

Ughborough Neighbourhood Plan

Schedule of Responses to Regulation 16 Consultation

Ughborough Neighbourhood Plan was submitted to South Hams District Council on 18th August 2016. The Council consulted on the submitted plan for a six week period between 29/9/16 – 10/11/16 in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations.

The tables below set out the representations on the Ughborough Neighbourhood Plan made in response to consultation at Regulation 16.

TABLE 1 Responses to Regulation 16 Consultation

<p>1. Richard Hosking BSc (Hons) MRICS FAAV</p> <p>CONSULTATION RESPONSE – PRESUBMISSION UGBOROUGH NEIGHBOURHOOD DEVELOPMENT PLAN – 10th November 2016</p> <ol style="list-style-type: none">1. Ughborough was my childhood and early adulthood home to which I returned about twelve years ago. To date with the exception of educational absences I have lived and worked in the South Hams area.2. The Localism Act provides Parishes with the opportunity to create sustainable communities as we move into the twenty first century.3. In my opinion new housing number targets for the South Hams since 2006 are excessive relative to current employment opportunities. Around the coast we have a high level of second homes and retirement homes with a significantly skewed age demographic.4. Ughborough village is in my opinion one of a number of communities that are an exception to this general observation. As a child I recall five shops in the village and there are currently none. The early Household Questionnaire indicated a possible willingness within the Neighbourhood Area to accommodate more homes if community facilities could be provided. I believe it is regrettable that this was not explored more fully by further community wide questionnaire consultation planned at that time. I believe the future prospects of the remaining facilities comprising the pubs and school will be enhanced by some well designed and integrated development in the village.5. Parking in the village is congested when there are events, and the square is dominated by parked cars. How much more attractive the centre of the village will be with a village green and the potential for say a small covered weekly market? Current overflow parking for events relies on the generosity of a landowner and neighbouring farmer. There is no provision in the Neighbourhood Plan for additional parking.6. The village hall is confined within its site, internal space is restricted for the pre-school group, disabled access is restricted to the meeting room and a new location close to the centre with outside space will add to the attractiveness and flexibility of use of the accommodation. The economic possibility and practicalities of this suggestion will need to be carefully considered.
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7. The road adjoining the School is very congested at opening and closing times and an alternative access and parking on the eastern side will assist road safety.
 8. It is not evident within the plan how affordable housing will be delivered. Based on recent Local Planning Authority Policy the ability to require an element of affordable housing within a development will be precluded and developer financial contribution to affordable housing from a new development will be restricted with a limit of no more than four dwellings per site. Future management of a scattered estate through a Community Land Trust or similar will be challenging.
 9. Housing needs surveys are widely used to set affordable housing requirements, however it seems that the Neighbourhood Plan reduces the need identified in the 2015 Housing Needs Survey?
 10. In my opinion the decision to follow a thematic path was made too early relative to the evidence from the questionnaire, which suggested there may be a desire for a medium sized development in the village if it could deliver community benefits.
 11. Development may hold the key to the resolution of existing flooding problems in Lutterburn Street by providing water attenuation infrastructure in the stream to the north.
 12. There does not appear to be an identified site for the provision of a well supported early idea for a community Orchard near the centre of the village?
 13. I support the Historic and Environmental objectives expressed in UG1.
 14. Dispersing housing in small clusters in the country areas of the Neighbourhood Plan Area would appear to be in conflict with sustainability objectives in the Local Plan and National Planning Policy Framework?
 15. In my view Ugborough Village will benefit from affordable homes for families from the South Hams locality to sustainably boost future pre-school and primary school intake and the potential for embryonic commercial services including a shop.
 16. I believe it is unfortunate that the waters around the Neighbourhood Planning exercise in Ugborough were muddied by an earlier organised local campaign to exclude a development site in Ugborough Village from the 2010 Local Plan (which the Inspector upheld as access was not proven), and a subsequent expression of interest from a consortium including the owner of that land in developing the most central potential site in the village.
 17. As a County Councillor I must report that the most recent report concerning Connecting Devon & Somerset advised that they are on target with delivery of a fibre to the cabinet High Speed Broadband solution to 90% of the premises within the Devon & Somerset area by the end of 2016, and tenders are currently being considered to award contracts for the roll out of the next 5% in Phase II in early 2017.
- I hope this is helpful.

