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# **Report on the Winkleigh Neighbourhood Plan 2018 to 2031**

**An Examination undertaken for Torridge District Council with the support of the Winkleigh Parish Council on the submission version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

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Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL

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## **Main Findings - Executive Summary**

From my examination of the Winkleigh Neighbourhood Plan (WNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Winkleigh Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Winkleigh as shown on the map at page 2 of the submitted Plan;
- The Plan, as recommended to be modified, specifies the period during which it is to take effect: 2018 to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Winkleigh Neighbourhood Plan 2018 to 2031*

- 1.1 The Parish of Winkleigh contains the village of Winkleigh and the much smaller hamlet of Hollocombe. Winkleigh village adjoins the A3124 about 19 km south of Great Torrington and lies about 14km east of Hatherleigh and about 14km north west of Okehampton. However, of equal locational significance is the proximity of Whiddon Down, 20km to the south east, where the junction of the A3124 and the A30 enables relatively easy access to the dual carriageway route eastwards towards Exeter and the M5.
- 1.2 The population of Winkleigh parish was 1,305 in 2011.<sup>1</sup> Information has also been collated as part of the evidence supporting the Plan based on the profile of Winkleigh Ward which comprises the parishes of Winkleigh and Ashreigney.<sup>2</sup> The WNP area has an undulating, agricultural landscape of scattered farms, winding Devon lanes, with well-established mixed hedgerows within which is set the level area of the former Winkleigh Airfield, now partly used as an industrial site. There are long views

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<sup>1</sup> 2011 Census.

<sup>2</sup> Torridge Ward Profile Winkleigh 2017.

southwards from the hilltop village of Winkleigh to Dartmoor on the southern horizon.

- 1.3 The WNP evolved from a Parish Plan (2005), a Community Plan (2015) and work on a Village Design Statement (2016) which culminated in 2017 in the creation of a Neighbourhood Plan Informal Working Group, whose terms of reference are set out in Appendix 1 of the Consultation Statement. A series of events were held and surveys and consultations were carried out to develop the Plan which was then submitted to Torrington District Council (TDC) in 2020. Although the WNP more recently represents about three years work by those involved, the actual community planning process by Winkleigh Parish Council (WPC) has been developing for more than 15 years.

#### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the WNP by TDC, with the agreement of the WPC.
- 1.5 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

#### *The Scope of the Examination*

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.8 As per Paragraph 8(6) of Schedule 4B to the 1990 Act, I have not considered any matter which does not fall within sub-paragraph (1) as set out above, with the exception of the prescribed requirement to consider whether the draft Plan is compatible with the Human Rights Convention.

#### *The Basic Conditions*

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does

not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').<sup>3</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The current Development Plan for Winkleigh Parish, excluding policies relating to minerals and waste development, is the North Devon & Torridge Local Plan (NDTLP) which was adopted in October 2018.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>4</sup>

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Draft Winkleigh Neighbourhood Plan 2018 – 2031;
  - the map on page 2 of the Plan, which identifies the area to which the proposed Neighbourhood Plan relates;
  - the Consultation Statement (undated);
  - the Basic Conditions Statement (undated);
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment and Habitats Regulation Assessment Screening Opinions dated November 2019 submitted by WPC at Appendix 2 of the Basic Conditions Statement; and
  - the requests for additional clarification sought in my letter of 10 June 2020 and the responses dated 24 June from TDC and 25 June from WPC.<sup>5</sup>

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the WNP Area on 2 June 2020 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

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<sup>3</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>4</sup> NPPF: paragraph 214. The Plan was submitted under Regulation 15 to TDC after 24 January 2019.

<sup>5</sup> View at: <https://www.torridge.gov.uk/winkleighnp>

### *Written Representations with or without Public Hearing*

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

### *Modifications*

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Winkleigh Neighbourhood Plan has been prepared and submitted for examination by Winkleigh Parish Council, which is a qualifying body. The WNP extends over all the Winkleigh Parish. This constitutes the area of the Plan designated by TDC on 6 March 2017. The WNP includes a map on page 2, which is entitled 'Parish Map' and shows the Parish boundary. Although the Plan explains that the Parish of Winkleigh is the neighbourhood area, the map on page 2 should be retitled to show that this is the area of the Neighbourhood Plan, such as shown at Appendix 1 of the Basic Conditions Statement, which is what I shall recommend.  
**(PM1)**

### *Plan Period*

- 3.2 The Plan and Basic Conditions Statement clearly specify the Plan period, which is from 2018 to 2031.

