the plan area, making a contribution to the rural nature of the area. Development should also preserve, enhance and promote the established building characteristics so as to avoid an excessive variety of building formats.

7. New properties are designed to relate well to one another, as well as to existing adjacent buildings, being orientated to the front approach and avoiding extensive blank walls.

8. Boundaries are treated sensitively and, where appropriate, hedgerows and Devon hedge walls should form an integral network of native and local species across any development promoting natural wildlife corridors.

9. The use of above ground cables (power, telephone or internet) is minimised to avoid devaluation of the appearance of a development.

10. Any development does not interfere with the visual amenity of existing properties for which the countryside is a tangible extension of their gardens.

Policy 6-3. Amenity Spaces

Amenity spaces should be well designed and fit for purpose and therefore;

1. Any development should include green (softscaped)

Criterion 4 The provision of affordable housing is covered in JLP Policy DEV8 and need not be repeated. I believe the request for village green spaces/community amenities should be qualified by “where appropriate”.

Criterion 5 I am unsure what this criterion is trying to achieve. Development outside the settlement boundary should be covered by a Policy which relates to JLP Policy TTV 27 (see comment on Policy 6.1). If you fulfil the JLP Indicative requirement, as you propose to do, why mention developments of greater than 10 within the settlement boundary?

Criterion 6 I suggest in terms of both sentences add in “where appropriate”.

Criterion 7 Unsure of what is meant by “front approach”.

Criterion 9 Suggest “adversely affect” replaces “devaluation”.

Criterion 10 Suggest what you are trying to achieve here is more clearly defined. In planning there is no right to a view.

I believe you need to separate this into two distinct types of amenity space public and private.

<p>communal areas designed to promote a sense of place.</p> <ol style="list-style-type: none"> 2. New dwellings should have a minimum of 60m² of usable private gardens (amenity) space wherever feasible, and; 3. Be practically shaped (preferably rectangular); having a usable area; be accessible and well planned in relation to the dwellings living spaces. 	<p>Criterion 1 What exactly do you mean by “sense of place” can you give something more tangible that could be applied when determining a planning application?</p> <p>Criteria 2 and 3 Please look at the North Tawton NP which produced evidence to support their argument for a minimum amount of private amenity space that should accompany private dwellings. In particular ensure the evidence base you have to justify this is adequate. Also look at what the <i>Plymouth and South West Devon JLP: Supplementary Planning Document 2020</i> says on this to bolster your evidence base.</p>
<p>Policy 6-4. Our Future Environment All new properties in the MACK Plan area should be constructed in a manner that pre-empts impending changes in regulation i.e. are built for the future. This includes but is not limited to;</p> <ol style="list-style-type: none"> 1. being pre-wired from built for electric car charging 2. avoiding the use of gas or oil central heating, giving preference to electric heating ASHP, GSHP. 3. Using approved permeable Parking materials. 4. Ensuring roof orientation and structure facilitates solar panel efficiency and solar panels should be installed to all new builds unless there is an insurmountable reason not to. 	<p>You can encourage development to surpass existing legislation but you cannot insist. Suggest the wording of this Policy reflects this.</p>

4) The Draft Neighbourhood Plan Evidence Base

The Evidence Base appears largely to cover all the issues that have been referred to in the Plan. Attention has been drawn to specific Policies identified in Section 2) that need to use appropriate evidence upon which to base the justifications of those Policies.

6) The Structure of the Draft Neighbourhood Plan

1) Structure

As indicated in the Introduction to this Document your attention is drawn to advice that exceeds the levels of advice required by statute. This Section does that.

As such it is simply suggested the NPG considers the structure, set out below, that has been used by Neighbourhood Planning Groups which have successfully progressed to Examination:-

Introduction

Vision, Aims and Objectives

Policy

Most Groups put their policies into separate sections. The commonest policy areas are:-

- *Housing*
- *Environment*
- *Heritage*
- *Sport and Recreation*
- *Community Facilities*
- *Transport and Parking*
- *Employment/Industry/Jobs*

Plans.....*There will be a range of Plans included in your Plan. It is essential, however, that you include a **Proposals Map**: This should illustrate all the proposals you are putting forward including the Settlement Boundary on an OS Based Plan at a recognised scale that easily legible.*

Conclusion

Monitoring

Advice on Policy Content

You may wish to order or group differently but generally each section comprises an Introduction then each policy identified is accompanied by a justification. The examiner will want to see the policies in their own section, clearly identified and justified based on your evidence base. I have used the Policy Section Headings (above) to set out the sorts of policies you should think about including in your Plan and where they should go. You have largely gathered all the information required and have, in the current Plan, a good basis to move forward. This advice, therefore, is intended to assist you in revising the Plan in a fashion that will assist you progressing to Examination. Some of the comments below repeat advice already provided in Section 2 of this document.

