



December 2023

Silverton Neighbourhood Plan

Decision Statement: Silverton Neighbourhood Plan proceeding to Referendum

REGULATION 18 - THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 AND THE LOCALISM ACT 2011

SUMMARY

This Decision Statement confirms that, following an independent examination of the Silverton Neighbourhood Plan, Mid Devon District Council accepts the examiner's recommendation that, subject to modifications, the Silverton Neighbourhood Plan can proceed to a Referendum.

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

BACKGROUND

Silverton Parish Council as the qualifying body has prepared a neighbourhood plan for the parish of Silverton with the help of the local community. The plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

With the agreement of the qualifying body, Mid Devon District Council appointed an independent examiner to conduct the examination of the Silverton Neighbourhood Plan. The examination is required to test whether the plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

EXAMINER'S RECOMMENDATIONS

The Examiner's final report was received on 2nd November 2023. In the report the Examiner has recommended a number of modifications to policies within the Silverton Neighbourhood Plan in order that the plan and its policies meet the 'basic conditions'. Full details of the 'basic conditions' against which the plan has been examined, the recommended modifications and reasons for these can be found in the Examiner's report.

The report has concluded that, subject to the recommended modifications, the Silverton Neighbourhood Plan meets the basic conditions and can proceed to a Referendum. The Examiner has also confirmed that the Silverton Neighbourhood Plan should proceed to a Referendum based on the neighbourhood area approved by Mid Devon District Council in July 2014, which is the Silverton parish area and is shown in Appendix 2.

COUNCIL'S DECISION

As required under paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990, Mid Devon District Council must consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each.

Having considered the Examiner's report, the Council accepts the recommended modifications and the reasons given for these. The Council considers that the Silverton Neighbourhood Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and that the Silverton Neighbourhood Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

Accordingly, the Silverton Neighbourhood Plan, incorporating the Examiner's recommended modifications which are set out in Appendix 1, may proceed to a Referendum.

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

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

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

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

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

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

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

Neighbourhood Plan Policy	Examiner’s recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy EN01: Retaining and Enhancing the Natural Beauty of Our Parish	<p>Amend clause 1 as follows:</p> <p>“Development proposals will only not be supported where they have demonstrated that there are a greater than minimal adverse impact on the natural environment (landscape and biodiversity), or unless they satisfactorily mitigate these adverse impacts. and Development will be expected to enhance the natural environment where there is the opportunity to do so.</p>	<p>Agreed.</p> <p>These modifications are needed to reflect the wording of national planning policy and so meet the Basic Conditions, and will add clarity to the Policy EN01.</p>
Policy EN02: Rights of Way (Public Footpath, Bridleways and Cycleways)	<p>Amend the policy as follows:</p> <p>Proposals for development affecting public rights of way will be supported where:</p> <ol style="list-style-type: none"> 1. they promote, protect, maintain and enhance the existing local footpath and bridleway network for use on foot, bicycle or horseback and 2. they improve and enhance the existing network through the provision of new or extended routes (where it is feasible to do so) and 3. they prevent motorised vehicles (except those specifically designed for the disabled) using designated footpaths, bridleways and cycleways and 4. they protect and/or enhance the value of the rights of way as a biodiversity corridor 	<p>Agreed.</p> <p>These modifications are needed to clarify which criteria proposals are required to meet.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as striketrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy EN03: Local Green Space	Amend Map 5 to remove the area on the south side of Applemede.	Agreed. The site does not warrant this level of protection. The modification will meet the Basic Conditions.
Policy EN04: Minimising Flood Risk	Amend the policy as follows: All development Proposals for <i>new buildings / extensions / engineering operations</i> should show how they will incorporate Sustainable Drainage System (SUDS) principles and provision for their ongoing maintenance in order to buffer rainwater runoff and to ensure there is no adverse impact on local flood risk through development.	Agreed. The modification is needed to make clear which development proposals Policy EN04 will apply to.

