

Sarah Taylor
Newton and Noss Neighbourhood Plan Steering Group
BY EMAIL ONLY

21st July 2017

Dear Sarah

**South Hams District Council response to the draft
Newton and Noss Neighbourhood Plan**

Thank you for sending the pre-submission Newton and Noss Neighbourhood Plan (Regulation 14)* to the Local Planning Authority (LPA) for comments. This will be referred to as the Draft Newton and Noss Neighbourhood Plan (the Plan) in this document.

The LPA fully supports the initiative to produce a neighbourhood plan and recognises that much work has gone into the development of the Plan with extensive community involvement. The LPA commends the Newton and Noss Neighbourhood Plan Group for all the hard work already put into the Plan.

These comments have been provided to assist the Neighbourhood Planning Group in producing a Draft Neighbourhood Plan for submission to the LPA at Regulation 15*. The response is based on the information provided and available at the time of reviewing the Plan, which includes the pre-submission draft Newton and Noss Neighbourhood Plan (June 2017) and appendices available on the N3P website.

A number of suggestions are made below for further consideration prior to submission at Regulation 15, to help ensure the Plan is successful at examination and contributes to a strong planning policy framework for the Newton and Noss.

Key comments on the overall NP are:

- 1) The Plan is well considered and well drafted. The justification text for the policies is particularly welcome and in most cases clearly sets out the rationale behind the policies. Also welcome are the boxes pointing to relevant background evidence.

Consider adding relevant national and district policy to these boxes (see following comment).

- 2) As your Statement of Basic Conditions makes clear, neighbourhood plans must have regard to the National Planning Policy Framework (NPPF) and be in conformity with the strategic policies of the adopted Local Plan. For South Hams, this is currently the 2006 Core Strategy except where this is out of date and the NPPF takes precedence. The LPA has no major concerns about the Plan in this respect, but for the sake of clarity a list of Strategic Policies is attached to this letter as an appendix.
- 3) It is recommended that neighbourhood plans also have regard to emerging district policy in order to avoid becoming out of date once this is adopted. The Plymouth and South West Devon Joint Local Plan (JLP) is due to be submitted for examination shortly and is expected to be adopted in 2018. The Neighbourhood Plan does reference this document and this is considered appropriate by the LPA, although an examiner may require all such references to be removed in order to fully comply with the 'basic conditions' if the Plan is examined prior to the JLP being adopted.
- 4) The limitations on development within the neighbourhood area due to geography and the coastal location within the AONB are recognised. However, the NPPF does strongly encourage local planning policy to have a positive attitude towards development wherever possible. Some of the policies in the Plan could be worded in a more positive way – for example 'Development will be supported where it...' rather than 'Development will not be permitted if it...'
- 5) There is some repetition of existing and emerging district policy. This is unnecessary unless existing policy does not adequately address local circumstances in which case it will be appropriate for the neighbourhood plan policy to add emphasis or detail. Where this is the case it should be made clear in supporting text.
- 6) There are some policies that are considered to be inadequately evidenced, at least judging by the background evidence currently available as appendices to the Plan. These are highlighted in the comments below and for these it is recommended that further evidence be provided prior to Regulation 15: please contact the Neighbourhood Planning Team at SHDC if you need further advice about this.

Comments on specific parts of the Neighbourhood Plan

Section, policy or text	Comment
N3P1 The Village Settlement Boundaries	The relevant strategic policies here are considered to be South Hams Core Strategy CS1 and the NPPF 14-15. CS1 identifies both Newton Ferrers and Noss Mayo as sustainable settlements where development is appropriate. Policy N3P1 is in conformity with this policy. It is also in broad conformity with NPPF Paras 14-15 ('the Presumption in favour of Sustainable Development'), taken in conjunction with NPPF Paras 115 and 116, which give great weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. However, NPPF Para 116 relates specifically to major developments, and more flexibility in N3P1 would be welcomed in regard to small developments outside the Settlement Boundaries, in order to ensure full conformity with the NPPF. Emerging policy JLP DEV 25 is also (Undeveloped Coast) is also relevant and would permit

