



**Regulation 16  
representations submitted  
to the examiner  
(17<sup>th</sup> April 2023)**

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**From:** [REDACTED]  
**Sent:** 18 January 2023 10:58  
**To:** Planning Consultation (DPD)  
**Cc:** [REDACTED]  
**Subject:** Silverton Neighbourhood Plan regulation 16 consultation - National Highways response

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Forward Planning Team,

Thank you for providing National Highways with the opportunity to comment on the submission draft of the Silverton Neighbourhood Plan. National Highways is responsible for operating, maintaining and improving the strategic road network (SRN), which in this case comprises the M5 to the east of the plan area. We previously provided comments on the pre-submission draft Plan in September 2021.

Following a review of the submission draft we remain satisfied that the proposed policies within the plan are unlikely to result in development which will adversely impact the SRN and we therefore have no specific comments to make. This does not however prejudice any future responses National Highways may make on site specific applications as they come forward through the planning process, and which will be considered by us on their merits under the prevailing policy at the time.

Kind regards,

[REDACTED]

[REDACTED] **Planning Manager (Highways Development Management), Operations**  
National Highways | Ash House | Falcon Road | Sowton Ind. Estate | Exeter | EX2 7LB  
[REDACTED]

Web: <http://www.nationalhighways.co.uk>

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**From:** [REDACTED]  
**Sent:** 18 January 2023 14:56  
**To:** Planning Consultation (DPD)  
**Subject:** Silverton Neighbourhood Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

OFFICIAL



Network Rail  
1<sup>st</sup> Floor  
Bristol Temple Point  
Bristol  
BS1 6NL

My Ref: P/TP21/

Your Ref:

Date: 18 January 2022

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**PROPOSAL: Silverton Neighbourhood Plan**

Dear Sir/Madam,

Thank you for consulting us on the Silverton Neighbourhood Development Plan. This email forms the basis of our response.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure.

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

Level Crossings

**Any development of land which would result in a material increase or significant change in the character of traffic using rail crossings should be refused unless, in consultation with Network Rail, it can either be demonstrated that they safety will not be compromised, or where safety is compromised serious mitigation measures would be incorporated to prevent any increased safety risk as a requirement of any permission.**

There is one level crossings within the plan area that may be affected:

1. Silverton Footpath Crossing (MLN1 197m 10cns)

Network Rail has a strong policy to guide and improve its management of level crossings, which aims to; reduce risk at level crossings, reduce the number and types of level crossings, ensure level crossings are fit for purpose, ensure Network Rail works with users / stakeholders and supports enforcement initiatives. Without significant consultation with Network Rail and if proved as required, approved mitigation measures, Network Rail would be extremely concerned if any future development impacts on the safety and operation of any of the level crossings listed above. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail.

Level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing
- By the cumulative effect of development added over time
- By the type of crossing involved
- By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing
- By developments that might impede pedestrians ability to hear approaching trains
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing
- By any development or enhancement of the public rights of way

It is Network Rail's and indeed the Office of Rail Regulation's (ORR) policy to reduce risk at level crossings not to increase risk as could be the case with an increase in usage at the level crossings in question. The Office of Rail Regulators, in their policy, hold Network Rail accountable under the Management of Health and Safety at Work Regulations 1999, and that risk control should, where practicable, be achieved through the elimination of level crossings in favour of bridges or diversions.

The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the rail volume or a material change in the character of traffic using a level crossing over a railway:-

- (Schedule 4 (j) of the Town & Country Planning (Development Management Procedure) Order, 2015) requires that "...development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway" (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both the Secretary of State for Transport and Network Rail for separate approval.

We trust these comments will be useful in the preparation of the forthcoming plan documents.

Yours Sincerely,

  
Town Planning Technician Wales and Western  
Network Rail  
Temple Point, Redcliffe Way, Bristol, BS1 6NL  
[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

[REDACTED]

---

**From:** The Coal Authority-Planning [REDACTED]  
**Sent:** 20 January 2023 07:47  
**To:** Planning Consultation (DPD)  
**Subject:** FW: [External] Silverton Neighbourhood Plan regulation 16 consultation  
**Attachments:** Silverton Notice of publication.docx

Dear Forward Planning team

Thank you for your notification below regarding the Silverton Neighbourhood Plan - Regulation 16 Consultation.

The Coal Authority is only a statutory consultee for coalfield Local Authorities. As Mid Devon District Council lies outside the coalfield, there is no requirement for you to consult us and / or notify us of any emerging neighbourhood plans.

This email can be used as evidence for the legal and procedural consultation requirements at examination, if necessary.

Kind regards

[REDACTED]

 The Coal Authority

[REDACTED]  
**Planning & Development Manager**  
[REDACTED]  
[REDACTED]

**E :** [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

**W:** [gov.uk/government/organisations/the-coal-authority](https://gov.uk/government/organisations/the-coal-authority)

My pronouns are: [REDACTED]

How to pronounce my name (phonetic spelling): [REDACTED]

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[Redacted]

**From:** [Redacted]  
**Sent:** 27 January 2023 12:03  
**To:** Planning Consultation (DPD)  
**Subject:** Silverton Neighbourhood Plan  
**Attachments:** Silverton Neighbourhood Plan 23.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Re - REGULATION 16 – THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 AND THE LOCALISM ACT 2011

Please find the attached for your consideration,  
Kind regards

[Redacted]



[Redacted]  
Designing Out Crime Officer  
North Devon, Torrington & Mid Devon  
[Redacted]

World Class Sustainable Policing

**Prevention Department**  
**Devon and Cornwall Police, Unit B, Oakwood Close, EX31 3NJ**

\*\*\*\*\*  
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For more information, or to contact us, please visit us at [www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk) or [www.dorset.police.uk](http://www.dorset.police.uk) or e-mail [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk) or [101@dorset.pnn.police.uk](mailto:101@dorset.pnn.police.uk)



## Ref: Silverton Parish Neighbourhood Plan 2013 – 2033

Thank you very much for inviting consultation regarding the above.

My role as the Police Designing Out Crime Officer (DOCO) is to provide appropriate and relevant advice and recommendations regarding the methodology, principles and practices of designing out crime, anti- social behaviour (ASB) and conflict within the built environment, to the Planning Authority, Developers and Architects. These are proven and effective methods in helping reduce the fear of crime and improving the safety, security and wellbeing of those who will live and work within or visit our communities.

The type of applications I would normally respond to, as agreed between the Police and the Local Planning Authorities are: -

- Major housing schemes of 10+ dwellings
- Major commercial office, industrial, retail or leisure schemes
- New neighbourhood or district community facilities
- Shop front improvements
- Proposals which include significant areas of open space/landscaping as part of a development, including linkage footpaths
- Proposals incorporating significant off-street parking provisions
- Proposals involving transport interchanges or other significant highway infrastructure
- Improvements such as cycle lanes and new or improved footpaths
- All applications for Class E(b) and Sui Generis food and drink uses
- New or redeveloped schools/education premises
- Where the intended occupants are particularly vulnerable and require higher standards of security to ensure their personal safety (this would include for example, Gypsy and Traveller sites, care homes and drug rehabilitation centres)
- ATM's
- Solar Farms
- Any planning policy documents where community safety is relevant. This will include the Core strategy and Supplementary Planning Guidance documents

As such it may be that some future developments within these areas will not receive a response from the Police, so reference to designing out crime and crime prevention per se should be embedded at the most appropriate and relevant place of the Neighbourhood Plan (NP), in this case may I suggest, Policies for the Built Environment, in order to support the wider adopted Mid Devon Local Plan and comply with the requirements of the following: -

Paragraphs 92, 97 and 130 of the National Planning Policy Framework (adopted July 2021) require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 106,108,110, 112 and 119

(also require the creation of safe environments within the context of the appropriate section.

- **NPPF Section 8. Promoting healthy and safe communities**

*92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

*97. Planning policies and decisions should promote public safety and consider wider security and defence requirements by:*

a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

b) recognising and supporting development required for operational defence and security purposes and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

*130. Planning policies and decisions should ensure that developments:*

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- Crime and Disorder Act 1998, specifically section 17 which directs that we must have community safety embedded into our planning, our policy and our operational day-to-day activity. It states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority... to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'.

All relevant planning applications should demonstrate, generally in the Design and Access Statement, the following principles of Crime Prevention through Environmental Design (CPTED) and how they have been considered and incorporated into the design and layout of all new developments. This provides



reassurance and will ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised: -

- **Access and movement** - Places with well-defined and well used routes with spaces and entrances that provide for convenient movement without compromising security.
- **Structure** - Places that are structured so that different uses do not cause conflict.
- **Surveillance** - Places where all publicly accessible spaces are overlooked.
- **Ownership** - Places that promote a sense of ownership, respect, territorial responsibility and community.
- **Physical protection** - Places that include necessary, well-designed security features.
- **Activity** - Places where the level of human activity is appropriate to the location and always creates a reduced risk of crime and a sense of safety.
- **Management and maintenance** - Places that are designed with management and maintenance in mind, to discourage crime.

I look forward to providing advice and recommendations regarding planning applications that sit within my remit of response, but in the meantime, please do not hesitate to contact me if I can be of further assistance.

Kind regards



Designing Out Crime Officer  
Devon and Cornwall Police  
North Devon, Torridge and Mid Devon

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**From:** [REDACTED]  
**Sent:** 01 February 2023 10:54  
**To:** Planning Consultation (DPD)  
**Subject:** RE: Silverton Neighbourhood Plan regulation 16 consultation amendment

Dear Forward Planning Team,

Thank you for your email and invite to comment on the Silverton Neighbourhood Plan. Through Duty to Cooperate we acknowledge the consultation, but as the plan relates to the area of Silverton we will not be commenting on this occasion.

