

Okehampton Town and Hamlets Neighbourhood Plan 2021-2034

Submission Version

A Report to West Devon Borough Council and Dartmoor National Park Authority on the Examination of the Okehampton Town and Hamlets Neighbourhood Plan

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Executive Summary

My examination has concluded that the current submission version of the Okehampton Town and Hamlets Neighbourhood Development Plan should not proceed to referendum.

This is in part because the Regulation 14 consultation was not carried out in accordance with the Neighbourhood Planning (General) Regulations 2012 and because I have concluded that the plan, when taken as a whole, does not meet the basic conditions for the reasons I set out in my report. I do, however, make some suggestions in my comments for the Steering Group to consider if the decision is taken to prepare a new version of the neighbourhood plan.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which offers local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan can allocate land for particular purposes and create the policies that will be used in the determination of planning applications in its area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the policies in the Plymouth and South West Devon Joint Local Plan 2014-2034 and the Dartmoor Local Plan. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Okehampton Town Council and Okehampton Hamlets Parish Council. A Steering Group was appointed to undertake the Plan's preparations which originally was intended to include 3 representatives of each parish council as well as members of the community.
3. This report is the outcome of my examination of the Submission Version of the Okehampton Town and Hamlets Neighbourhood Development Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum.

The Examiner's Role

4. I was appointed by West Devon Borough Council in November 2023, with the agreement of both Okehampton Town Council and Okehampton Hamlets Parish Council, to conduct this examination.
5. For me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 45 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of West Devon Borough Council and both the Town Council and the Hamlets Parish Council, and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the Plan should proceed to referendum, if modified.
 - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Okehampton Town and Hamlets Neighbourhood Plan area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions:
- Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by a qualifying body?
9. For the reasons I will set out later in this report, I cannot confirm that the Plan contains only policies which relate to the development and use of land, although the plan does only cover the neighbourhood area designated by West Devon Borough Council, for the Okehampton Town and Hamlets Neighbourhood Plan, on 20th April 2015 and designated by Dartmoor National Park Authority on 22nd June 2015. I have been advised that there has been an agreement between West Devon and the National Park Authority that the Borough Council will be the lead authority in respect of this neighbourhood plan.
10. I can however confirm that it does specify the period over which the Plan has effect, namely the period from 2021 up to 2034.
11. I can also confirm that the Plan does not contain policies dealing with any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
13. When the plan area was being designated, the application was submitted jointly by Okehampton Town Council and Okehampton Hamlets Parish Council. In its application, it did not designate which of the two parish councils would act as the qualifying body, although it did

refer to the terms of reference of the Steering Group who would prepare the plan.

14. The Basic Conditions Statement refers to both Parish Councils being the qualifying body. That is not possible. The legislation is clear that only one parish council can be the qualifying body and all reference to the qualifying body in the legislation is in the singular. Section 61F of the Town and Country Planning Act 1990 does allow a plan area to include more than one parish area, but a parish council can only act as qualifying body for that neighbourhood plan area if the other parish council has given its consent. That is a legal requirement that the Borough Council may wish to note, if there is a future application for a neighbourhood plan area to cover more than one parish.
15. I raised this as an issue in my Initial Comments document and it was subsequently agreed between the two parish councils that Okehampton Hamlets Parish Council would act as the qualifying body for the neighbourhood area. I am now satisfied that Okehampton Hamlets Parish Council as a parish council can act as a qualifying body, as its role has been agreed by Okehampton Town Council.

The Examination Process

16. Once I had reviewed the submitted documents, my first task was to conduct a site visit to Okehampton. That was carried out on Thursday 14th December 2023. I spent three and a half hours in the town and the surrounding countryside. I visited many of the sites and locations referred to in the plan and I was able to appreciate the scale of new residential development that is taking place at the eastern side of Okehampton.
17. Upon my return, I prepared the document entitled Initial Comments of the Independent Examiner, dated 18th December 2023, which asked questions of both the Steering Group and West Devon Borough Council.
18. Upon receipt of the Steering Group's responses to the Initial Comments on 29th January 2024 and those from West Devon Borough Council on 2nd February 2024, I concluded that I would need to call for a public hearing to address a range of questions, some of which had not been properly addressed by the Steering Group, in its response to my Initial Comments.
19. I advised the parties of my decision to call a public hearing in a note entitled Further Comments of the Independent Examiner and Notice of Public Hearing, which I issued on 6th March 2024. In that document, I confirmed the date of the hearing as 11th April 2024, to be held in the Town Hall, Okehampton. It set out the arrangements for the hearing, the additional party I wished to be invited, beyond the two principal parties, namely Devon County Council, as well as setting out the

agenda for the day and the questions that the hearing would concentrate upon.

20. Whilst preparing for the hearing, I identified an additional issue related to the robustness of the Regulation 14 consultation, which I wished to see discussed at the hearing and I set this out in a document entitled Additional Information Relating to the Notice of Public Hearing, which was dated 13th March 2024.
21. In my Notice of Public Hearing document, I indicated that I needed to conduct some accompanied site visits, on the day preceding the hearing and we met at the Town Hall on 10th April 2024. I was accompanied by 2 members of the Steering Group and by a representative of West Devon Borough Council.
22. We started off visiting the opportunity site in New Road, and then walked down North Street, seeing the backland site which I was advised was a former lemonade factory site, before crossing the contested Northfield Road site. We then moved on to the North Road Industrial Estate, including visiting several commercial sites and we located the position where the proposed Town Centre Access Road would join North Road. We also walked to the bridge over the River Okement by the skatepark before re-visiting the proposed local green space site at Northfield Road, this time entering it from Crediton Road.
23. After picking up my car from the Mill Street car park we first drove to see an identified viewpoint by All Saints Church, before stopping and walking the site at Upcott House. We then turned into Oaklands Drive and followed the route of the Town Centre Access Road, noting the proposed alignment crossing of the riverside meadows, the location of the sheltered elderly person accommodation and the restricted carriageway width where Oaklands Drive meets Lodge Hill. The tour then proceeded out of the town to see the site of the Parkway Station, and the adjacent business park before entering the new housing development from Nexus Way and attempted to identify one of the important views from a playground. The site visit concluded by driving out of Okehampton, up Station Hill to Camp Road where we were able to enjoy views across the town.
24. The hearing started at 10am on the next day and lasted until late afternoon. It was well attended by members of the public and was streamed on the Town Council's Facebook live page. I was grateful for the constructive approach displayed by all parties at the hearing. At the end of the proceedings, I was provided with a set of maps, that I had previously requested.

The Basic Conditions

25. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.

26. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

27. On 19th December 2023, the Secretary of State published a new version of the National Planning Policy Framework. I will be referring to the paragraph numbers from that latest version of the Framework. I did not feel that there was a need to seek views on the implications of the changes included in the latest version, as they did not cover matters which were relevant to my examination.

The Consultation Process

28. For the purpose of understanding the Steering Group’s approach to its public consultation, which led up to the preparation of the submission version of the neighbourhood plan, I am reliant upon what is a very brief “Statement of Community Consultation”.

29. Early work on the neighbourhood plan was based on a community survey and a business survey, both of which were conducted in July and August 2016. The community survey produced 843 questionnaire responses, plus 116 comments from the business survey, and these were used to identify the priorities for the neighbourhood plan. Three

focus groups were set up in 2016, looking at town centre development, traffic and transportation and community facilities in new housing.

30. In August 2017, information was sent out to 1700 households and three events were held, seeking public responses to various sites which had been put forward for housing development, employment development and sports and recreation and offering the opportunity to identify which sites the public wished to see retained as greenfield sites.
31. There was then, what appears to have been, a hiatus in the neighbourhood plan activity, until the March 2021, when there was a survey of local estate agents and later that summer a draft plan document was produced on the Steering Group's website and published on social media. I understand that this informal plan consultation produced "a handful of e-mail responses".
32. The "Statement" refers to a Regulation 14 consultation, which ended on 3rd December 2022, on the Pre-Submission version of the neighbourhood plan. That document was advertised via social media and the Okehampton Times newspaper, as well as being made available on the neighbourhood plan website and both on the Town Council's and the Hamlets Parish Council's websites. That consultation opened with the launch event at the Ockment Centre which was attended by about 30 members of the public. In response to that Regulation 14 consultation, five residents submitted comments on a feedback document, as well as additional comments set out in three emails. The Statement also refers to receiving "some informal feedback from officers within West Devon Borough Council".
33. Whilst I appreciate that some of the results of the consultations and their analysis are available on the neighbourhood plan website, I do not believe that the Statement of Community Consultation is fit for purpose. The Neighbourhood Planning (General) Regulations 2012 describes, in Regulation 15, that the Consultation Statement means a document which
 - a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan
 - b) explains how they were consulted
 - c) summarises the main issues and concerns raised by persons consulted and
 - d) describes how these issues and concerns have been considered and, where relevant addressed in the proposed neighbourhood development plan
34. I do not consider that the submitted Statement of Consultation document provides evidence of who were and who were not consulted and what issues were raised and how these have influenced the final plan.
35. It subsequently emerged, during the examination, that the Steering Group had been contacted by a number of landowners or developers

regarding lands that they were promoting. These are not referred to anywhere in the statement. Moreover, some of the Regulation 16 comments mentioned the fact that their organisation had not been consulted at the Pre-Submission version stage of the plan.

36. My Additional Information document asked the Steering Group about which consultation bodies, referred to in Regulation 14b) were consulted. Schedule 1 of the Neighbourhood Planning (General) Regulations lists a range of bodies who should be consulted, if the qualifying body considers they may be affected by proposals in the neighbourhood plan. These include, the County Council, adjacent parish councils, Natural England, Environment Agency, Historic England, National Highways, Primary Care Trust, sewage and water undertakings plus a range of voluntary bodies including “bodies which represent the interests of persons carrying out business in the neighbourhood area.”
37. I received the Steering Group’s response on 13th March 2024 which read
- “For Regulation 14, we did not directly invite correspondence from any statutory or local bodies. We left the consultation completely open to anyone and advertised in the press, via the website and social media. The responses are summarised in the Community Consultation Statement. The potential developers challenged us but we didn't change anything as the fields lay outside the proposed settlement boundary”
38. I explored this issue in some detail during the early stages of the hearing and I questioned whether the approach taken by the Steering Group, complied with the requirements of the regulations, which places a positive requirement on the qualifying body, to consult through the use of “*must*” publicise the existence of the plan to people who live, work and carry out business in the neighbourhood area the plan.
39. I am not confident, merely by using social media, the neighbourhood plan website, the Town Council’s and Okehampton Hamlet Parish Council’s websites and through the use of the local newspaper, that would be likely to bring to the attention of the public and stakeholders in the town, the fact that a draft neighbourhood plan had been produced, outlining how they could find out what is being proposed and where and how to make any comments. It is, perhaps not surprising, that only a handful of comments have been received either in support or in opposition to the plan proposals.
40. Even more concerning is the fact that the Steering Group did not actively “*consult*” any of the parties set out in Schedule 1 of the Regulations. That meant that key consultees and stakeholders were not able to engage with the Regulation 14 consultation process and, importantly, the authors of the plan would not have been able to reflect

on any comments they could have received and, perhaps modify the plans, if they saw merit in any of the responses.

41. I did not feel that I received any satisfactory responses from the Steering Group to my concerns, during the debate at the hearing, or indeed through the written response. Whilst it may have been a plausible defence, that there was to be a second consultation exercise to be carried out at the Regulation 16 stage, that would, in my opinion, have been a flawed argument, as, if no comments had been received at the Regulation 14 stage, then how would the Borough Council know whether to consult those parties at submission stage? Indeed, the parties who wrote to the Steering Group prior to its submission were not referred to in the Consultation Statement and therefore were not alerted to the Regulation 16 consultation. I am unable to consider any of their concerns, whether it be via their objections or support for policies in the plan as they would not be aware of the Regulation 16 consultation.
42. I am satisfied that the decision to not consult the Schedule 1 bodies, was not taken on the basis that the Steering Group did not consider that their interests would be affected by the proposals in the plan.
43. I have concluded that this goes beyond an oversight, because the Steering Group was alerted to the requirements by the Borough Council in an email dated 12th April 2023. This has revealed a fundamental deficiency in the neighbourhood plan making process which I consider has led to some parties being significantly disadvantaged and the explicit failure to consult, which is a positive obligation to inform and invite comments, and which is different to a need to “publicise” the plan, means that the statutory requirements set out in the Neighbourhood Planning Regulations, have not been met in respect of this plan. I believe that this was recognised at the hearing by the Steering Group’s representative who conceded that the need for further publicity would likely to be the outcome of the examination.
44. I am not satisfied that the Steering Group has met the requirements of the Secretary of State, set out in paragraph 16c) of the NPPF which says that plans should “be shaped by early and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees”. I believe this view is shared by the Borough Council.
45. **My overall conclusions are that on this basis alone, the plan cannot be recommended to proceed to referendum.**

Regulation 16 Consultation

46. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six-week period, between 15th September 2023 and 27th October 2023. This

consultation was organised by West Devon Borough Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.