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as striketrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy BE01: Local Character and Design Standards	<p>Amend clause 1, criterion III as follows:</p> <p>demonstrates that the amenities of neighbouring residential occupiers will not be <i>unacceptably</i> adversely affected through overlooking, loss of light or outlook, over dominance or disturbance; and minimises visual impact through sensitive design and an appropriate level of landscaping and screening which complements and enhances the character of the local area.</p> <p>Amend clause 2 as follows:</p> <p>Development proposals should be accompanied by a statement that sets out: <i>demonstrate</i> an assessment of the character of the site and its context; how the proposed development fits in with these specific characteristics <i>character of the site and its wider context</i>; and how the Silverton Design Statement has been taken into account.</p>	<p>Agreed.</p> <p>The modification is needed to make Policy BE01 consistent with Policy DM1 of the Local Plan.</p> <p>Additionally, a neighbourhood plan policy cannot dictate what documents should accompany a planning application. The modification will meet the legal requirements for a neighbourhood plan.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy BE02: Local Heritage	<p>Amend the policy as follows</p> <ol style="list-style-type: none"> 1. Development proposals within or in proximity to which affects the setting of the Silverton Conservation Area will be expected to demonstrate how they will positively conserve and enhance the unique characteristics of its location as identified in the Silverton Conservation Area Appraisal and Management Plan. 2. Development proposals in the wider Parish will also need to show how they will respect heritage assets and enhance the rural character of the area. 3. Where a he requisite Heritage Statement <i>is required to</i> accompanying a planning applications <i>it</i> will be required to identify the heritage assets, provide a clear assessment of the significance and impact of the proposal on those assets <i>and their setting</i> and to justify the design approach taken. 	<p>Agreed.</p> <p>The modification adds clarity to the policy and removes an unreasonable requirement placed on development proposals which do not affect heritage assets or rural character of the area.</p>
Policy HS01: Scale of Housing Development	<p>Amend the policy as follows:</p> <p>Proposals for housing development of five and fewer dwellings within or on the edge of the Village <i>Settlement Boundary as shown on the Policies Map</i> and on sites allocated in the Neighbourhood Plan will be supported provided they conform to the other policies of this Plan.</p>	<p>Agreed.</p> <p>The modification adds clarity to the policy, and will achieve general conformity with Policy S13 of the Local Plan and meet the Basic Conditions.</p>