Kind regards,

[REDACTED]  
**Planning Monitoring Officer**  
Exmoor National Park Authority  
Exmoor House, Dulverton, Somerset, TA22 9HL

[REDACTED]  
[REDACTED]  
Visit Our Website at <http://www.exmoor-nationalpark.gov.uk>

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[REDACTED]

---

**From:** Bradninch Town Council [REDACTED]  
**Sent:** 14 February 2023 19:26  
**To:** Planning Consultation (DPD)  
**Subject:** Re: Silverton Neighbourhood Plan regulation 16 consultation amendment

Hello,

I have been asked to report that Bradninch Town Council has no comment to make with regards to the document.

[REDACTED]

[REDACTED]

Clerk

Bradninch Town Council

The Clerk works 17 hours per week between Monday 9am and Wednesday noon.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 20 February 2023 15:00  
**To:** Planning Consultation (DPD)  
**Subject:** Silverton Neighbourhood Plan  
**Attachments:** DCAF Neighbourhood Plans position statement rev. 2020 FINAL.pdf

Dear Sir/Madam

**Publication of the submission Silverton Neighbourhood Plan  
Neighbourhood Planning (General) Regulations 2012 (Regulations 15 &16)**

On behalf of the Devon Countryside Access Forum, I am attaching its Neighbourhood Plan Position Statement and request that this is cross-referenced against the policies in the Plan. Policies EN02 Rights of Way (Public Footpaths, Bridleways and Cycleways) and TR01 Non-car Travel in the Silverton Neighbourhood Plan are supported.

On a specific point, there would appear to be an error on the map showing public rights of way on page 21: Map 4 Silverton Parish Footpath Network. The proposed footpaths are already legal public rights of way and parts of the footpath shown on the map have been extinguished. The Order (2019) relating to this diversion is on [Footpath No. 9, Silverton Public Path Diversion Order - Have Your Say \(devon.gov.uk\)](#) and was later confirmed. The public rights of way interactive map shows the current line of the footpath. [Home - Public Rights of Way \(devon.gov.uk\)](#) It would be useful to check the map in the Silverton Neighbourhood Plan against the Devon County Council interactive map to ensure the correct information is used.

It would be appreciated if you could acknowledge receipt of this submission and feedback to the Devon Countryside Access Forum on its comments.

Yours faithfully

[REDACTED]  
Forum Officer

*Response sent on behalf of the Devon Countryside Access Forum.*

*Chair:* [REDACTED]

*Vice Chair:* [REDACTED]

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice "as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area..." Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes parish councils.

The DCAF currently has nineteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

[REDACTED]  
Forum Officer  
Devon Countryside Access Forum  
c/o Public Rights of Way team

Great Moor House  
Bittern Road  
Sowton  
Exeter  
EX2 7NL

[REDACTED]

[REDACTED]

Privacy Notice: <http://devon.cc/prow-privacy>

I work part-time, usually on Monday morning, Tuesday morning and Wednesday mornings. Times may vary.



Devon Countryside Access Forum  
c/o Public Rights of Way team  
Great Moor House  
Bittern Road  
Sowton  
EXETER EX2 7NL

[devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)

[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

## NEIGHBOURHOOD PLANS

### Thinking about recreation and access

The Devon Countryside Access Forum is a statutory forum under the Countryside and Rights of Way Act 2000. Its members are volunteers appointed by Devon County Council to provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment.” The members represent the interests of land managers, access users and other interests such as tourism.

The Localism Act 2011 provides the opportunity for communities to draw up a Neighbourhood Plan and have more say in where development is located, subject to certain limitations. Plans need to support the strategic development needs set out in the Local Plan (district/borough council) and to plan for local development in a positive manner.

**Looking at the provision of public rights of way and green space is an important part of each Plan as these offer opportunities for people to exercise and gain health benefits.**

### Checklist

#### **What's there already?**

- Map **public** green space areas within the Plan area (including woods, parks, playing fields, public rights of way and cycle/multi-use trails);
- recognise the importance of areas shown on the map and protect them, where possible, from development;
- recognise other routes, such as Unclassified Unsurfaced County Roads, and their contribution to recreational opportunities; and
- consider designating important and special open areas as Local Green Space, in consultation with the district council. [Open space, sports and recreation facilities, public rights of way and local green space - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

#### **Improving what's there - be aspirational but ensure your proposals are realistic and achievable.**

**Don't forget you are dealing with land that is owned by someone, whether that's a farmer or another individual/body. Consult closely with them at an early stage. Some improvements require permission or need to go through a legal process.**

- Consider the improvement or upgrading of routes, for example
  - improving the surface to allow all year round use;
  - designing new routes to the requirements of those with mobility needs, and in the improvement of existing routes;
  - upgrading to permit horse riding or cycle use.
- use the 10 Steps Guide, produced by Devon County Council, to achieve neighbourhood improvements; [Community Paths - a 10 step guide](#)

- look at Devon County Council's Rights of Way Improvement Plan to give you some ideas; [Rights of Way Improvement Plan and policy - Public Rights of Way \(devon.gov.uk\)](#)
- consider creating off-road routes to the school or other facilities to reduce car use;
- seek to develop important linking routes on a permissive basis, in agreement with landowners;
- try to find circular routes to encourage healthier lifestyles and minimise car use;
- seek to secure the safety for rights of way users where routes meet or run alongside busy or dangerous roads.

### **New development areas**

- check new development proposals include safe and high quality provision for cycling and walking routes linking housing to schools, shops, employment areas, recreational and sports facilities and rights of way/greenspace;
- seek to ensure sufficient areas of greenspace;
- consider better provision for dog walkers to discourage fouling of other areas. [planningfordogownership.pdf \(hants.gov.uk\)](#)

### **Funding**

- new housing developments within the neighbourhood will be subject to payment of a Community Infrastructure Levy. Communities with a Neighbourhood Plan receive 25% of the Community Infrastructure Levy. Discuss opportunities for using this money for rights of way and greenspace improvements with the District Council and any developer.
- investigate local trusts and other grant awarding bodies such as companies which distribute landfill tax to community projects or have their own community fund. [Directory of Social Change - The Complete Fundraising Handbook \(dsc.org.uk\)](#) (available in libraries).

### **Legislative Framework – brief notes**

Proposals for new or improved public rights of way will need to go through a legal process unless they are modest changes, such as replacing stiles with gates (in which case the landowner must give consent).

There are a number of processes and Acts that may impact on public rights of way proposals in the Neighbourhood Plan but the most important ones are below:

- a permissive agreement for a route, agreed with the landowner.
- an agreement between the landowner and the Parish Council (Highways Act, section 30). A footpath or bridleway could be added to the Definitive Map through this process and is the quickest way to create a legal route beneficial to the community.
- Creation Agreements between the landowner and Devon County Council under the Highways Act 1980, section 25.
- applications can be submitted to Devon County Council to add an unrecorded route to the Definitive Map (the legal record of public rights of way) or upgrade it, for example from a footpath to bridleway, under Schedule 14 of the Wildlife and Countryside Act 1981. Applications are based on evidence that such rights exist.
- Section 257 of the Town and Country Planning Act 1990 gives local planning authorities the power to extinguish or divert footpaths, bridleways or restricted byways where necessary to enable a development to proceed. [Rights of way circular \(1/09\) - GOV.UK \(www.gov.uk\)](#)

**It's a complex area so please consult with the Public Rights of Way section at Devon County Council to discuss the best options for your community proposals.**

██████████ E-mail: [prow@devon.gov.uk](mailto:prow@devon.gov.uk)

Public Rights of Way, Great Moor House, Bittern Road, Sowton, Exeter EX2 7NL

**From:** SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>  
**Sent:** 02 March 2023 06:05  
**To:** Planning Consultation (DPD)  
**Subject:** Consultations Response - Silverton Neighbourhood Plan - Regulation 16 consultation  
**Attachments:** Silverton Notice of publication.pdf; Silverton Notice of publication.docx; 418363 NE Response.pdf

Please find Natural England's response in relation to the above mentioned consultation attached.

Kind regards,

Adviser  
Operations Delivery, Consultations Team  
Natural England  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

Tel 0300 0603900

mail to: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)



Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)  
For further information on the Pre-submission Screening Service see [here](#)



Date: 02 March 2023  
Our ref: 418363  
Your ref: Silverton Neighbourhood Plan



Forward Planning  
Mid Devon District Council

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

[planningconsultations@middevon.gov.uk](mailto:planningconsultations@middevon.gov.uk)

T 0300 060 3900

Dear Sir/Madam,

**Silverton Neighbourhood Plan – Regulation 16 Consultation**

Thank you for your consultation on the above dated 18 January 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**Natural England does not have any specific comments on the Silverton Neighbourhood Plan.**

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

  
Consultations Team

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 17 July 2023 10:50  
**To:** Planning Consultation (DPD)  
**Cc:** [REDACTED]  
**Subject:** Silverton Neighbourhood Plan Regulation 16 re-consultation - National Highways response

Dear Forward Planning Team,

Thank you for providing National Highways with the opportunity to comment on a revised submission draft of the Silverton Neighbourhood Plan. National Highways is responsible for operating, maintaining and improving the strategic road network (SRN), which in this case comprises the M5 to the east of the plan area. We previously provided comments on the submission draft Plan in January 2023.

Following a review of the revised submission draft we remain satisfied that the proposed policies within the plan are unlikely to result in development which will adversely impact the SRN and we therefore have no specific comments to make. This does not however prejudice any future responses National Highways may make on site specific applications as they come forward through the planning process, and which will be considered by us on their merits under the prevailing policy at the time.