47. In total, 14 responses were received, including: West Devon Borough Council, National Highways, Historic England, Devon County Council-Flood and Coastal Risk Management Group and Devon Highways, Natural England, and the Environment Agency plus from 6 residents.
48. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

Compliance with the Development Plan

49. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Plymouth and South West Devon Joint Local Plan 2014-2034 and the Dartmoor Local Plan. The development plan also includes the Devon Minerals Local Plan and the Devon Waste Local Plan. However, as these latter plans deal with “county matters”, which cover “excluded development”, they are not relevant to this examination.
50. The Borough Council, in its response to my Initial Comments, identified the policies in the local plan which it considers to be the strategic policies which the neighbourhood plan is required to be in general conformity with.
51. Policy SPT1 refers to the delivery of sustainable development. This describes a sustainable environment, where the effective use of land is made for development through optimising the reuse of previously developed sites thereby reducing the need for green field development, and where overall gains in biodiversity are achieved by protecting and enhancing species, habitats and geological sites.
52. Policy SPT6 sets the hierarchy of main centres and Okehampton is designated as a main town whose town centre should be the focus for the main food/convenience shopping and other retail and services as appropriate to the role of the centre.
53. Policy SPT8 support improvements to local rail connectivity between Okehampton and Exeter.
54. The local plan has specific policies covering the Thriving Towns and Villages, of which Okehampton is one, which are the locations which should be prioritised for growth, to enable them to continue to thrive, achieve strong levels of self-containment and provide a broad range of services for the wider area.
55. Policy TTV3 sets out the strategic infrastructure measures for the Main Towns and this included a road linking Crediton Road with Exeter Road in Okehampton, as well as referring to improvements to the rail infrastructure in Okehampton.

56. There is a specific set of policies for Okehampton in the Local Plan. Spatial Policy SP4 sets out the spatial priorities for development in Okehampton and this includes providing mixed-use developments to meet local housing need and increase employment opportunities to support the long-term resilience of the town. It includes, in paragraph 9 the following statement:
- “Working with relevant authorities to look for appropriate solutions to manage traffic flows in and around the town, including exploring opportunities to develop a town centre access road”.
57. The supporting text notes that the historic road layout and continued growth of the town has led to increased congestion, particularly as the only primary school and three supermarkets are all accessed from the key town centre junction of West St and Fore St.
58. The plan includes 3 strategic allocations in Okehampton. Policy TTV13 allocates land at Exeter Rd for business development, including expressing support for a new railway station. Policy TTV14 is a residential allocation for approximately 775 homes and a further employment allocation at Stockley is provided by Policy TTV15.
59. Outside of the town, policies for the countryside are set out in Policies TTV26 and TTV27. There are also a range of development policies dealing with local housing need and design quality.
60. Policy DEV14 states that changes of use of existing employment sites will only be allowed if they are covered by wider strategic policy objectives, there are overriding and demonstrable economic, regeneration and sustainable neighbourhood/community benefits from doing so and there is no reasonable prospect of the site being used for employment use in the future.
61. Policy DEV16 sets out the policy for retail and other town centre uses outside of town centres. Policy DEV17 promotes competitive town centres.
62. Policy DEV23 sets a range of policies which deal with the conservation and enhancement of the landscape character. Policy DEV35 addresses managing flood risk.
63. All the above-mentioned policies are identified by the Borough Council as being strategic policies for the purpose of the basic conditions.
64. Those parts of the plan area which are covered by the Dartmoor Local Plan, fall within the area which is classed as open countryside where its Strategic Policy 1.3 will only allow very limited development.

Compliance with European and Human Rights Legislation

65. The Steering Group commissioned AECOM to produce on its behalf a report, dated June 2023, which concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required. It reached that conclusion having consulted with the 3 statutory consultation bodies, Historic England, Natural England and the Environment Agency.

66. I enquired of the Borough Council whether it had carried out a formal screening determination as “competent authority” under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). I was referred to the aforementioned SEA screening report prepared by AECOM. The response went further and said:

“This report was assessed by the council's ecology specialist and considered to be “sound” in that it adequately addressed HRA as well as SEA. Although the HRA elements were perhaps not as prominent in this report as they could have been, we considered that they adequately covered the issue of potential effects on the biodiversity resource of the area such as the Dartmoor SAC and SSSIs.”

67. Rather than being “not as prominent in this report as they could have been”, I could find no reference, upon revisiting the SEA screening determination, to the question of whether an Appropriate Assessment under the Habitat Regulations would be required. The screening of a plan under the Habitat Regulations is a specific procedural requirement, not just covering whether the HRA requirements, under the basic conditions are being dealt with, but also in terms of complying with the Habitat Regulations themselves. I am afraid that suggesting that the screening determination has been dealt with by implication, is insufficient and the Borough Council should be producing a formal screening determination under Regulation 63 of the 2017 Regulations, which is a separate exercise to the screening carried out under the SEA Regulations.

68. If I had been in a position to recommend that this plan could move forward to referendum, then I would have referred this matter back to the Borough Council to carry out a formal HRA screening as to whether the plan would have any significant effects on any European protected sites, and that that determination should be separately the subject of consultation with Natural England and a copy should be placed on the council's website as a matter of public record.

69. I am content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

70. It is apparent that the Steering Group has been working on this neighbourhood plan for many years and it is important to recognise the work undertaken by committed volunteers. They clearly care about their town and have been prepared to commit the many hours needed to produce a neighbourhood plan. I am sure that, at times, this may have felt something of a thankless task. It is also worth stating that this work has been carried out by people who are not town planning professionals yet are willing to respond to the opportunities offered by neighbourhood

planning, to prepare what would be part of the development plan for their town.