2. Simon Pickstone

Economic Objective' (page 25) is:

"Support the continuation and development of small rural businesses employing local people (or people locally). This includes enhancing the viability of farming and other land-based rural enterprises by supporting business diversification. Promote Ugborough Village and the Plan Area as a base from which to explore Dartmoor and the coast".

'Economic Policy' UG15: Rural businesses (page 68) will purportedly "deliver the above objective":

Planning proposals for the diversification of agriculturally based industries and other existing rural businesses will be supported subject to the following criteria:

- the diversification is essential for the operation/continuation of the existing occupier;
- any new building must conform to high quality design (see housing policy UG12);
- the design and volume of any extension should be consistent with the historic development at that location and present a satisfactory composition;
- the diversification must not compromise residential amenity as defined in SHDC policy, DP3 residential amenity, and road safety;
- the diversification must not result in an isolated development in the open countryside; and
- the development does not cause coalescence between adjacent properties.

Representation: I object to Policy UG15 and dispute the claims that it will deliver the 'Economy Objective' set for the UNP. Policy UG15 states that only proposals which involve either i) 'diversification of (existing) agriculturally based industries' or are related to 'an existing rural business' will be supported. It is not sufficiently clear or defined anywhere in the NP exactly what an 'agriculturally based industry' is and/or what form of 'diversification' thereof is envisaged/or considered acceptable (I assume not all forms of diversification would automatically be 'supported' e.g. wind turbines?)? It is also not clear whether 'other land-based rural enterprises' referred to in the 'Economy Objective' fall within these 'supported activities'? If not, then I again question the claim that policy UG15 will deliver the 'Economic Objective' for the NP. The first criterion (bullet point 1) again limits everything back to the narrow class of business development described as 'diversification'. It goes on to stipulate that this is subject to it being 'essential for the operation /continuation of the existing occupier'. How can anybody determine what is essential and how can it be right to only support business diversification by existing occupiers? I also question why appropriate new rural businesses per se would not be supported by policy UG15 and yet the 'Economy Objective' explicitly sets this out as a stated aim? I suggest this is also counter to the SHDC 'Our Plan' stated Vision for economy: "Creating places for enterprise to thrive and business to grow". If this is an unintended consequence as a result of the unfortunate choice of language in policy UG15 I encourage the policy to be reworded to signal support for existing and new businesses which are compatible with rural enterprise in general.

3. Network Rail

Dear Sir/Madam

Network Rail has been consulted on Regulation 15 of the Neighbourhood Planning regulations the Ughborough Neighbourhood Plan proposal. Thank you for providing us with this opportunity to comment on this Planning Policy document.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.

The Ughborough Neighbourhood plan includes railway / Network Rail land within the proposal map.

Network Rail would draw the council's attention to the following (which applies to England only):

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Publicity for applications for planning permission within 10 metres of relevant railway land

16.—(1) This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.

(2) The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.

(3) Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas ("the instruction"), the local planning authority is not required to notify that infrastructure manager.

(4) The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.

(5) In paragraph (2) "requisite notice" means a notice in the appropriate form as set out in Schedule 3 or in a form substantially to the same effect.

Level Crossings

Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing
- By the cumulative effect of development added over time
- By the type of crossing involved
- By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing
- By developments that might impede pedestrians ability to hear approaching trains
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing.

The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:

- *Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both Her Majesty's Railway Inspectorate and Network Rail for separate approval".*

Planning Applications

We would appreciate the Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).