Kind regards,

[REDACTED]  
[REDACTED], **Planning Manager (Highways Development Management), Operations**  
National Highways | Ash House | Falcon Road | Sowton Ind. Estate | Exeter | EX2 7LB  
[REDACTED]

Web: <https://nationalhighways.co.uk/our-work/planning-and-the-strategic-road-network-in-england/>

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 19 July 2023 11:47  
**To:** Planning Consultation (DPD)  
**Subject:** RE: Silverton Neighbourhood Plan Regulation 16 re-consultation  
**Attachments:** Disability Access Position Statement 2022.pdf; DCAF Landowner liaison position statement revised 2023.pdf; DCAF Greenspace Position Statement 2020 FINAL.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Silverton Neighbourhood Plan Regulation 16 re-consultation

Thank you for providing an additional opportunity to comment on the Environment Report (September 2022). The report provides some helpful background to the various policies in the Neighbourhood Plan. The Devon Countryside Access Forum notes the additional context to the policies on access, public rights of way and greenspace and the associated aspirations.

The Forum refers to its previous response which still stands and notes these comments will be taken into consideration. In addition, the council may find it helpful to consider the Devon Countryside Access Forum's position statements on disability access, landowner consultation and greenspace and these are attached.

Regards

[REDACTED]

Forum Officer  
Devon Countryside Access Forum  
c/o Public Rights of Way team  
Great Moor House  
Bittern Road  
Sowton  
Exeter  
EX2 7NL

[REDACTED]

[REDACTED]

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I work part-time, usually on Monday morning, Tuesday morning and Wednesday mornings. Times may vary.



**Devon Countryside Access Forum**  
**c/o Public Rights of Way team**  
**Great Moor House**  
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[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

## **Devon Countryside Access Forum**

### **Greenspace Position Statement**

#### **Introduction**

The Devon Countryside Access Forum has developed this position statement to inform planning applications and planning policy.

A number of defined green spaces are recognised by Government. In the context of the Devon Countryside Access Forum's remit the main areas are:

- parks and gardens – including urban parks, country parks and formal gardens;
- natural and semi-natural urban green spaces – including woodlands, urban forestry, grasslands, common land, wetlands, areas of open and running water, wastelands, derelict open land and rock areas;
- green corridors – including canal and river banks, cycle ways and rights of way;
- amenity green space – including informal recreation spaces, green space in and around housing and town or village greens;
- provision for children and teenagers – including play areas, adventure playgrounds and other informal areas; and
- accessible countryside in urban fringe areas

The National Planning Policy Framework identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Greenspace is important for health and wellbeing, providing physical, psychological and social benefits. These benefits are increasingly researched and demonstrated, alongside economic benefits and savings to the NHS. Figures suggest that investing in accessible green space yields health and wellbeing benefits to residents and visitors that exceeds the cost of provision. For example, the former Fields in Trust commissioned research to value the benefits - see [Revaluing-Parks-and-Green-Spaces-Summary.pdf \(fieldsintrust.org\)](#) Public Health England advises that interventions that improve access to green spaces are likely to help local areas reduce health inequalities – see [Improving access to greenspace: 2020 review \(publishing.service.gov.uk\)](#)

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

supported by  
**Devon**  
County Council

## Greenspace provision

- a) Developers should seek to include a variety of greenspace that caters for different types of users.
- b) High quality walking and cycling routes should link housing to schools, shops, employment areas, recreational and sports facilities and rights of way.
- c) Circular routes within settlements should be developed to encourage healthier lifestyles and minimise car use.
- d) There should be a high degree of connectivity between greenspace areas.
- e) Where possible, the character and amenity of existing greenspace of good quality should be incorporated into the development.
- f) Maintaining and seeking improvements to biodiversity, alongside provision of greenspace, should be a key target.
- g) Heritage assets within greenspace areas should be protected and enhanced.
- h) Surfaces and use of materials should be appropriate for the intended use and respect the character of the surrounding environment. For example, it may be appropriate to have a hard tarmac surface for key routes for all users, including cyclists and disability users. Elsewhere, softer surfaces more in keeping with the environment could be adopted and allow use by other recreational access users such as horse riders.
- i) Greenspace should be perceived as safe with good lines of visibility. Lighting may be appropriate along certain paths. Areas should not encourage crime, fly-tipping or anti-social behaviour.
- j) Places for children, areas for quiet enjoyment and a variety of spaces such as woodland and water bodies should be incorporated.
- k) Dog walkers are the major access group. Consideration should be given to planning for dogs in new developments to reduce fouling issues. A useful reference for planning for dogs is [planningfordogownership.pdf \(hants.gov.uk\)](https://www.hants.gov.uk/planningfordogownership.pdf)
- l) Any path furniture, such as gates, should be suitable for disability users. See the DCAF's position statement on disability access.
- m) Resting places, such as benches, are an important part of 'furniture' and help to make green space more accessible and enjoyable to those with health/mobility challenges.
- n) Greenspace does not have to be fully accessible to provide health and well-being benefits as landscape views still have value.
- o) Provision of greenspace should consider the impact on adjoining areas not designated as amenity areas. For example, implications for farmed land which may experience trespass or dog incidents.
- p) The Management Plan for any development should recognise the intrinsic importance of the existing highway network (including public rights of way), verges and heritage features as assets for the public to appreciate the landscape and access other recreational opportunities. These assets are part of a Natural Capital approach, for example Devon is appreciated for its sunken lanes, hedgerows and verges rich in flora.

## Amount of greenspace

Developers should aspire to meet the Natural England standards for accessible natural greenspace. The ANGSt criteria specify that everyone should have access to one accessible natural greenspace:

- of at least 2 ha in size, not more than 300m from home;
- at least one accessible 20 ha site within two kilometres of home;
- one accessible 100 ha site within five kilometres of home; and
- one accessible 500 ha site within ten kilometres of home; plus
- a minimum of one hectare of statutory Local Nature Reserves per thousand population.

ANGSt takes a broad view of what constitutes natural greenspace. The requirements can be met through a wide range of different types of space, from local parks, greenways and footpaths, areas set aside for sustainable urban drainage systems, woodland and heathland. The ANGSt guidance is on [\[ARCHIVED CONTENT\] Nature Nearby - Accessible Natural Greenspace Guidance - NE265 \(nationalarchives.gov.uk\)](#)

The ANGSt criteria and Green Infrastructure standards are currently being updated by Natural England. The DCAF advises that up-to-date information is sought prior to using standards as a benchmark in any development design.

Linear routes connecting areas of greenspace, or crossing greenspace that might not be accessible, are also important.

## Future maintenance and use of greenspace

Developers and local authorities should seek to ensure that areas of greenspace can be maintained in good condition for the future. Initial funding through section 106 or the Community Infrastructure Levy may not include maintenance. Ongoing financial contributions or a ring-fenced fund will be required.

Residents, particularly in new developments, may be unfamiliar with accessing greenspace. Financial provision for mentors and rangers to initiate events and encourage responsible use of greenspace may be required and this should be included in funding proposals. Groups who do not traditionally access greenspace could be a focus, for example teenagers.

The Devon Countryside Access Forum is a statutory local access forum set up under the Countryside and Rights of Way Act 2000. Its members are volunteers, appointed by Devon County Council, who provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment”. The Forum currently has seventeen members who represent the interests of landowners/land managers, access users and other interests such as tourism and conservation.



**Devon Countryside Access Forum  
c/o Public Rights of Way Team  
Great Moor House  
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EXETER  
EX2 7NL**

**Tel: 07837 171000  
01392 382084**

**E-mail: [devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)**

**Website: [www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)**

## **DEVON COUNTRYSIDE ACCESS FORUM**

### **Liaison with landowners, land managers and tenants on proposed multi-use or cycle routes**

#### **GUIDANCE**

##### **Introduction**

Ensuring timely and informed liaison and consultation with landowners at the earliest stage in the development of any proposed route helps to diffuse potential difficulties. It is important that any tenants of agricultural or other land are notified at this early stage. The Forum has identified a number of issues, in addition to those which would form part of the formal consultation and negotiation process, which should be considered early on in the process. The lead organisation, whether that is DCC or Sustrans or another body, should ensure that appropriate steps have been taken in the following areas.

##### **Lead agencies should:**

- check who will bear the insurance liability for the path. Where there are any tenancies on the land confirming the 'occupiers' liability' is particularly important;
- check the maintenance liability for the path and adjoining structures;
- check whether risk assessments have been carried out in respect of livestock adjacent to the route. This is crucial where there are suckler cows and calves. Fencing along the route of the path may be appropriate;
- discuss the financial implications associated with the development of any route. To satisfy cross-compliance paths can no longer be counted

as part of the land holding area. Equally, some environmental payments on the land may need to be re-paid;

- check that the landowner or tenant is aware that the farm has to be re-mapped to show the cycle/multi-use path. Failure to do this swiftly could jeopardise future support payments;
- check the location of any grant-aided fencing and path furniture which might have to re-situated. It is important to ensure that permission of grant funders is sought to relocate fencing. Otherwise this could constitute a breach of a stewardship agreement with associated penalties;
- discuss signposting to ensure people go the right way and responsibilities for signing;
- discuss path route to minimise the effect on privacy or business activity;
- consider timing and details of work during the construction period to minimise impact on livestock movements, agricultural operations and other factors which impact on the landowner or tenant;
- discuss whether the route could allow stock to stray and measures to mitigate this;
- discuss implications of the Basic Payment Scheme and agri-environmental schemes on vegetation management alongside the route.

**Landowners should:**

- liaise with lead agencies as above;
- make any tenants or potential tenants aware of any proposals for functional or recreational paths; and
- reserve the legal right to construct any metalled paths in negotiating any new tenancy agreements. Failure to do so can lead to tension between landlord and tenant where the landlord would like to construct a path.