71. However, it is equally necessary to recognise that a neighbourhood plan is an important document, which would be used to determine planning applications in the town and its surrounding areas, for the next decade. The legislation which guides the neighbourhood plan process, requires not just a successful referendum result, but that the plan must also meet legal requirements and parameters, which are known as the basic conditions which in my role as examiner, I must address. This is the procedure that has allowed many hundreds of neighbourhood plans, across the country, to be successful at examination.
72. I know that the Steering Group will be disappointed with my conclusion as set out in the Consultation Section of the report that the neighbourhood plan cannot proceed to referendum.
73. It is unquestionable that the legal requirements regarding the Pre-Submission, Regulation 14 publicity and consultations, were not followed and that fact alone would have been sufficient for me to conclude that the examination must fail. However, beyond my conclusions regarding the adequacy of the Regulation 14 consultation, I have identified a significant number of other issues with this submission document and the policies that lead me to the conclusion that the plan when read as a whole, does not meet the basic conditions.
74. There are only a few policies that are capable of being modified and many policies would need to be deleted, as they are deficient in terms of being capable of being used for decision making on planning applications or are not in general conformity with strategic policy or do not have regard to national policy and advice or would not deliver sustainable development. If I were to recommend a plan that only included the policies that were unmodified or capable of modification, the remaining neighbourhood plan would be unrecognisable to the plan that was submitted.
75. Whilst I had come to the overarching conclusion that I cannot recommend that the plan, as submitted, should proceed to referendum, there is no reason why Okehampton should not be able to produce a neighbourhood plan, which, if prepared in a way that meets the legal requirements and addresses basic conditions, would be capable of passing its examination stage.
76. I have therefore decided to continue to review the plan and the policies, highlighting the deficiencies that can be addressed and hopefully this report will guide the Steering Group to be able to produce a new version of the neighbourhood plan. I will not be making specific recommendations for modifications to individual policies, as I would ordinarily do, in view of my overarching conclusion, but I hope that my comments will be seen as helpful.
77. Firstly, the regulations require the submission of the plan to be accompanied by a Consultation Statement and a Basic Condition

Statement. Both submitted documents are not adequate, in my view, in terms of doing the job that was expected of them, as set out in the Regulations. I would have expected the Basic Conditions Statement to be a more rigorous justification of how the plan when read as a whole, as well as the individual policies, meet the respective tests of the basic conditions. It should show how the plan has greater regard to national policy, particularly as set out in the NPPF, as well as demonstrate compatibility with the strategic policy context. If that rigorous analysis had been done it may have picked up some of the issues that I have identified in my report. If there still is a desire to depart from national or strategic policy, then a case can be made, and an explicit justification offered which is implicit in the wording of the basic conditions test.

78. I would particularly stress the importance of justifying policy with evidence as set out in the PPG guidance on how to draft neighbourhood plan policy. As paragraph 31 of the NPPF states:

“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals”

79. During the hearing, I sought to extract a clear “golden thread” running through the plan. I do believe that it exists, but it is not in my view clearly articulated. Currently, there is little need to provide land for additional housing, beyond the requirements of the current local plan. However, the plan requires that any new windfall development should be on brownfield sites, which is appropriate in the context of a town with a settlement boundary. Equally the setting of the town in its landscape is important and could be better evidenced as is the case for a new town centre road beyond the case that it was proposed in the past and residents still believe it has a role in solving town centre congestion issues.
80. However, as the local plan is rolled forward, then the strategic context of the neighbourhood plan may change, due in part to an extended plan time horizon. A neighbourhood plan must not undermine the strategic policies in a local plan and the policies in a current neighbourhood plan cannot act as a constraint on the development of a rolled forward local plan when it comes to decisions for example on the scale and distribution of new housing. I sensed that lay behind some of the Steering Group’s thinking, especially in terms of the potential residential redevelopment on the North Road Industrial Estate.
81. One of the key strengths of a neighbourhood plan is the ability to shape new development to reflect the distinctiveness of the area. Reading the introduction on the neighbourhood plan website, I am sure that was part of the original aspiration of the plan, when work first started in 2016 but the submitted plan does not necessarily reflect those early aspirations, for

example in terms of including a local design policy or policies to reflect local housing need in the town.

The Neighbourhood Development Plan Policies

82. The following section looks at the individual policies and offers comments which are intended to assist the Steering Group in going forward as well as expanding on where there are issues with compliance with the basic conditions.

Policy PP1: Settlement Boundary

83. It is perfectly acceptable for a neighbourhood plan to seek to establish a settlement boundary around a town or village. In the case of Okehampton, this tool of planning policy is a departure from the present local plan approach. I understand that the driving force behind establishing a boundary was the community's desire to protect greenfield sites. That is a legitimate expectation so long as it is consistent with strategic policies for the town, i.e. if the settlement can still accommodate the quantum of houses set out by strategic policy.

84. It is important that the drawing of the boundary is based on objective criteria. During the hearing, we discussed the somewhat surprising inclusion of a large greenfield site, which lies mainly to the south of the local plan allocation, as provided in Policy TTV14, which would essentially extend the settlement up to the railway line. I heard no convincing justification as to why this additional land was included within the boundary, bearing in mind the plan's stated intention to focus development on brownfield sites, beyond the local plan's strategic allocations.

85. At the hearing, I heard that the drawing of the boundary had been delegated to others to decide, following the call for sites exercise. Post hearing, I received a letter via the Town Council, from a previous member of the Steering Group who had been identified as the person who had drawn the settlement boundary. He had been following proceedings via the Facebook live stream. In his letter, he refuted the suggestion that he had drawn the settlement boundary in that location and stated that the work he had undertaken was not related to deciding the settlement boundary and that the inclusion of that land must have been carried out years later by the present neighbourhood plan group. I was subsequently provided with the three maps which appear to have been produced early in the plan making process, which purported to show "existing development plots" and a "JLP Development Boundary" but which do not appear to tally with the Joint Local Plan. Clearly the Steering Group had relied on these maps when producing the eventual

settlement boundary without actually considering whether the information was correct.

86. Whilst it is unnecessary for my examination to adjudicate who was responsible for drawing the settlement boundary contained within the submission document, it does, in my opinion, reveal a lack of objective criteria in terms of determining where the boundary has or should have been drawn. It was symptomatic of several issues that I identified during the examination when nobody could satisfactorily explain why the document is, as submitted.
87. Beyond the establishing of a settlement boundary, this policy only addresses development that lies outside of the settlement boundary, i.e. that is it is to be treated as open countryside. The policy is entirely silent on what the policy would be for considering development proposals *within* the settlement boundary. As there is not an equivalent local plan policy to provide a planning context, that places the decision maker in an impossible position. Paragraph 16d) of the NPPF states that plans should “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”. The policy, as submitted, does not do that.
88. Planning Practise Guidance on the drafting of policy states that the policy should be “drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.”
89. It may have been the intention of the Steering Group, by only specifying how development outside of the boundary should be determined, that the policy was implying a presumption in favour of development taking place within the settlement area. However, that is merely my conjecture and if the plan had included a settlement boundary, it clearly needed to set out the policy which would apply, inside as well as outside of the boundary.
90. In the light of the above my conclusion is that the policy as submitted does not meet the basic conditions, it will not deliver sustainable development and does not have regard to Secretary of State policy.

