

:

INDEPENDENT EXAMINER'S REPORT ON THE TAVISTOCK NDP

deborah mccann

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SECTION 2

Summary

As the Independent Examiner appointed by West Devon Borough Council (WDBC) to examine the Tavistock Neighbourhood Development Plan, I can summarise my findings as follows:

1. I find the Tavistock Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.
2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Tavistock Neighbourhood Development Plan go to Referendum.
3. I have read the Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.
4. I find that the Tavistock Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.
5. At the time of my examination the relevant local plans were the Plymouth and South West Devon Joint Local Plan (WDBC) adopted in March 2019 and the Dartmoor National Park Authority Local Plan 2018-2036 adopted in December 2021.
6. National Policy guidance is in the National Planning Policy Framework (NPPF). In December 2024 the Government issued a new NPPF which made changes to National Policy in a number of areas, most significantly policy relating to housing. When the new NPPF was published the Tavistock NDP was already in examination. Annex1 of the NPPF 2024 deals with implementation and whilst paragraph 231 states:

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made."

Paragraph 239 states:

"For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan

proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025."

Therefore, at the time of my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) December 2023.

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann, and I am the Independent Examiner appointed to examine the Tavistock Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Tavistock Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Tavistock Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did not require clarification. This additional information is publicly available on the WDBC website and covered in my report within the relevant policy.

3.2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to
 - i) specify the period to which it has effect;
 - ii) not include provision about excluded development; and
 - iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a referendum.
2. The Plan with recommended modifications can proceed to a referendum.

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance

with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications. Policies in a plan which have elements which either seek to control things or which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3.The Plan does not meet the legal requirements and cannot proceed to Referendum.

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Tavistock Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate*

Development Plan

4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. *Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

WDBC will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e., greater than 50%), voting in favour of the plan, then WDBC must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

4.The Report

4.1. Appointment of the Independent examiner

West Devon Borough Council (WDBC) has appointed me as the Independent Examiner for the Tavistock Neighbourhood Development Plan with the agreement of Tavistock Town Council.

4.2. Qualifying body

I am satisfied that Tavistock Town Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP).

4.3. Neighbourhood Plan Area

The Neighbourhood Plan area is the whole Civil Parish, i.e., the Town Council administrative area. The part of the parish within the West Devon local planning authority area was approved in 2017 by WDBC, and the very small part of the parish that lies within the Dartmoor local planning authority area was approved by the National Park Authority.

Due to the parish crossing the boundary of two local planning authority areas, both authorities have an agreement in place with regard to one authority being the lead authority where this is the case.

For Tavistock, with most of the parish and Plan area resting within the WDBC LPA area, WDBC is the lead authority for the Plan and neighbourhood planning process.

The designated Tavistock Neighbourhood Area covers the covers the whole of the Parish of Tavistock and the Basic Conditions Statement submitted confirms there are no other Neighbourhood Plans covering the area.

4.4. Plan Period

It is intended that the Tavistock Neighbourhood Development Plan will cover the period to 2034, chosen to align with the plan period of the adopted Plymouth and South West Devon Joint Local Plan (and within the Dartmoor Local Plan period to

2036).

4.5. WDBC initial assessment of the Plan (Regulation 15).

Tavistock Town Council submitted the draft Tavistock Neighbourhood Development Plan to WDBC for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations. WDBC made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

Site Visit

I carried out an unaccompanied site visit on the 8 November 2024 to familiarise myself with the Neighbourhood Plan Area.

4.7. The Consultation Process

The Tavistock Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well

conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

I am satisfied that the consultation process was carried out robustly, that the community were aware of the process and had the opportunity to comment at the appropriate stages and that the Consultation Statement as submitted meets the required standard.

4.8. Regulation 16 consultation by WDBC and record of responses.

WDBC placed the Tavistock Neighbourhood Development Plan out for consultation under Regulation 16 from 12 September 2024 – 25 October 2024.

A number of representations were received during the consultation period, and these were made available by WDBC as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

I have received representation that the Tavistock Neighbourhood Plan has not adequately addressed the need for housing within the neighbourhood plan area either through the allocation of sites or the inclusion of a development boundary. There is no requirement for neighbourhood plans to include site allocations or a development boundary and it is a reasonable approach to rely on policies within the development plan, including but not limited to, strategic allocations to manage the delivery of housing. There is however a risk associated with not making housing site allocations in the Plan, as it may result in speculative applications in locations which are not considered appropriate and these could be successful if the LPA has an inadequate housing land supply. It was also suggested that the failure to include a development boundary will prevent exception sites coming forward, I do not agree with this conclusion.

4.9. Compliance with the Basic Conditions

A Basic Conditions Statement was produced for the Tavistock Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the

Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Tavistock Neighbourhood Development Plan:

1. Has regard to national policies and advice.
2. Contributes to sustainable development.
3. Is in general conformity with the strategic policies in the appropriate Development Plan.
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.
5. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

Documents brought to my attention by WDBC for my examination included:

(a) The Tavistock Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Tavistock Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how Tavistock Neighbourhood Development Plan Steering Group considers that the Neighbourhood Development Plan meets the Basic Conditions.

d) The screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment.

e)Tavistock Neighbourhood Area Design Codes and Guidelines.

Comment on Documents Submitted.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Tavistock Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10 Planning Policy

4.10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). In December 2024 the Government issued a new NPPF which made changes to National Policy in a number of areas, most significantly policy relating to housing. When the new NPPF was published the Tavistock NDP was already in examination. Annex1 of the NPPF 2024 deals with implementation and whilst paragraph 231 states:

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made."

Paragraph 239 states:

"For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025."

Therefore, at the time of my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) December 2023.

To meet the Basic Conditions, the Plan must have "regard to national policy and advice". In addition, the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan".

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Tavistock Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken it into account.

I have examined the Tavistock Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

4.10.2. Local Planning Policy- The Development Plan

The Parish of Tavistock lies within the area covered by WDBC and the Dartmoor National Park Authority, the relevant local plans are the Joint Local Plan (WDBC) adopted in March 2019 and the Dartmoor National Park Authority Local Plan 2018-2036 adopted in December 2021.