<p>Policy HS03: The Glebe Housing Site</p>	<p>Retitle the Policy as “Land at the Glebe”</p> <p>Amend the policy as follows:</p> <p>Development proposals Land <i>at The Glebe is allocated for a mixed use development</i> to provide up to 5 dwellings on the site area shaded brown and an area of public open space on the area shaded green as indicated on Map 8. A comprehensive development proposal will be supported provided:</p> <ol style="list-style-type: none"> I. the housing scheme is sensitive to its setting, within adjacent to the conservation area and its close proximity to the countryside; II. the visual impact of the housing development from the Churchyard and the Berry is minimised. A Heritage Assessment would be taken into account. III. the housing development minimises the loss of existing trees and hedges and includes additional planting and other measures to protect Priority Habitat on the western boundary and improve ecological connections in the area, including the provision of green infrastructure enhancements to ensure a net gain in biodiversity IV. vehicular access to the housing development is provided from a single point with visibility splays appropriate to the speed of traffic and the public open space incorporates a footpath link from the housing development to the village; V. sufficient parking spaces for residents of the new housing and their visitors are provided within the housing site; VI. adequate recycling and storage areas are included on housing site as an integrated part of the design and layout of the scheme so as not to harm visual amenity; VII. provision is made for an area of public open space of at least 0.5 ha on the Glebe including the planting of native tree species and hedging on boundaries. <p><i>Any planning application for the housing development on the land shaded brown shall be accompanied by a planning obligation that provides for the transfer of the land shaded green (excluding the small building shaded brown) to the Parish Council before the housing development is commenced.</i></p>	<p>Agreed.</p> <p>The modifications strengthen the requirement to secure the provision of public open space as part of mixed use development at the Glebe site, and will meet the Basic Conditions.</p>
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Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy HS04: Tiverton Road Development Site	<p>Amend the policy as follows:</p> <p>Development proposals to provide <i>at least</i> two dwellings on the site indicated on Map 9 will be supported provided:</p> <ul style="list-style-type: none"> I use of the existing topography to ensure that there will be no unacceptably detrimental impact on the skyline; II existing boundary hedgerow and trees are retained, except where some loss is unavoidable to create safe vehicular access to the site. If this loss occurs, it must be mitigated by restoration and re-creation to provide net-gain in biodiversity; III sufficient parking spaces for residents and their visitors are provided within the site; IV private garden space for each dwelling commensurate with the size of the dwelling is provided; and V adequate recycling and storage areas are included on site as an integrated part of the design and layout of the scheme so as not to harm visual amenity. 	<p>Agreed.</p> <p>The modification will provide flexibility to the policy and be consistent with the supporting text to Policy HS04.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy HS05: Community Housing	<p>Amend the policy as follows</p> <p>Community Housing schemes, such as a Community Land Trust, of more than five dwellings will be supported on a site, or sites in locations within a reasonable and safe walking distance of existing community facilities adjacent to the settlement boundary, where development would not otherwise be permitted providing:</p> <p>I the development <i>meets the requirements set out in Policy DM6 of the Mid Devon Local Plan 2013 - 2033 including providing that provides</i> an appropriate mix of dwelling types and sizes reflecting identified local need and meets demand based on a current Local Housing Needs Assessment; <i>and</i></p> <p>II the development will not have a significant adverse impact on the character of the area and local landscape setting <i>and</i>;</p> <p>III the scheme demonstrates it has taken the Silverton Design Statement into account; and the land is held in trust as a community asset <i>affordable or low-cost housing will remain affordable</i> in perpetuity to provide genuinely affordable housing to meet local needs.</p>	<p>Agreed.</p> <p>The modification is needed in order to be consistent with Local Plan Policy DM6 and meet the Basic Condition to contribute to the achievement of sustainable development.</p>
Policy HS06: Parking Space on Housing Development	<p>Amend the policy as follows:</p> <p>New housing development will be required to provide a minimum of two off-road parking space for units with 1 or 2 bedrooms and a minimum of three off-road parking spaces for units with 3 or more bedrooms. Garages that count against this requirement must be of a size that allows for the parking of a family size car and a bicycle <i>unless separate cycle storage is provided in accordance with Policy DM 5 of the Mid Devon Local Plan 2013 - 2033.</i></p> <p>At least one electric car charging per house, with vehicle to grid connectivity when available.</p>	<p>Agreed.</p> <p>The modification is needed to achieve consistency with Local Plan Policy DM5 and be consistent with recent changes to the Building Regulations Part S.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy BJ01: Roosters, Babylon Lane, Employment Site	<p>Amend the policy as follows:</p> <p>Redevelopment proposals to protect existing or provide improved business/employment space at the site shown on Map 10 will be supported provided any redevelopment of the site does not result in a net increase in the total footprint of buildings on the site and they:</p> <ul style="list-style-type: none"> I minimise the loss of existing trees and hedges and include additional planting and other measures to ensure a net gain in biodiversity; II include adequate and appropriate screen-planting to minimise visual impact and ensure that adjoining uses are not adversely impacted by business activity on the site; III provide sufficient on-site parking together with an adequate service and turning area on site; IV satisfactorily address traffic and highway issues with any new access being designed to ensure that vehicles can only enter and leave the site from and towards the west only; V conform to the other policies of this Plan. 	<p>Agreed.</p> <p>The modification is needed to make sure the criterion is within the scope of a policy for the development and use of land and so meet the legal requirements for a neighbourhood plan</p>
Policy BJ02: Super-fast Connectivity	<p>Amend the policy as follows:</p> <ol style="list-style-type: none"> 1. The development of a super-fast broadband infrastructure to serve Silverton Parish will be supported where it is sensitively sited and sympathetically designed. 2. All new residential, educational and business premises should incorporate the necessary infrastructure (ducting etc.) to enable the premises to be served by a superfast broadband (fibre-optic) connection installed on an open access basis. 	<p>Agreed.</p> <p>Modification of Policy BJ02 is necessary to make clear it relates to the provision of infrastructure to support the internet.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy BJ03: Home Working	<p>Amend the policy as follows:</p> <ol style="list-style-type: none"> 1. Where <i>planning permission is required</i>, proposals for development that combines living and small-scale employment space for office and/or light industrial uses through: <ol style="list-style-type: none"> I. the use of part of a dwelling; or II. a small-scale free-standing building within its curtilage; or III. extensions to the dwelling; or IV. conversion of outbuildings <i>outside of residential curtilages</i> <p>will be supported provided there is no adverse impact on the character and amenity of nearby residential areas and they meet the criteria of Policy BE01.</p> 2. Employment space permitted under clause (IV) of this policy must remain as its approved use unless it has been actively marketed for <i>at least 18 months</i> two years and it can be demonstrated that no demand exists for its continuation for employment purposes. In such cases, the redundant space should revert to its former use. 	<p>Agreed.</p> <p>This modifications will make clear the policy will only apply to development that requires planning permission, and the policy will also meet the Basic Conditions.</p>
Policy TR02: Pedestrian Link to Main Road	<p>Amend the policy as follows:</p> <p>Development Proposals that further for the creation of a safe pedestrian and cycle link between the Village and the A396 will be supported.</p>	<p>Agreed.</p> <p>This modification is needed to make the intention of Policy TR02 clear.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy TR03: Traffic Management	<p>Amend the policy as follows:</p> <ol style="list-style-type: none"> 1 <i>Major</i> Development proposals that <i>require the preparation of a Transport Assessment</i> should identify the realistic level of traffic they are likely to generate. They must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the Silverton neighbourhood area and include measures to mitigate any impacts. 2 Development that would give rise to unacceptable highway dangers <i>or where the residual cumulative impact on the highway network is severe</i> should <i>will</i> not be permitted. 3 Traffic management proposals to reduce speed and improve pedestrian safety on existing roads should be consulted on fully and show they have the support of the local community. 4 A 20mph limit in built up areas throughout the parish is supported. If a legal limit proves problematic to implement, an advisory limit is recommended for a transitional period. 5 Banning of lorries over 7.5T, except for access, in built areas of the Parish to improve safety is recommended. 	<p>Agreed.</p> <p>The modification of Policy TR03 will remove criteria that do not fall within the scope of policies for the development and use of land and so meet the legal requirements for a neighbourhood plan. It will also remove criteria about matters which are covered through other legislation.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy TR04: Off Road Parking	<p>Amend the policy as follows:</p> <p>Development proposals must make adequate provision for off-road parking and service vehicles taking into consideration the type of development, the accessibility of the location, and the requirements of parking standards set down in policy HS06 of the Neighbourhood Plan for residential development, or any standards set by Devon County Council and/or Mid Devon District Council for non-residential developments.</p> <p>Development proposals to provide an additional public car park serving the Village of Silverton will be supported provided:</p> <ul style="list-style-type: none"> • suitable points for the charging of electric vehicles • suitable access/egress arrangements can be provided • the car park is suitably landscaped • it will not cause significant nuisance to adjoining properties • It is suitably located • Extension of the lay-by at Ellerhayes for additional parking is supported. <p>4. Adoption by individuals of Driveway Sharing schemes and Electric Charging Sharing scheme is encouraged.</p> <p>5. Provision of electric chargers at existing car parks and community buildings with car park is encouraged.</p>	<p>Agreed.</p> <p>This modification is needed to avoid duplication of other policies in the neighbourhood plan and the Local Plan, and also will meet the legal requirements for a neighbourhood plan.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as striketrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy TR05: Vehicle Sharing	The policy be deleted	Agreed. The content of this policy is outside the scope of policies for the development and use of land and the modification is needed to meet the legal requirements for a neighbourhood plan.