Policy PP2: Use of Brownfield Sites

91. This policy does not allocate the 8 identified sites for development, but rather, it states that proposals on these sites, which all fall within the settlement boundary, “will be supported in principle”. I questioned in my Initial Comments document why the plan did not give greater certainty, by allocating sites, which neighbourhood plans are specifically allowed to do. The response was as follows

“We do not believe it is the role of the neighbourhood plan to show more detailed plans, the sites are suggestions only”.

92. However, the NPPF specifically states that neighbourhood plans can “include allocating sites”. Again, the Planning Practice Guidance states:

“A neighbourhood plan can allocate sites for development including housing. A qualifying body should carry out an appraisal of options and assessment of individual sites against clearly defined criteria”

93. Whilst a neighbourhood plan does not need to allocate sites, by identifying specific sites as “suggestions” and then remaining silent on how other brownfield sites, both inside and indeed, outside of the settlement boundary, should be considered, creates uncertainty in terms of how these other brownfield sites are to be considered. At a national level, there is a clear emphasis on encouraging the development of brownfield sites. For example, paragraph 124 of the NPPF says planning policies should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”.

94. I believe that the policy is not “prepared positively”, as it is not promoting the regeneration of all brownfield sites, it is only “suggesting” sites, which will be supported “in principle”. If it were to be promoting brownfield site development, the policy should include a presumption in favour of the redevelopment or reuse of all brownfield sites within the settlement boundary or make specific allocations which could set out how the sites are to be developed, including indicative number and type of development that would be supported. Many communities have already grasped the potential of neighbourhood plans to actually allocate sites or if not, have included a positive policy support for the development of brownfield sites within settlements.

95. I also wish to comment on some of the choices of the suggested sites. The inclusion of Upcott House does not, in my view, meet the NPPF’s definition of “previously developed land” as that definition excludes “land in built up areas such as residential gardens”. I noted on our site visit that a new house is being built within the curtilage of Upcott House, which itself, appears to be a property which has been subdivided into small residential units. I was not struck by the “many disused buildings” the Steering Group referred me to in its response to my Initial Comments. I was provided with a plan at the hearing, but I am not clear whether the policy relates to the redevelopment of the larger property or just the remaining land within the curtilage of the Upcott House.

96. We also visited the suggested site in New Road, a site which I have previously been unable to identify on my initial site visit due to the poor quality of Map 3 and which was described as an “empty site”. This is a small site which is steeply sloping into a rock face and is not in my view

a readily developable site, apart from the footprint of the carpet storage building which I now understand was intended to be included. Overall, I would question its inclusion as “a suggested site”. I would strongly contest the site’s actual deliverability, in view of its topography and its small size.

97. Three of the identified sites in North Rd, are or were last in, employment use. There is a local plan policy which is identified as strategic, Policy DEV14 which addresses the loss of existing employment land. Paragraph 127 of the NPPF does say that support should be given to “use of retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites”.
98. The Steering Group provided me with a plan of the whole of the North Road Industrial Estate, that under the terms of Policy PP6, the neighbourhood plan would offer support for the change of use away from employment use. In my view this could have significant implications on the overall supply of employment land within the town and I note the concern of the Borough Council's Economic Development Manager, in terms of the loss of employment space in this location.
99. I consider that the loss of the employment sites demands far greater consideration, particularly if the self-sufficiency of the town is to be protected, as suggested by local plan Policy TTV1. For example, the increase in population, arising from the residential redevelopment of this industrial estate, could require the release of more greenfield sites around the edge of the town to provide replacement employment floorspace for that lost at North Road.
100. The second part of the policy, somewhat bizarrely, relates to the need for the submission of proportionate heritage assessment of sites, to have to accompany a planning application. It strikes me that many of the brownfield sites have no heritage implications or impacts, as there will be no listed buildings or conservation areas in their vicinity. Furthermore, the documents which are required to be submitted with the planning application have to be set out in the Local Validation Checklist, which is a document prepared by the Borough Council under the provisions of the Town and Country Planning (General Development Management Procedures) Order 2015.

Policy PP3: Green Spaces and Green Infrastructure

101. I have no concerns regarding the first paragraph of the policy, but its expectations have, largely been overtaken by the introduction of minimum 10% net biodiversity gain requirements, that are now

operational following the implementation of the relevant sections of the Environment Act 2021.

102. I consider that the provisions relating to support for walking and cycling infrastructure would have been better incorporated within Policy PP15 which deals with safe cycling and pedestrian routes.
103. The final element to the policy covers the 15 sites shown on Map 4. I initially sought clarification from the Steering Group whether the policy was seeking to confer local green space status on these sites, thereby conferring the highest level of protection of open space under the terms of the Framework. I was advised that was the intention and I will recommend that any future neighbourhood plan specifically refers to sites being designated as local green space.
104. As already stated, in view of my overall conclusions on the neighbourhood plan I am not required to be making specific recommendations. At the hearing, I heard conflicting information about the history of the area between Northfield Rd and Wonnacotts Rd which is partially shown as Site G- it appears the area of woodland/ shrub land extends beyond the area shown on Map 4. The Borough Council challenges its status as local green space.
105. I requested from both the Steering Group and the Borough Council, further background information as to how the site had been used in the past. I have now considered the additional information provided. I am satisfied that at least some of the site would fall within the definition of being previously developed land and I saw evidence of the bases of previous buildings which had occupied the central part of the site. I believe these had been garages.
106. During the examination, I was presented with submissions expanding on the site's ecological importance, which was now named as Hog's Wood, but I am afraid that I found its finding not conclusive in proving that the whole of the site warrants being retained as local green space based on "richness of wildlife". I believe that a full ecological survey could usefully identify whether there are particular species, or habitats that would lead me to conclude that the site would hold a particular local significance because of its ecological importance.
107. I was advised that the Borough Council, in its role as landowner, has made pre application enquiries in relation to an affordable housing scheme and it is not appropriate for me to pre-empt that, although I noted that the site is being considered for a mixture of housing and retained open space and the total site is larger than the area which is shown as site G in Map 4. In my opinion, it should be possible that limited development of the site, would meet the plan's objectives of focusing development within the settlement and on brownfield sites, whilst at the same time enabling enhancements to the ecological and recreational potential of the remainder of the site.

108. I do not have any specific comments to make on any of the other proposed areas of local green space, which have not been contested but going forward it may assist if the policy were to seek local green space status, by being able to demonstrate that the community identified these sites as being “demonstrably special”. Also, the clarity of the mapping needs to be improved, for example, only some of the proposed woodland areas are shown on Map 4 and a decisionmaker would not necessarily know the full extent the woodland to be covered by the policy.