The Devon Countryside Access Forum is a statutory local access forum set up under the Countryside and Rights of Way Act 2000. Its members are volunteers, appointed by Devon County Council, who provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment”. The Forum currently has seventeen members who represent the interests of landowners/land managers, access users and other interests such as tourism and conservation.





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**c/o Public Rights of Way Team**  
**Great Moor House**  
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**Tel: 07837 171000**  
**01392 382084**

[devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)  
[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

## **Devon Countryside Access Forum**

### **Physical Disability Access Position Statement**

The Devon Countryside Access Forum recognises that everyone, whether residents or visitors, should be able to enjoy recreation in Devon's natural environment.

#### **The issue**

This Position Statement sets out recommendations for improving access to the countryside for people with limited mobility, including on Public Rights of Way and cycle/multi-use trails, and points readers to more detailed information.

Although this Statement focuses particularly on physical disabilities, it is worth noting that limited mobility affects a range of people, including parents with children in buggies; elderly or frail people, who might use an electric mobility scooter or wheelchair; and people with walking aids. Improving access for wheelchairs and large off-road electric mobility scooters can improve access for all.

Research shows that people with limited mobility are less likely to say they can access 'green spaces' and are less likely to visit the countryside. This is because they experience barriers that can be impossible to navigate. Barriers can include:

- stiles;
- steps;
- narrow gates, entrances, paths and exits;
- difficult or high handles and latches on gates;
- logs or earth mounds;
- steep gradients and cross-gradients; and
- overgrown vegetation.

The DCAF recognises that there are some routes that cannot be made accessible because of flights of steps or unavoidably narrow sections. However, many barriers can be removed at relatively low cost, opening up significant areas of countryside to more disabled people. The aim should be to achieve the least restrictive option.

Disabled people are now benefiting from ongoing technological improvements in mobility aids. Now, electric and all terrain scooters/buggies, such as the off-road Tramper, can

cope with more challenging gradients (25%) and cross gradients as well as having good ground clearance. All-terrain type scooters are quite capable of going across grass fields and open moorland. Such off-road scooters can even manage distances of 20 to 40 miles. A modest improvement to a gate may open up more extensive areas for access.

Access managers often under-estimate the capability of this new generation of off-road mobility scooters and may think access cannot be improved if routes are not suitable for wheelchairs, whereas it is highly likely that a Trampler off road scooter could cope adequately.

## **Making improvements**

Major modifications to routes using very specific criteria are often inappropriate, especially in rural areas, or very expensive but relatively minor changes can often result in a much more accessible and enjoyable route, particularly for people with all-terrain scooters.

Improvements must be agreed with landowners and should consider how disabled people might be able to access the route while maintaining necessary measures to control farm animals and any vehicles. In some instances, changes will not be possible. Historic or locally important structures should be respected.

Some possible improvements include:

- Replacing stiles and kissing gates with 1.5 m wide gates with good latches and trombone handles. Where self-closing gates are required a two-way gate is preferable. Kissing gates that can be operated by radar keys may be an option in some locations. (e.g. National Trust Parke estate and Fremington Quay nature reserve). Latches are often over-looked but can ensure gates can be easily opened and closed. They should be positioned where they can be reached and in good condition. Long handles which can be reached at different heights are useful to open gates.
- Ensuring the path width and surface are suitable for wheelchairs, buggies and trampers helps many people. This does not mean that a route requires a road surface – minimising puddles, roots and ruts may be all that is needed. Many disabled people still want a countryside experience.
- Ramps rather than steps on approaches to bridges would greatly assist those with disabilities. Where steps are unavoidable, rest or landing areas should be included or there should be signposting to an alternative reasonable route.
- DCAF advises site managers to explore options for facilitating access for Trampler all terrain mobility scooters or making these available for hire, as has been successfully developed by Countryside Mobility South West.
- Routes for cyclists should take into account reclining bikes, trikes and modified bikes as well as Trampler type mobility scooters. These can be longer, lower or wider than a standard bike when navigating a gate or turning space.

## **Planning for better access**

The Forum advises that improvements to Public Rights of Way should incorporate the highest possible access standards from the outset, and that managers should regularly consider potential enhancements. For example, Parish Councils may be planning improvements to Public Rights of Way through Neighbourhood Plans and should consult disabled people on changes. This will ensure costly mistakes that inhibit access are avoided and that people are informed where it is not possible to make an adjustment and improvement. In planning or designing *new* routes the above recommendations should be considered from the beginning to achieve the highest standards possible. Several

organisations have good practice guides to ensure disability access standards can be implemented.

It is also worth noting that improving access to the countryside isn't necessarily limited to improving paths and gateways. People with limited mobility may have other needs too. There are additional aspects to consider and these include:

- Connectivity (access to the site via accessible public transport, disabled parking bays or safe paths).
- Rest (stopping off points such as picnic tables, pubs, cafes and wheelchair (or mobility scooter) accessible toilets).
- Information (providing clear, easy to read information about the route or site so that people can plan their visit with confidence and consider making information usable by visually sighted and/or deaf persons)
- Sensory enhancements such as scented plants for visually impaired people. Also, suitable lighting and clear edges to paths in urban areas.

### **Using routes shared with motorised traffic**

Design and improvement work on roads to encourage non-motorised users and sustainable travel should reflect the hierarchy in the Highway Code, rule 204. This acknowledges that road users most at risk in order of vulnerability are pedestrians, in particular children, older adults and disabled people, cyclists, horse riders and motorcyclists.

### **Legislation**

Under the Equality Act 2010, Public Authorities (including County, District, Town and Parish Councils) have a pro-active legal duty to advance equality for disabled people. This includes meeting disabled people's needs. The Act also places a requirement on providers of services to the public to ensure people are not unlawfully discriminated against and that reasonable adjustments are anticipated and made for disabled people. Landowners who have public access or public rights of way across their land are not providers of public services, and therefore cannot be obliged under the Act to make reasonable adjustments, for example by changing a stile to a gate. Landowners who provide permissive access must comply with the Equality Act by considering what reasonable adjustments can be made for disabled people. However, this does not oblige them to put in place anything that would be an unreasonable cost, ineffective or impractical. More information:

[Home Page | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/)

[Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/)

[Equality legislation - Equality and Diversity \(devon.gov.uk\)](https://www.devon.gov.uk/equality-legislation)

The Department of Transport legislation states that Class 3 mobility scooters must have a maximum speed of 4 mph on pavements and 8 mph on roads, a width of 85 cm and an unladen weight of 150 kg. This class includes Trampler mobility scooters and the TGA 3 wheel Supersport.

[Mobility scooters and powered wheelchairs: the rules: Rules for class 3 invalid carriages - GOV.UK \(www.gov.uk\)](https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-the-rules)

## Best Practice

For photos showing good practice and details of wheelchair and mobility scooter specifications see the DCAF website [Devon Countryside Access Forum - Public Rights of Way](#)

For more comprehensive information on standards, particularly when establishing a new route, see:

- Disabled Ramblers UK  
[disabledramblers.co.uk](http://disabledramblers.co.uk)  
The Disabled Ramblers helps mobility-challenged people get back out into the countryside. Disabled ramblers have several categories of footpath from level 1 for manual wheelchairs to level 3 for off road scooters. Full details are on the website. One useful guide is their publication on Man-made Barriers and Least Restrictive Access [Access \(disabledramblers.co.uk\)](http://disabledramblers.co.uk)
- Natural England's Trial of self-closing bridlegates  
[A trial of self-closing bridlegates: 2015 - JP018 \(naturalengland.org.uk\)](#)  
The summary and conclusions make recommendations for disability access following a trial involving walkers, horse-riders, cyclists, disabled users and landowners.
- Sensory Trust information fact sheets  
[Advice and guidance – Sensory Trust Guides](#)  
These include advice on access design, accessible green space, access to the countryside, seating and shelter and access to historic landscapes.

For more general information on current initiatives in Devon which benefit disability access see:

- Countryside Mobility SW (tramper buggy hire project)  
[Welcome to Countryside Mobility | Countryside Mobility](#)
- Living Options Devon Heritage Ability project  
[Heritage Ability | Countryside Mobility](#)

The Devon Countryside Access Forum is a statutory local access forum set up under the Countryside and Rights of Way Act 2000. Its members are volunteers, appointed by Devon County Council, who provide independent advice on “the improvement of public access to land for the purposes of open-air recreation and enjoyment”. The Forum currently has seventeen members who represent the interests of landowners/land managers, access users and other interests such as tourism and conservation.

[REDACTED]

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**From:** SPDC <SPDC@environment-agency.gov.uk>  
**Sent:** 24 July 2023 09:01  
**To:** Planning Consultation (DPD)  
**Subject:** RE: Silverton Neighbourhood Plan Regulation 16 re-consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Rep

Good morning,

Thank you for your email relating to the Regulation 16 version of the Silverton Neighbourhood Plan and the re-consultation on the Environment Report. We do not have further comments to make so please take our previous correspondence to still stand.

Kind regards,

[REDACTED]  
Sustainable Places Planning Advisor  
**Environment Agency** | Manley House, Kestrel Way, Exeter EX2 7LQ

Email: [SPDC@environment-agency.gov.uk](mailto:SPDC@environment-agency.gov.uk)

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 August 2023 21:27  
**To:** Planning Consultation (DPD)  
**Subject:** Silverton Neighbourhood Plan - Regulation 16 Consultation - Formal response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear [REDACTED],

Thank you for inviting us to comment on the Regulation 16 consultation of the Silverton Parish Neighbourhood Plan (email 17 July 2023).

We have reviewed the revised Strategic Environmental Assessment (SEA), published in September 2022 alongside the Regulation 16 draft of the Neighbourhood Plan. We are pleased to see that our previous concerns, over the absence of a robust heritage evidence-base, have now been addressed. We welcome the detailed study of the impact of the proposed site allocations A (Tiverton Road) and D (The Glebe) on adjacent heritage assets.