4.10.3 To meet the Basic Conditions, the Tavistock Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF December 2023 states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF December 2023 states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Tavistock Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Plymouth and South West Devon Joint Plan 2019 and the Dartmoor National Park Local Plan.

4.11. Other Relevant Policy Considerations

4.11.1 European Convention on Human Rights (ECHR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

AECOM carried out an SEA screening of the Tavistock Neighbourhood Development

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Plan in March 2024. The screening opinion, concluded:

"For these reasons, it is considered that the Tavistock Neighbourhood Plan is not subject to the requirements of the SEA Regulations. As such, a full SEA process meeting the requirements of the SEA Regulations is not deemed to be required to accompany the development of the Tavistock Neighbourhood Plan."

WDBC agreed with this conclusion.

Natural England, the Environment Agency and Historic England were consulted as part of the screening process along with the Dartmoor National Park Authority.

In July 2024, a Habitats Regulations Assessment Screening was carried out by WDBC, as the competent authority. The conclusion of the screening opinion was:

"The Tavistock Neighbourhood Plan neither makes allocations nor proposes policies that would have a likely significant effect on local European Sites."

Natural England's response to the screening opinion was:

"The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection Area (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined."

Prescribed Matters

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in

combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied with the HRA conclusion that there are no likely significant effects on any European site resulting from the policies in the Plan and therefore the Prescribed Matters in this connection are met.

4.11.2 Sustainable development

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development and includes a sustainability matrix.

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Tavistock Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

European Convention of Human Rights and compliance with the Human Rights Act 1998.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998. The Basic Conditions Statement states:

"The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

We have considered the impact of the policies in the Plan on all groups with "protected characteristics" as defined by the Equalities Act 2010.

Assessing our policies alongside the protected characteristics suggests that the policies in the Neighbourhood Plan do not disadvantage any groups. The assessment matrix is set out in Appendix 2.

The assessment is not intended to be a full Equality Impact Assessment."

I am satisfied that the Tavistock Neighbourhood Development Plan, subject to

modification meets the basic conditions on EU obligations.

4.11.3 Excluded development

I am satisfied that the Tavistock Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.11.4 Development and use of land

I am satisfied that the Tavistock Neighbourhood Development Plan covers development and land use matters.

4.12 Tavistock Neighbourhood Development Plan Policies

General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Tavistock Neighbourhood Plan meet the Basic Conditions it has been necessary for me to

make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in [blue](#) with the modified policies in [red](#).

4.12.1 The Neighbourhood Plan Vision, Topics, Aims, Objectives and Policies

Vision

"In 2034, Tavistock is a sustainable, thriving market town that benefits from and safeguards its natural and built historic environment, riverside setting, green spaces and surrounding moorland landscape and has responded positively to the challenges posed by our changing climate.

Tavistock retains its renowned town centre and markets which showcase a diverse range of sustainable businesses to serve the community and maintains high-quality community facilities and infrastructure that promote the health and well-being of residents.

Tavistock has a variety of sustainable and accessible homes designed to meet the needs of a balanced community, developed with respect for the character and heritage of the town.

Travel within and around the town is convenient by healthy and sustainable means accessible to all and the town is well-connected to Plymouth and other nearby communities by public transport. Parks, allotments, and other green spaces in Tavistock are protected and maintained to promote active outdoor pursuits, mitigate the effects of climate change and increase biodiversity.

Topics, Aims and objectives.

The topics aims and objectives are set out on pages 21-24 of the Plan.

COMMENT

I am satisfied that the Tavistock NDP vision, topics, aims and objectives were developed from the consultation process and the policies within the plan reflect them.

Policy SD1: High Quality Sustainable Design

1. Proposals must demonstrate, where relevant, in a Planning Statement or Design and Access Statement, how they have responded positively to and meet the requirements of the Tavistock Design Codes and Guidance (including the Character Assessment) and how the proposal contributes to decarbonisation and net zero emissions targets through design. All new development will be required to respond positively to the challenge posed by climate change. Proposals should meet the requirements of the Joint Local Plan and respond positively to guidance in the Joint Local Plan Supplementary Planning Document in relation to energy efficiency and energy generation and are encouraged to exceed these requirements and Building Regulations where feasible and viable.

2. In responding to the Tavistock Design Codes and Guidance, particular attention should be paid to:

i) complementing the local vernacular;

ii) enhancing visual amenity;

iii) minimising run-off flows into mains sewers and watercourses through use of sustainable drainage systems (SuDS), also utilising the most up-to-date Devon County Council SuDS guidance;

iv) minimising any adverse impacts on the built environment and causing no harm to heritage assets and their setting, or satisfactorily mitigating such impacts through supporting evidence;

v) having no adverse impact on neighbouring amenity, or satisfactorily mitigating

such impacts; and,

vi) complementing and having no adverse impact on the natural environment and landscape setting of the proposal, satisfactorily mitigating such impacts.

3. Proposers of major development are encouraged to engage, at an early stage, with the local community, to ensure that they meet design requirements. Following a Design Review Panel process which includes community representatives and / or an open community consultative process, are methods through which this could be achieved.

COMMENT

Clause vi) is missing the word 'or' before "satisfactorily mitigating such impacts."

Reference to the JLP should be replaced with reference to the Development Plan to ensure that relevant policies in the Dartmoor Local Plan is also covered.

SD2: Small Scale Renewable and Low Carbon Energy Proposals

1. "Small scale" renewable and low carbon energy schemes (not including on-shore wind turbines) which require planning permission will be supported where they are sensitively sited, and demonstrate that they have no adverse impact on enjoyment of the natural and built environment nor on the quality of Tavistock's landscape, biodiversity, wildlife habitats, neighbouring amenity, and heritage assets (including avoidance of significant harm to them and their setting) or such impact can be satisfactorily mitigated.

2. Proposals should demonstrate how they have considered the Tavistock Design Codes and Guidance and meet other relevant development plan policies.

COMMENT

I have no comment on this policy.

HOU1: Community Housing Schemes

1. Affordable or low-cost housing should be provided in perpetuity, (in accordance with the most up- to-date Government policy), for example, through a Community Land Trust, section 106 agreements, other community housing scheme or Registered Provider which retains stock for the benefit of the local community at an accessible cost.
2. Community housing schemes which provide and retain local affordable housing for the benefit of local people in need, for example, through local low-cost housing provided by local charities or a Community Land Trust, will be supported, where they meet the requirements of other relevant development plan policies.