Policy PP4: Views and Vistas

109. It is not uncommon for a neighbourhood plan to identify particular viewpoints which are important to the community. These viewpoints may be a place where people choose to sit to enjoy the view or appreciate say a long-distance view of a church spire.

110. It appears that this policy's aspirations are not so much preserving specific views and are more related to ensuring the relationship of the town to its landscape setting, particularly when viewed from, and towards, the elevated ground in Dartmoor, and ensuring that the setting of the town is respected in planning decisions. That is a matter that can normally be achieved through carrying out a Landscape Character Assessment, which can describe and map the key landscape features, such as ridgelines and changes in landscape features.

111. The plan identifies 8 views but, in a couple of the cases, I had concerns that the photos within the document were not taken at the locations shown on Map 5. During our accompanied site visit, we were unable to identify the view from viewpoint 8, which is shown as being taken from a location in the town centre. Equally a few of the views which were identified are not locations where the community would necessarily gravitate to, to enjoy a view. Others appeared to be pointing in different directions from that shown which reduced confidence in the whole exercise.

112. The Steering Group's stated objective that development proposals should respect the landscape character and the setting the town, is a legitimate planning aspiration but it needs to be based on empirical assessment and a clear understanding of the landscape characteristics, so a planning application can be assessed in terms of its impact on the features that have been identified as being important and requiring to be protected. A Landscape Character Assessment can be used to inform a local design code, which is something that is actively encouraged. I would recommend that the Steering Group looks at the government guidance set out in www.gov.uk/guidance/landscape-and-seascape/characterassessment.

There are also resources available on the Natural England website. Funding for carrying out such work and indeed other consultancy support may be available from Locality.

Policy PP5: Employment

113. Much of the justification text for this policy covers “working from home” which is a topic which is not reflected in any of the three supporting local business growth theme policies. That undermines the coherence of the document.
114. I am unclear as to whether the policy relates to land outside the settlement boundary.
115. I do not envisage any significant issues relating to basic conditions with this policy, although they do not offer any locally distinctive elements. However, the requirements set out in criteria d) covering “sustainable forms of construction, energy conservation measures and renewable energy, where feasible” is not supported by any evidence.
116. Recent government advice issued in a Written Ministerial Statement, dated 13th December 2023, states that “any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned building regulations should be rejected at examination”, unless they meet specific criteria.
117. Even without the issue of the conflict with national policy, the wording is ambiguous as it does not define what would be expected to be a “sustainable form of construction”. With the removal of that part of the policy I would not have had any concerns about the remainder of the policy in terms of the basic conditions.

Policy PP6: Protecting existing employment land/ buildings

118. The key question with this policy is whether it is compatible with the strategic Policy DEV14 which seeks to protect a flexible mix of employment sites.
119. The neighbourhood plan’s exception to the protection of employment land is the North Road Industrial Estate. Prior to the hearing, I had requested the production of a plan to show the extent of the industrial estate and this map was presented to me at the hearing. As previously stated in respect of Policy PP2, the plan is prepared to countenance the residential redevelopment of the whole estate which extends from close to the town centre, right out to the settlement boundary.
120. I accept that this is consistent with the plan's strategy to make best use of brownfield sites, especially those close to the town centre. Equally, I appreciate that some of the units on this industrial estate are vacant and appear to have been for some time, and a case for a change to residential could be made. I retain severe concerns

regarding the potential loss of employment space, located in a location where people live rather than on the edge of the town.

121. Unless there is to be a significant loss of employment space within the town, alternative replacement employment floorspace will be required to retain a balance of land for jobs as well as homes. I consider that this could have strategic implications and if this decision is taken, then that should be based on evidence of how many residential properties could potentially be created and the number of jobs / floor space that would need it to be found elsewhere, to replace that which is lost. It could also be informed by market information in terms of whether there is a demand for the type of accommodation which is currently available for sale/ lease.
122. I am accordingly not currently satisfied that the loss of the North Road Industrial Estate for residential purposes would necessarily constitute sustainable development or be in general conformity with the strategic policies in the Plymouth and South West Devon Local Plan.

Policy PP7: Small Employment Starter Units

123. I do not have any major reservations regarding this policy. I appreciate the plan's concerns regarding car parking but would have thought they would apply equally whether the site is outside as well as inside the settlement boundary.
124. It should be noted that the setting of parking standards is a matter for the Borough Council as local planning authority and not the County Council.

Policy PP8: Tourism Development

125. I have no concerns regarding this policy

Policy PP9: Out of Town Retail Hub

126. It appears that the catalyst for this policy was the eastern extension of the town, to address its residents' shopping needs as well as an attempt to clawback what is an unquantified, diversion of retail spend to Exeter and other towns. It would, it is suggested, reduce traffic congestion within the town centre.
127. The policy promotes a retail hub around the new Parkway Station and would include a supermarket and cafe. The plan is silent as to the size of the supermarket and it is unclear as to whether the aspiration is for a small "metro style", basket shop or a larger, more comprehensive supermarket/superstore. The Steering Group could not provide me with

any guidance as to what was anticipated in its response to my questions at the Initial Comments stage. Without any restriction, the policy could be used to support a significant convenience floorspace, which would have major implications for the retail trade within the town centre.

128. Due to the amount of new development that has now taken place at the business park on Exeter Road, there are now only a couple of vacant sites available, and none that would not form part of the proposed car parking for the Parkway Station. However, at the hearing, it was suggested that land which the plan is proposing to include within the settlement boundary, on the north side of the railway line, was large enough to accommodate the retail development, but that would be divorced from the car parking for the railway station and therefore would not provide its complementary role.
129. An indication of the potential scale of the proposed supermarket can be gleaned from the supporting text, when it refers to “encouraging one of the three existing retailers to move” from the town centre. I heard at the hearing there had been no conversations with any of the retailers as to whether they will be able or wish to move out of the town centre. Furthermore, if one of the three food stores were to relocate to the outskirts of the town, their existing retail building would remain in its retail usage and that could be then occupied by an alternative retailer, therefore retaining the traffic generation associated with that use.
130. By promoting a new out of town supermarket, the neighbourhood plan could potentially harm the economic vitality of Okehampton town centre, in terms of losing linked shopping trips. I can only speculate on the views of the town centre business community with the plan promoting the relocation of one of the supermarkets to an out-of-town location.
131. A key thrust of Secretary of State retail policy is set out in Chapter 7 of the NPPF entitled “Ensuring the vitality of town centres.” It seeks to direct new retail uses to town centres and if sites are not available then to look at edge of centre sites before looking at other locations. I have seen no evidence of any sequential testing in terms of site selection, rather the plan has just identified the Parkway station site, without considering alternatives.
132. Any neighbourhood plan wanting to promote an unrestricted supermarket on the edge of a main town, would require significant justification, both in terms of retail need for the new floor space but also an assessment of the retail impact on existing trading within the town. This is more of a strategic issue, which would more appropriately be considered as part of the review of the local plan and would need to be supported by proportionate research and evidence, perhaps, through a Retail Study.
133. I would have had no objections to the inclusion of a small retail unit which could be seen as serving primarily the needs of the travelling

public, using the Parkway Station. That as a possible allocation could be included in a future neighbourhood plan, but I would suggest that this should be promoted in consultation with the landowners and/ or operators of the Parkway Station site. A smaller retail unit and catering operation would be servicing the needs of those persons using the station and therefore be complementary. I am aware that the local plan policy refers to local retailing facilities being part of the overall development and a store has been approved as part of what is known as Abbeyfield Vale.