### *Neighbourhood Plan Preparation and Consultation*

- 3.3 The comprehensive Consultation Statement indicates a process of several stages of the preparation of the Plan from 2017 through to its submission to TDC in February 2020. A consultation paper setting out issues and options for addressing them was published in August 2017 and a public exhibition was held in the following October. A survey of employers was undertaken in February 2018, as were pupils at Winkleigh Primary School and Chulmleigh Academy early in 2019. A study of traffic and place making in Winkleigh was commissioned by the Parish Council from Hamilton Baillie Associates in 2018, the findings of which were subsequently discussed at a public meeting.

- 3.4 A summary of the additional engagement and consultation is described in paragraph 16 of the Consultation Statement which included meetings with Devon County Council (DCC) and TDC officers; liaison with other agencies, providers, neighbouring Parishes, landowners and developers; publication of quarterly reports and updates in “Distinctly Winkleigh” and regular reports to the Winkleigh Society.
- 3.5 The Draft Plan was published for consultation under Regulation 14 of the 2012 Regulations on 10 June 2019. The consultation period ran for 7 weeks until 29 July 2019. The Plan was available on the Parish Council website. Hard copies of the Plan were also available at key locations in the Parish and public libraries in Okehampton and Crediton. Appendix 3 of the Consultation Statement lists the numerous bodies and organisations which were directly consulted under Regulation 14. About 260 comments were received, the overwhelming being in support of the policies. The responses are summarised in Appendix 4 of the Consultation Statement.
- 3.6 Consultation in accordance with Regulation 16, when the Plan was submitted to TDC, was initially set to be carried out from 19 March 2020 to 30 April 2020. However, to take account of the Coronavirus restrictions, the consultation period was extended by two weeks until 14 May 2020. 8 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the WNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

#### *Development and Use of Land*

- 3.7 Subject to the modifications I recommend below in relation to Policies ENV1 (**PM7**) and T1 (**PM28**), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.8 The Plan does not include provisions and policies for ‘excluded development’.

#### *Human Rights*

- 3.9 The Basic Conditions Statement advises that the WNP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded and that opportunities have been given for the community to help to shape and comment on the emerging Plan. I have considered this matter independently and I have found no reason to disagree with that position.



## 4. Compliance with the Basic Conditions

### *EU Obligations*

- 4.1 The WNP was screened for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) by TDC. The details were submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations.<sup>6</sup> The Council found that it was unnecessary to undertake SEA. Natural England (NE), the Environment Agency (EA) and Historic England (HE) agreed with that assessment.<sup>7</sup>
- 4.2 Having read the SEA and HRA Screening Opinions, the other information provided, and considered the matter independently, I agree with those conclusions. Therefore, I am satisfied that the WNP is compatible with EU obligations.

### *Main Issues*

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy 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.<sup>8</sup>
- 4.5 Accordingly, having regard to the Winkleigh Neighbourhood Plan, the consultation responses, other evidence<sup>9</sup> and the site visit, I consider that the main issues in this examination are whether the WNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

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<sup>6</sup> Basic Conditions Statement: paragraphs 14 – 17.

<sup>7</sup> Responses dated 13 February 2019, 12 December 2018 and 29 July 2019 from Natural England, Environment Agency and Historic England respectively.

<sup>8</sup> PPG Reference ID: 41-041-20140306.

<sup>9</sup> The other evidence includes the responses from TDC dated 24 June 2020 and WPC dated 25 June 2020 to the questions in my letter of 10 June 2020.

- 4.6 TDC has submitted an extremely comprehensive and constructive representation in response to the Regulation 16 consultation, which extends to 90 separate points and in which there are many suggested 'improvements' to the Plan. In some instances these go beyond the requirement of assessing compliance with the Basic Conditions: my remit is to assess the Plan against the Basic Conditions and not to consider how it could be improved. Nevertheless, most of the suggestions by TDC are positive and helpful and would assist in removing ambiguity and clarifying the presentation within the Plan, all of which is useful in creating a valuable document which will form part of the Development Plan.
- 4.7 Several general improvements, which go to the issue of clarity, are required to meet the Basic Conditions. These are the format changes suggested by TDC in order to clarify and clearly distinguish the text of the policies from the justification and evidence when the Plan would be used in the practical implementation of development management. For those reasons, suggestions by TDC within Regulation 16 Consultation response references 4 – 9 are general points which I shall recommend as modifications **PM2, PM3, PM4** and **PM5**.

