

## Appendix to the Minutes of Milton Abbot Grouped Parish Council

4<sup>th</sup> March 2015

### West Devon - Our Plan: formal consultation

#### Response by Milton Abbot Grouped Parish Council

##### *Policy OP2: Sustainable Development*

##### Response:

This Policy states that *Planning applications that accord with the development plan will be approved without delay, unless material considerations indicate otherwise.*

It is accepted that the NPPF has a presumption in favour of sustainable development, so that it can be approved without delay. However, applications for sustainable development will presumably still be subject to the normal consultation process. This paragraph in OP2 suggests a 'fast track' approach to the consideration of applications for sustainable development.

If that is to happen, then that process should be made clear. If there is no separate process, then the paragraph is unnecessary and it gives a misleading impression, as there should be no avoidable delay in the consideration of any planning application, whether sustainable or not.

##### *Policy OP3: Meeting Future Development Needs*

##### *Policy OP5: Minimum Planned Requirements*

##### Response:

These policies indicate that wherever possible, new development should be provided in the most 'sustainable' locations to ensure that people have the opportunity to access important local services and facilities within easy reach.

OP3 states *that this requirement lies at the heart of the NPPF and means development should:*

*a) be located in places where there is good access to services and facilities or where new facilities can be provided;*

*b) protect our most sensitive environments and the character and beauty of them;*

OP3 also says that:

*In addition to the local centres, there are a handful of main villages which currently support some basic services, including a primary school and other facilities for communities to meet, interact and enjoy various activities. Some of these places have small shops and post office services which are important and valued.*

The Parish Council accepts that 'sustainable' development is an essential and desirable aim and that there is no uniform test for sustainability. It also acknowledges the efforts of the

Borough Council to adopt a tiered approach to what constitutes an appropriate level of development in communities outside main towns and local centres.

However, the Parish Council considers that the requirement to achieve a minimum of 20 houses in Milton Abbot, as set out in OP5, has not achieved the right balance between making a necessary contribution to meeting local housing needs and meeting the criteria in a) and b) of OP3, as set out above, given the lack of facilities in Milton Abbot, the size of the village and the impact that 20 new homes would have on the historic setting of the village centre. It therefore suggests that Policy OP5 be amended to set a minimum target of 15 houses in Milton Abbot.

### *Policy OP18: Area of Employment Opportunity – Strawberry Farm Fields, Lifton*

Land at Strawberry Farm Fields is allocated in Our Plan for employment development in accordance with any Neighbourhood Development Plan prepared for the area.

#### Response:

Whilst it is, of course, a matter for Lifton Parish Council to consider as far as this particular site is concerned, the development of facilities that increase employment opportunities outside main centres is generally welcomed, provided there are appropriate safeguards against any adverse effects of such development on surrounding areas.

Both Lifton and Chillaton are increasingly affected by HGVs in transit either to local destinations or, via the A30, to more distant locations. Both villages have inadequate means of providing pedestrian safety or dealing with traffic conflicts made worse by these large vehicles. The unclassified rural road network between them is also unable to accommodate these vehicles safely at all points.

The availability of a trunk road with connections to major distributor roads, immediately adjacent to this site, creates a viable alternative for HGVs that might otherwise use unsuitable rural routes.

The Borough Council is therefore requested to explore the potential for imposing a condition on any planning permission granted for the use of this site, or through any associated agreement made in connection with its development, requiring HGVs servicing premises therein to transit via the A30 trunk road.

### *Policy OP20: Managing Development in Our Main Towns, Local Centres and Main Villages*

### *Policy OP21: Managing Development in Smaller Villages, Hamlets and the Open Countryside*

These policies contain detailed measures aimed at allowing very small scale development in rural areas, where it meets a defined local need and other criteria.

#### Response:

These proposals are supported as practical measures to enable local needs to be met within a framework that provides suitable safeguards against unwarranted development.

### *Policy OP 29: Neighbourhood and Village shopping*

*The change of use of shops, post offices and public houses serving the local community to other uses will be supported, where it can be demonstrated there is no significant harm to the level of service locally and where there is no reasonable prospect of the business continuing.*

Response:

There is no point in forcing redundant business premises to remain in limbo, when it is clear that they cannot be sold to another operator. However, the Parish Council does feel that there should be a more objective test of future viability than 'no reasonable prospect' of the business continuing and proposes that the following words be added:

*'as evidenced by the failure of the owner to achieve a sale of the premises for the business use concerned at or below the market value, for a period of 12 months, despite the professional marketing of the property throughout that period.'*

*Policy OP30: Inclusive Communities*

This policy contains measures that will enable new development to cater for the variety of local needs that are likely to arise in rural communities.