According to the revised SEA, development of Site A (Tiverton Road) is likely to have a low, adverse impact on a number of medium significance heritage assets. This suggests a relatively benign outcome and seems to justify Policy HS04, which had previously given us some concern, due to the absence of a robust heritage study.

Conversely, the revised 2022 SEA has highlighted some further cause for concern regarding Site D (The Glebe). At the Regulation 14 stage, we were concerned that the site selection methodology had resulted in promoting a site that may well have potential to harm significant heritage assets. Indeed, the revised SEA study does reveal the potential for medium adverse impact to a number of medium and high significance heritage assets. Such impact includes the setting of the Conservation Area (medium significance) and the setting of the grade I listed Church of St Mary the Virgin (high significance). However, since the regulation 14 draft consultation, the wording of Policy BE01 (Local Character and Design Standards), Policy BE02 (Local Heritage) and Policy HS03 (The Glebe Housing Development Site) have been strengthened to help conserve and enhance the heritage assets.

Clearly, it would be better to select a site that had no risk, or only a low risk, of harming heritage assets. However, we understand that the other potential sites that were considered for development have indeed either come forward for development: West's Garage (2 new homes) and Old Butterleigh Road (5 new homes); or, in the case of "Roosters" is now being supported for employment use.

Given that the desired, additional housing provision seems to have already been delivered, the Neighbourhood Plan Steering Group may now be in a position to simply remove Policy HS03 (The Glebe) from the Plan. In our view, this is likely to be the most reliable way of avoiding any potential harm to the Conservation Area; or to the other high-significance (grade I) and medium-significance (grade ii) heritage assets.

However, the Conservation Officer may feel that the strengthened wording of Policy BE01, Policy BE02 and Policy HS03 are now adequately robust to guide the proposed development towards only "minor negative effects". We recognise that these policies are now robustly supported by the new, detailed evidence-base, contained within the 2022 SEA.

I hope that our comments have been helpful. We commend the Neighbourhood Plan Steering Group for the dedication required to arrive at this stage in the process and wish them well in arriving at a Made Plan.

Kind Regards,

[REDACTED]

[REDACTED] | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

[REDACTED]  
<https://historicengland.org.uk/southwest>

[REDACTED]

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[Redacted]

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**From:** National Grid (Avison Young - UK) <nationalgrid.uk@avisonyoung.com>  
**Sent:** 24 February 2023 16:57  
**To:** Planning Consultation (DPD)  
**Subject:** RE: Silverton Neighbourhood Plan regulation 16 consultation  
**Attachments:** 23-02 Silverton NP.pdf

Dear Sir / Madam

We write to you with regards to the current consultations as detailed above in respect of our client, National Grid.

Please find attached our letter of representation. Please do not hesitate to contact me via [nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com) if you require any further information or clarification.

Kind Regards

[Redacted]

[Redacted]

Graduate Planner

[Redacted]

[Redacted] | [avisonyoung.com](http://avisonyoung.com)

Central Square South, Orchard Street, 3rd Floor, Newcastle upon Tyne NE1 3AZ



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Our Ref: MV/ 15B901605

23 February 2023

Mid Devon District Council  
[planningconsultations@middevon.gov.uk](mailto:planningconsultations@middevon.gov.uk)  
**via email only**

Dear Sir / Madam  
**Silverton Neighbourhood Plan - Regulation 16 Consultation  
January – March 2023  
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

#### **About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

#### **Proposed development sites crossed or in close proximity to National Grid assets:**

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that no assets are currently affected by proposed allocations within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- [www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/](http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/)

Please also see attached information outlining guidance on development close to National Grid infrastructure.



**Distribution Networks**

Information regarding the electricity distribution network is available at the website below:  
[www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Information regarding the gas distribution network is available by contacting:  
[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

**Further Advice**

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

[Redacted]

[Redacted]

[nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)

[Redacted]

Avison Young  
Central Square South  
Orchard Street  
Newcastle upon Tyne  
NE1 3AZ

National Grid  
National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

[Redacted signature]

[Redacted line]

**Director**

[Redacted line]

[Redacted line]

**For and on behalf of Avison Young**

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

#### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's '*Guidelines for Development near pylons and high voltage overhead power lines*' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their '*Guidelines when working near National Grid Electricity Transmission assets*', which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

#### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's '*Guidelines when working near National Grid Gas assets*' can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

#### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: [nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)

# Silverton Neighbourhood Plan

## Submission Response Form

### Guidance Notes

Please use this form if you wish to comment on the submission version of the Silverton Neighbourhood Plan. Please complete all sections below; comments should be provided in the section overleaf.

Please return forms to Mid Devon District Council: [planningconsultations@middevon.gov.uk](mailto:planningconsultations@middevon.gov.uk) or post to Forward Planning, Planning Services, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

All comments must be received by **12 noon on Friday 3<sup>rd</sup> March 2023**.

**Name:** Delwyn H. Matthews  
(Local resident)

**Address:** [REDACTED]

**Email:** [REDACTED]

**Which sections of the plan are you responding to? (Please provide paragraph references or section headings if relevant)**

Introduction section: *paras 1.1 -1.2; paras 3.1 to 3.4; para.2.9*

Aims and Objectives: *page 12; page 13*

**Do you wish to be notified when a final decision is made on the Silverton Neighbourhood Plan?**

Yes

**What is the nature of your representation?**

*Support*

**Please provide comments below (continue on separate sheets if needed)**

## **1. Introduction section**

### **Paras 1.1 -1.2**

### **Paras 3.1 to 3.4**

It would be helpful to have clarification of the exact intended Neighbourhood Plan period; nowhere is this explicitly stated, although given the strategic context as outlined (paras 3.1 to 3.4), the relationship with the Mid Devon Local Plan is noted. This latter Local plan, adopted in 2020, has a lifespan to 2033. It is assumed therefore that the Silverton Neighbourhood Plan (SNP) is intended to cover the next 10 years, i.e. also to 2033?

Given that work is already underway in preparing a new Local Plan for Mid Devon (to 2043), and with likely revised housing and other targets, it is likely that further revisions may need to be made to the SNP also. It is welcomed that the SNP will be reviewed after 5 years (para.14.5). But again, it would be helpful if it could be made more explicit how –or whether- the SNP may need, or could be, revised in the light of e.g. either increased – or even decreased – housing target numbers in any Revised Local Plan.

### **Para. 2.9 –re.Ellerhayes**

Just for accuracy: there is an inconsistency with para.10.3 concerning the information given about the growth of Ellerhayes.

Factually, para.10.3 is more correct. In fact it seems that Mill workers houses (in what is termed 'Lower Ellerhayes' by the villagers) may have been constructed just before 1900 in the late Victorian period (the post box located there is certainly Victorian) and they also appear on the Revised 1" OS map, published in 1898. The next phase of development was inter-war ,when further workers houses were built around the (now) childrens' play area in so-called 'Upper Ellerhayes' (these appear on the 1933 published 1" OS map). A third phase was post WW2 (c. 1948 on), when further Mill houses were built fronting on to the road at Upper Ellerhayes. Final – more recent – phases then involved private housing (initially by Ambrose Development Co.) in the 1970s, and with 4 more new private build houses being built in the 1990s – again all at Upper Ellerhayes.

## **2. Aims and Objectives**

**p.12.statement:**“Any new development should be only as an extension of Silverton Village or Ellerhayes, other than the conversion of existing farm buildings”

Ellerhayes, as a small hamlet, is not a recognised settlement for future development within the Local Plan (Policy S14) and as such any proposed extension of the hamlet into surrounding countryside would not comply with established policies (although note is taken of possible 'exception sites' within the Local Plan). Given that the hamlet is mostly surrounded by National Trust land ('inalienable') it is difficult to see what future 'extension' of the hamlet could in any event occur. The hamlet is also close to the Killerton Park, listed as Grade II\* on the Register of Parks and Gardens of Historic Interest. The special qualities of this Park have been accepted as extending well beyond its importance as a designed landscape – including views to and from the Park. Indeed the village has appeared in National Trust publicity photos. taken from the Park, looking towards Ellerhayes, to emphasise this special visual relationship.

It is unacceptable therefore to suggest that Ellerhayes would be appropriate for any such new development and this specific reference to the hamlet should here be amended or deleted.

**P.13 statement**:( 'Traffic and Travel'): "Explore possibility of foot and cycle link between the Village and A396".

This should be expanded to also include reference for the need for similar links between Ellerhayes and Silverton. At present the only FP link to Silverton is not direct and is some distance from the village and involves a very dangerous crossing over a high speed railway. Proposals for a safer and more convenient permissive FP link have been put to the National Trust but at present still await the agreement of the local farmer. Scope also exists for a possible future cycle link.

This is in fact accepted later on in the SNP (see p.47 and also Policy TR04): the statement on p.13 should therefore be amended to similarly read:

"Explore possibility of foot and cycle link between the Village and A396 and the Village and Ellerhayes."

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\* You must include a name and address in your response for this to be considered as a valid representation.

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[REDACTED]

---

**From:** Beth Hale [REDACTED]  
**Sent:** 03 March 2023 11:43  
**To:** Planning Consultation (DPD)  
**Subject:** Silvertown neighbourhood plan consultation

I do not support policy no. HS03 within the Silvertown neighbourhood plan as the criteria listed do not go far enough to mitigate the impact of the proposed development. This proposed development is in the countryside and this is undesirable sprawl. There will be increased traffic on a very quiet country lane. I see that the criteria state that there must be no detrimental impact on the skyline but the view from St Mary's church and the Bury is of pure open countryside, towards Killerton. I do not believe that this should be interrupted at all as probably the most important historic site in the village.