#### *Vision and Objectives*

- 4.8 The vision for Winkleigh is described in paragraph 1 of the Plan which is that by 2031 the Parish will be "*an inclusive, economically sustainable community, with development contributing a sense of place and improved quality of life, providing a range of housing for people of all ages and incomes, whilst respecting the character of the area and protecting its valuable heritage and environment*".
- 4.9 The Plan then identifies four policy themes which are then used as a basis for grouping the policies together with the objectives, background facts, evidence and community views for each theme. This commendably logical structure enhances the overall readability of the Plan.

#### *Environment and Resources*

- 4.10 This section deals with the natural environment (Policy ENV1), the historic, cultural and built environment (Policies ENV2, ENV3, ENV4 and ENV5) and the sustainable use of resources (Policies ENV6 and ENV7).
- 4.11 Landscape, biodiversity, hedgerows and other green infrastructure are all included within Policy ENV1. Subject to the comments below seeking greater precision, the policy has regard to national guidance in the NPPF<sup>10</sup> and generally conforms with Policies ST14 and DM08 of the NDTLP. The first bullet point refers to landscape and should be altered to be more specific about the desired outcome and therefore I shall recommend an appropriate modification. **(PM6)**

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<sup>10</sup> NPPF: paragraphs 170 & 174.

- 4.12 The second bullet point seeks wildlife and biodiversity audits and a demonstration of how the results have informed the design of the proposed development. In my opinion, this is not a land use policy. The aim to deliver a net gain in biodiversity is already stated in the second sentence of Policy ENV1. The appropriate place for the text of the bullet point is within paragraphs ER8 to ER10 of the Plan. Policy ST14 of the NDTLP is extremely comprehensive and the loss of the bullet point will not prejudice nature conservation interests. **(PM7)**
- 4.13 The third bullet point should aim for a desired outcome rather than a demonstration of the means to achieve it. Furthermore, the reference to important habitats is insufficiently precise for effective development management. I shall recommend an appropriate modification which will also be consistent with NDTLP Policies ST14 and DM08 (5) and (8). In addition, in the fourth bullet point, the requirement to safeguard and enhance green infrastructure is not always possible. Therefore, I shall combine the third and fourth bullet points so that the qualification about compensation for any loss applies to both items. **(PM8)**
- 4.14 A similar point arises in bullet point five where it may not be possible or desirable from an amenity or highway safety point of view to replace earth banks or hedges. I shall recommend the inclusion of the phrase referring to compensation used already in the policy. **(PM9)**
- 4.15 Policy ENV2 considers the setting of new development in the Parish. The policy has regard to national guidance<sup>11</sup> and generally conforms with NDTLP Policies ST14, ST04 and DM04. Policy ENV3 deals with the conservation area and the village core of Winkleigh. The policy has regard to national guidance<sup>12</sup> and generally conforms with NDTLP Policies ST15, ST04 and DM04. However, so that development can be effectively managed, I recommend that the policy should refer to the traditional village core and conservation area being defined on Policies Map A, with the key corrected to show Policy ENV3. **(PM10)**
- 4.16 Policy ENV4 covers appearance and design. The policy has regard to national guidance<sup>13</sup> and generally conforms with NDTLP Policies ST15, ST04 and DM04. The policy includes a sentence that all planning applications should reference the Village Design Statement (VDS) and describe how it has informed design. This is misleading because the focus of the VDS is the village itself and not the whole Parish.<sup>14</sup> It would be more appropriate for the policy to require the submission of a Design and Access Statement and for the role of the VDS be referred to in an expanded paragraph ER16. In addition, the first sentence of the policy should be amended so that there is no conflict with any innovative and creative design which is not simple and plain, but which is deemed to be

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<sup>11</sup> NPPF: paragraphs 125 & 127.

<sup>12</sup> NPPF: paragraphs 185.

<sup>13</sup> NPPF: paragraphs 125, 127 & 131.

<sup>14</sup> Village Design Statement: paragraph 1.3.

acceptable. I shall recommend an appropriate modification to the policy. **(PM11)**