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>	Council decision and reason
Policy CS01: Existing Community Facilities and Assets	<p>Amend the policy as follows:</p> <p>1. Development proposals that result in the loss of local retail uses, service-provision, or the following community facilities or a 'community asset' (listed on the Register kept by Mid Devon District Council)</p> <ol style="list-style-type: none"> 1. <i>Silverton Community Hall</i> 2. <i>St Mary's Church</i> 3. <i>St Mary's Church Hall</i> 4. <i>Evangelical Church and Hall</i> 5. <i>Methodist Church and Hall</i> 6. <i>The Lamb Inn</i> 7. <i>The Lamb Inn Shed</i> 8. <i>The Silverton Inn</i> 9. <i>Room 4U</i> 10. <i>Wyndham House Surgery</i> <p>will only be supported where:</p> <ul style="list-style-type: none"> • they are to be replaced with community space of an equal or higher quality on the same site or another site within the area; • the proposed alternative use would, overall, provide equal or greater benefits to the local community; and • it is demonstrated, through local community consultation, that it is no longer required by the community for the current use it serves <i>or it is shown that the continued use is no longer economically viable.</i> <p>2. Community facilities are encouraged to have an environmental assessment undertaken to advise on how they can reduce their carbon emissions</p>	<p>Agreed.</p> <p>The modifications will add clarity to Policy CS01, and will meet the legal requirements for a neighbourhood plan.</p>