- **Housing**

- 1) *Housing Allocations: This policy should identify the sites you are allocating for housing. These sites should be included on the Proposals Map. **See comments on 7 Consideration of Sites (Where to Build) Pages 55-63.***
- 2) *Design of Development: Usually a criteria based policy setting out design standards and issues that should be taken into account by developers on new development sites.*
- 3) *Exceptions Sites: I have made reference in the above text for the need to consider a Policy based on JLP Policy TTV27 that takes account of local circumstances relating to the MACK Plan Area.*
- 4) *Car Parking: See comments elsewhere on the approach towards this Policy. If you seek variation from the standards identified in the JLP/SDP this should be evidenced and justified.*
- 5) *Settlement Boundary: You should full justify the boundary you have identified in the text of the Plan and identify it on the Proposals Map. **See comments on 7 Consideration of Sites (Where to Build) Pages 55-63.***

- **Environment**

- 1) *Allocated Local Green Space should be identified on the Proposals Map. This is here for completeness, I understand LGS will not be included in this Plan.*
- 2) *Biodiversity: A Policy that protects and enhances biodiversity should be included.*
- 3) *You include a policy regarding carbon friendly development in the current version of the Plan. Bear in mind there are existing national standards for construction etc. Your policy should therefore aimed at encouraging such standards being exceeded.*
- 4) *Some NPGs have identified local views that should be protected. The evidence here should be photographic and concentrate on the significant/ important views. These should be illustrated on the Proposals Map.*

- **Heritage**

- 1) *Where there are Conservation Areas these should be identified in the Plan and a policy or policies that guide development in them (it) identified.*
- 2) *You may want to include a policy that protects protected heritage features. Usually National and Local Policies are sufficient but you can bring local issues of importance into greater definition if this is necessary.*
- 3) *You have not identified non designated heritage buildings/features nor a policy to protect and enhance. You may want to have a separate Policy for this if you decide to identify. See comments above on **Section 5. Our Built Environment, Pages 27-29.***

- **Community Facilities/Sports and Recreation**

- 1) *Most groups identify community/sports and recreation facilities that are important and include policies to guard against their loss. Also suggest a marketing clause which would further protect against speculative loss. **See comments on Policy 5-1, Criterion***
- 2) *Some Groups have carried out studies of recreation to identify shortfalls in provision and put forward land use proposals to meet the shortfall. If you plan to do this the Council can assist in getting such a study off the ground.*

- **Transport and Parking**

*Most issues relating to matters such as road safety, speed and signage are not considered land use issues and, therefore, cannot be covered by NP Policies. **See comments on Section 5.6. Road Safety Page 36-39***

- 1) *I have already mentioned car parking for housing under that policy head. If you wish to include parking policies that relate to land uses other than housing then this is where it could be located.*

- **Employment/Industry/Jobs**

- 1) *Some Groups have included policies guarding against the loss of employment land or changes of use of existing buildings that provide employment to uses other than employment.*

CONCLUSION

The MACK Neighbourhood Plan seeks to manage development within a sensitive landscape, whilst enabling small-scale organic development that meets the priorities and needs of the local community. The broad aspirations of the plan are largely consistent with adopted and emerging local policy. Whilst it is suggested that that the contents and Policies of the NP are restructured, the Plan's strategy is clear and should form a good basis for preparation of the Regulation 15 Version of the NP.

It is apparent that great deal of work has been undertaken to reach this stage of the Neighbourhood Planning process. There are, however, amendments necessary to ensure the text clearly evidences the Policies presented. Furthermore a composite Proposals Map should be included in the Plan.

WDBC considers that the draft MACK Neighbourhood Plan can be brought into compliance with local policy and national guidance subject to the advice and guidance provided being followed and would welcome dialogue with the NP group to help achieve this.

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