- 4.17 Policy ENV5 deals with craftsmanship but, narrowly, only refers to the protection of small features of heritage value and craftsmanship, whereas all features should be come under the same consideration. I shall recommend that the policy is modified. It will then have regard to national guidance<sup>15</sup> and generally conform with NDTLP Policy ST15. **(PM12)**
- 4.18 Policy ENV6 considers sustainable energy generation. The preceding paragraph in the Plan states that, according to the evidence base for the NDTLP, most of the Parish falls within an area identified as suitable for wind turbines not exceeding 75m to tip. The consequent inference that the NDTLP accepts such development in principle is incorrect. No allocations for wind turbines are made in the NDTLP. Neither are they made in the WNP. Therefore, paragraph ER25 should be deleted. **(PM13)**
- 4.19 Subject to the recommended modifications below, I consider that Policy ENV6 has regard to national guidance<sup>16</sup> and generally conforms with NDTLP Policy ST16. In the second bullet point of the policy in the Plan, a requirement is for any fuel to power the generation from the installation be supplied from sustainable sources. Such a requirement would be impractical to identify or enforce and should be deleted. Additionally, an undue environmental impact is a very imprecise term and I shall recommend an alternative phrase which would result in this bullet point being subsumed in the third bullet point.
- 4.20 The third bullet point appears to be derived from, but is less accurate than, NPPF footnote 49. However, the footnote applies specifically to windfarms and this item within policy ENV6 would apply to other forms of renewable energy development such as solar panels either on buildings or on solar farms. A material planning impact is too general in its application and I shall recommend substituting the phrase "significantly adverse planning impacts".
- 4.21 Furthermore, the final sentence of the policy indicates that, in certain circumstances, community benefits may be sought. However, this requirement would not be in general conformity with NDTLP Policy ST16 where no such provision is provided for and it would not generally conform with NDTLP Policy ST23 which considers Infrastructure. Neither would the requirement be likely to meet the statutory tests associated with securing a planning obligation. Therefore, I shall recommend the deletion of the sentence. **(PM14)**
- 4.22 Policy ENV7 aims to enable publicly accessible electric vehicle charging points to be provided and to require all new development to have charging points at individual property level. I consider that the lack of detail of

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<sup>15</sup> NPPF: paragraph 125.

<sup>16</sup> NPPF: paragraphs 148, 151 & 152.

when developers are expected to provide publicly accessible charging points makes the policy too imprecise for effective development management. In addition, it may not be feasible or desirable for every property, such as in terraced housing, to be provided with a charging point. Therefore, I shall recommend modifying the policy to encourage the provision of charging points, which is a reflection of the preceding paragraph of evidence in the Plan. **(PM15)** The policy will then have regard to national guidance<sup>17</sup> and generally conform with the aims of the NDTLP as expressed in paragraph 13.51, the supporting text to Policy DM06.

### *Housing, Community Life and Wellbeing*

- 4.23 Within this section are the policies for housing (Policies H1, H2, H3 and H4) and community life and wellbeing (Policies CL1 and CL2).
- 4.24 Policy H1 seeks to retain a stock of smaller dwellings by controlling the size of any which could be extended or demolished and replaced. The policy has regard to national guidance<sup>18</sup> and generally conforms with NDTLP Policy DM26. However, the test used within the policy of “substantially larger” is too ambiguous for effective development management and therefore, following my question to the WPC and TDC and their responses, I shall include a size increase limitation of 40% with an accompanying explanation in the justification as suggested by TDC.<sup>19</sup> **(PM16)**
- 4.25 Policy H2 seeks the provision of adequate storage in new development. Subject to the clarification that the policy would apply to residential development, it would have regard to national guidance<sup>20</sup> and generally conform with the aims of the NDTLP.<sup>21</sup> **(PM17)**
- 4.26 Policy H3 considers the land allocated for housing north of Chulmleigh Road in the NDTLP. The NDTLP allocates land for up to 55 dwellings which is delineated on Policies Map 22 and which, under Local Plan Policy WIN02, sets out specific development principles. Policy H3 of the Plan sets out additional considerations required to gain support of a proposal within the allocation. Electric charging points are already covered as recommended to be modified in Policy ENV7 and I shall recommend the deletion of the first bullet point from Policy H3. Walking and cycling prioritisation are dealt with in Policy T1. The retention or creation of banks and hedge boundaries are provided for in Policy ENV1. In addition, it may not be possible or desirable to completely reinstate all hedges and banks removed for vehicular access.

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<sup>17</sup> PPG: reference ID: 5-003-20140306 and NPPF: paragraph 110 e).

<sup>18</sup> NPPF: paragraphs 61 & 79.

<sup>19</sup> See email from TDC dated 24 June 2020.

<sup>20</sup> NPPF: paragraph 127.

<sup>21</sup> NDTLP: paragraphs 12.271 & 12.282.