COMMENT

I have no comment on this policy.

I have received representation from WDBC as follows:

S.5.2 Community Housing Schemes, Policy Justification, first para. (p.36) – should be redrafted as follows to reflect the current ‘Right to Buy’ and ‘Right to Acquire’ legislation (additions in red text).

‘...Within this context, however, even affordable housing units controlled by Registered Providers (for example, Housing Associations) can be lost to becoming supply within the open(private) market, with residents’ “Right to Buy”⁴³ and the “Right to Acquire”^{43a} limiting the ability to retain affordable housing stock as such. Control by a Community Land Trust (CLT)⁴⁴ is recognised as the main mechanism or model that provides the greatest certainty of retaining affordable housing stock in perpetuity for the local community. However, this is not to say that an element of normal market housing may have to be accepted on a CLT controlled site when developed for the site as a whole to be viably delivered. CLT developments meet Charitable aims and are therefore exempt from the Right to Buy and Right to Acquire legislation.’

I agree that these changes should be made.

HOU2: Residential Development in the Town Centre

Development proposals for residential use (dwellings) within the defined Primary Shopping Area and Centre Boundary will be supported where they:

- i) are part of a mixed-use scheme which retains or introduces town centre uses on the ground floor and re-uses upper floors; or,
 - ii) provide residential dwellings across the whole site, including at ground floor level, where there is no loss of Primary Town Centre Frontage or it can be demonstrated that a ground floor town centre use (in accordance with Policy B1) is neither viable or necessary to help retain the vitality and viability of the town centre;
- and,
- iii) demonstrate that they will not cause adverse impact on existing neighbouring uses as a result of noise, vehicle parking, lighting and waste disposal, and conversely, are suitably designed to ensure that the new residential use and dwelling occupation does not alter the ability of existing neighbouring businesses and uses to continue with established activities; and,
 - iv) meet the requirements of Policy B2, where relevant.

COMMENT

I have no comment on this policy.

HOU3: Responding to Local Housing Needs (Tenure, Type, Size and Mix)

1. Proposals for new residential development will be expected to maximise affordable housing provision and contribute to a range of housing tenures, types and sizes that is relevant to the characteristics of affordability needs and market demand the town, including self or custom-build housing and housing for the elderly.

Proposals must demonstrate, through a Planning Statement, how they have taken into account and responded positively to the Tavistock Housing Needs Assessment (March 2023), with regard to appropriate housing type, size and tenure.

2. Where the March, 2023 Housing Needs Assessment is considered by the Local Planning Authority to be out of date, proposals should be informed by updated data, where available, such as that from the Local Planning Authority's Strategic Housing Market Assessment, and / or any new local housing data including (but not limited to) a Housing Needs Assessment, local Housing Needs Survey or other relevant datasets.
3. Proposals for development of an extra care facility will be supported.

COMMENT

I have received the following representation from WDBC:

"HOU3 clause 2 – The Council remains concerned that there is an over-reliance on the March 2023 Housing Needs Assessment and that reference to it in this clause fails to provide clarity for the decision-maker. Reference to it introduces an unnecessary degree of ambiguity as this is not consistent with the subsequent reference to 'other relevant datasets'. The HNA does not take account of important factors such as affordability and under-occupancy. When assessing the appropriate tenure, type, size and mix of any housing development it is important to take into account other datasets and evidence from the local authority (regardless of the status of the HNA). These are of no less relevance than the HNA, which as time progresses will become increasingly out-of-date and therefore other sources of data will be of significant relevance. Therefore, clause 2 of the policy would be much better if it deleted reference to this specific HNA in the opening phrase and started 'Proposals should be informed by updated data...' This change in emphasis, by recognising the importance of other sources of information to give a comprehensive and accurate picture of the true housing needs, will better ensure that Objective ix) can be achieved."

For clarity and to meet the Basic Conditions, this policy should be modified as follows:

HOU3: Responding to Local Housing Needs (Tenure, Type, Size and Mix)

1. Proposals for new residential development will be expected to maximise affordable housing provision and contribute to a range of housing tenures, types and sizes that is relevant to the characteristics of affordability needs and market demand in the town, including self or custom-build housing and housing for the elderly. Proposals should demonstrate, through a Planning Statement, how they have taken into account and responded positively to the most up to date evidence and datasets with regard to appropriate housing type, size and tenure. The evidence and datasets can include but should not be restricted to the Tavistock Housing Needs Assessment (March 2023), the Local Planning Authority's Strategic Housing Market Assessment, and / or any new local housing data including (but not limited to) a Housing Needs Assessment or local Housing Needs Survey.

2. Proposals for development of an extra care facility will be supported.

B1: Supporting a Managed Transition in the Town Centre to Ensure Vitality is Retained

1. Tavistock Town Centre's Primary Town Centre Frontage is defined in Map 2.
2. Development proposals which propose a change of use of ground floor premises currently used for town centre uses to other uses should demonstrate that, in a sequential order, they:
 - i) meet the policy requirements of Local Plan Policy DEV18 (in relation to the Primary Shopping Area and Centre Boundary), where relevant;
 - ii) demonstrate that there is no demand for the continuation of the existing use;
 - iii) demonstrate that other town centre uses would not be viable at the ground floor level in that location; and,
 - iv) demonstrate how a non-town centre use or uses will contribute to the continuing vitality and viability of the town centre.

3. Subject to viability, preferred use in the Primary Town Centre Frontage area prior to consideration solely for dwellings will be (sequentially) for i) retail; ii) office, food and drink or other employment; iii) leisure or community uses; or a combination of these on a mixed-use site.

COMMENT

I have no comment on this policy.

