

WILLAND NEIGHBOURHOOD PLAN REG 14 CONSULTATION COMMENTS, PARISH COUNCIL RESPONSES AND ACTIONS NOV. 2023

RESPONDENT		PLAN SECTION	COMMENTS MADE (SOME ARE EXTRACTS, FULL VERSIONS ON PC WEB-SITE)	RESPONSE AND ACTION
1	National Gas Transmission, Avison Young		No National Gas assets recorded in area,	Noted. No action needed.
2	Avison Young National Grid		Map provided of 400Kv Overhead Transmission line	Information supplied noted, with thanks. No action needed.
3	Natural England		<p>1) We were unable to find a map, within the Plan itself, which clearly identified the settlement boundary for Willand. This would be useful for the reader to quickly understand the area within which development policies applied. The reasoning behind where this boundary is located should be included, and sizeable sites which already have planning permission should be highlighted.</p> <p>2) We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a Strategic Environmental Assessment is necessary.</p>	<p>1) The Plan includes sufficient clarity (e.g. pp.10-11). The settlement limit from the Local Plan is reproduced in Appendix 1. The NP is not proposing a new or amended boundary. All policies apply to the whole Plan area unless policy wording indicates otherwise.</p> <p>2) We have received an SEA screening opinion already from MDDC. Natural England will have been consulted as part of that process.</p> <p>Re the comments on seeking advice, both MDDC and DCC have been consulted as part of the Reg 14 consultation and so if they have any comments to make in relation to the issue Natural England highlights, they will do so, or at least have the opportunity to.</p>
4	Mid Devon District Council General observations		<p>1) We notice in some cases, NP policies still reiterate some of the Local Plan policies thus not adding anything to the policies.</p> <p>2) Additionally, policies which are less strict than local policies or policies which do not reflect national policies may lead to a lack of clarity and potential inconsistencies in the</p>	<p>1) The Plan reflects the wishes of villagers who will not be aware of or read the Local Plan, and so some repetition is justified particularly where MDDC does not consider the policy to not be in general conformity with the strategic policies of the Local Plan.</p>

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			application of those policies by decision makers and applicants.	2) We agree that it would not be helpful if we put policies into the Plan which are "less strict" than existing Local Plan policies. Responses to MDDC individual comments are set out below.
5	MDDC	Policy SD1: High-quality Design in New Developments	<p>Clause i) is consistent with Local Plan Policies S1 h) and DM1 e)but it is unclear what value it adds.</p> <p>Clause i) [should be Clause iii] is consistent with NPPF para 92,and adds to Local Plan Policies S1 h)and DM1 d) to identify user groups, and include reference to connectivity and permeability.</p> <p>Clause ii) [should be Clause iv] is consistent with and adds to Local Plan Policies S1 h) and DM1 d) to identify refuse, emergency and delivery vehicles.</p>	<p>We agree that the criteria numbering needs correcting. It will be amended accordingly.</p> <p>We do consider SD1i) to be appropriate in the Plan. It provides the necessary policy framework context for proposals to reflect local character and setting and respect scale, form, etc. in the local context. It is a specific criterion of relevance in the Parish, adding emphasis, and so should remain.</p> <p>Other comments are noted with no action required.</p>
6	MDDC	PolicySD2: Sustainable Design in New Developments	Conforms with Local Plan	Noted. No action required.
7		Policy COM1: Engaging with the Community on Major Development Proposals	Conforms with local and national policies	Noted. No action required.
8	MDDC	Policy COM2: Protecting Community Facilities, Amenities and Assets	It is not clear what Policy COM2 will add to Local Plan Policy DM23 other than providing a list of community facilities and assets that are identified for protecting.	COM2: MDDC response says "other than providing a list" – this is exactly what gives it local specificity and is therefore appropriate to retain in the Plan. The emphasis that it provides in the local context is justified. MDDC suggests that the policy is in general conformity with the