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 March 2023 11:49  
**To:** Planning Consultation (DPD)  
**Subject:** Silverton Neighbourhood Plan response form Environment Agency.  
**Attachments:** Silverton Neighbourhood Plan Reg 15.docx

**Importance:** High

Please find attached the above response,  
Regards

[REDACTED]  
Sustainable Places Planning Specialist  
Environment Agency – Devon, Cornwall & Isles of Scilly Area

Normal working days Tue-Thu

✉ Manley House, Kestrel Way, Exeter, EX2 7LQ  
[REDACTED]

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## Silverton Neighbourhood Plan, Mid Devon, Reg 15/16 response

### Environment Agency (EA)

The following are the EA comments on the above, suggested alterations and additions to policy wording is highlighted in yellow for your ease.

The EA welcomes the recognition of the Climate Emergency in the Foreword, the Plan's aim for net zero and the creation of a Green Action Group to deliver this.

#### Chapter 6 - Vision Aim and Objectives

The Theme of Natural Environment (NE) would be better represented by 'enjoying, respecting **and enhancing nature**, the countryside and the rural setting' and similarly NE point 7 in the table to follow on page 12 could perhaps better promote wildlife and biodiversity enhancement rather than just suggesting that future development doesn't compromise it.

We welcome the embedded theme of net zero and carbon reduction in the aims of the Plan.

P13 There is no mention of flood resilience in the Housing Aims. There is a flood zone cutting through Silverton and we would strongly advocate that a bullet point is included to ensure any new development is out of the floodplain and existing housing and wider community looks to become more resilient and adaptive to future flood events and the impact of climate change.

Flooding is mentioned in the NE objectives on page 18, but not on page 12. Page 12 table carries only 7 objectives for NE but page 18 has 8 objectives?

#### Chapter 8 – Natural Environment

Given the huge decline in UK biodiversity and the emergence of Biodiversity Net Gain and its agenda, we consider that policy EN01 could be stronger, suggestions below (alterations in yellow):

*1. Development proposals will only be supported where they have demonstrated that there are minimal impacts on the natural environment (landscape and biodiversity) **and they satisfactorily mitigate these impacts and enhance the natural environment. (last caveat deleted as enhancement is rarely unachievable)***

*2. Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting, appropriate landscaping should be employed to mitigate the impact of the development, and such measures should include the use of native species of trees and hedges where planting is required.*

*3. Where change to existing traditional Devon banks is unavoidable, proposals for development which affect traditional Devon hedges will only be supported where they have demonstrated that options have been assessed and, as a result, have proposed the least*

*damaging option (to the hedgerow / bank, setting in the landscape, biodiversity and habitats). Such hedge loss shall be mitigated for.*

EN03 on greenspaces. Given some of these are within or adjacent to the flood zone it may be worth considering including a suggestion that where possible these sites be enhanced to accommodate 'blue infrastructure' i.e. wet areas which can aid in alleviating flood issues and help with future flood resilience should the opportunity arise.

We applaud the inclusion of policy EN04 and its inclusion of both fluvial flood risk and surface water flooding issues. However the explanation and justification could be clearer on also not supporting new development within the floodzone which at present neither the policy nor explanation are explicit on but perhaps should be.

## **Chapter 9 – Built Environment**

Either this section or the housing and employment section should carry something stating that new buildings will be expected to incorporate water efficiency measures. Water usage in Devon is as increasing issue as water is becoming scarce and we are still in a declared period of drought and this pattern and issue is expected to continue as a result of changing weather due to climate change. Increased water efficiency and grey water rain water recycling on newbuilds not only reduces demand for drinkable water but also reduces the amount of water being treated and put into sewer systems.

## **Chapter 10 – Housing**

Suggested that 'water efficiency' is added to point 10 next to energy efficiency 'energy and water efficiency'.

We welcome the inclusion of Biodiversity Net Gain within the allocated housing site policies.

Policy HS06 and TR04 – it may be advisable that the supporting text or policy encourages these spaces to be of a permeable material in order to ensure surface water run off issues are minimised.

-----End-----

Silverton Neighbourhood Plan Committee

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██████████  
██████████  
██████████

**Planning Services**

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**e-mail:** [planning  
consultations@middevon.gov.uk](mailto:planning.consultations@middevon.gov.uk)

**Date:** 3<sup>rd</sup> March 2023

**Contact:** ██████████  
Forward Planning Team Leader

Dear ████████,

**Response to the Submission consultation on the Silverton Neighbourhood Plan**

Mid Devon District Council fully supports Silverton Neighbourhood Plan Steering Group with its preparation of a Neighbourhood Plan.

The following comments are made within the bounds of this formal stage in the plan making process and seek to achieve general conformity with the strategic policies of the Mid Devon Local Plan Review.

In several instances we have identified areas where we advise modification / clarification is required. We do so in order to assist the Steering Group to deliver a plan that meets the legal requirements placed upon it and to ensure that policies do not conflict with other plans, respond to community aspiration behind them and are able to be used as a basis for subsequent development management decisions as part of the development plan once adopted.

At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. These are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State
- b) The making of the neighbourhood plan contributes to the achievement of sustainable development
- c) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- d) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- e) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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Please telephone 01884 255255 or email [customerfirst@middevon.gov.uk](mailto:customerfirst@middevon.gov.uk)**

## Silverton Neighbourhood Plan submission consultation: MDDC response

Having regard to the Basic Conditions set out above, this document sets out Mid Devon District Council's formal response to this consultation. The response reiterates many of the comments made previously at Regulation 14 stage in relation to conformity issues between the Silverton Neighbourhood Plan and the Local Plan Review. They are provided in order to enable a robust neighbourhood plan that meets the basic conditions and can be utilised effectively in the determination of planning applications. Accordingly, this consultation response should be read in conjunction with the Council's Pre-Submission (Regulation 14) consultation submission dated 5 November 2021 (attached as Appendix 1).

However, we would like to draw your attention to the following policies:

### **Policy BE02 (Local Heritage)**

Mid Devon District Council understands the requirement for proposals to demonstrate how they will 'positively conserve and enhance the unique characteristics of its location'. However, currently we can only look to preserve as a minimum. It should also be noted that where development proposals lead to less than substantial harm, that harm will be weighed against any public benefits.

### **Policy HS01 (Scale of Housing Development)**

Policy not in conformity with the Local Plan Review as developments on the edge of the village would be outside of the settlement limits and sites of 5 or fewer dwellings would not deliver affordable housing in line with exceptions policy.

### **Policy HS03 (The Glebe Housing development site)**

Policy not in conformity with the Local Plan Review and concerns raised by our Conservation Officer and Historic England's Historic Places Adviser have not been addressed. Conservation Officer's comments can be read in Appendix 2.

### **Policy HS06 (Parking Spaces on Housing Developments)**

Policy not in conformity with the Local Plan Review and Parking SPD. There is a need for empirical evidence to justify the policy.

### **Policy TR05 (Vehicle Sharing)**

This policy is not a land use policy and can therefore not be included in the neighbourhood plan.

We hope this comment is useful in progressing the plan through the Independent Examination.

Yours sincerely

██████████

**Forward Planning Team Leader**

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**Table 1: MDDC Comments by proposed NP policy**

Silverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Silverton NP/ Adopted and emerging Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
Policy No. EN01 Retaining and Enhancing the Natural Beauty of our Parish	S1; S9; S13; S14; DM1; DM9; DM25; DM26; DM27; DM28	No conformity issues, however please note that under national and local policy (e.g. DM28) development will be permitted where its benefits clearly outweigh direct and indirect impacts.
Policy No. EN02 Rights of Way (Public Footpaths, Bridleways and Cycleways)	S1; S9; DM1; DM26	No conformity issues
Policy No. EN03 Local Green Space	S1; S9; DM24	No conformity issues. In line with national policy (NPPF para 100), further evidence and analysis may be required to justify the inclusion of these areas.
Policy No. EN04 Minimising Flood Risk	S1; S9; DM1; DM26	No conformity issues. SUDS may not be appropriate in all cases.
Policy No. BE01 Local Character and Design Standards	S1; S9; S13; S14; DM1; DM2; DM6; DM7; DM8; DM9; DM10; DM11; DM12; DM20; DM21; DM22;	No conformity issues.
Policy No. BE02 Local Heritage	S1;S7; S9; S13;S14; S11; S12; DM1; DM25	No conformity issues. However, there are a few points to note. The Policy requires proposals to demonstrate how they will 'positively conserve and enhance the unique characteristics of its location' as identified in the conservation area appraisal. Whilst we would agree with the sentiment, currently we can only look to preserve as a minimum. With regard to all heritage assets there will be a requirement to submit heritage statements which identify the assets, provide an assessment of significance and impact on the affected assets and to justify the design approach taken. This is broadly in line with the Statutory position, the Local Plan and the NPPF. It should be noted that where development proposals lead to less than substantial harm, that harm will be weighed against any public benefits.
Policy No. HS01 Scale of Housing Development	S1; S2; S13; S14; S11;S12; DM6;	<b>Not in conformity with Policy S14:</b> edge of village sites would be outside of settlement limits and sites of 5 or fewer dwellings would not deliver affordable housing in

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Silverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Silverton NP/ Adopted and emerging Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
		line with the exceptions policy. However we note that the NP is providing its own exception site policy via HS05.
Policy No. HS02 Meeting Local Housing Need	S1; S3; SI1;SI2; DM6; DM8; DM10;	No conformity issues.
Policy No. HS03 The Glebe Housing Development Site	S1; S3; S5; S13; DM1; DM3; DM5; DM12; DM25	<b>Not in conformity with Policy S1; other issues in relation to basic conditions test.</b> Please refer to comments from MDDC conservation officer in Appendix 2.
Policy HS04 Tiverton Road Development Site	S1; S3; S13; DM1; DM3; DM12	No conformity issues.
Policy No. HS05 Community Housing	S1; S3; S13;S14; DM6	No conformity issues.
Policy No. HS06 Parking Spaces on Housing Developments	S1; DM5	<b>Not consistent with LPR policy DM5 and Parking SPD</b> which set a minimum parking standard of 1.7 spaces per dwelling and one charging point per ten units. Need for empirical evidence to justify policy. Should also be noted that MDDC does not count garages against the parking requirement. This is due to a low percentage of them actually being used for the storage of vehicles. Instead they tend to be used for general storage or are converted into extra living accommodation.
Policy No. BJ01 Roosters, Babylon Lane Employment Site	S1; S2; S6; S14; DM18; DM19	No conformity issues.
Policy No. BJ02 Super-fast Connectivity	S1; S8; S13; S14; SI1; SI2; DM1	No conformity issues. Provision largely dependent on third party service providers rather than developers.
Policy No. BJ03 Home Working	S1; S13; S14; SI1;SI2; DM9; DM18	No conformity issues. Be mindful of permitted development rights in relation to conversion of outbuildings.
Policy No. TR01 Non-Car Travel	S1; S13; S14; SI1; SI2; DM1; DM3	No conformity issues. Seems to duplicate elements of policy EN02.
Policy No. TR02 Pedestrian Link to Main Road	S1; S8	No conformity issues. May want to consider potential delivery mechanisms.