134. As submitted, I believe that the supermarket element of the policy would be contrary to strategic Policy SPT6, TTV13 and Policy DEV16 of the Plymouth and South West Devon Joint Local Plan. I have concluded that the policy does not meet basic conditions because it fails to take account of the strategic local plan policy as well as not having regard to Secretary of State policy for the protection of the retail role of town centres and would not in my view constitute sustainable development.

Policy PP10: Pedestrianisation of the Town Centre

135. A neighbourhood plan policy can only be used to determine a planning application. The closure of Fore St to through traffic, subject to only allowing limited access for public transport, taxis and local deliveries cannot be achieved through a planning application but can only be facilitated using a Traffic Regulation Order, and that is a matter that falls under the jurisdiction of the Highway Authority rather than the Local Planning Authority.
136. There is no reason why the aspiration to pedestrianise this key street could not be included within the neighbourhood plan, but it should not be a planning policy but rather set out as a community aspiration. This equally includes the necessary closures of the highway to create a Town Square.
137. I appreciate that this policy would only be implementable if the Town Centre Access Road is completed, which is a subject which I will address later in this report, but in any case, the drafting of the policy would have needed further refinement so that it could be used to determine a planning application with confidence. For example, in relation to proposals to introduce “creative, community and business opportunities” in the pedestrianised area, the drafting needs to clarify whether it is looking at units on either side of the pedestrianised street or whether it is encouraging businesses to be placed on the pavement, such as kiosks or pavement cafes. The plan may wish to consider the policy for such areas even if the street is not pedestrianised.

Policy PP 11: Car Parking Capacity

138. The policy refers to “no significant loss” of parking spaces but it does not define what would be classed as “significant”. For example, would the loss of parking spaces to create a car wash facility in a supermarket car park be considered significant?
139. The policy text includes what is, in effect, the justification for having the policy.
140. However, I consider it to be a legitimate neighbourhood plan policy expectation to seek to retain car parking spaces associated with town centres and other destinations, in and around the town.

Policy PP12: Parking in Residential Development

141. I have no objections to the first part of the policy which seeks to ensure that adequate parking and suitable layouts can be achieved although it would be better to quote a minimum carriageway width, rather than seeking “easy two-way vehicle access”, which could be somewhat subjective.
142. I am satisfied that the policy can encourage car parking standards to be exceeded because it would not mean that a planning application which met the standard would have to be refused. I believe that is accepted by the Borough Council. The four reasons for supporting a higher parking provision would be better included in the justification.

Policy PP13: Safe Access to and within the Town and Hamlets

143. This is a policy that would support proposals which provide for “improvements to accessibility”. I found the justification of this policy somewhat opaque and difficult to understand, beyond the statement that new routes are “properly managed transport corridors, not simply roads through housing development”. Is it expecting that houses should turn their back on the road network, which is often seen as poor urban design? I feel that an applicant or decision maker would find it difficult to decide whether the road layout they were considering would be covered by the description “Improvements to accessibility within the Town and Hamlets”. Is it related to all new roads or is just distributor roads? I do not think that the policy meets the Secretary of State expectation that plans should “contain policies that are clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals.”
144. There could be some highway improvements, for example which are aimed at improving road safety or local accessibility, that would not necessarily lie within “properly managed transport corridors”.
145. From my visits to Okehampton, I saw that most main routes through the town are within established housing areas with properties fronting onto them, e.g. Crediton Road.

Policy PP14: Town Centre Access Road

146. This policy occupied a significant chunk of the discussion at the hearing and time on the site visit. It drew strong objections from both the Borough Council and Devon County Council.
147. In terms of the drafting the policy, it is stating that proposals to build a town centre access road on the alignment shown in Map 8 would be supported “in principle”. I am unclear how effective it is to offer a major piece of highway infrastructure, which the Steering Group see as the answer to the town centre traffic issues, only “support in principle”.
148. The plan places significant weight on the fact that the idea for building an “inner ring road” for Okehampton Town Centre, has been around for some years. It was a specific objective in the 2010 Core Strategy, which was a previous local plan, intended to guide development up to 2026 but was not actually a policy. In 2015, it was identified in the West Devon Infrastructure Delivery Plan and in the relevant comment section against its entry, it was stated:
- “It is expected that this road will come forward towards the end of the plan period as funding is required from new development to support the delivery”.
149. In the latest version of the local plan, the Plymouth and South West Devon Joint Local Plan, reference to this road remains. In the Spatial Priorities for Development in Okehampton, as set out in Spatial Priority SP4, it is stated that:
- “Working with relevant authorities to look for appropriate solutions to manage traffic in and around the town, including exploring opportunities to deliver a town centre access road”.
150. The principle of building a new road therefore, it could be argued, remains part of the strategic policies in the development plan. I am confident that the “relevant authorities” is pointing to Devon County Council as local highway authority.
151. In 2010, the County Council published a report intended to support the West Devon Core Strategy which was entitled Okehampton Town Centre Access Road - Traffic Analysis and Issues Report. In the chapter entitled “Potential Transport Improvements”, it looked at 3 broad alignments for the route to provide access to Market Street and the car parks for the three supermarkets. The options considered were:
- a link between School Way and North Street.
 - providing a link between Market Street and North Road at its junction at the southwestern end of Bryhams Terrace, following the alignment of Oaklands Drive.