B2: Town Centre Development and Protecting Character

Development proposals in the defined Primary Shopping Area and Centre Boundary will be supported where they demonstrate, through a Planning Statement or a form of impact assessment, that they:

- i) enhance and do not harm the vitality and viability of the town centre as the heart of the community, town and local economy;
- ii) have no adverse impact on the built character of the streetscape and their setting, and have no adverse impact on valued local views;
- iii) cause no significant harm to designated or local heritage assets and their setting, or mitigate potential harm;
- iv) where relevant, have taken into account the status of the Conservation Area and relevance of the Conservation Area Appraisal;
- v) meet the requirements of the Tavistock Design Codes and Guidance; and,
- vi) take fully into account relevant policies in this Plan which protect other assets and spaces, such as, but not limited to Local Green Spaces.

COMMENT

I have no comment on this policy.

CF1: Protecting Locally Valued Community, Facilities (including Recreation,

Sports and Play Facilities) from Loss

1. Our locally valued built community, recreation, sports and play facilities are identified on Maps 3a to 3f and are:

- i) Abbey Chapel
- ii) Abbey Rise Day Facility
- iii) Alexander Centre
- iv) Community Football Club Tavistock
- v) Friends Meeting House
- vi) King's Church
- vii) Meadowlands
- viii) Men in Sheds
- ix) Miniature Rifle Club
- x) Mount Kelly Artificial Grass Pitches
- xi) Mount Kelly Swim Centre
- xii) Multi-use Pitch
- xiii) Our Lady of the Assumption Church
- xiv) Parish Rooms
- xv) Red and Black Club
- xvi) Robey Trust
- xvii) Sensory Garden

- xviii) Skateboard Park
- xix) St Andrews' Church
- xx) St Eustachius' Church
- xxi) Tavi Trails (BMX)
- xxii) Tavistock Association Football Club
- xxiii) Tavistock Athletics Club
- xxiv) Tavistock Clinic
- xxv) Tavistock Cricket Club
- xxvi) Tavistock Francis Drake Bowling Club
- xxvii) Tavistock Guide Hall
- xxviii) Tavistock Golf Club
- xxix) Tavistock Hospital
- xxx) Tavistock Library
- xxxi) Tavistock Methodist Church
- xxxii) Tavistock Museum
- xxxiii) Tavistock Police Museum
- xxxiv) Tavistock Rugby Football Club
- xxxv) Tavistock Scouts
- xxxvi) Tavistock Subscription Library
- xxxvii) Tavistock Tennis Club

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xxxviii) Tavistock United Reformed Church

xxxix) Tavistock Youth Cafe

xl) The Anchorage Centre (TASS)

xli) The Guildhall and Visitor Information Centre

xlii) The Print Works

xliii) The Wharf

xliv) Town Hall

xlv) West Devon Children's Centre

xlvi) Whitchurch Community Hall

xlvii) Whitchurch Wayfairers Cricket Club Ground

2. These and other community, recreation, sports and play facilities will be protected from loss, unless redevelopment or change of use demonstrate that:

i) there is no reasonable prospect of viable continued use of the existing building or facility which will benefit the local community and they demonstrate a need for their proposed change;

ii) they do not have an adverse impact on the site's setting in relation to its built character or the surrounding natural environment or such impact can be satisfactorily mitigated; and,

iii) the proposed alternative use would provide equal or greater benefit for the local community than the current use, for example, through the range of uses, quality or capacity it provides.

3. Replacement facilities should meet the requirements in Policy CF3.

COMMENT

The facilities covered in this policy cover two distinct policy areas namely community facilities and sports and recreation facilities. These would more appropriately be dealt with in separate policies as sport and recreation facilities are already protected by national policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows: (any mapping associated with policy CF1 and CF1a should be modified to reflect the modified policies)

CF1: Protecting Locally Valued Community Facilities

1. Our locally valued built community Maps 3a to 3f and are:

i) Abbey Chapel

ii) Abbey Rise Day Facility

iii) Alexander Centre

iv) Friends Meeting House

v) King's Church

vi) Meadowlands Leisure Centre

vii) Men in Sheds

viii) Miniature Rifle Club

ix) Our Lady of the Assumption Church

x) Parish Rooms

xi) Red and Black Club

xii) Robey Trust

xiii) Sensory Garden

xiv) Skateboard Park

xv) St Andrews' Church

xvi) St Eustachius' Church

xvii) Tavistock Clinic

xviii) Tavistock Guide Hall

xix) Tavistock Hospital

xx) Tavistock Library

xxi) Tavistock Methodist Church

xxii) Tavistock Museum

xxiii) Tavistock Police Museum

xxiv) Tavistock Scouts

xxv) Tavistock Subscription Library

xxvi) Tavistock United Reformed Church

xxvii) Tavistock Youth Cafe

xxviii) The Anchorage Centre (TASS)

xxix) The Guildhall and Visitor Information Centre

xxx) The Print Works

xxxi) The Wharf

xxxii) Town Hall

xxxiii) West Devon Children's Centre

xxxiv) Whitchurch Community Hall

2. These and other community facilities will be protected from loss, unless redevelopment or change of use demonstrate that:

- i) there is no reasonable prospect of viable continued use of the existing building or facility which will benefit the local community and they demonstrate a need for their proposed change;**
- ii) they do not have an adverse impact on the site's setting in relation to its built character or the surrounding natural environment or such impact can be satisfactorily mitigated; and,**
- iii) the proposed alternative use would provide equal or greater benefit for the local community than the current use, for example, through the range of uses, quality or capacity it provides.**

3. Replacement facilities should meet the requirements in Policy CF3.

Policy CF1a Open space and Recreation

The following areas are identified on Map? as areas of open space and recreation under paragraphs 102 and 103 of the NPPF December 2023 :

i) Community Football Club Tavistock

ii) Mount Kelly Artificial Grass Pitches

iii) Mount Kelly Swim Centre

iv) Multi-use Pitch

v) Tavi Trails (BMX)

vi) Tavistock Association Football Club

vii) Tavistock Athletics Club

viii) Tavistock Cricket Club

ix) Tavistock Francis Drake Bowling Club

x) Tavistock Golf Club

xi) Tavistock Rugby Football Club

xii) Tavistock Tennis Club

xiii) Whitchurch Wayfairers Cricket Club Ground

CF2: Community Infrastructure Projects

1. Development proposals which deliver, contribute towards or support delivery of the following community social infrastructure projects will be supported:

- i) Skate Park improvements;
- ii) Meadows Playpark improvement;
- iii) Multi use games area;
- iv) Allotments (on additional sites);
- v) Cemetery (extension or additional new site);
- vi) Community arts facility;
- vii) Projects identified in the most up-to-date local authority Playing Pitch Strategy and Sports and Leisure Facilities Plan; and,
- viii) A clubhouse / community building to serve Tavistock Athletics Club.