Response:

This policy is welcomed as a practical reflection of the variety of local housing need likely to be found in rural parishes.

*Policy OP37: Nationally Protected Landscapes*

*Policy OP38: Landscape Character*

Response:

Within West Devon, the existence of landscapes that are of national importance and have statutory protection is always going to increase pressure on the remaining areas of the Borough, many of which contain landscapes of considerable cultural, historical and economic value.

The Borough Council has identified various landscape character types [LCTs] outside protected areas and does attach a value to them that is reflected in various aspects of its policies. However, Our Plan's range of policies, each with a desirable outcome, may conflict with one another where development is proposed in sensitive locations and, in practical terms, a balance has to be struck having regard to the merits or disbenefits of the proposal and the context provided by the NPPF.

Nevertheless, given the quality and vulnerability of the landscapes outside protected areas of the Borough and their importance in various ways to the communities concerned, the Parish Council does not consider that the Borough Council has provided sufficiently robust and objective measures to assist in resolving the competing merits of wind turbines and solar farms and the landscapes in which it is often proposed that they are located.

That failure is not reflected in the efforts of some other local planning authorities that have carried out Landscape Sensitivity Assessments of the various LCTs in their areas, with particular regard to the impact of wind turbines and solar farms.

Residents in West Devon living outside of statutorily protected landscapes will not gain any degree of confidence from Our Plan, as to the likelihood or not of an RE development being built near them. Applicants will also have to continue to take an expensive gamble when seeking planning permission.

The *Devon Landscape Policy Group Advice Note No. 2: Accommodating Wind and Solar PV Developments in Devon's Landscape* contains guidance on minimising harm to the distinctive character and special qualities of Devon's landscape through sensitive siting and design.

It contains a range of sensitivity analyses relating to different aspects of landscape character and their vulnerability to wind turbine developments, based on the generic guidance on siting, design and cumulative effect contained in the Landscape Sensitivity Assessment carried out for Torridge District Council.

Although Policy OP48 does require an RE developer to show that this Advice Note '*has been taken into account*' that is a partially subjective and insufficiently robust requirement, given the quality and value of the non-statutorily protected landscapes in the Borough. The Parish Council considers that it is essential that Landscape Sensitivity Assessments are carried out in respect of non-statutorily protected landscapes and are used as criteria to apply relevant policies in Our Plan.

The Parish Council therefore objects to the omission of Landscape Sensitivity Assessments from Policy OP38 because of the inadequate degree of protection for non-statutorily protected landscapes it currently provides.

### *Policy OP47: New Development and Sustainable Energy*

*All new development (domestic, commercial, extensions, conversions) will be **expected** to contribute to lowering carbon emissions.*

#### Response:

This policy is supported, but it is unclear whether failure to meet the Borough Council's 'expectations' carries any sanctions. The Parish Council appreciates that the Borough Council can only operate within the provisions of relevant statutes, but would like to see either the substitution of 'required' for 'expected' if that is possible, or if not, an indication of the consequences if the Borough Council's expectations are not met.

### *Policy OP48: Renewable and Low Carbon Energy (including heat)*

#### Response:

The Parish Council's comments in relation to Policy OP38 apply to this policy as well, in that it does not contain any reference to an objective assessment of the impact of RE developments on LCTs.

It is also weak and subjective insofar as any assessment of the impact on residential amenity is concerned. The outcome of the application of the proposed residential amenity assessment *by an RE developer* will be another subjective debate, where parish councils and residents groups are pitted against consultants employed by that developer.

A more objective test needs to be developed of the effect on residential amenity of proposed wind turbines, e.g. an acceptable distance of a dwelling from a turbine, determined by the

high of the blade tip and offset by any screening or masking effect. The sensitivity of the landscape concerned and the impact on it of the proposed development is a separate issue.

A distance test has already been adopted by an authority with several similar circumstances to West Devon and their local plan has been approved by a Government Inspector. Whether this approach is the right one for West Devon has yet to be established, but there is a clear need for a better process than the one proposed in OP48, which leaves developers to assess the impact of their own developments.

The Parish Council therefore objects to the omission of an objective test of the impact of wind turbine development on residential amenity in Policy OP48