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| <b>EXBOURNE NEIGHBOURHOOD PLAN</b><br><b>Minutes of meeting held in the Village Hall on 14<sup>th</sup> November 2018</b> |
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Present:

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|--------------------|--------------------|-----------------------|-------------------|
| Adam Hedley (AH)   | Tim Hawkins (TH)   | Gaye Langham (GL)     | Kirk England (KE) |
| Dave Stuart (DS)   | Sally Kenealy (SK) | Robert Woolacott (RW) | Sam Money (SM)    |
| Sally Hordern (SH) |                    |                       |                   |

**Action**

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| 1 | <b>Welcome</b><br>AH welcomed everyone to the meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| 2 | <b>Apologies</b><br>Roger Langworthy (RL).<br>AH announced the resignations from the Neighbourhood Plan Group ('NPG') of Dorothy Gennard and Mike Brady. He thanked them for the significant contributions they had made.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| 3 | <b>Minutes of previous meetings</b><br>Approval was given to finalise the minutes of the meeting of 27th September.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| 4 | <b>Public speaking</b><br>A parishioner asked for clarification of a response to a Freedom of Information request concerning the total number of Local Green Space ('LGS') nominations received. SK stated that the original total of 75 had been corrected to 90. AH explained that two locations had also been missing from the latest analysis by oversight and these probably included a further four nominations.<br>Another parishioner asked KE why he was still on the NPG given he had previously stated that Exbourne was too small for a neighbourhood plan and had threatened the group with a motion of no confidence. Was he on the group to cause upset? She also stated that WDBC had praised the NPG for the progress it had made and the quality of its work. KE stated that he had believed the NPG had not been working well, was previously too small and was not consulting with people. He was happy that others had joined and believed neighbourhood plans to be a good thing when they worked properly. |  |
| 5 | <b>New group members</b><br>The following persons joined the NPG at the meeting. Each person identified themselves, saying why they had chosen to join, what they were interested in, and what skills they could bring to the group.<br>James Woolacott (JW)<br>Margaret Woolacott (MW)<br>Dave Holwill (DH)<br>Ian Petherbridge (IP)<br>Gordon Fishleigh (GF)<br>Dave Weeks (DW)<br>Ian Neilson (IN)<br>Lynn Neilson (LN)<br>Kris Flanagan (KF)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |

# EXBOURNE NEIGHBOURHOOD PLAN

## Minutes of meeting held in the Village Hall on 14<sup>th</sup> November 2018

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|   | <p>Cathy Carey (CC)</p> <p>Sam Haithwaite (SHa)</p> <p>Ian Snell (IS)</p> <p>Holly Brereton (HB)</p> <p>Clive Flanagan (CF)</p> <p>Pete O'Connor (PO)</p> <p>Denise Headon (DHn)</p> <p>Richard Cranmer (RC)</p> <p>Thair Jalham (TJ)</p> <p>AH said he was glad to see such interest in the NPG and looked forward to the progress that could be made with contribution from all the new members. He collected registers of interests from the new members and reminded the whole group that their register of interests would be made public and personal data, such as emails, would be shared with other group members to facilitate the operation of the group. For GDPR purposes, he asked for explicit consent to this. All NPG members gave their approval.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| 6 | <p><b>Local Green Space ('LGS') assessment</b></p> <p>For the benefit of new members, AH gave his view of the background to the LGS assessment process; detailing procedures for nominations, the Community Consultation Day, compiling the draft background report and the part played by landowners since July (see statement attached as appendix 1).</p> <p><u>Questions on the draft LGS background paper</u></p> <p>GL read a statement, explaining that she had volunteered to compile the draft report and had tried to be impartial and give consideration to the persons who had attended the Community Consultation Day. GL stated that she regretted the time it had taken to prepare the draft report and recognised that this had caused distress. She highlighted the low number of people in the NPG at the time and the high volume of work as contributing to the time taken to complete the report. She also wanted members to recognise that this was a <u>draft</u> report and, as such, had expected that it would be discussed and be subjected to amendments. Examiners had requested further evidence and information in respect of the Joint Local Plan ('JLP') and she saw no reason why this process should not be applied to the draft LGS report.</p> <p>She stated that she had recently received a large number of valid and legitimate questions relating to the report (<i>AH had sought the questions in writing from committee members ahead of the meeting</i>) but had not been able to answer them all and suggested an adjournment pending their completion. The three questioners (TH, KE and SM) offered to withdraw their questions so that progress could be made at the meeting. GL stated that she would be abstaining from any voting.</p> <p><u>Assessment of Potential LGS sites</u></p> <p>AH outlined the procedure for voting, including an explanation that landowners of potential sites would be allowed to make a statement but would be excluded from the discussion and subsequent vote due to their pecuniary interest.</p> |  |