2. Proposals for these projects, which need planning permission, will need to meet the requirements of Policy CF3.

COMMENT

This appears to be a CIL priority list not a policy and should be moved to the end of the policy section.

CF3: Enhancing Community Facilities (including Recreation, Sports and Play Facilities) through New and Improved Provision

1. Development proposals for new, replacement, extended and/or improved community and health facilities and amenities will be supported, subject to other policies in the development plan, and:

- i) where the proposed facility will be predominantly for community use;
- ii) where the proposal demonstrates viability in the long-term through a business and usage plan;
- iii) are in a suitable location which makes the facility easily accessible to the users it will serve; and,
- iv) where relevant, new facilities provided as part of major housing development on-site are provided “in-step” with dwelling completions to enable community use of the facility at as early a phase of development completion as possible.

2. Proposers of development are encouraged to engage with the local community and Town Council at the earliest opportunity to help ensure that any proposals take into account both this Plan’s Aims and Objectives, the needs of users and the views of the local community.

3. Replacement facilities should be fit for purpose and provide equal or greater benefit for the local community than the current use, for example, through the range of uses, quality or capacity it provides. Where relevant, the applicant should discuss, with the intended operator, owner or manager of the facility, the need and ability to ensure long-term viability of the facility after completion and “hand-over”.

COMMENT

Clause ii) of this policy makes a requirement which falls outside the scope of planning policy and should be deleted to ensure the policy meets the Basic Conditions.

ENV1: Local Green Space

1. Designated Local Green Spaces are identified on Maps 5a, 5b, 5c and 5d and in Appendix 3.
2. They are designated in accordance with the requirements of the National Planning Policy Framework and will be protected for their local environmental, heritage and / or recreational value.
3. Development that would harm the openness and / or special character of a Local Green Space or its significance and value to the local community will not be permitted unless the proposal can demonstrate very special circumstances that outweigh the harm to the Local Green Space.
4. Any development of such areas will be managed in accordance with national policy for Green Belt.

COMMENT

The Qualifying Body have confirmed that the owners of the proposed LGSs have been consulted.

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2023 states:

“105. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space

should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

106. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

107. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional

local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have carefully considered the evidence put before me for all the designations proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether or not I consider the proposed designations meet the NPPF tests.

I find that the following proposed LGSs do not meet the requirements of the NPPF:

1. Abbey Wall Garden (Bedford Hotel)

Reason: I do not consider that it meets the requirements of the NPPF to be designated as a LGS and is already protected as the setting for a Listed Building.

2. Abbey Wall Garden (West Devon Club)

Reason: I do not consider that it meets the requirements of the NPPF to be designated as a LGS and is already protected as part of a Scheduled Ancient Monument, and the precinct wall is Listed Grade II.

4. Abbotsfield Green Space

Reason: Whilst I acknowledge that the area contributes to landscape setting of the area, I do not consider that it meets the requirements of the NPPF to be designated as a LGS.

16. Catholic Church

Reason: This site is already subject to a number of designations which protect the building and its setting. I do not consider that designation as a LGS would

add anything to the existing protections.

18. Church Lea Green Space

Reason: I do not consider that it meets the requirements of the NPPF to be designated as a LGS. I acknowledge that it contributes to the landscape setting of the area however, the LGS designation of what is in effect a highway verge is not appropriate.

21. Crease Lane Bridge

Reason: I do not consider that it meets the requirements of the NPPF to be designated as a LGS. The description refers to a former railway bridge but the mapping shows what appears to be a different area. I have based my decision on the mapped area.

32. Land Next to Foggintor Grove

Reason: Whilst I acknowledge that the area contributes to landscape setting of the area, I have not been persuaded that the area enclosed within the boundary chosen for this proposed designation is sufficiently different from the area adjacent to justify designation.

33. Leedon Tor Close

Reason: Whilst I acknowledge that the area contributes to landscape setting of the area, I do not consider that it meets the requirements of the NPPF to be designated as a LGS.

50. Whitchurch Old Railway Line

Reason: Whilst I acknowledge that the area contributes to landscape setting of the area, I have not been provided with evidence to persuade me that this area has more significance than the similar area adjacent to it.

Paragraph 107 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts.

Paragraphs 152-156 detail the policy framework for development affecting the Green Belt. Paragraph 152, in particular states;

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 154 of the NPPF 2023 sets out what types of development would not (my emphasis) be considered inappropriate:

" 154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary

buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

For Clarity, the policy should be modified to reflect the requirements of the NPPF 2023 and caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space policies in neighbourhood plans should not deviate from the policy requirements of the NPPF. For clarity and to meet the Basic Conditions the maps showing the green space should be amended and the policy should be modified as follows: (the green spaces will have to be renumbered but I have left them with their original numbering to avoid confusion whilst this work is undertaken).

ENV1 Local Green Space Designations

Our locally valued green spaces are identified on Map 17 (by approximate location) (and Appendix 10, by specific location and defined boundary) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. The sites designated as Local Green Spaces are:

3. Abbotsfield Hall Open Space

5. Anderton Lane/Drake's Trail

6. Banawell Playground

7. Bishopsmead Playground

- 8. Bishopsmead Tiddy Brook**
- 9. Boughthayes**
- 10. Broadley Park**
- 11. Buctor Park**
- 12. Butcher Park Hill Allotments**
- 13. Buzzard Road**
- 14. Canal Walk (Westbridge to Crowndale)**
- 15. Canons Gate /Canal**
- 17. Celle Gardens**
- 19. Courtlands Playing Field**
- 20. Cowslip Avenue**
- 22. Crebor Road Play Area**
- 23. Daisy Court Play Area**
- 24. Disused Railway (council offices Section)**
- 25. Dolvin Road Cemetery**
- 26. Dolvin Road Waterside**
- 27. Fitzford Allotments**
- 28. Former Railway Line (Wilminstone Section)**
- 29. Green Hill**
- 30. Greenlands Play Area**

- 31. Grenville Drive Play Area**
- 34 Monksmead Play Area.**
- 35. Montgomery Drive Play Area**
- 36. Pearce's Meadow**
- 37. Plymouth Road**
- 38. Plymouth Road Cemetery**
- 39. St Andrew's Church Whitchurch**
- 40. Stannary Bridge Garden**
- 41. St Eustachius**
- 42. St John's and Benson Meadow**
- 43. Tavy Road**
- 44. Swell Tor Drive Play Area**
- 45. The Heights**
- 46. The Manor**
- 47. The Meadows**
- 48. Tiddy Brook**
- 49. Trendle**
- 51. Whitchurch Play Area**
- 52. Woodpecker Way/Tiddy Brook**
- 53. Yellowmead Tor Close**

Inappropriate development* on any of the areas listed above will not be supported except in very special circumstances.

