



Silverton Parish Neighbourhood Plan Committee  
C/O Miss O.A Kennard  
67 Windham Road  
Silverton  
EX5 4JZ  
BY EMAIL: [olivia@save4freedom.com](mailto:olivia@save4freedom.com)

your ref  
our ref RQS.77126.1  
direct dial +44 (0)1392 612235  
email [rstracey@trowers.com](mailto:rstracey@trowers.com)  
date 3 October 2017

Dear Miss Kennard

**Silverton Neighbourhood Plan – The Glebe, Church Road, Silverton**

We are instructed by \_\_\_\_\_ who is the owner of a parcel of land known the Glebe, Church Road, Silverton. The area of land held by \_\_\_\_\_ shown edged blue and edged red on the enclosed plan ("the Site"), and comprises approximately 1.068 hectares. We write to set out our client's position regarding the potential allocation of the Site for housing purposes within the emerging Silverton Neighbourhood Plan.

We note that the Site has been recognised as a potential housing site for some time through the Mid Devon District Council Strategic Housing Land Availability Assessment process (the SHLAA). The 2013 SHLAA identified the potential of the Site for between 26 and 43 new homes, and provided a favourable analysis of the merits of the Site when compared to other available sites within the locality of Silverton. It is clear that the Parish Council and local community did not support the findings of the 2013 SHLAA, and in response to the perceived flaws, the process of promoting the emerging Silverton Neighbourhood Plan has begun. The emerging draft Silverton Neighbourhood Plan seeks to depart from the approach taken by Mid Devon District Council which sought to allocate larger sites for development. The emerging draft Silverton Neighbourhood Plan instead proposes to meet local housing need over the plan period by allocating small sites for up to 5 dwellings.

As you will be aware, the Site has been considered for allocation through the Silverton Neighbourhood Plan process. The Site Appraisal and Allocation Report (May 2017) analyses each of the 6 available identified sites in the locality of Silverton, and ranks each site from one to six in order of preference. We note that The Glebe has been ranked number 4. The Silverton Neighbourhood Plan Steering Group resolved on 4<sup>th</sup> April 2017 that The Glebe should be allocated for a small housing development of approximately five dwellings in the Neighbourhood Plan subject to the proviso that it should enable part of the site to be used by the community for recreational purposes in perpetuity. Our client has no desire to challenge this proposal at the Examination in Public, and supports the Council's proposal to allocate The Glebe for housing and recreational purposes. In this regard, we consider that the Site is well placed to serve the needs of the community, and in particular the following features make it suitable for housing and recreational purposes:

- 1. The location of the Site adjacent to the settlement boundary which makes the Site a highly sustainable one;

LONDON BIRMINGHAM EXETER MANCHESTER ABU DHABI BAHRAIN DUBAI MALAYSIA OMAN

Trowers & Hamlin LLP DX 8343 Exeter  
The Senate t +44 (0)1392 612600  
Southernhay Gardens f +44 (0)1392 612601  
Exeter  
EX1 1UG [www.trowers.com](http://www.trowers.com)

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2. The size of the Site, which lends itself to a low density, high quality form of development that respects and complements the character and appearance of the conservation area and heritage assets;
3. The ability of the Site (by virtue of its overall size) to accommodate a layout to facilitate safe access and egress;
4. The ability of the Site (again by virtue of its overall size) to provide valuable public recreational space (which could take the form of a wooded area open to the public).

Following the resolution in April 2017, we understand that members of the Silverton Neighbourhood Plan Committee have been in further discussions with [redacted] with regards to the precise areas of the Site that could be provided as public recreational space. [redacted] has prepared the enclosed plan in order to illustrate the discussions held to date as he understands them. According to [redacted] understanding, members have suggested that broadly speaking the Southern parcel of the site (which [redacted] has edged red on the plan for the purpose of this letter) be used for housing, with the area broadly edged in blue being provided as recreational space. [redacted] has said that he has been asked for a commitment as to the area of land that he would be prepared to gift to the village. The areas shown on the plan are obviously indicative at this stage, and provided in order to aid the committee's consideration of what could potentially be delivered at the Site.

As a longstanding member of the local community, [redacted] is supportive of the proposal to allocate the Site for up to 5 houses, and is willing to mitigate the impacts of the development by ensuring that it comes forward in a way that ensures low density, high quality housing, with attractive and useable on-site public recreational space. [redacted] therefore supports the principle that any part of the Site that is not utilised for the 5 new houses, and associated infrastructure, should be made available to the public at large for recreational purposes, recognising that this will be of great benefit to the local community for generations to come.

However, whilst [redacted] is supportive of the emerging proposals, in the interests of transparency and probity, it would in our view be improper at this stage for [redacted] to gift a defined area of land to the village in return for the Site being allocated for housing. Indeed, such an approach could lead to a third party judicial challenge, thereby prejudicing the promotion of the Silverton Neighbourhood Plan itself, undermining the hard work that has been undertaken to date.

We would suggest that the proper way forward in this regard, would be for the whole site to be allocated for a maximum of 5 houses within the neighbourhood plan. The text within the Neighbourhood Plan supporting the site allocation can describe the overall vision for the development of the Site, including the need for a low density, high quality design that respects the



surrounding area, and which provides for public recreational space. That approach will enable plans for the overall layout of the site to be worked up through the development management process, which itself would be subject to public consultation. Delineating the precise areas of the Site that would be used to accommodate new houses and associated infrastructure, from the areas that would be provided as public recreational space, would not be appropriate at this stage, and could unduly constrain the overall design. The detailed design and layout of the Site, including the precise areas to be provided as on-site recreational space are matters that would need to be resolved at the planning application stage, once the Neighbourhood Plan is formally adopted. An architect experienced in dealing with developments close to conservation assets would need to be engaged to work up the planning application in close liaison with the Parish Council and Mid Devon District Council's conservation officer. As part of such a planning application, our client would enter into a legally binding agreement with Mid Devon District Council (to which the Parish Council could be a beneficiary) pursuant to Section 106 of the Town and Country Planning Act 1990 in order to secure the relevant areas of the Site as public open space in perpetuity. This could take the form of an obligation to layout and transfer the public recreational space to the District or Parish Council for nil consideration if that is the preferred route.

The way forward described above is the tried and tested route of securing public infrastructure via the planning process. We hope that the above gives the committee an idea as to what could be possible if the site is allocated for housing. We also hope that it assists the committee as to the procedure to be followed in pursuing the mutually agreed vision for the development of the Site.

We would reiterate that our client is fully supportive of the objectives of the Neighbourhood Plan, including the vision for the development of the Site and the delivery of valuable public recreational space, and only wishes to ensure that the same comes forward in a way that is transparent and legally robust.

We would be happy to answer any further queries that you may have.

Yours faithfully

Enc.1

TOTAL AREA 2.64 Acres / 1.068 Hectares

August 2017

SKETCH OF APPROXIMATE SIZE etc FOR GUIDE ONLY.

= (A<sup>1</sup> + A<sup>2</sup> + A<sup>3</sup>) Blue Boundary A = Approx 1 Acre (0.408 Hectare)