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				strategic policies of the Local Plan and so the policy should remain in place. However, we recognise the need to reduce duplication between the Neighbourhood Plan and Local Plan and so will remove some of the criteria where there is overlap.
9	MDDC	Policy COM3: Enhancing Community Facilities, Amenities and Assets	It is not clear what Policy COM3 will add to Local Plan Policy DM23.	While we consider that the policy reinforces local support for Local Plan DM23, and that DM policies are not "strategic" in the Local Plan, we recognise the need to reduce duplication between the Neighbourhood Plan and Local Plan and will merge Policy COM2 and COM3 to achieve this.
10	MDDC	Policy COM4: Protecting Sports Facilities, Amenities and Assets 2.i) & 2ii)	Clause 2.i) is consistent with, but does not add to Local Plan Policy DM24 clause c) and we question the need for its inclusion in the Neighbourhood Plan.	It reinforces local support for Local Plan DM24 and the policy is localised, adds granularity to the Local Plan by naming specific assets which should be protected. The policy should remain in place in the Plan. Some of the specific criteria in our policy clearly add detail to policy content in DM24 of the Local Plan.
11	MDDC	Policy COM4: 2.i) & 2ii)	Clause 2.ii) is consistent with, but does not add to Local Plan Policy DM24 clause b). Clause 2.ii) requires alternative replacement provision 'in the Plan area'. What if there is no suitable site or building within Willand Parish? We also draw your attention to the NPPF paragraph 85 which 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	We do not consider that MDDC has read the policy as a whole as 3. introduces the alternative of mitigation contributions where provision cannot be physically made. We do not consider that MDDC's comment re para 85 is correct. The comment appears to conflate NPPF wording relating to a "settlement" with relating to the "Parish". They are not the same thing. The Neighbourhood Plan cannot have policy coverage which relates to matters outside of the Parish / Plan Area:- this is another good reason for being

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			settlements, should be encouraged where suitable opportunities exist". The wording of this clause is inflexible and could rule out consideration of a suitable site or building outside, but well related and accessible to Willand Parish.	clear, as the policy is, about the area to which the policy requirement applies.
12	MDDC	Policy COM4: 2iii)	We suggest the removal of the words "through a community use agreement". This is too precise and the removal of these words provides flexibility to secure community access through other means (e.g. Section106 planning agreement).	It is helpful to have drawn our attention to this point. However, we suggest adding "...s106 or other enforceable legal agreement" for "belt and braces" and to introduce the flexibility – this strengthens rather than dumbs down or leaves the policy too open.
13	MDDC	Policy COM4: 2v)	Clause 2.v) is vague since it implies that a planning decision will be based on the requirements of Sport England and relevant sports governing bodies, but which are not set out in a development plan policy. We suggest this part of Policy COM4 is removed, and that perhaps the reasoned justification include a reference to having regard to advice provided by Sport England and relevant sports governing bodies on planning applications.	We disagree. Including this in the policy strengthens the position for sport. We could, however, add in reference to the "most up-to-date" Sport England (SE) policy requirements and add reference to key SE policy such as its Playing Fields Policy in the justification text. SE is not consulted on every application and so the policy draws attention for MDDC (Development Management officers) to pay attention to the issue, particularly for smaller applications likely in the Parish.
14	MDDC	Policy COM4: 3	Clause 3. Remove direct reference to section 106 because it removes the option of alternatives to section 106. We recommend rewording it as follows: "Where replacement cannot be achieved in the Plan area, satisfactory alternative provision will be provided elsewhere in the district."	We disagree, as we are seeking to secure the retention of obligation and mitigation of loss within the parish. The Plan cannot have a policy which introduces policy to cover areas outside of the parish, just as the MDDC Local Plan cannot introduce policy which enables mitigation to be spent in a neighbouring district. In a previous comment MDDC suggests adding in reference to s106 and in this policy to remove it so there is no consistency in the comments.