*** Ref paragraphs 107 and 152 of the NPPF 2023**

ENV2: Extending Access into the Countryside

Proposals which support, contribute to or provide improved access into the countryside on public rights of way, permissive paths and cycling/walking or multi-use trails will be supported.

COMMENT

I have no comment on this policy.

ENV3: Protecting and Enhancing Habitats and Biodiversity

1. To ensure that the Plan Area contributes to the Devon Local Nature Recovery Strategy, existing habitats (and the green and blue infrastructure corridors which connect them) identified as part of the Devon Nature Recovery Network will be protected given their value in reconnecting core nature habitats and wider Strategic Nature Areas (SNAs).
2. Proposals within these areas, that are not householder development, will only be supported where they demonstrate, through a Planning Statement (or Ecological Assessment, where required by the Local Planning Authority Validation List), that the proposal has no adverse impact on the habitat and biodiversity on-site and the site's setting or, where adverse impacts are unavoidable, that measures will be taken to satisfactorily mitigate such impact, for example, through demonstrable net gains in biodiversity.
3. Proposals should also demonstrate, where relevant, how they have taken into account other evidence which informs this policy and appropriateness of proposals in the landscape including:
 - i) the Wildlife Site Resource Map and Species Information for Neighbourhood

Planning – Tavistock report;

ii) the Tavistock Design Codes and Guidance;

iii) the West Devon Landscape Character Assessments and Devon Landscape Character Assessments;

iv) Natural England's MAGIC mapping resource; and,

v) the most up-to-date Devon Woodland Management Strategy.

COMMENT

I have received representation from WDBC that in clause 3v) reference to 'Devon Woodland Management Strategy' should be changed to 'Trees for Devon: Devon's Tree and Woodland Strategy'. I agree that this change should be made.

ENV4: Protecting and Enhancing Landscape Character, Views and Vistas

The views and vistas identified on Map 11 (Locally Valued Landscape, Views and Vistas) are identified as particularly important in the Tavistock context and amplify and localise reference to views in Joint Local Plan Policies DEV20 "Place-shaping and the quality of the local environment" and DEV 23 "Landscape Character". These will be protected for the quality of the landscape they frame or are framed by and role they play in creating the setting for and character of the town. Other quality views may exist and those identified in Map 11 as particularly important in the local context do not represent an exhaustive list. Proposals should also demonstrate that they have responded to the requirements in Joint Local Plan Policies DEV20 and DEV23 whether or not they relate to the identified Locally Valued Landscape, Views and Vistas.

COMMENT

I have received representation from WDBC :

"The Council considers that the wording of policy ENV4 is not clear enough

about what it is trying to achieve. Much of the ENV4 policy wording seems relevant to the explanation of the policy, rather than to the actual policy. The appendix that explains the details of the identified viewpoints on Map 11 is very helpful, however in order to add clarity and strength to the policy, and to aid decision-taking, the following alternative wording is proposed:

‘Development proposals which are located within the identified Locally Valued Landscape, Views and Vistas will be resisted where it is considered that a development would have an adverse impact upon either the aesthetic or character of a view. Where a viewpoint is located within the site of a proposed development, inclusive public access must be maintained to the viewing location and the user experience of the view enhanced.

Locally Valued Landscape, Views and Vistas are identified in Map 11 as particularly important in the local context, but this is not an exhaustive list, and other quality views may exist. Proposals should therefore demonstrate that they have responded to the requirements in Joint Local Plan Policies DEV20 and DEV23, whether or not they relate to the identified Locally Valued Landscape, Views and Vistas.”

I agree with this representation and for clarity the policy should be modified as follows:

ENV4: Protecting and Enhancing Landscape Character, Views and Vistas

Development proposals which are located within the identified Locally Valued Landscape, Views and Vistas will be resisted where it is considered that a development would have an adverse impact upon either the aesthetic or character of a view. Where a viewpoint is located within the site of a proposed development, inclusive public access must be maintained to the viewing location and the user experience of the view enhanced.

Locally Valued Landscape, Views and Vistas are identified in Map 11 as particularly important in the local context, but this is not an exhaustive list, and other quality views may exist. Proposals should therefore demonstrate

that they have responded to the requirements in Joint Local Plan Policies DEV20 and DEV23, whether or not they relate to the identified Locally Valued Landscape, Views and Vistas and any relevant policies within the Dartmoor Local Plan.

HER1: Protecting Local Heritage Assets

1. In addition to existing Listed Buildings and Scheduled Monuments, development proposals (including alteration and refurbishment) affecting locally important heritage assets (identified on Maps 14a, 14b and 15a to 15d) and their setting, and the heritage assets within the Conservation Areas and World Heritage Site (identified as “Positive Buildings”), will take account of their significance, character, setting and local distinctiveness. Proposals will only be supported where they do not cause significant harm to these assets and their setting, and opportunities should be taken to enhance assets and their setting.

2. Where relevant, proposals affecting these local and other nationally recognised heritage assets and / or their settings should take into account the adopted Conservation Area Appraisal and the Historic Environment Record and are encouraged to have regard to additional local evidence documenting local historic and heritage assets.