- 4.27 Issues of design and appearance in bullet point six are covered in Policy ENV4 which, as recommended to be modified, references the Design and Access Statement which would have to be submitted with a planning application. This in turn should draw on advice in the VDS, enabling a “village street” design to be obtained. The final bullet point seeks the creation of public open space, the provision of which would be sought through the standards described in NDTLP Policy DM10. Any additional open space may threaten the viability of the deliverability of this strategic allocation. Therefore, all in all, I shall recommend the deletion of the text of Policy H3 and replace it with a reference to the allocation in the NDTLP and the development principles within NDTLP Policy WIN02. **(PM18)** I consider that the other policies of the Plan would enable good design of the built environment and provide comprehensive safeguarding of the surroundings in the event of a planning application being received for residential development within the allocation.
- 4.28 Policy H4 refers to two types of land: (a) land which might be required to be released for housing should there be less than a five years supply, and (b) land to the south west of the village, should it be developed. Although both types of land fall within the same policy, it would be less confusing if they were each described under a separate policy. Therefore, I shall recommend that the land to the south west of the village should fall within Policy H4 and other land which might be required as a new Policy H5. **(PM19)**
- 4.29 The “new” Policy H4 would apply to two areas of land with outline planning permission for residential development granted in 2017 and 2018 for up to 125 dwellings which are not delineated in the Plan, but the details of which were helpfully forwarded to me at my request from TDC. The NDTLP defines the development boundary of the village on Policies Map 22. The Parish Council chose to leave these sites outside the development boundary due to their belief, firstly, that there are more sustainable sites for housing which are better suited for development on other land close to the village and, secondly, the possibility of the permitted sites not being commenced. TDC has commented that reserved matters have not yet been submitted for those sites.
- 4.30 So far as the principle of not including the land within the development boundary is concerned, I see no reason to disagree with the aims of the Parish Council. The bullet points would perform the function of criteria to be met in any consideration of future applications for reserved matters on the sites. Furthermore, should the planning permissions lapse, the land would be outside the development boundary and not have the status of areas where there would be a presumption in favour of development in accordance with the Development Plan.
- 4.31 I am content with the detail within the bullet points, subject to the addition of the reason for the buffer zone between residential and employment land uses (bullet point eleven) and the qualification of the broad need for community infrastructure to one which is required to

address the impact of the development (bullet point twelve). This would then consider the details of whatever need was identified in the assessment, including public transport services such as bus re-routing and other facilities.

- 4.32 Finally, there is the issue of whether the land in question should be identified on a map. It seems to me that if the land is defined in a policy of the Plan it should be identified on the Policies Map. The areas need not be delineated but I recommend that they should be referred to by a symbol such as a numbered star showing Site A and Site B, which then cross refers to the detail of the planning permission (proposed development and planning application reference number) in the supporting text. With the recommended modifications, Policy H4 would have regard to national guidance<sup>22</sup> and generally conform with Policies ST01, ST04, DM04 and DM05 of the NDTLP. **(PM20)**
- 4.33 The first four bullet points of current Policy H4 would form new Policy H5 which addresses the issue of any further land required for housing over and above that allocated in the NDTLP in order to meet a shortfall in the five-year land supply. The third bullet point states that development should not make traffic congestion and parking in the village worse and it should provide for necessary traffic calming and pedestrian safety on roads. These principles, although laudable, are too imprecise and general to be effective development management tools. The addition of one car at one dwelling could increase traffic congestion and, if visiting the village centre, could exacerbate what already appears to be an area congested by parked vehicles. Policy T2, as recommended to be modified, would cover the situation should a proposal for additional housing come forward under this policy. Therefore, I shall recommend the bullet point is deleted.
- 4.34 The fourth bullet point seeks the delivery of a range of community benefits which ignores the requirement to limit the benefits to that which is necessitated by the impact of the development and which could include traffic calming measures sought by the preceding bullet point. Furthermore, any affordable housing or open space which is deemed necessary because of a proposal for residential development would be delivered through policies of the NDTLP. Therefore, I shall recommend an appropriate modification which would enable the policy to have regard to national guidance<sup>23</sup> and would generally conform with NDTLP Policies ST01, ST07, ST08 and DM04. **(PM21)**
- 4.35 Policy CL1 seeks to retain a community benefit should the current uses in certain premises fail to survive. Although this is a worthy aim, which would have regard to national guidance<sup>24</sup>, the policy fails to recognise that there may not be a community use possible and so it would not generally conform with Policy ST22 (3) of the NDTLP, which identifies circumstances

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<sup>22</sup> NPPF: paragraph 28.

<sup>23</sup> NPPF: paragraph 73.