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|  | <p>The same would apply to those NPG members with a "personal interest" in a potential site.</p> <p>AH declared his own personal interests, saying Town Living and Coombe House orchards were visible from the grounds of his property. Before leaving the meeting, he gave his opinion that neither Town Living Orchard nor Great Rookery Orchard should be designated as LGS, in the main due to the protection that each already had from being in a Conservation Area and their proximity to listed buildings.</p> <p>AH felt the decision was more difficult with Coombe House Orchard and thought that NPG members should focus on four questions. Firstly, how is it locally significant? Secondly, how is it demonstrably special to the community? Thirdly, as the land is already in the Conservation Area, what additional benefit would be gained by LGS designation? Finally, how would the site endure beyond the plan period? He personally felt that the last question was the most difficult, given the new hedging and recent domestication of the space. He thought it was a shame that the landowners couldn't have worked with the NPG so at least part of the site could be protected for the benefit of future generations.</p> <p>As a result of AH's declared personal interest in two of the sites, Steve Blakeman (SB), chair of the Parish Council, took temporary stewardship of the meeting with the unanimous agreement of the group.</p> <p><i>Coombe House Orchard</i></p> <p>KE and RC made a presentation (with photographs/map) opposing designation of Coombe House Orchard as an LGS (KE's statement attached as appendix 2).</p> <p>After KE and RC left the meeting, SB invited comments supporting or opposing the designation of Coombe House Orchard as LGS and a discussion involving public and group members followed. No person presented any evidence to support LGS designation.</p> <p><b>Proposal: That Coombe House Orchard not be put forward for LGS designation.</b></p> <p>Proposed - TH, Seconded - KF.</p> <p><b>Result: For 20, Against - Nil. Abstentions - 3. Motion carried</b></p> <p><i>Great Rookery Orchard ('GRO')</i></p> <p>RW made a statement opposing designation of GRO as an LGS. A written precis was handed to NPG members. He addressed the individual paragraphs of the draft report and stated that they were either out of date, inaccurate or untrue. He also pointed out that LGS would lead to increased parking and that sufficient protection existed already as the site was within the Conservation Area.</p> <p>KE and TH, who cited personal interest, both emphasised the issue of protection given by the Conservation Area and proximity to a listed building (church).</p> <p>SB invited NPG members and the public to speak in support of or against the designation of GRO as an LGS and there followed a discussion. No person presented any evidence to support LGS designation.</p> <p><b>Proposal: That Great Rookery Orchard not be put forward for LGS designation.</b></p> <p>Proposed - HB, Seconded - DW.</p> <p><b>Result: For 16, Against Nil, Abstentions 4. Motion carried</b></p> |  |
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|   | <p><i>Town Living Orchard</i></p> <p>PO made a detailed statement opposing designation of Town Living Orchard as an LGS (attached in appendix 3).</p> <p>He supported the Neighbourhood Plan and hoped that greater consultation with residents and a willingness to compromise could benefit the village.</p> <p>SB again opened the matter to the public and group members for discussion. No person presented any evidence to support designation.</p> <p><b>Proposal: That Town Living Orchard not be put forward for LGS designation.</b></p> <p>Proposed - TH, Seconded - TJ.</p> <p><b>Result: For 21, Against Nil, Abstentions 3. Motion carried.</b></p> <p><i>Grass verges and other small public sites</i></p> <p>AH returned to chair the meeting. He asked the NPG and public if anyone thought that the nominated public grass verges, Hayfield Road triangle or Village Hall forecourt should be designated LGS. No person presented any evidence to support designation.</p> <p><b>Proposal; that all the remaining sites should not be put forward for LGS designation.</b></p> <p>Proposed - TH, Seconded - KE.</p> <p><b>Result: - For 24, Against - Nil, Abstentions 3. Motion carried</b></p> <p><i>Exbourne Playing Field</i></p> <p>AH, SB and HB spoke; it was generally considered that the playing field already had a degree of protection and that an additional level was both unnecessary and could possibly add unwanted bureaucracy.</p> <p><b>Proposal: That the Playing field should not be put forward for LGS designation.</b></p> <p>Proposed - TH, Seconded - HB.</p> <p><b>Result - For 26, Against Nil. Motion carried</b></p> |            |
| 7 | <p><b>Any other business</b></p> <p>TH asked that at the next meeting could figures be available to show how much the NPG has cost since inception three years ago. Also, how much the independent advice cost in September.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |
| 8 | <p><b>Next meeting</b></p> <p>Group members would be contacted regarding date and agenda for the next meeting in the New Year.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>ALL</b> |