3. Proposals should, where relevant, respond positively to the Tavistock Design Codes and Guidance.

COMMENT

Clause 1. of this policy does not have regard for national policy and in order to meet the Basic Conditions, should be modified as follows:

1. In addition to existing Listed Buildings and Scheduled Monuments, development proposals (including alteration and refurbishment) affecting locally important non-designated heritage assets, including those identified on Maps 14a, 14b and 15a to 15d and their setting, and the heritage assets within the Conservation Areas and World Heritage Site (identified as “Positive Buildings”), should take account of their significance, character, setting and

local distinctiveness. Proposals will only be supported where they do not cause significant harm to these assets and their setting, unless such impacts can be satisfactorily mitigated. Opportunities should be taken to enhance assets and their setting.

HER2: Priority Projects in the Historic Environment

1. Development proposals which deliver, contribute towards, or support delivery of improvements to the following heritage and historic environments (identified on Map16), will be supported:

i) the buildings and structures recognised as being part of the Scheduled Monument of Tavistock Abbey; and,

ii) Betsy Grimbals Tower.

2. Proposals to enhance these assets must demonstrate, through a Heritage Impact Assessment or similar appraisal, that they will cause no significant harm to the asset or its setting and must fulfil relevant criteria in Policy HER1.

COMMENT

I have no comment on this policy.

TC1: Accessible Development

1. Proposals for major development should demonstrate, through a Design and Access Statement and / or Planning Statement (whichever is appropriate):

i) how they deliver street design that is accessible for all;

ii) introduce pedestrian footpaths which ensure good connectivity and permeability through the site;

iii) provide on-site wide shared cycle and pedestrian footpaths to accommodate safely all forms of non-vehicular transport, including mobility vehicles;

- iv) where feasible, provide or enhance footpath and cycle links off-site to local services and facilities;
- v) that they have considered, and where appropriate, provide, a road layout and network which enables bus services to operate on routes through the development; and,
- vi) respond positively to the Tavistock Design Codes and Guidance.

2. Proposals for smaller scale developments should respond to criteria in 1. above where relevant, subject to the scale, location and type of development proposed.

3. Transport, active travel and accessibility infrastructure should be provided in a timely manner, and, where feasible and viable, alongside delivery of dwellings.

COMMENT

I have no comment on this policy.

TC2: Protecting and Improving the Local Walking and Cycling Network

1. Public Rights of Way, permissive paths and cycle route networks will be protected from loss or changes as a result of development proposals which reduces their quality and accessibility.

2. Development proposals which deliver improvements to the existing active travel network and / or provide new or replacement safe routes and connections identified on Maps 18a and 18b (and those in Local Transport Plans, Local Cycling and Walking Infrastructure Plans and other up-to-date local authority transport plans) will be supported where they:

i) demonstrate that they have no significant adverse impacts on the following or such impacts can be satisfactorily mitigated:

a. local amenity (such as noise or lighting);

b. biodiversity and landscape;

ii) demonstrate that they will cause no significant harm on heritage assets or their setting;

iii) demonstrate that accessibility by walking, cycling and mobility aids / vehicles (together) has been considered and where feasible, embedded into their design;

and,

iv) LTN1/20 Cycle Infrastructure Design guidance has been used in the design of cycle infrastructure (or the most up-to-date equivalent where this is superseded);

v) demonstrate that any lighting scheme uses energy-efficient lights, with, where compatible with user safety, wavelengths chosen to minimize impact on wildlife;

and,

vi) where relevant, encourage and support sustainable travel links to and within the town by providing supporting infrastructure such as secure and covered cycle storage.

COMMENT

Clause ii) does not have regard for national policy for clarity and to meet the Basic Conditions the policy should be modified as follows:

TC2: Protecting and Improving the Local Walking and Cycling Network

1. Public Rights of Way, permissive paths and cycle route networks will be protected from loss or changes as a result of development proposals which reduces their quality and accessibility.

2. Development proposals which deliver improvements to the existing active travel network and / or provide new or replacement safe routes and connections identified on Maps 18a and 18b (and those in Local Transport Plans, Local Cycling and Walking Infrastructure Plans and other up-to-date local authority transport plans) will be supported where they:

i) demonstrate that they have no significant adverse impacts on the following or such impacts can be satisfactorily mitigated:

a. local amenity (such as noise or lighting);

b. biodiversity and landscape;

c. heritage assets and their settings;

ii) demonstrate that accessibility by walking, cycling and mobility aids / vehicles (together) has been considered and where feasible, embedded into their design;

and,

iii) LTN1/20 Cycle Infrastructure Design guidance has been used in the design of cycle infrastructure (or the most up-to-date equivalent where this is superseded);

iv) demonstrate that any lighting scheme uses energy-efficient lights, with, where compatible with user safety, wavelengths chosen to minimize impact on wildlife;

and,

v) where relevant, encourage and support sustainable travel links to and within the town by providing supporting infrastructure such as secure and covered cycle storage.

TC3: Facilitating Pedestrian Access

Development proposals for or which include street furniture and / or electric vehicle charge points which require planning permission will be supported where they demonstrate that they do not cause obstruction to pedestrians, cyclists, people with prams / pushchairs and those using mobility vehicles / aids and retain, and enhance where feasible, easy access and connectivity.

COMMENT

I have no comment on this policy.

TC4: Supporting the Reinstatement of the Former Railway Line

Proposals for reinstatement of the railway line for train services will be supported where it can be demonstrated that it will:

- i) cause no significant harm to the Conservation Area status or satisfactorily mitigates such harm;
- ii) enhance the value of the line as a green corridor, delivering a minimum of 10% net gains in biodiversity; and,
- iii) include replacement pedestrian and cycle access as result of redevelopment of the route and reinstatement of the track.

COMMENT

I have no comment on this policy.

TC5: Protecting and Enhancing Public Transport Infrastructure

Public transport infrastructure will be protected from loss as a result of development. Where loss is unavoidable, replacement or other satisfactory mitigation must be made.

COMMENT

I have no comment on this policy.

TC6: Improvements to the Bus Station

1. Development proposals which improve and regenerate the bus station (and environs / its setting where the opportunity exists) will be supported where they demonstrate that they:

- i) introduce the infrastructure required to utilise the station as a transport interchange and hub, including electric vehicle fast charge points for buses (where the technology and supply infrastructure is in place and buses in service are plug-in hybrids or fully electric), and provide secure and covered bicycle storage and secure charge points for electric bicycles (where practical);
- ii) provide public conveniences;
- iii) provide appropriate covered waiting areas with seating;
- iv) provide real-time information displays; and,
- v) deliver space and / or building for a café / coffee shop, if such provision is to prove viable.