	<p>tourism uses within the Undeveloped Coast area, in addition to development uses listed in Policy N3P1.</p> <p>It is considered appropriate to extend the Settlement Boundary of Newton Ferrers around the completed development at Archers Court and the proposed development at Parsonage Farm.</p> <p>As currently worded, the policy appears to only require development within the Settlement Boundary to meet the criteria set out in N3P1 a), while development outside the boundary is not required to.</p>
N3P2 Protecting the Waterfront	<p>As currently worded, this policy may not provide a clear enough steer to decision makers. How will these criteria be judged – in particular ‘detract from the quiet enjoyment of the waterside by everyone’? Consideration should be given to whether the emerging Joint Local Plan will provide the desired protection for the waterfront through the Development Management policies set out in section 6.e. Natural Environment.</p>
N3P3 Development Policy Areas	<p>This policy is a restatement of the first two parts of Development Plan Saved Policy MP12. While neighbourhood plans should not normally repeat existing policy, it is considered appropriate in this case given that the emerging JLP does not contain such detail. The policy is in conformity with NPPF 59 which advocates local policies to guide aspects of design such as density. However, more positive wording is suggested, such as ‘Development should respect the low-density character of Policy Areas 1 and 2’</p>
N3P4 Development and Construction	<p>Most of these criteria are well covered in existing and emerging policy – see CS7, DPD1, DPD4, JLP DEV20-22, DEV34. What does N3P4 add to these policies? Would it be more appropriate to replace N3P4 with a commitment to produce local design guidance that would focus on the unique characteristics of the neighbourhood area?</p>
N3P5 Movement and Parking	<p>Local design guidance could also address these issues.</p>
N3P6 Drainage and Flooding	<p>The measures set out in parts a) and b) of this policy are already covered by existing and emerging policy, including CS11, DPD4, Environment Agency guidance and JLP DEV37.</p> <p>You have justified the diversion from JLP policy in part c) and this is considered acceptable given the local circumstances.</p>
N3P7 Planning Obligations and Commuted Sums	<p>Reference should be made to CIL regulations, in particular Regulation 122 which states that planning obligations must:</p> <p>(i) be necessary to make the development acceptable in planning terms; (ii) directly relate to the development;</p>

	and (iii) be fairly and reasonably related in scale and kind to the development, and Regulation 123 which limits the funding of infrastructure by 'pooling' contributions.
N3P8 Heritage and Conservation	Measures in this policy are covered by existing and emerging policy – see CS9, DPD2, DPD5 , JLP DEV21 and DEV 22. It would be useful to focus on identifying non designated local heritage assets in order to add local detail to JLP DEV 21.
N3P9 Protecting the Landscape	Again it would be useful to have more focus on local issues in order to add detail to existing and emerging district and national policy. For example, can you identify particular local views that should be protected?
N3P10 Green Spaces	While the Council supports in principle the designation of Local Green Spaces (LGS) in neighbourhood plans, it is important to ensure that sufficient evidence is available to demonstrate that each of the proposed LGS meets the criteria set out in NPPF 77. Although it is clear from documents on your website that the proposed LGS have been nominated by the community, it is not obvious that this evidence is available. A topic paper on this subject is recommended to provide this evidence. Further guidance on this subject can be provided on request.
N3P11 Balanced Housing Stock and Local Needs Housing	This policy is broadly supported. However, further background information on this topic would be welcomed, particularly on how housing needs have been assessed, including type, size and tenure of market housing, and how far the development at Collaton goes towards meeting those needs. Was consideration given to allocating a site for community housing? A topic paper drawing together evidence from work done to support the JLP and any local evidence, may be appropriate. Evidence should be provided that the requirement in N3P11c) is achievable and deliverable in terms of viability and the demands of the local housing market. Otherwise this part of the policy should be re-phrased as a target rather than a requirement.
N3P12 Second Homes and 'principal residence' requirement	This policy is broadly supported as evidence has been provided that second home ownership is a significant issue in the neighbourhood area. The discussion paper in Appendix H4 is useful. However, it is considered unlikely to meet the objective stated for the policy, given that it cannot be applied to existing dwellings. Does this policy apply equally to 'second homes' and to development specifically for use as commercially rented holiday homes? Further clarity on this point would be useful, particularly in light of the points raised by the discussion paper in Appendix H4.