We trust these comments will be considered in your preparation of the forthcoming Neighbourhood Development Plan document.

Regards

Barbara Morgan

Town Planning Technician (Western & Wales)

Email: townplanningwestern@networkrail.co.uk

4. Natural England

Planning consultation: Ugborough Neighbourhood Plan.

Location: Ugborough, Devon.

Thank you for your consultation on the above neighbourhood plan, which was received by Natural England on 29 September 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

TOWN AND COUNTRY PLANNING, ENGLAND – THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012

We welcome the preparation of the Ugborough Neighbourhood Plan and recognise the hard work being done by the parish in developing it. We note that the Neighbourhood Plan does relate to land use criteria-based policies but does not allocate specific sites.

Natural England welcomes the amendments made to the Plan that reflect our advice to the PreSubmission draft regarding the wording of the biodiversity section (page 28). We suggest that the wording of the final paragraph be amended to read as follows:

In terms of conserving and enhancing biodiversity and geodiversity interest, the Plan seeks to avoid impacts as a first principle. If impacts cannot be avoided then measures should be sought for adequate mitigation or as a last resort compensated for (National Planning Policy Framework (NPPF) para 118).

We also suggest that this paragraph should be given greater prominence within this section, by moving it nearer to the beginning.

As previously stated, we welcome the Plan's approach that seeks to 'maintain the integrity of [habitat] networks and repair fragmentation following a Green Infrastructure approach' (page 28). We would welcome more detail on how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community. Setting out policy/proposals to address any deficiencies in green space or enhance existing provision. For instance you may wish to widen the scope of policy UG17 (Community Facilities).

It should be noted that small parts of the Neighbourhood Plan area (north-eastern and southeastern fringes) fall within the sustenance zone and a strategic flyway associated with the greater horseshoe bat interest of the South Hams Special Area of Conservation (SAC). This is evidenced in your map on page 54.

Section on Landscape and character – reasoned justification (page 51)

The South Devon Area of Outstanding Natural Beauty (AONB) is inaccurately referred to as the 'Avon Valley AONB' on page 53.

Policy UG11: Landscape and built environment character

In addition to criteria on landscape character and built character, this policy contains criteria seeking to avoid detrimental impacts on biodiversity. For clarity, we would suggest that these objectives be dealt with in a separate policy on biodiversity and geodiversity.

- There is a criterion seeking to avoid development on flood plains. This could be deleted as it is dealt with in UG14: Sustainability.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Darren Horn. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

5. The Marine Management Organisation

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Activities taking place below the mean high water mark may require a [marine licence](#) in accordance with the [Marine and Coastal Access Act \(MCAA\) 2009](#). Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the [East Inshore and Offshore marine plans](#) were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our [Marine Information System](#). The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the [Marine Policy Statement](#) for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and](#)

[Coastal Access Act](#) and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response please email us at consultations@marinemanagement.org.uk or telephone us on 0300 123 1032.

6. Bell Cornwall

Submission Draft Ugborough Neighbourhood Plan – Observations on behalf of Stuart Properties Ltd

Bell Cornwell LLP act as planning consultants on behalf of Stuart Properties Ltd. As you will be aware from previous correspondence and discussions, our client are the owners of a large amount of land in Wrangaton, within Ugborough Parish and the Neighbourhood Plan (NP) area.

They are the owners of Wrangaton Business Park, which provides valuable local employment, and an area of adjoining land, which is currently the subject of a planning application for residential development (see Land adjacent to Siding Cross; application reference 1307/16/OPA). We have been instructed to submit representations on the latest draft of the NP and these are set out below.

Please note that we made comments on the previous version of the NP directly to the Working Group through their website. We therefore expected to be advised of this next phase of consultation, however this has not taken place. Whilst we are submitting these comments belatedly, you have advised us that this response will still be considered as a duly made representation.