**IF YOU ARE READING THESE MINUTES AND INTERESTED IN JOINING THE NEIGHBOURHOOD PLAN GROUP, OR MAKING A CONTRIBUTION TO THE GROUP'S WORK, THEN PLEASE CONTACT ADAM HEDLEY ON 851648**

## ADAM HEDLEY'S STATEMENT ON THE BACKGROUND TO THE LGS ASSESSMENT

I want to give some background to the new members as I'm sure you appreciate you probably have received a one-sided take on this:

- As Chairman of this Group I have always tried to take a balanced approach and listen to all points of view.
- With the issue of Local Green Space (and I'm sure with many other issues that the Neighbourhood Plan will face) there has been a small minority with vested interests who shout loudly and are very determined to have their way.
- There will also often be a silent majority of the community unaware of what is going on but perhaps with different views.
- The Group has to use the evidence it gathers in community consultation as the basis for its understanding of what the community wants. It is clear from this that there is wide-spread support for protection of open spaces in the village, especially those spaces designated as Important Open Spaces in West Devon's old development plan.
- The Neighbourhood Plan Group has tried to follow a process of examining potential Local Green Space sites under guidance from West Devon Borough Council. The intention was to carry out:
  - public nominations;
  - assessment of the nominations; and then
  - consultation.
- Public nominations were carried out in March 2017. The intention of the nomination process was for the Group to get a collection of possible sites to assess. Nomination is not designation.
- We then had a Community Consultation Day in May 2017, where we tried to get the community's view on a lot of issues, so we took the opportunity to find out which of the nominated sites the community as a whole thought should be made LGS.
- Preparation for the Consultation Day and follow-up work took up a lot of time and resource. We didn't get around to thinking about LGS again until the summer of 2017.
- In September 2017, Gaye Langham kindly agreed to take on the big task of working on a background report that could be used as part of the evidence base for the NP. It could also be used to explain to those that nominated sites whether or not they met the strict NPPF criteria to be designated.
- Unfortunately, it took until August this year to publish a first draft of this report. I admit this was far too long but, if you have read the report, no matter what you think of its contents, you will appreciate it was a lot of work and Gaye is a volunteer with other commitments.
- The report was meant to be a discussion draft and up for debate and amendment. It was not intended to be a "fait accompli". Due to pressure from landowners for the Group to make a decision, this has not happened.
- What we have managed to do since the first draft was published was seek some further external advice on some technical areas that had not been dealt with in the report.
- This advice was requested in September and discussed in our last meeting at the end of the month and the Group agreed that most of the nominated privately-owned sites are unlikely to meet the NPPF criteria.
- However, given the high level of community support they received at the Consultation Day, we felt that the existing Important Open Spaces in the village warranted further scrutiny and here we are...