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15	MDDC	Policy COM5 Enhancing Sports Facilities, Amenities and Assets	<p>Clause 1 is consistent with Local Plan Policy DM23 but the detailed requirements set out go beyond DM23 and it is unclear whether these are necessary for proposals to be supported.</p> <p>Clause 2. Please refer to our comment made to Policy COM4 Clause 2.ii) with regards 'within the Plan area'.</p>	<p>We note that the comment states that the policy aligns with those in the Local Plan and is welcomed. The role of neighbourhood plan policies is precisely to add detail and local "granularity" to Local Plan policies, which is what COM5 is designed to do. We consider that the policy wording is indeed clear and gives sufficient clarity for decision makers and decision takers to be able to apply the policy.</p> <p>Re the Clause 2 comment, please see response to the same comment above.</p>
16	MDDC	Policy COM6 Protecting Community "Services"	<p>This policy is in conformity with local plan policy.</p> <p>Clause 2 ii) Please refer to our comment made to Policy COM4 Clause 2.ii) with regards 'within the Plan area'.</p>	<p>We note that the comment states that the policy aligns with those in the Local Plan and is welcomed.</p> <p>Re the Clause 2 ii) comment, please see response to the same comment above.</p>
17	MDDC	Policy G11 Local Green Space	<p>Policy G11 will need evidence to ensure any sites identified as LGS are in accordance with NPPF para 102.</p>	<p>We consider that Appendix 2 provides sufficient evidence, which is clearly referenced in the Plan. From subsequent communication with MDDC officers after Regulation 14 consultation we understand that they are in agreement.</p>
18	MDDC	Policy G11	<p>Clause 3.is consistent with, but does not add to Local Plan Policy DM24 and we suggest this requirement is removed.</p>	<p>We disagree with MDDC's comment. This is a standard policy clause in LGS policies now in made Neighbourhood Plans and it should remain.</p>
19	MDDC	Policy G12 Locally Valued Areas of Biodiversity, Geodiversity and Habitat	<p>Clause 3 ii) is too restrictive. It states that the replacement area should be in close proximity to their original location. What if that is not possible? The wording of this clause is inflexible and could rule out</p>	<p>We could introduce "within the parish" instead of "close proximity to" to clarify what is meant.</p>

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			consideration of a suitable site somewhere else.	
20	MDDC	Policy GI2	Clause 4—we suggest this requirement is removed from Policy GI2 and added to the supporting text at 5.3.1 to explain the circumstances in which it would apply.	We consider that it is necessary within the policy to give appropriate direction. There is no guarantee that applicants or officers will consider the supporting text and if it is placed only in the supporting text it immediately loses weight. We suggest leaving the criteria in the policy but reinforcing in the supporting text too, as suggested.
21	MDDC	Policy GI3 Protecting Trees from Loss as a Result of Development	This policy is in conformity with local plan policy.	Noted. No action needed.
22	MDDC	Policy GI4 New Trees and Planting	This policy is in conformity with local plan policy	Noted. No action needed.
23	MDDC	Policy TAC1: Improving Transport, Accessibility and Connectivity	<p>Policy TAC1 is about transport, accessibility and connectivity. It is unclear why clause ii) has been included since this is about built and landscape character. It is unclear how Policy TAC1 will be applied in the determination of planning proposals as (with the exception of clause 3) it is not set out what is expected. We query what Policy TAC1 will add over and above Local Plan Policies S1 e (promoting sustainable transport), S8 (promoting sustainable modes of transport), DM1 d), and DM3. We suggest that Policy TAC1 could, for example, be re-written to focus on identifying and protecting (where there is robust evidence) sites and routes that could support</p>	<p>We consider that transport proposals can absolutely have an impact on the built and landscape features of the parish and so the policy will be retained.</p> <p>The policy adds very clear local specificity to LP policies.</p> <p>Every clause in the policy refers to “development proposals” and so it is very clear how TAC1 is to be applied to proposals.</p> <p>We are not 100% sure of the value of the re-write that is suggested, but in any case, if MDDC feels strongly about this need for change we would have thought that an objection would have been lodged and / or that alternative wording would have been</p>

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			infrastructure to widen transport choice at Willand. Map 11 would appear to support this possible approach.	proposed to help re-write it in a way that they consider to be acceptable.
24	MDDC	Policy TAC2: Protecting the Footpath, Bridleway and Cyclepath Network	<p>We don't wish to make any specific comment on this policy other than note its consistency with the NPPF and Local Plan policies.</p> <p>Given this consistency, there is a need to be clear what Policy TAC2 adds to the NPPF and the relevant local plan policies and in this regard draw your attention to our opening comment in this schedule</p>	<p>We are slightly confused that the comment says that there are no specific comments, but then a specific comment has been made.</p> <p>We consider that the criteria clearly reflect the community's concerns and key issues raised and so they are locally relevant and worth including as criteria in this policy.</p>
25	MDDC	Policy TAC3: Electric Charging Points for Plug-in Vehicles	This policy is in conformity with local plan policy. Any standards that exceed local plan policies or building regulations will need to be subject to robust and proportionate evidence.	Noted. No action required.
26	MDDC	Policy TAC4: E-cargo and Electric Vehicle Hub	This policy adds to Local Plan Policy DM5 which makes provision for the inclusion of infrastructure for electric vehicles in development at Tiverton, Cullompton and Crediton. Any standards that exceed local plan policies or building regulations will need to be subject to robust and proportionate evidence	Noted. No action required.
27	MDDC	Policy EE1: Small Employment Units and Hubs to Support the Local Economy	Clause 1 is consistent with Local Plan Policy S13 a) but this should not preclude other locations at Willand. We draw attention to the NPPF paragraph 85 which states that "Planning policies and decisions should recognize that sites to meet local business	As with a previous comment made, we recognise the reference made to paragraph 85 of the NPPF. However, the policy seeks to draw attention to support for proposals within the settlement limits and does not say that