Background to the Representations

You will be aware that Stuart Properties Ltd have been progressing, via a planning application, a scheme for a housing development on land adjacent to Siding Cross, Wrangaton. The current application has sought to demonstrate beyond question that a housing development on the land is technically deliverable.

Our clients have focused their efforts on bringing forward a scheme on this site and have expended considerable effort in the last two years to that effect. During the same period, South Hams District Council have openly sought to secure planning permission for additional housing in order to address its inability to meet its five-year land supply requirement.

In light of this context, it will be understood that the merits of the Siding Cross site as a potential location for housing have been considered. With regard to the current planning application on this land, whilst we note that the Parish Council have raised some concerns over highway safety issues which we will look to address, they have expressed clear support for the principle of residential development on this site.

Ugborough Neighbourhood Plan

The Plan is a thematic document that sets out the policies for the Ugborough Neighbourhood Plan Area. The document seems to focus primarily on the village of Ugborough, but once adopted will obviously be applied to the whole plan area. This obviously needs to be given serious consideration as this could have unforeseen consequences for land within other villages across the Plan area.

Our client's main concerns are that the document seems to put an artificial ceiling on the development potential of sites within the parish by applying overly restrictive housing policies that will prevent good sites (such as our client's in Wrangaton) coming forward with appropriate housing numbers.

The delivery of a major housing scheme at Wrangaton with additional community facilities and open space could have real benefits for the local community, and help sustain rural life and facilities in neighbouring settlements. Whilst we understand that any development needs to be "proportionate" and

sympathetic to local character, overly restrictive policies could prevent well located previously developed sites (such as our clients) from coming forward for development.

On Page 49, we also note that reference has been made to affordable housing need being met by 600 new homes that will be built within Filham (on the edge of Ivybridge). However, whilst this is land within the parish of Ugborough, this development is actually outside of the Ugborough Plan Area, and the figures in the 2015 housing need survey for Ugborough take account of this. The plan also suggests that further infill development will occur at Filham as a consequence of this larger scheme – obviously this might be the case but it only has relevance if those sites are within the NP area.

UG4: Minor Housing Developments

Housing numbers and location strategy

This policy primarily seeks to address housing numbers across the NP period. However, we note that there is no comment on the locational strategy for these houses.

The plan proposes that housing delivery will be provided through farm building conversions and single or small pockets of development (further definition is required) through the plan area, but contains no assessment of where these sites are located. This flexible approach is a good idea given that the Neighbourhood Plan suggests that any housing will be provided outside of Ugborough village in hamlets and smaller settlements as has happened historically.

We note that there is no settlement hierarchy contained within the NP, but the plan does acknowledge that after Ugborough the next settlements in terms of scale and hierarchy are the smaller settlements of Filham, Ludbrook and Wrangaton, (and then smaller hamlets beyond this). We assume that housing will be supported in these settlements.

The plan also suggests that the majority of people would prefer organic development of no more than two to four new homes in any one place, and that respondents to a parish wide questionnaire would support a maximum of between 27 and 35 new homes between 2013 and 2030. It seems that it is on this basis that the projected housing number of 30 dwellings that are to be delivered across the plan period (as confirmed in the Basic Conditions Statement) are justified.

However, the Plan also suggests that new homes over the period of the Plan will be developed in line with historic growth trends (currently an average of 3 new homes per year – which has been measured on housing delivery across a 20-year period from 1995 to 2015 and census data).

We would suggest that if the NP wishes to include a housing target, then for this to be sound and consistent with the evidence upon which the document relies, this figure should be pushed up toward 45 dwellings, and in accordance with the NPPF, any housing number should be seen as a minimum requirement rather than a maximum threshold.

The NPPF is clear that housing allocations and the delivery of an adequate supply of housing sites should not be seen as a maximum ceiling or upper limit, and that housing numbers should be seen as a minimum requirement that must be provided. We would suggest that further amendments are required to the proposed policy if the Local Authority consider that the evidence that the NP currently relies on is sound.