- The landowners with nominated sites have dominated the Group's time since July this year, attacking pretty much every aspect of our process, making complaints and accusations, some valid, but many unwarranted and at times offensive.
- If the Group had decided to designate the sites, the landowners would still have been consulted formally and had the opportunity to make their case at that time. WDBC would also scrutinise any potential designation.
- The long period the affected landowners have been left waiting is a complaint that I sympathise with and for which I have apologised. We have to work with resources we have.
- Another gripe is the lack of landowner communication and consultation. Again, I have apologised for this. The Group had originally thought that there was no point in undertaking the large amount of work involved in formally consulting landowners until there was an initial assessment of the sites. Partly because the landowners would not have anything to be consulted on and, also, if no sites were assessed as meeting the criteria, then they would not need to be consulted. This approach was wholly supported by WDBC but doesn't seem to have been accepted by landowners.
- No matter what the result of today's vote I hope you all can recognise that we have been trying to follow a process and I believe this process would have probably resulted in the right conclusions without the significant disruption and animosity that the Group has encountered over the last few months.

## STATEMENT BY KIRK ENGLAND OUTLINING OBJECTIONS TO COOMBE HOUSE ORCHARD BEING CONSIDERED FOR DESIGNATION AS LOCAL GREEN SPACE

Before I get into the evidence I just want to mention a few things:

- We love the orchard - we've spent hours planting over 30 trees and the native hedge. We've tended the old fruit trees to keep them going. It's really important to us.
- BUT this Local Green Space designation proposed for Coombe House Orchard has serious implications for us.
- Ideally, we want to use the orchard as a garden, which I don't think is unreasonable - that needs planning. LGS would stop that application happening. Gas tank – burying it.
- BUT – AND THIS IS THE MOST IMPORTANT THING – it doesn't meet the strict criteria for Local Green Space.
- Who here would be objecting if we were talking about protecting a village green as LGS?
- Who would complain if the group wanted to put LGS on community allotments OR a field where people walked their dogs?

### **BUT OUR ORCHARD IS PRIVATELY OWNED WITH NO PUBLIC ACCESS.**

For LGS to go ahead on our orchard – the evidence has to be really, really strong. And in my view it isn't.

The evidence has to show that the land is

- RARE
- SPECIAL

### **EVIDENCE**

#### **HIGH BAR FOR LGS**

- **The Draft LGS Assessment report has not provided the significant level of robust evidence needed to meet the 'significantly high bar for LGS designation' in the NPPF – especially considering we object to the proposed designation.**
  - 1) Examiners looking at the Plymouth Joint Local Plan – rejected all the LGSs there as the evidence didn't reach that high bar.
  - 2) **IT HAS TO BE RARE**
  - 3) **IT HAS TO BE SPECIAL – and there HAS to be the evidence to back up that claim. The group doesn't have any in my view.**

#### **CONSERVATION AREA**

- **Coombe House Orchard already has significant protection - it is in the Conservation Area.**
  - i) Examiners of the Plymouth Joint Local Plan rejected Local Green Spaces there because they were already in conservation areas ... *"sites are already covered wholly or in part by other designations, including conservation areas"* and therefore were *'already protected by national and local planning policies or through other legislation.*
  - ii) Our own consultant Stuart Todd says - *If you want to designate land as LGS by virtue of it having historic significance, it's probably already covered (in terms of protection) by its inclusion in the Conservation Area*

**DEMONSTRABLY SPECIAL**

HAS A VILLAGE FAIR BEEN HELD IN OUR ORCHARD FOR THE LAST 300 YEARS??