<sup>24</sup> PPG: paragraphs 83 d) & 92.

when community uses might cease. Therefore, I shall recommend that the policy is modified by the inclusion of a final phrase which would admit to the possibility of loss should the premises no longer meet the needs of the local community. The policy would then generally conform with the strategic policies of the NDTLP. **(PM22)**

- 4.36 The protection and enhancement of public rights of way is sought in Policy CL2. It will not always be possible to enhance public rights of way and I shall recommend that this modification should be introduced into the policy. In addition, the Devon Countryside Access Forum Position Statement on Greenspace is not a formal Supplementary Planning Document and, therefore, it would be more appropriate to refer to it in the supporting text rather than the policy. **(PM23)** Subject to those recommended modifications the policy would have regard to national guidance<sup>25</sup> and generally conform with NDTLP Policy ST10.

### *The Economy*

- 4.37 Three general policies and one policy specific to Winkleigh Airfield deal with the theme of the economy (Policies E1, E2, E3 and E4).
- 4.38 Policy E1 supports the principle of employment development on land identified for general employment purposes in the Plan. The policy has regard to national guidance and generally conforms with Policy DM13 of the NDTLP, subject to the removal of the ambiguity in the policy title by making it specific to general employment areas and not to land generally which might be used for employment purposes. In view of the recommended renaming of Appendix A, the reference in the policy should be to Policies Maps A and B. In addition, the Site Development Brief at Winkleigh Airfield should not be referred to as draft because it will probably change in status during the currency of the WNP. Finally, the general employment area, the Beechlea Industrial Estate, should be extended to reflect the planning permission recently granted (1/0890/2018/FULM). **(PM24)** In the event that a subsequent application is made to relocate any buildings already permitted within the site, an assessment of the acceptability of the proposal would include the impact on the landscape and other environmental considerations.
- 4.39 Policy E2 supports new economic development and has regard to national guidance.<sup>26</sup> However, the policy is unacceptably imprecise about where new businesses and the expansion of existing businesses could be located and I shall recommend qualifying it with reference to policies in the NDTLP and this Plan. The second bullet point within the policy implies a blanket acceptance of those types of businesses mentioned and I shall recommend merging the first two bullet points. Although TDC wished to see more clarity on what constitutes live-work units, I note they are referred to in Policy WIN and paragraph 12.268 of the NDTLP within the

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<sup>25</sup> NPPF: paragraph 98.

<sup>26</sup> NPPF: paragraphs 81 & 83.



Winkleigh Spatial Strategy section. I am confident that effective development management will ensure that the policy is not abused to enable residential development in locations which would otherwise be unacceptable.

- 4.40 The fourth bullet point refers to the conversion of traditional buildings where the historic heritage would be safeguarded. This element of the policy has none of the qualifying criteria described in NDTLP Policy DM14 (d), (e) and (f), which would otherwise permit such development under Policy DM14 (a) and so does not generally conform with it. Consequently, the fourth bullet point should be deleted. The modifications to Policy E2 which I shall recommend will enable general conformity with strategic policies. **(PM25)**
- 4.41 Policy E3 deals with the former WW2 Winkleigh Airfield which is also addressed in the NDTLP under Policy WIN01 and for which a Development Brief is being drafted. Policy WIN01 includes types of land uses and development which would be acceptable at the Airfield subject to specific considerations listed in the policy. TDC suggest slightly rewording the Policy E3 to ensure compatibility with Policy WIN01 and I agree that the added clarity would assist effective development management and enable the policy to generally conform with Policy WIN01. I shall recommend the policy is modified in this way. **(PM26)** The policy also has regard to national guidance.<sup>27</sup>
- 4.42 Policy E4 supports additional small-scale retail development to serve the village. There are two ambiguities in the policy which require remedying: the definition of small-scale and the scope of the retail development. In response to my question, TDC helpfully commented that, based on their experience as a local planning authority, small scale should be defined as up to 60m<sup>2</sup>, using gross internal floorspace as the appropriate measure.
- 4.43 As far as the extent of development included in the policy is concerned, paragraph E16 of the Plan states that, "*as the Parish grows, there is a need to promote Winkleigh shops, services and businesses, to encourage people to spend locally and ensure capacity to meet future needs*". Therefore, I shall accept the suggestion of TDC that the breadth of development should be Use Classes A1- A5 which would help to support the vitality of the village. Winkleigh is also defined as a Local Centre in the NDTLP and so the policy should apply not only to the village but to the wider hinterland. It would not be feasible to define the limit nor would such a restriction be compatible with the strategic function of Winkleigh. I shall recommend appropriate modifications to the policy which would then provide effective development management as well as having regard to national guidance<sup>28</sup> and generally conforming with NTDLP Policy ST07. **(PM27)**

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<sup>27</sup> NPPF: paragraphs 80, 81 & 84.