Appendix 2: Silverton Neighbourhood Area Designation

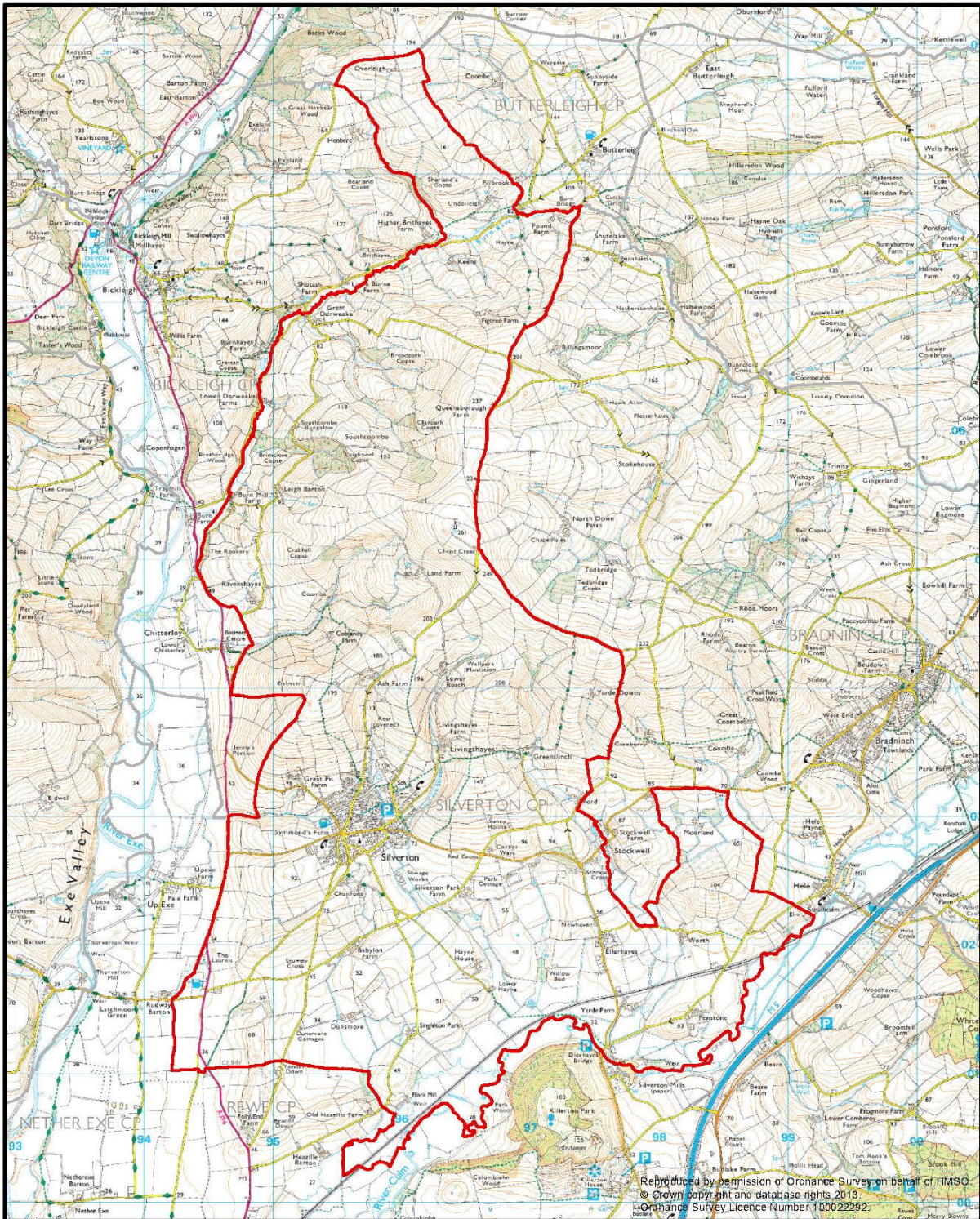


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Scale	not to scale	Date	11/02/2013	Title	Silverton Parish
Dig. No.	Silverton_A3	Produced by	J Ross		