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			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." Additionally, it is unclear what is meant by "is not compromised". We suggest this is replaced with "do not have an unacceptable adverse effect on" which will mirror (although will not add to) Local Plan Policy DM1 clause e).	proposals outside will not be supported. The NPPF paragraph can therefore still apply. With regard to the comment on the term "is not compromised", we agree that the suggested change will better define the policy.
28	Resident		I would add ground heat pumps as being essential to new houses as well as solar panels. Boilers will be obsolete in 10 years' time.	We will add reference to heat pumps to the objective (2e) as it fits with the principle of the objective. It should also be noted that heat pumps are, however, already referenced in policy SD2.
29	National Highways		Following our review of the pre-submission draft we are 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	Noted. No action needed.
30	Willand Parochial Church Council		Thank you for your message asking for responses to the proposed Neighbourhood Plan. Willand Parochial Church Council have discussed the proposed plan and have asked me to write to register our objection to land belonging to St Mary's Willand being included as "Green space" on the plan. Particular concern was expressed over the land on Rectory Close opposite the church hall. This land is not public property and whilst we have allowed access to it in the past we do not guarantee access will be permitted by future members of the	We understand that the current PCC cannot guarantee the action of future PCC members and decisions. However, the land is valued by the community for the reasons specified in the Plan and Appendix 2 to the Plan. We are satisfied that this designation will not in itself inhibit all future plans by the PCC. The policy does allow planning applications to still be submitted and proposals will need to demonstrate how they pass the tests in place. It should be noted that the designation does not automatically mean the public access is legally

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			church council. We are also wary that should future members of the church council seek to use this land for another purpose the "Green Space" label might be used by those who wish to seek to restrict a change of use application or any other development that might be desired.	allowed and note the generous use of the land to the public in the past.
31	Environment Agency		Please note that due to resource pressures we have had to limit our bespoke input to Neighbourhood Plan work outside of our local focus areas and/or where the plan proposes allocations/policies within areas at risk of flooding. The Willand Parish is not presently within such a focus area and therefore we will not be providing any bespoke advice in respect of this Neighbourhood Plan.	Noted. No action needed.
32	Resident	a) 'Page 39, Map 7, Local Green Spaces'; b) 'Page 40, Policy G11 : Local Green Space'; c) 'Appendix 2 - Local Green Space, Site and on two maps below.'	The map shows "Aspen Way". This should be Aspen Close.'	Thank you and noted. Correction made in the Plan.
33	Resident	47	'Preserving the buildings around the old Tiverton Junction Station although positive I would like to put forward an alternative. The reopening of Tiverton Junction Station.	This is a very interesting comment, but it is outside the scope of this Plan.
34	Devon County Council	'Flood Risk and Surface Water Management.'	There is no reference to flooding or surface water management. As a minimum for this level of Plan we would expect to see a policy setting out the following: All	We recognise the importance of flood risk issues. There is reference to flood risk and SuDS in Policy SD2. However, the respondent should note that while it might "expect" to see certain