N3P13 Business Premises	<p>This policy is supported and is in broad conformity with Core Strategy Policy CS3 and emerging policy JLP DEV15.</p> <p>Some clarification would be welcomed in N3P13 a): does this apply to development anywhere in the neighbourhood area, including countryside outside development boundaries? If so there appears to be some conflict with N3P1.</p>
N3P14 Community Facilities and Infrastructure	<p>This policy is supported and not considered to be in conflict with either existing or emerging strategic policies.</p> <p>Suggest replacing the 'e.g.' in part d), with 'including', for the sake of clarity.</p>

I hope you find these comments useful. Please do not hesitate to contact me if you would like further clarification on any of them.

Best wishes,

Mandy Goddard
Neighbourhood Planning Specialist

*Neighbourhood Planning (General) Regulations 2012



South Hams District Council

Development Plan Strategic Policies July 2017

The extant Development Plan for South Hams District as at July 2017 comprises the following documents:

- 2006 Core Strategy including saved policies from the 1996 Local Plan
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas

The Council considers the following policies relevant as strategic policies with which Neighbourhood Plans should be in conformity where they are still up to date and in conformity with the National Planning Policy Framework (NPPF). Where policies are not in conformity with the NPPF, the NPPF will take precedence and the relevant NPPF paragraph or section is given.

Policies that the Council considers Neighbourhood Plans should be in conformity with are shaded green in the following table.

Strategic Policy	Conformity required?	Notes
Core Strategy 2006		
CS1, Location of Development	Y	Not in full conformity with NPPF; however, NPs should have regard to CS1 as it gives an indication of which settlements are considered sustainable by the Council. NPPF Paras 14-15 are also relevant ('Presumption in favour of sustainable development').

CS2, Housing numbers	N	Out of date. Not in conformity with NPPF – relevant section: 6. Delivering a wide choice of high quality homes. JLP evidence is relevant.
CS3, Employment land provision	Y	Compliance required though NPs may add detail
CS4, Sherford New Community	N	Where relevant.
CS5, Previously developed land	Y	NPPF 111 permits local targets. No new evidence to suggest a different target, however, the Council suggests flexibility on the 50% figure.
CS6, Affordable Housing	N	Does not conform with NPPF in terms of evidence. NPPF Paras 50 and 54 are relevant. New JLP evidence suggests 30%
CS7, Design	Y	Sets out broad design parameters. NPs may add local detail. DPD1 is relevant.
CS8, Infrastructure provision	Y	NPs may add local detail.
CS9, Landscape and historic environment	Y	In broad conformity with NPPF. NPs may add local detail. DPD2 and DPD5 are relevant.
CS10, Nature conservation	Y	DPD5 is relevant.
CS11, Climate change	Y	In broad conformity with NPPF. NPs may add local detail.
CS12 Tourism	N	NPPF does not advocate a sequential approach for tourism related development. Relevant NPPF sections: 1. Building a strong, competitive economy 2. Ensuring the vitality of town centres 3. Supporting a prosperous rural economy
CS13, Rural diversification	N	Not in full conformity with NPPF. NPPF Para 28 takes precedence.
Development Policies DPD		
DPD7, Transport, access and parking	Y	
DPD8, Open space, sport and recreation	Y	
DP11, Housing mix and tenure	Y	
Site Allocations DPD policies where appropriate		