Specific wording of UG4: Minor Housing Developments

We are encouraged to see that this policy has been updated since the earlier Pre-submission documents, and Policy UG4: is now called Minor Housing Developments, rather than “small scale housing developments.”

We also note that the maximum ceiling of 4 dwellings per site which was previously suggested has now been removed. The policy now suggests that minor development would in principle be supported in line with historic growth trends. Minor development is obviously defined as scheme between 1-9 dwellings.

The policy also makes allowances for major proposals by stating “any site put forward for other than minor development must have due regard to the sustainability criteria and must take account of the need for access public transport, to major roads such as the A38 and other local services.”

Obviously with regard to our client’s current land interests we see this change as hugely positive as it suggests that the principle of major residential development could be supported under this policy.

However, we would suggest that greater clarification is required on this point and within the pre-amble to the proposed policy, as the wording of the policy seems to conflict with the supporting text, which still states development will be secured through 'small pockets of development.' This is confusing and not clear.

UG5: Infill sites

The policy states that development for small residential developments on infill and redevelopment sites will be supported subject to relevant criteria listed in the policy. Given the stance taken in Policy UG4 which allows flexibility in the number of dwellings that a development site can deliver, we'd suggest that the word "small" needs to be removed or better defined. This could be replaced with language that is more consistent with that used in the preceding policy UG4, or it could remove any reference to 'small' to allow appropriate larger development sites, that could be classed as infill sites, to come forward for development.

There also seems to be some drafting errors within this policy – bullet points 2 and 3 essentially repeat the same point.

UG7: New affordable housing

We note the suggestion in the previous version of the NP that only small-scale affordable housing developments in the Neighbourhood Plan Area would be supported, has now been removed.

The policy now states that in the event of a site being brought forward for other than minor development (e.g. a major development) that meets all the criteria in UG4, the principle of development can be considered acceptable. We assume this change in approach has been proposed to allow for our client's land.

This is sensible given the policy thresholds which South Hams and Central Government currently apply when seeking to deliver affordable housing. This is also encouraging for our clients site which is site capable of accommodating major housing development and providing affordable housing for residents of Ugborough and those within adjacent Parishes or a South Hams local connection.

However, we would draw the Council's attention to the 2015 Housing Survey for Ugborough which was carried out by South Hams District Council on behalf of the Neighbourhood Planning Group and Parish Council in 2015. This confirmed that within the Ugborough Neighbourhood Planning Area there is a need for a total of 10 affordable properties (with up to 6 rented properties of various sizes, and 4 intermediate home ownership properties). This figure does not seem to have been recognised in the Neighbourhood Plan.

UG15: Rural businesses

We note that there is limited content on industrial and business related development, other than that contained within Policy UG15 which states that planning proposals for the diversification of agriculturally based industries and other existing rural businesses will be supported subject to set criteria. Obviously we would not want the existing operations at Wrangaton Business Park to be restricted under this policy. The existing operations on site could not be considered agricultural based, but are rural by virtue of their location. Our client would not want to see the future growth of this successful business park sterilised by a restrictive policy and would ask this position is reviewed carefully against current district and national planning policy.

CONCLUSIONS

We do acknowledge and recognise the hard work that has gone into the drafting of the Neighbourhood Plan, however we would ask that the above comments are taken into account. Whilst we recognise that the local community wish to have control over the future scale of development that occurs

within the NP area, we'd suggest that the policies as drafted are overly restrictive, and need to allow greater flexibility to allow the delivery of appropriate housing sites within the Plan area.

The final version of the NP also needs to show greater consistency with the Basic Conditions Statement (which we assume the Local Authority will also review), and take greater account of the evidence on which the plan is based whilst showing conformity with wider district and national planning policy.

Yours faithfully

BELL CORNWELL LLP

For and on behalf of Stuart Properties Ltd.

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