- providing a link between Market Street and North Road at the southwestern end of Macey's Terrace, opposite the Fire Station also utilising the alignment of Oaklands Drive.
152. The final option was the County Council's then preference and it said that a "significant amount of cost is anticipated to be provided by developer contributions".
153. In 2017, Devon County Council appointed the consultants, Jacobs, to produce an Okehampton Town Centre Access Road Review Report, looking at the feasibility of the proposed access road, following the proposed alignment from the 2010 study. That study concluded, that in view of the cost increase from £5.79m in 2010, to an estimated £13.2 m in 2017, plus the only limited journey time savings, that the project does not represent good value for money. It went on, "due to constraints, the delivery of the road is challenging including significant land acquisitions costs and likely objections".
154. At the hearing I inquired about the scheme status in the Local Transport Plan and Devon County Council has confirmed that in the LTP 3 2011 – 26, produced in 2011, the Okehampton Relief Road was included. In 2015 the County Council published its Transport Infrastructure Plan for the period up to 2030, and this did identify the cost of the access road at £8m, but that was before the Jacobs review.
155. However, the most recent Transport Infrastructure Plan now only refers to town centre improvements which were intended to improve traffic flow in the town centre. I heard at the hearing that the County Council had conducted a public consultation in October and November 2020 relating to different options, for changing the phasing to enable alternative priority arrangements and/or potential removal of the traffic lights at the junction of Market Street and Fore St. It appears that none of the options put forward by the County Council received public support and it transpires that no further work is envisaged in terms of investigating the traffic conditions in the town at this stage.
156. The County Council's current position regarding the town centre access road can be summarised by the following comment. "Due to problems with the removal of on street parking and impact of additional traffic on residential properties, land and property acquisition, removal of mature trees, environmental impacts on the River Okement and issues with crossing the floodplain and listed buildings, environment engineering constraints and safety concerns at Market Street, means that the town centre access road is not deliverable".
157. My consideration of this issue is that it is quite appropriate for a community to express its desire for a new road to serve the town centre through the vehicle of a neighbourhood plan.
158. My overriding concern is that the policy is going much further and showing a route and that route would be enshrined within the development plan policy.

159. Whilst the plan is saying that a proposal for a new road on that route alignment will be “supported”, albeit in principle, there has been no assessment of the environmental implications of the construction of that new road, no considerations of alternatives, either to the route or the principle of building a new road, and no strategic environmental assessment. Even from a cursory site visit, it is evident that there are many environmental constraints and possible impacts that would need to be balanced against any, presently unquantified, transport benefits.
160. I can offer some illustrations of the type of matters that need to be considered.
161. The new road would cross the river meadows, which is shown as within Flood Zone 3 on the Environment Agency’s flood maps and there has been no assessment of the impact of constructing a new road on flooding, no sequential test or flood risk assessment has been carried out.
162. Similarly, the road could have a serious impact on heritage issues, not least the listed toll building at the junction of Oaklands Drive and Lodge Hill as well as affecting the setting of the Oakland, which is a listed mansion.
163. The construction of the road will require the loss of trees covered by a Tree Preservation Order as part of what will be an extensive engineering operation at the western end of Oakland Drive, which is a private road.
164. The creation of this new through road would have serious detrimental impacts on the amenity of the elderly persons who live in the sheltered housing scheme on Oaklands Drive, as well as requiring changes to the development’s parking arrangements.
165. There could be unintended consequences of publishing a preferred road alignment, in a development plan document and these concerns essentially can be summarised as “creating planning blight” as that road alignment would be likely to have to be revealed on any local land charges search, which could affect the marketability of properties on the route especially when there is no certainty on if, as well as when, the road is to be built. It begs the question as to whether one would buy a retirement home when there is a proposal to build a town centre access road directly in front of the building?
166. All these matters would need to be carefully balanced against the highway benefits of diverting traffic from existing routes.
167. In summary, I have concluded that including a policy supporting, even in principle, a new road with a specific alignment, based on no objective evidence or assessment, should not be incorporated in a plan.
168. I do not believe that the policy would meet the basic conditions especially as the question of its delivery is hugely questionable and that is acknowledged in supporting text. National advice is that “plans should be prepared positively in a way that is aspirational but

deliverable” At this point in time I have no reason to believe that the scheme on this alignment is deliverable.

169. The supporting text refers to the inclusion of the policy as demonstrating a commitment to lobbying for funding. It also seeks to rely on Section 106 payments, but most of the substantial growth at the eastern end of the town has already been granted planning permission and any future contributions would need to meet the legal test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. That requires that the financial contribution must be shown to be necessary to make the development acceptable in planning terms, be directly related to the development and the contribution is fairly related in scale and kind to the development making the contribution. This applies to all planning obligations irrespective of whether a CIL Scheme is in place.

Policy PP 15: Cycle Routes

170. Again, this is a matter that really lies outside the scope of a neighbourhood plan policy, unless the cycle route is provided as part of the design and layout of a development, which would be covered by planning permission. It appears that most of the route shown in purple on Map 9 would be along existing highways and therefore that would be a matter for the highway authority rather than the planning authority. I am advised that the southern spur of the new cycle path lies in Parcel 3, known as Okement Park and is currently under construction.

The Referendum Area

171. If I had been able to recommend that the Plan progresses to its referendum stage, I would have had to consider whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this scenario, I would have determined that that the area of the Okehampton Town and Hamlets Parish Neighbourhood Plan as designated by West Devon Borough Council on 20th April 2015 and by Dartmoor National Park Authority on 22nd June 2015 would have been the appropriate area for the referendum to be held and the area for the referendum would not need to have been extended.

Summary

172. I can understand that this report will not be welcomed by the volunteers in the Steering Group who have produced this neighbourhood plan. I hope that this result will not lessen the desire to produce a neighbourhood plan, but one which reflects meaningful consultation with all parties who have a stake

in the town's future. The failure to undertake a proper Regulation 14 consultation would have been sufficient reason for me to have to recommend the plan should not proceed to referendum.

173. However, I hope that this examination exercise will show that it is important that the plan is prepared in such a way that meets the basic conditions, which all neighbourhood plans are required to meet. I hope that my comments will help guide the Steering Group in taking this setback as an opportunity to prepare a plan that avoids some of the issues which I have identified in my comments on the policies as well as the plan overall.

174. I hope that the opportunity is taken to seek new active engagement with the community – some of the original surveys were carried out eight years ago. Similarly, it may be helpful to engage some more on-going professional support which focuses on the drafting of the policies and ensuring that the policies are supported by appropriate evidence.

175. To conclude, I regrettably am required to confirm that my overall conclusions are that the Plan does not meet all the statutory requirements, including the basic conditions tests.

176. I therefore have no alternative but to recommend to West Devon Borough Council and Dartmoor National Park Authority, that the Okehampton Town and Hamlets Neighbourhood Plan, should not proceed to referendum.

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John Slater Planning Ltd
28th May 2024