2. Mixed-use development on part of the site will be supported where it is necessary (and feasible) to ensure viability of the development.

COMMENT

I have no comment on this policy.

TC7: Fibre Infrastructure

1. Where relevant, on-site infrastructure will be required to support the installation and allow the future upgrade and maintenance of fibre optic broadband technology.
2. All proposals are required to submit a Connectivity Statement to set out the proposed broadband provision. The statement shall include which broadband supplier(s) can provide full fibre or fixed wireless coverage to the development to provide gigabit capable broadband provision.
3. On sites of 10 dwellings and over and on all non-residential sites, all new properties must be served with an appropriate open access gigabit capable fibre optic infrastructure to enable high speed and reliable broadband connection in accordance with national and local objectives to increase coverage.

4. On sites of under 10 dwellings all new properties shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless there is evidence which demonstrates that providing the required infrastructure is not feasible or economically viable.
5. Installed infrastructure should allow all premises that form part of the approved development to access superfast or better broadband prior to occupancy.
6. The creation of a building to act as a fibre hub to enable fibre connections within the area will be supported.

COMMENT

This policy places requirements on applicants which fall outside the scope of planning policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

TC7: Fibre Infrastructure

- 1. Where relevant, on-site infrastructure will be required to support the installation and allow the future upgrade and maintenance of fibre optic broadband technology.**
- 2. Applicants are encouraged to submit a Connectivity Statement to set out the proposed broadband provision, including which broadband supplier(s) can provide full fibre or fixed wireless coverage to the development to provide gigabit capable broadband provision.**
- 3. On sites of 10 dwellings and over and on all non-residential sites, all new properties should be served with an appropriate open access gigabit capable fibre optic infrastructure to enable high speed and reliable broadband connection in accordance with national and local objectives to increase coverage, unless there is evidence which demonstrates that providing the required infrastructure is not feasible or economically viable.**
- 4. On sites of under 10 dwellings all new properties should be served with an**

appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless there is evidence which demonstrates that providing the required infrastructure is not feasible or economically viable.

5. Wherever possible installed infrastructure should allow all premises that form part of the approved development to access superfast or better broadband prior to occupancy.

6. The creation of a building to act as a fibre hub to enable fibre connections within the area will be supported.

TC8: Parking Provision for Bicycles, E-scooters and Mobility Vehicles

1. Proposals for secure parking provision for bicycles, e-scooters and mobility vehicles, which require planning permission, will be supported. They should demonstrate that they have no significant adverse impacts on the following or such impacts can be satisfactorily mitigated:

- i) local amenity (such as noise or lighting);
- ii) ease of accessibility on the highway, public rights of way or other pedestrian and cycle routes; and,
- iii) biodiversity and landscape, where relevant;

and,

- iv) demonstrate that they will cause no significant harm on heritage assets or their setting;

2. Proposals for cycle parking infrastructure should demonstrate how LTN1/20 Cycle Infrastructure Design guidance has been used in the design of cycle infrastructure (or the most up-to-date equivalent where this is superseded).

COMMENT

Clause iv) of this policy does not have regard for national policy and should be modified as follows:

iv) demonstrate that they will cause no significant harm on heritage assets or their setting or such harm can be satisfactorily mitigated:

TC9: Vehicle Parking Areas

1. The following off-street public vehicle parking areas (see Map 19) are important for access to the town centre businesses, parks and leisure facilities of the town:

- i) Bedford Car Park;
- ii) Russell Street Car Park;
- iii) Bank Square Car Park;
- iv) Abbey Car Park;
- v) Guildhall Car Park;
- vi) Chapel Street Car Park; and,
- vii) Riverside Long Stay Car Park.

Their use as public vehicle parking areas will be safeguarded.

2. Development proposals which result in a loss of public vehicle parking spaces will be supported where they enable opportunities for increased cycling (such as secure covered cycle parking) and there will be no significant impact on capacity needed to meet demand for other vehicles. Replacement capacity for spaces lost in these locations, if demand requires re-provision, should be made in a location suitable to allow easy access to services, businesses and facilities in the town centre.

COMMENT

I have no comment on this policy.

TC10: Brook Street Car Park

Development proposals for the redevelopment of the Brook Street Car Park (Map 20) will be supported where they:

- i) provide replacement capacity in whole or in part on-site, or off-site in a suitable location to serve the town centre;
- ii) provide secure cycle parking and storage on-site and meet relevant requirements in policy TC8;
- iii) cause no significant harm to heritage assets and their setting or the special character or designation of the World Heritage Site and meet the requirements of the Joint Local Plan Policy DEV22: Cornwall and West Devon Mining Landscape World Heritage Site ;
- iv) have no adverse impact on the character of the site's setting, enhancing the character of the Brook Street frontage; and,
- v) meet the requirements of the Tavistock Design Codes and Guidance.

COMMENT

Clause iii) does not have regard for national policy and to meet the Basic Conditions should be modified as follows:

iii) cause no significant harm to heritage assets and their setting or the special character or designation of the World Heritage Site and meet the requirements of Joint Local Plan Policy DEV22: Cornwall and West Devon Mining Landscape World Heritage Site or such harm can be satisfactorily mitigated:

TC11: Provision of Electric Charge Points

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1. Development proposals for the provision of electric vehicle charging points, where planning permission is required, will be supported where they have no adverse impact on:

i) the character of the built and natural environment where relevant; and,

ii) have full regard to the Tavistock Design Codes and Guidance.

2. Proposals should meet the requirements of Policy TC3.

3. Proposals for commercial charging “stations” or “hubs” on existing fuel station locations, or new bespoke facilities, will be supported, subject to other policies in this Plan.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. I find that the Tavistock Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012 (as amended)
2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The Tavistock Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.
5. The policies and plans in the Tavistock Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Joint Local Plan 2019.
6. I therefore consider that the Tavistock Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.

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24 January 2025