<sup>28</sup> NPPF: paragraph 83 d).

## *Transport, Travel and Movement*

- 4.44 The general transport policies within this section are Policies T1, T2, T3, T4 and T5.
- 4.45 Policy T1 considers design and traffic movement. The policy has regard to national guidance<sup>29</sup> and generally conforms with NDTLP Policies ST10 and DM04, subject to rephrasing the third bullet point which, as indicated by DCC, as the local highway authority, ignores the need for highway safety in road design. I shall recommend a modification of the policy as suggested by DCC. I shall also recommend the deletion of the final sentence of the policy which is not a direct land use matter. Such information could be included in a village “welcome pack” along with other Parish information for any new residents, whether in a new dwelling provided by developers, or any subsequent owners or occupiers. **(PM28)**
- 4.46 Policy T2 indicates that new development which significantly contributes to additional traffic and parking congestion in and around the Square and school will not be supported unless these impacts are successfully mitigated. The policy creates a test which does not have regard to paragraph 109 of NPPF, the insertion of which I shall recommend as a remedial modification. **(PM29)** The policy would then also generally conform with NDTLP Policy DM04.
- 4.47 Policy T3 aims to create links between neighbourhoods and has regard to national guidance<sup>30</sup> and generally conforms with Policies ST04, ST10, DM04 and DM05 of the NDTLP. Policy T5 considers street lighting and also has regard to national guidance<sup>31</sup> and generally conforms with NDTLP Policy DM02. Policy T4 considers parking and has regard to national guidance<sup>32</sup> subject to a recommended modification to rephrase the reference to rear parking courts which may inhibit the aim for good layouts and design. **(PM30)** The policy would then also generally conform with Policies DM05 and DM06 of the NDTLP.

## *Overview*

- 4.48 Accordingly, on the evidence before me, with the recommended modifications, I consider that the policies within the WNP are in general conformity with the strategic policies of the NDTLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

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<sup>29</sup> NPPF: paragraph 108 b).

<sup>30</sup> NPPF: paragraphs 91 & 110.

<sup>31</sup> NPPF: paragraph 180.

<sup>32</sup> NPPF: paragraph 106.

## 5. Conclusions

### *Summary*

- 5.1 The Winkleigh Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the WNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The WNP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Concluding Comments*

- 5.4 The Parish Council is to be commended for its efforts in producing a clear and thorough Plan which is extremely well presented and illustrated. Within the comprehensive accompanying documentation, the Basic Conditions Statement was especially helpful. The Plan is very informative and I enjoyed reading it. Incorporating the modifications I have recommended, the WNP will make a positive contribution to the Development Plan for the area and should enable the rural character and appearance of Winkleigh to be maintained whilst enabling sustainable development to proceed.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Map page 2	Retitle as Neighbourhood Plan area.
PM2	General	Replace bullet points in policies with numbered lists/criteria/clauses.
PM3	General	Clarify when policies apply to Winkleigh Parish rather than Winkleigh village.
PM4	General	Select a different paragraph numbering convention to distinguish policies from the supporting evidence.
PM5	Maps	Redefine Appendix A as Policies Maps (A and B) (Policies Map A – Winkleigh village; Policies Map B - Winkleigh Airfield) and cross refer to the Policies Maps in the text of the Plan rather than to Appendix A.
PM6	Policy ENV1	First bullet point. Combine the two sentences to become: <b>“... in question and would not have a significantly adverse effect on the character of the landscape, or the spatial relationship ... ”.</b>
PM7	Policy ENV1	Relocate second bullet point to within paragraphs ER8 to ER10.
PM8	Policy ENV1	Third and fourth bullet points. First and second sentences. Amend to: <b>“Existing trees and hedges and green infrastructure should be retained and enhanced, wherever possible, along with locally designated wildlife sites and sites supporting Biodiversity Action Plan habitats and species. Where loss is genuinely unavoidable, the value should be ...”.</b>  Delete fourth bullet point.
PM9	Policy ENV1	Fifth bullet point. Add as a penultimate sentence: <b>“Where loss is genuinely</b>