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Silverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Silverton NP/ Adopted and emerging Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
Policy No. TR03 Traffic Management	S1; S13; S14; SI1; SI2; DM3; DM5	Criterion 4. and 5. are not land use policies and therefore cannot be included in the plan.
Policy No. TR04 Off Road Parking	S1; DM5	Criterion 4. is not a land use issue, and cannot be included in the plan.
Policy No. TR05 Vehicle Sharing		This policy is not relevant to land use.  This policy and its Explanation should be removed from the Neighbourhood Plan
Policy No. CS01 Existing Community Facilities and Assets	S1; S13; S14; DM23	No conformity issues but unclear on policy intent. We suggest that criterion 2. of the policy should state 'proposals for community facilities are encouraged to undertake a carbon impact assessment to advise on how they can reduce their carbon emissions' to make the policy clearer.
Policy No. CS02 Existing Recreation Spaces	S1; S5; S9; DM24	No conformity issues.
Policy No. CS03 New Public Open Space	S1; S5; S13; DM24	No conformity issues. However please see comments in relation to Policy HS03.

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## **Appendix 1: Pre-Submission (Regulation 14) consultation submission**

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**Requests for alternative formats will be considered on an individual basis.  
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Silverton Neighbourhood Plan Committee  
[REDACTED]

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consultations@middevon.gov.uk](mailto:planning.consultations@middevon.gov.uk)

**Date:** 5 November 2021

**Contact:** [REDACTED]  
Forward Planning Team Leader

Dear [REDACTED]

**Response to the Pre-Submission consultation on the Silverton Neighbourhood Plan**

Mid Devon District Council fully supports Silverton Neighbourhood Plan Committee with its preparation of a Neighbourhood Plan. We recognise the hard work that has been put in by the Committee and are pleased to see the progress made to date in developing the Silverton Neighbourhood Plan.

We would like to thank the Committee for consulting the authority on their Pre-Submission (Regulation 14) Neighbourhood Plan. The Council's consultation response, provided in this letter, is made within the bounds of this formal stage in the plan making process with the intention of assisting the Neighbourhood Plan Committee further with the preparation of the plan.

At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. These are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State
- b) The making of the neighbourhood plan contributes to the achievement of sustainable development
- c) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- d) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- e) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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Having regard to the Basic Conditions set out above, this letter sets out Mid Devon District Council's formal response to this Pre-Submission consultation. The comments set out in the attached Table 1 are provided to assist development of a robust neighbourhood plan that meets the basic conditions above and can be utilised effectively in the determination of applications by officers at Mid Devon District Council. In particular, our responses seek to achieve general conformity with the strategic policies of the Mid Devon Local Plan 2013-2033.

Planning Practice Guidance encourages Neighbourhood plan groups and the local planning authority to work together to produce complementary plans, ensuring there is alignment with Local Plan strategic policies and the Local Plan evidence base. This consultation response forms part of that joint-working by assessing the conformity between the emerging policies of the Silverton Neighbourhood Plan and Mid Devon Local Plan 2013-2033.

### *Overview of comments*

In our previous response to the Silverton Neighbourhood Plan (NP) January 2020 version we highlighted a number of issues regarding conformity with the NPPF and Local Plan policies. The issues mainly concerned policies HS03 and HS06. We have also highlighted the fact that a number of policies were missing a specific local context. Whilst some of our suggested amendments have been incorporated, we note that some of the more substantive issues have yet to be addressed, namely in relation to the aforementioned policies. Accordingly, we have reiterated our previous advice within this response

In addition, we note that the evidence base underpinning your Neighbourhood Plan is not currently available on your website. It is very important that this documentation is accessible to the wider public to aid transparency in the plan making process and to demonstrate that the NP policies are underpinned by robust and proportionate evidence. We advise that all of the evidence which was gathered and used to inform your Neighbourhood Plan, be published on your website.

The comments set out in the attached Table 1 address each proposed NP policy in turn. We have previously provided comments on the emerging policies presented in an earlier draft of the Silverton Neighbourhood Plan (NP) August 2021 version. We note that a majority of policies remain the same in the pre-submission version of the plan so, where appropriate, our responses to this current consultation will refer back to earlier comments. As before, we would like to draw your attention to the two issues regarding policies HS06 and HS03:

- proposed Policy HS06 (Parking Spaces on Housing Developments) remains inconsistent with the Local Plan Policy DM5; please see table 1 below for further details.

- Concerns raised by our Conservation Officer and Historic England's Historic Places Adviser in relation to the assessment of historic environment impacts in particular with regard to proposed Policy HS03 (The Glebe Housing Development Site) have not been addressed; please see table 1 below for further details.

Notwithstanding the concerns raised in relation to the above two policies, in general the proposed NP provides a range of policies that effectively address sustainable development priorities and are in conformity with the policies of the Development Plan. Nevertheless we have mentioned previously that a number of the proposed NP policies lack a specific local context and largely duplicate existing Local and National policy. This poses an issue for decision makers and applicants because similar policies with the same objectives but with slightly different wording can be problematic.

### *Summary of comments from Conservation Officer: SEA and Policy HS03 (The Glebe Housing Development Site)*

- The 2020 SEA does not lay out the statutory and policy context to be used in considering proposals that relate to heritage assets.

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- It is not clear on what methodology has been used to assess the sites to determine the level of harm that has been stated.
- In relation to policy HS03 (Site D in the SEA), there is no evidence as to how the significance of the setting of the heritage assets and the effect of development in the conservation area has been assessed against the proposal in principle, using appropriate expertise.
- There is no 'outline of the reasons for selecting the preferred approach in light of alternatives appraised'. Why for example is site F disregarded given that there is no harm to heritage there, and the considerable weight and importance that must be given to heritage?
- The comparison of sites that has been undertaken on a thematic basis does not highlight the considerable weight and importance to be given to heritage. All themes are presented with equal weight.
- It is not clear what is meant by the term 'uncertain minor negative effects'. If any evaluation using Historic England's Historic Environment Good Practice Advice in Planning (GPA3) had been undertaken these would be outlined.
- There is no support for the statement that the NP is in accordance with the CAA. The site within the conservation area (Site D) is identified to be a space of merit, and there is very little opportunity for development in this part of the conservation area.
- The allocation of Site D by the SPNP, on the basis of the contents of the 2020 SEA, is in conflict with its own policy BE02 Local Heritage and Local Plan Policy DM27. The process of allocation of HS03 has failed to provide a clear assessment of the significance and impact of the proposal on the identified heritage assets.
- The statement that development on the site has potential to contribute positively toward protecting and enhancing the local historic environment is unsupported.
- If there is uncertainty it does not seem possible to quantify the harm, and how this unquantified harm is then balanced by any form of mitigation. Indeed this is accepted in para 5.25: 'However this is uncertain at this stage'. It is not appropriate to accept harm and say it will be dealt with at a later stage, accepting that it is not clear whether it may be neutral. Heritage is an irreplaceable resource, and harm cannot be undone. There are statutory duties to be considered.
- If public benefit is to be put forward to counter the harm, then the balance cannot be properly struck until there is a full understanding of significance, the proposal is known to understand the nature and amount of harm, along with any public benefit. This would need to be considered alongside why the public benefit is site specific and cannot be provided elsewhere that is not harmful.

Full detail on the comments made by the Conservation Officer are attached in Appendix A. In light of these comments, the following recommendations are made:

Although the methodology is doubtful, the SEA report concludes that the allocation of Site D is harmful to heritage assets. In the context of the statutory and policy position where heritage assets must be given considerable weight and importance/great weight, there is insufficient justification for the harm to be set to one side and site D cannot be supported.

As it was stated in our previous response to the pre-submission version of your Neighbourhood Plan, if the Parish wish to pursue Site D as well as any other site, the 2020 SEA must be revisited with regard to heritage. It should include an understanding of the heritage assets affected by the sites in accordance with advice produced by Historic England regarding setting and a fuller discussion on the Silverton CAA with regard to the status of the site. Then each site must be re-evaluated with regard to the level of harm to heritage, having more clarity on how the site might be developed and any public benefit identified.

This evidence should then be brought forward into a discussion with all potential alternative sites. This should consider the likely significant effects on the environment/heritage associated with alternatives and an outline of the reasons for selecting the preferred approach in light of alternatives appraised. Given a sequential approach to the assessment of the sites, taking into account a weighted approach to the factors considered (i.e. considerable importance and weight to heritage), a reasoned conclusion should then be provided.