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			development proposals should include the provision of a Sustainable Drainage System (SuDS) to ensure the development does not increase the rate of runoff and risk of flooding on and off the site. The use of SuDS features, including ponds, swales, rainwater harvesting, green roofs or soakaways will aim to reduce and/or manage the quantity of runoff and will also improve the water quality, increase biodiversity and provide new amenity. All SuDS to be designed in accordance with Devon County Council's Sustainable Drainage System - Guidance for Devon	policies in the Plan, there is no prescribed set of policies which a neighbourhood plan must include. We must be cognisant of the requirement for the Plan to align with the strategic policies of the MDDC Local Plan but also the need to have no duplication of policies between these two plans, given that, together, they are seen as part of the same "development plan". Notwithstanding that, we consider that some value could be added to the Plan's policies by referencing and signposting the DCC SuDS guidance and will include it in policy SD2 in the Plan, with reference also added into the policy's justification text.
35	Devon County Council Historic Environment Team		'The historic environment will be a material consideration in deciding many of the planning applications submitted in your area. The National Planning Policy Framework (NPPF, Section 12.127 (Achieving well-designed places), says that neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this can be reflected in development. Also Section 16.190 (Conserving and enhancing the historic environment) indicates that plans should make the most of 'heritage assets' (archaeological sites, historic buildings, landscapes) by 'setting out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats'. The production of your Neighbourhood Plan is an ideal opportunity for you to determine	We have considered whether a policy for heritage assets is necessary in the Plan. We decided that, as the heritage statement in the Plan already states, there is sufficient policy coverage for heritage assets through legislation and the Local Plan. As noted above, there is also no prescribed list of policies which must appear in a neighbourhood plan. Any currently non-designated local heritage assets can be included on MDDC's local list and receive protection, outside of our Plan.

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			<p>what parts of your Historic Environment are important to the community and how they are best managed. You could think about how important these assets are to your community, perhaps by creating a local list. Should the site or building be protected from development? Could it usefully be reused and incorporated into a development? Or is it not that important? What archaeological or historic areas and buildings could be used as community facilities or public open space? How can historic sites in the area be made more accessible to the community or linked together by existing or new public rights of way? How can historic sites, nature conservation and other local issues, such as highways and flood management, work together to make a better-quality environment all round?' reference. Section 3/9.1 Heritage Statement</p>	
36	Devon County Council Historic Environment Team	Para 1, Line 1	<p>'Heritage assets can be designated or non designated. We advise including a definition of what a heritage asset is. The National Planning Policy Framework (NPPF) glossary defines it as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'. Para 1 Line 5 We suggest National Planning Policy Framework (NPPF) Section 16 is inserted as an example of policy protection and legal protection for both designated and non designated heritage assets. You could expand on this section by including a</p>	<p>Descriptions of the Parish's history will not, on their own add any weight, in planning terms to the Plan when there is no policy in the Plan which deals with heritage assets.</p> <p>Also see response above.</p> <p>The Plan already has the NPPF definition included in section 9 as a footnote. We see no added value in repeating any of the suggested text from the NPPF.</p>

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			<p>summary of the parish's history and development including reference to archaeological sites and features. It is this that has shaped the parish we see today. Willand is first documented in the Domesday Survey of 1086 and the parish church dates to the 15th century for example. However, archaeological evidence has been found for prehistoric and Roman activity in the parish. Some of these sites, which are listed in Appendix 4, could be highlighted to put present day Willand into its historical context. Alternatively a summary could be included in Appendix 4 and reference made to it in this section. Reference could also be made here or within the chapter on Green Infrastructure to the Historic Landscape Characterisation (HLC). This gives detail on the character of the landscape and how the pattern of small farms, fields and hedgerows has developed since the medieval period. Further information on the HLC can be found at Historic Landscape Characterisation - Historic environment (devon.gov.uk) Images of some of the heritage assets such as the church could be included here and/or in the appendix.'</p>	
37	Devon County Council Historic Environment Team	Ref. Appendix 4	<p>The first two maps taken from the Devon Historic Environment Viewer show Events recorded on the Devon Historic Environment Record. A caption is needed to explain what 'Events' are, that the blue points and polygons represent archaeological works that have been undertaken in the parish to</p>	<p>We can add in a reference to the Historic Environment Record "events" definition provided (which is not stated on the Devon Environment Viewer) for clarity.</p>

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			date. Not everyone looking at the Appendix will know what an 'Event' is.	
38	Network Rail	Reference Policy TAC1	'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. Where commercial development impacts on railway infrastructure, as a public organisation it would not be reasonable to require Network Rail to fund rail improvements and therefore it is appropriate to require developer contributions to fund such improvements.'	Noted. No action needed.