HAS THE VILLAGE GATHERED IN OUR ORCHARD TO PRESS APPLES EVERY YEAR SINCE 1950?

These are the things that make a place special and demonstrate its specialness. The reason the NPG is struggling to find evidence of specialness is that there isn't any. It's a privately owned and has no public access.

For LGS

- **IT HAS TO BE RARE**
- **IT HAS TO BE SPECIAL.**

**For info; don't read. The group has no significant evidence that Coombe House Orchard is "demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including a playing field), tranquillity or richness of its wildlife".**

- iii) The group has very similar evidence to that seen for LGSs in the Plymouth Joint Local Plan (when additional evidence was submitted) Examiners of that plan found ... *"Sites may also contain varying levels of wildlife, beauty and tranquillity. Nevertheless the available evidence does not sufficiently demonstrate why sites are 'special' and of 'particular local significance' to distinguish them from other green areas and open spaces and reach the high bar necessary for LGS designation"*.

**The evidence gathered, hasn't illustrated that its rare or special.**

- iv) As the NPG's own consultant Stuart Todd highlights – *'One has to question the degree to which the site meets the NPPF criteria from being demonstrably special etc ... if it is in private ownership'*.
- v) Stickers used at the consultation day, indicate popularity, BUT are not evidence of land being demonstrably special or significant etc – particularly when there is landowner objection (the bar is set high).

**WILDLIFE**

- **IT HAS TO BE RARE**
- **IT HAS TO BE SPECIAL.**
- **The Draft LGS Assessment report claims Coombe House Orchard is part of a wildlife corridor, but offers no evidence to support this or provide any evidence of wildlife in the orchard.**
  - 1) The 2017 Evidence base claims our land is similar to a wetland which could be a habitat from amphibians/frogs and newts. Someone has simply surmised this. There is no evidence – no ecological report.
  - 2) It's also surmised the waterway in our land plays a vital role stopping the village flooding, based on hydrologists report, no report from a drainage expert – these claims – I've showed this to an independent examiner of local plans and her words 'I would dismiss all of this, someone has just surmised it, it's not relevant to decision making on Local Green Space.

## OPEN SPACES

- IT HAS TO BE RARE
- IT HAS TO BE SPECIAL.
- The Draft LGS Assessment report talks about Coombe House Orchard being an 'open parcel of land'. It is one of many open parcels of land in the centre of the village, including the gardens of Rookery Cottages. The 'openness' is not unique or special. SHOW PHOTOGRAPH OF OPEN SPACES.

## VIEWS

- The report claims Coombe House Orchard 'offers views to the surrounding landscape in winter months' and yet this applies to countless other pieces of land in Exbourne. This is easily documented. The view across is not rare or special. See. It isn't being proposed that the land in this similar case is protected by LGS.
  - i) Local Green Space is not the 'tool' that should be used to 'protect views'.
- IT HAS TO BE RARE
- IT HAS TO BE SPECIAL.

## OTHER POINTS

- The nature of Coombe House Orchard has changed since we planted more trees and a native hedge along its boundary. The view of the Orchard and over it has changed significantly and will continue to change as the trees and hedge grows.
- The report states that Coombe House Orchard is listed 'as a traditional orchard by the People's Trust for Endangered Species'. This is not a national or local designation that is recognised in planning terms.
- Duncan Smith at WDBC says Local Green Space should be considered the real 'cream of the crop'.

## AND FINALLY – and this is the most important point of all.

- **Our objection to the proposed designation as landowners is significant** – the NPG's own consultant Stuart Todd has already stated that ... *'The NPPF states that an LGS site needs to be capable of enduring beyond the Plan period, which could be in doubt without landowner support'*.