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*Concluding remarks and next steps*

A number of comments have been made as set out in Table 1 appended to this letter which we urge the committee to consider. In particular concerns have been raised in relation to Policy HS06 and, most significantly, Policy HS03.

In relation to comments and recommendations made by the Conservation Officer regarding Policy HS03, should the committee still wish to pursue this policy option, we would highlight the need for further technical work to fully assess historic environment impacts. The outcome of this work should then be reintegrated into an updated Strategic Environmental Assessment (SEA).

Notwithstanding the need for further assessment work to fully address the concerns raised, we are confident that a sound and workable Neighbourhood Plan can be achieved.

We look forward to working with the Neighbourhood Plan committee as the plan progresses to the submission stage. If you have any questions on this consultation response, please do not hesitate to contact the Forward Planning team.

Yours sincerely,

██████████

**Forward Planning Team Leader**

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**Table 1: MDDC Comments by proposed NP policy**

Silverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Silverton NP/ Adopted and emerging Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
Policy No. EN01 Retaining and Enhancing the Natural Beauty of our Parish	S1; S9; S13; S14; DM1; DM9; DM25; DM26; DM27; DM28	No conformity issues, however please note that under national and local policy (e.g. DM28) development will be permitted where its benefits clearly outweigh direct and indirect impacts.
Policy No. EN02 Rights of Way (Public Footpaths, Bridleways and Cycleways)	S1; S9; DM1; DM26	No conformity issues
Policy No. EN03 Local Green Space	S1; S9; DM24	No conformity issues. In line with national policy (NPPF para 100), further evidence and analysis may be required to justify the inclusion of these areas.
Policy No. EN04 Minimising Flood Risk	S1; S9; DM1; DM26	No conformity issues. SUDS may not be appropriate in all cases.
Policy No. BE01 Local Character and Design Standards	S1; S9; S13; S14; DM1; DM2; DM6; DM7; DM8; DM9; DM10; DM11; DM12; DM20; DM21; DM22;	No conformity issues.
Policy No. BE02 Local Heritage	S1;S7; S9; S13;S14; S11; S12; DM1; DM25	No conformity issues. However, there are a few points to note. The Policy requires proposals to demonstrate how they will 'positively conserve and enhance the unique characteristics of its location' as identified in the conservation area appraisal. Whilst we would agree with the sentiment, currently we can only look to preserve as a minimum. With regard to all heritage assets there will be a requirement to submit heritage statements which identify the assets, provide an assessment of significance and impact on the affected assets and to justify the design approach taken. This is broadly in line with the Statutory position, the Local Plan and the NPPF. It should be noted that where development proposals lead to less than substantial harm, that harm will be weighed against any public benefits.
Policy No. HS01 Scale of Housing Development	S1; S2; S13; S14; S11;S12; DM6;	<b>Not in conformity with Policy S14:</b> edge of village sites would be outside of settlement limits and sites of 5 or fewer dwellings would not deliver affordable housing in

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Silverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Silverton NP/ Adopted and emerging Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
		line with the exceptions policy. However we note that the NP is providing its own exception site policy via HS05.
Policy No. HS02 Meeting Local Housing Need	S1; S3; S11;S12; DM6; DM8; DM10;	No conformity issues.
Policy No. HS03 The Glebe Housing Development Site	S1; S3; S5; S13; DM1; DM3; DM5; DM12; DM25	<b>Not in conformity with Policy S1; other issues in relation to basic conditions test.</b> Please refer to comments from MDDC conservation officer above.
Policy HS04 Tiverton Road Development Site	S1; S3; S13; DM1; DM3; DM12	No conformity issues.
Policy No. HS05 Community Housing	S1; S3; S13;S14; DM6	No conformity issues.
Policy No. HS06 Parking Spaces on Housing Developments	S1; DM5	<b>Not consistent with LPR policy DM5 and Parking SPD</b> which set a minimum parking standard of 1.7 spaces per dwelling. Need for empirical evidence to justify policy. Should also be noted that MDDC does not count garages against the parking requirement. This is due to a low percentage of them actually being used for the storage of vehicles. Instead they tend to be used for general storage or are converted into extra living accommodation.
Policy No. BJ01 Roosters, Babylon Road Employment Site	S1; S2; S6; S14; DM18; DM19	No conformity issues.
Policy No. BJ02 Superfast Connectivity	S1; S8; S13; S14; S11; S12; DM1	No conformity issues. Provision largely dependent on third party service providers rather than developers.
Policy No. BJ03 Home Working	S1; S13; S14; S11;S12; DM9; DM18	No conformity issues. Be mindful of permitted development rights in relation to conversion of outbuildings.
Policy No. TR01 Non-Car Travel	S1; S13; S14; S11; S12; DM1; DM3	No conformity issues. Seems to duplicate elements of policy EN02.
Policy No. TR02 Pedestrian Link to Main Road	S1; S8	No conformity issues. May want to consider potential delivery mechanisms.

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Silverton Neighbourhood Plan pre-submission consultation: MDDC response

Silverton NP Policy Options	Relevant Local Plan Review Policies	Conformity between Silverton NP/ Adopted and emerging Mid Devon Local Plan Policy. Other comments where applicable in relation to Basic Conditions.
Policy No. TR03 Traffic Management	S1; S13; S14; SI1; SI2; DM3; DM5	No conformity issues.
Policy No. TR04 Off Road Parking	S1; DM5	No conformity issues.
Policy No. CS01 Existing Community Facilities and Assets	S1; S13; S14; DM23	No conformity issues.
Policy No. CS02 Existing Recreation Spaces	S1; S5; S9; DM24	No conformity issues.
Policy No. CS03 New Public Open Space	S1; S5; S13; DM24	No conformity issues. However please see comments in relation to Policy HS03.

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## Appendix 2: MDDC Conservation Officer Comments

The overall vision of the plan seeks to protect the special character of the country setting and ancient heritage, and this runs through the document taking us to Policy BE02 headed 'Local Heritage', but would clearly intend to encompass national designated assets, such as listed buildings, but taken into account at a local level.

Policy HS03 relates to an area of land to the south of the village. The site includes land in the conservation area and some land to the south beyond it.

The Parish Church is Grade I listed and has 3 grade II listed buildings associated with it. To the east and west of the green are further listed buildings, Nettlecombe House, Nos 6 & 8 Church Road and the gate piers to No 6. The land rises up from the site with the Church on higher ground with views to the south. The site is highly visible from the Church yard. The site is within the setting of the listed buildings, including the Grade I listed Church and is mostly inside the conservation area.

The Conservation Area Appraisal (CAA) describes the land to be a space of merit, and identifies key views, although these are not exhaustive. The character assessment for this part of the conservation area states there is very little opportunity for development in this part of the conservation area.

The site shown is about 10,600 square meters and the proposed development is 5 houses, community woodland and a play/recreation space.

I have looked at the SPNP website. There are a number of iterations that assess the impact of development of this site which all conclude that there would be a negative impact on heritage assets, although the methodology is questionable. The most recent was in February 2020 which is the SEA which should supersede previous attempts at assessing harm. Site D, as defined in the 2020 SEA is the site that most interests me. This is the site promoted in HS03 and CS03 by implication.

The area shown on Fig 4.1 of the 2020 SEA for Site D is a different shape to that within the NP 3rd Consultation Version. Fig 4.1 site is wholly within the conservation area, though later at 4.23 the report states that part of the land is in the conservation area (I would say about two thirds is within the conservation area, one third beyond but within it setting). I am assuming that Fig 4.1 in the 2020 SEA is incorrect with respect to Site D.

The methodology of the 2020 SEA with regard to the assessment of impact on the heritage assets and their settings is not clear. There is no reference to 'The Setting of Heritage Assets' by Historic England or reference to Statute, or the NPPF.

There seems to be little beyond a repetition of the CAA and no record of any site visit either physical or virtual. There is no discussion regarding significance of any of the heritage assets. 2020 SEA fails to demonstrate a proper understanding of significance with regard to the setting of listed buildings.

The Assessment of Reasonable Alternatives is discussed in section 4. Section 4.1 states that In accordance with the SEA Regulations, the Environmental Report must include:

- An outline of the reasons for selecting the alternatives dealt with; and
- The likely significant effects on the environment associated with alternatives / an outline of the reasons for selecting the preferred approach in light of alternatives appraised.

Each site is assessed against range of criteria, and a matrix formed. There is a discussion regarding the relative merits of each site on a theme basis against the themed criteria but no discussion in the round for each site. There is no comparison of the sites in the round and no justification as to why the two sites are preferred

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and the other 4 are rejected. The report fails to outline the reasons for selecting the preferred sites, and gives all criteria equal weight which is contrary to the interpretation of the weight that must be given to heritage over and above the other criteria by statute and the NPPF. This is especially important when they conclude of the preferred Site D, with regard to the heritage theme that:

‘Uncertain minor negative effects are therefore anticipated due to the sensitivity of the historic environment and the potential for the site allocation to adversely impact upon the Silverton Conservation Area. It is however noted that given the scale of the site, any adverse effects are unlikely to be significant, and that any mitigation provided may result in a residual neutral effect. However, this is uncertain at this stage.’

The report appears to be accepting its limitations and lack of a proper evaluation of the site from a heritage perspective and is therefore concluding that there is a minor adverse effect but isn't clear what or why there is that effect at that level. It could well be higher.

It also fails to outline the weighting that needs to be given to heritage though Statute – considerable weight and importance – and the NPPF – great weight - in the decision making process. There is no advice on this matter, and I'm inclined to conclude that this statutory matter was not in the mind of the author in undertaking any balancing exercise that they did.