		<b>unavoidable the value should be compensated for on-site."</b>
PM10	Policy ENV3 and Policies Map A	Include: "Development in the conservation area and traditional village core, <b>as defined on Policies Map A</b> , should respect...".  Amend Policies Map A key to show Policy <b>ENV3</b> and not Policy E3.
PM11	Policy ENV4	First sentence. Amend to: "Development should <b>generally</b> be simple and plain...".  Delete the penultimate sentence and replace with: " <b>All planning applications should be accompanied by a Design and Access Statement.</b> "  Refer to the role of the Village Design Statement (VDS) in paragraph ER16.
PM12	Policy ENV5	First sentence. Delete "Small...".
PM13	Paragraph ER25	Delete the paragraph.
PM14	Policy ENV6	Delete the second bullet point.  Third bullet point. Amend to: " <b>following public consultation, all significantly adverse environmental impacts identified by local communities have been satisfactorily addressed.</b> "  Delete the final sentence of the policy.
PM15	Policy ENV7	Delete the policy and substitute: " <b>Developers will be encouraged to provide private electric vehicle charging points within all housing developments and make provision for at least one charging point which is publicly accessible.</b> "
PM16	Policy H1	Delete: "... larger ...".  Substitute: "... <b>40%</b> ...".  Include in the supporting text the explanation of how the 40% is measured – "The original dwelling

		should be established with reference to the definition in section 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The maximum 40% increase would be measured as the Gross External Area (GEA) of the dwelling."
PM17	Policy H2	Amend to: "All new <b>residential</b> development ...".
PM18	Policy H3	Delete the text of the policy and replace with: " <b>This land has been allocated for residential development in the NDTLP. Development of the land will be subject to the principles set out in Policy WIN02.</b> "
PM19	Policy H4	Rename Policy H4: " <b>Land to the south west of the village.</b> " Add new Policy H5: " <b>Development to meet the five-year land supply.</b> "
PM20	New Policy H4	Penultimate bullet point. Add at end: " <b>...to safeguard amenity for future residents.</b> " Final bullet point. Shorten and rephrase to: " <b>Assess the need for improved community infrastructure required to address the impact of the development.</b> " Identify the location of the two areas of land by symbols A and B on the relevant Policies Map and include the respective planning application numbers in either the amended key or in the supporting text within the Plan.
PM21	New Policy H5	Third bullet point. Delete. Fourth bullet point. Shorten and rephrase to: " <b>Development should deliver a range of services and infrastructure to meet the additional demand caused by the proposal.</b> "

PM22	Policy CL1	Add final phrase: "...demonstrate community benefit <b>unless the premises are no longer required to meet the needs of the local community.</b> "
PM23	Policy CL2	First sentence. Amend to: "Existing public rights of way will be protected and, <b>where possible,</b> enhanced."  Remove the final sentence and insert in the supporting text.
PM24	Policy E1	Rename policy " <b>General Employment Areas</b> ".  Delete reference to Appendix A. Replace with: " <b>... Policies Maps A and B.</b> "  Final sentence. Amend to: " <b>Development on the Airfield should reflect the Site Development Brief or any successor document adopted by the planning authority.</b> "  Extend the Beechlea Industrial Estate on Policies Map A to include land permitted under 1/0890/2018/FULM.
PM25	Policy E2	Rephrase to: "Development proposals will be supported in the following circumstances:".  First bullet point. Expand and rephrase to: "The development of new businesses and the expansion of existing businesses, particularly those that further the knowledge economy, including improved telecommunications and ICT infrastructure, subject to the policies of the NDTLP and the Plan."  Second bullet point. Delete.  Fourth bullet point. Delete.
PM26	Policy E3	Rephrase to: " <b>Development at Winkleigh Airfield will be supported where it is compatible with the provisions of Policy WIN01 of the NDTLP and it provides for:</b>

		<p><b>other acceptable uses which</b> would enhance the knowledge economy, etc... safe pedestrian links within and across the site <b>and/or</b> to Winkleigh village. measures that safeguard, etc...</p> <p><b>any</b> lighting and boundary treatments <b>to</b> recognise the rural location, etc..."</p>
PM27	Policy E4	Rephrase to: <b>"Support will be given for additional small scale retail development of up to 60 m<sup>2</sup> internal gross internal floorspace within Use Classes A1, A2, A3, A4 and A5 to serve Winkleigh and its rural hinterland,</b> where it is within or adjacent to the Development Boundary, etc..."
PM28	Policy T1	Third bullet point. Rephrase to: <b>"Consider proposals for access and road layout in the local context and, where possible, banks, walls and other features disturbed during the creation of new accesses, roads and paths should be re-instated elsewhere within the site using traditional methods and materials."</b> Final sentence. Delete.
PM29	Policy T2	First sentence. Amend to: <b>"New development which would significantly contribute to additional traffic and parking congestion in and around the Square and the school will not be supported if it would cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."</b>
PM30	Policy T4	Second sentence. Amend to: <b>"New houses should provide for their own parking needs, either within their own curtilage or by alternative suitable off-street parking provision."</b>