## **STATEMENT BY PETER O'CONNOR OUTLINING OBJECTIONS TO TOWN LIVING ORCHARD BEING CONSIDERED FOR DESIGNATION AS LOCAL GREEN SPACE**

Stuart Todd, the Exbourne NPG paid consultant has said: "The NPPF is clear that neighbourhood plans and LGS designation should not be used to prevent development. I have previously spoken to an Independent Examiner on the matter of landowner objection to a LGS designation and the Independent Examiner stated he would be minded to strike out any LGS designation without landowner support, given that certainty cannot be guaranteed (i.e. the policy, which protects the site from inappropriate development, is not deliverable)....One has to question the degree to which the site meets the NPPF criteria particularly paragraph 100 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 ") if it is in private ownership."

These three sites were designated Important Open Space in 2005 under govt criteria which were focused on character and setting. The Govt has changed the criteria for Local Green Space to focus on where is site is demonstrably special and of particular local significance.

### **Could this LGS designation endure beyond the end of the plan period?**

As we are objecting to the designation of our land as Local Green Space, no management plan will be in place. Thus there is no guarantee that whatever it is that is demonstrably special and of particular local significance about this orchard will endure beyond the end of the plan. For example, if it is the beauty of the site that you wish to demonstrate is special, Leylandii could be planted.

As a management plan is required as part of the NPPF for LGS designation, designation of our land would fail to meet this criteria.

In addition there is no public access to this land.

### **It is suggested that TL Orchard is designated because of its Beauty**

The view from the pub, which cannot be protected as it is private, is no more special than any of the many other views in the village. In addition, the landlord of the pub tells us that an average of 10 villagers a year visit the back garden of the pub. This does not show that this site is demonstrably special and of particular local significance to the community.

### **History**

Town Living Orchard is no more or less special and of particular local significance than any of the other 13 Orchards in the village which were listed on the 1840 Tithe Map and are still in existence.

Examiners explain that for something to have historical significance it needs to be rare, as in when the village fete has been held for hundreds of years, or where the the whole community has gathered over many years to perform a play and build a town to burn (like Sticklepath for example) or the community has gathered by long held tradition to pick and press apples.

The available evidence does not demonstrate why this site is 'special' and of 'particular local significance' to distinguish it from other orchards, green areas and open spaces in the village and reach the high bar necessary for LGS designation.

### **Other Designations**

Different types of designations are intended to achieve different purposes. If land is already protected by designation, what do we gain from LGS designation? The Conservation Area and the curtilage of a listed building and barns provide the Orchard with robust protection. If the Group is attempting to prevent development by designating this land as a Local Green Space, this is not the tool. In fact Neighbourhood Plans are thrown out by examiners when they believe that LGS designation is being used to prevent development.

**Demonstrably Special**

On the consultation day villagers voted in response to this question: “The Neighbourhood Plan can offer special protection against development for certain green areas of particular importance known as “Local Green Spaces”....Which of the nominated sites do you support becoming Local Green Spaces in the Neighbourhood Plan?”

The stickers placed by villagers day are an indication that this site is demonstrably popular in terms of people wanting to prevent development. Not that it is demonstrably special.

In addition the 3 IOS sites were actively promoted by the NPG above other possible sites for nomination and voting in a news letter circulated throughout the village and on the consultation day, without the NPG explaining that the criteria around LGS designation differs completely from IOS designation.

**Consultation**

The Plymouth JLP Inspectors said: “The Planning Practice Guidance states that landowners should be contacted at an early stage about proposals to designate any part of their land as LGS and have opportunities to make representations. There is little available evidence demonstrating that such landowners were contacted during the LGS selection process and that their comments have been robustly addressed within the assessments.”

As a landowner we have yet to be formally consulted about possible designation. The NPG spoke in 2015 and 2016 about running workshops with the landowners and these have not As yet occurred. The Exbourne LGS draft report, page 4 says the NP “should contact landowners at an early stage about proposals to designate any part of their land as LGS. Our land was nominated in March 2017. We await the consultation process.

Examiners agree that a Neighbourhood Plan is about consultation. The Exbourne Neighbourhood Plan is very likely to fail in this area.