

Willand Neighbourhood Plan Group
c/o Cllr Stephen Little

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Date: 24th April 2024

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

Dear Cllr Little,

Response to the Submission consultation on the Willand Neighbourhood Plan

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

Having regard to the Basic Conditions set out above, this document sets out Mid Devon District Council's formal response to this consultation. Our previous responses sought to achieve general conformity with the strategic policies of the Mid Devon Local Plan 2013 – 2033. They were 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. The response reiterates many of the

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comments made previously at Regulation 14 stage in relation to conformity issues between the Willand Neighbourhood Plan and the Local Plan 2013-2033. 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. We have also made comments in relation to the detailed wording of some of the Neighbourhood Plan policies so that these may be taken into consideration through the examination process.

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

Yours sincerely

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Forward Planning Team Leader

Table 1: MDDC Comments by proposed NP policy

Regulation 16 Willand NP Policies	Relevant Local Plan Policies	Conformity between regulation 16 Willand NP policies and Adopted Mid Devon Local Plan Policies
Policy SD1: High-quality Design in New Developments	S1, DM1	This policy is in conformity with local plan policies.
Policy SD2: Sustainable Design in New Developments	S1, DM1	This policy is in conformity with local plan policies.
Policy COM1: Engaging with the Community on Major Development Proposals	DM3, DM27	The policy is in conformity with local plan policies.
Policy COM2: Protecting and Enhancing Community Facilities, Amenities and Assets	S1, S2, DM23	This policy is in conformity with local plan policies.
Policy COM3: Protecting Sports Facilities, Amenities and Assets	DM24	<p>The Council objects to the wording of Clause 2.ii) as this requires alternative replacement provision ‘in the Plan area’ (i.e. Willand Parish). It is uncertain how this clause can be complied with if there is no suitable site or building within Willand Parish. NPPF paragraph 89 states “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.... The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”. The wording of Clause 2.ii) is inflexible and could rule out consideration of a suitable site or building outside, but well related and accessible to Willand Parish.</p> <p>The Council objects to the inclusion of the words “through a community agreement, s106 agreement or other enforceable legal agreement” in Clause iii). The means by which provision can ensure community access can be explained in the reasoned justification for the policy.</p> <p>The Council objects to the wording of Clause 2.v) since this implies that a planning decision will be based on the requirements of Sport England and relevant sports governing</p>

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Regulation 16 Willand NP Policies	Relevant Local Plan Policies	Conformity between regulation 16 Willand NP policies and Adopted Mid Devon Local Plan Policies
		<p>bodies, but which are not set out in a development plan policy. To overcome this objection this part of Policy COM4 should be deleted and moved to the reasoned justification for the policy to make clear that regard will be given to advice provided by Sport England and relevant sports governing bodies on planning applications.</p> <p>The Council objects to the wording of Clause 3, since this wording is inflexible and it does not allow consideration of alternatives to section 106. We recommend rewording Clause 3 as follows: “Where replacement cannot be achieved in the Plan area, satisfactory alternative provision will be provided elsewhere in the district.” The reference to use of a section 106 should be moved to the reasoned justification for the policy.</p>
<p>Policy COM4: Enhancing Sports Facilities, Amenities and Assets</p>	<p>DM23</p>	<p>The Council objects to the wording of Clause 2 as this requires alternative replacement provision ‘in the Plan area’ (i.e. Willand Parish). It is uncertain how this clause can be complied with if there is no suitable site or building within Willand Parish. NPPF paragraph 89 states “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.... The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”. The wording of Clause 2 is inflexible and could rule out consideration of a suitable site or building outside, but well related and accessible to Willand Parish.</p>
<p>Policy COM5: Protecting Community “Services”</p>	<p>S1, DM23</p>	<p>The Council objects to the wording of Clause 2 ii) as this requires alternative replacement provision ‘in the Plan area’ (i.e. Willand Parish). It is uncertain how this clause can be complied with if there is no suitable site or building within Willand Parish. NPPF paragraph 89 states “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.... The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where</p>

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Willand Neighbourhood Plan Regulation 16 submission consultation: MDDC response

Regulation 16 Willand NP Policies	Relevant Local Plan Policies	Conformity between regulation 16 Willand NP policies and Adopted Mid Devon Local Plan Policies
		suitable opportunities exist". The wording of Clause 2 ii) is inflexible and could rule out consideration of a suitable site or building outside, but well related and accessible to Willand Parish.
Policy GI1: Local Green Space	DM24	Evidence has been provided to demonstrate sites identified as LGS meet with NPPF paragraph 106. Map 7 is incorrect, this should be Map 5
Policy GI2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat	S9	The Council objects to the requirement in Clause 3 ii) to provide replacement provision within the Parish. The wording of this clause is inflexible and could rule out consideration of a suitable site somewhere else, for example through off-site net gains in biodiversity on habitat banks elsewhere in Mid Devon or outside the district. The Council objects to Clause 4 and this requirement should be deleted and moved to the reasoned justification for the policy.
Policy GI3: Protecting Trees from Loss as a Result of Development	S1 (i, j), S9 (a), DM1 (e)	This policy is in conformity with local plan policies.
Policy GI4: New Trees and Planting	S1, S8, S9 (a), DM1 (e), DM3, DM26	This policy is in conformity with local plan policies.
Policy TAC1: Improving Transport, Accessibility and Connectivity	S1 (e), S8, DM1 (d), DM3	This policy is in conformity with local plan policies.
Policy TAC2: Protecting the Footpath, Bridleway and Cyclepath Network	S1, DM1, DM26	This policy is in conformity with local plan policies.
Policy TAC3: Electric Charging Points for Plug-in Vehicles	S1, S8, DM5	This policy is in conformity with local plan policies.

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Regulation 16 Willand NP Policies	Relevant Local Plan Policies	Conformity between regulation 16 Willand NP policies and Adopted Mid Devon Local Plan Policies
Policy TAC4: E-cargo and Electric Vehicle Hub	DM5	This policy is in conformity with local plan policy.
Policy EE1: Small Employment Units and Hubs to Support the Local Economy	S13, DM18	For the sake of clarity the Council recommends that the comma between the words 'settlement limit boundary' and 'subject to other policies in the development plan' is replaced with the word 'and'. Local Plan Policy DM18 allows employment development in the countryside subject to criteria being met. The Council also draws attention to the NPPF paragraph 89 which states that "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport."

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