



Date: 14<sup>th</sup> March 2019  
Our Ref: DS/18.194

Neighbourhood Planning  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

**SENT BY EMAIL**

Dear Sir/Madam,

**Brixton Neighbourhood Development Plan  
Regulation 16 Consultation Response**

I am writing on behalf of my clients Burrington Estates in response to the Regulation 16 Consultation on the Brixton Neighbourhood Plan (hereafter NDP). This representation relates to land south of the A379 at Brixton which is proposed for designation by Policy Env2. Burrington Estates have entered into a contract with the landowners and therefore have a legal interest in the site. This representation is accompanied by a location plan which confirms the extent of my client's interest.

The site is located immediately adjacent to the south eastern edge of Brixton, abutting residential development to west and north. It is connected to the existing footpath and highway networks and within walking distance of the village centre and close proximity of the settlement's key facilities including the primary school, post office and village shop and public house. The land is wholly within private ownership. There is no public access to the land and it does not provide any other form of community use or benefit and has never done so. The landowner advises that the site has not been in active agricultural use for approximately 20 years and is currently used intermittently for grazing sheep.

Whilst within the AONB, the site is well contained within the wider landscape, with mature trees and woodland to the eastern and southern boundaries and beyond. Whilst not currently formally promoted for development, or the subject of a planning application, the site is a sustainable location and could potentially accommodate development in the future.

This response has been prepared having regard to the following documents:

- Brixton Parish Neighbourhood Plan 2014-2034 (January 2019)
- Brixton Parish Neighbourhood Plan 2014-2034 (January 2019) - Appendices 1 to 10

The site is subject to proposed Policy Env2 and this representation sets out a response to the designation proposed by the policy. Whilst Policy Env2 is the focus of the representation, a number of other elements the NDP are referred to where they are considered to be relevant.

In order for the NDP to proceed to independent examination and then referendum, it is required to meet the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (1990) as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004.

In summary, the NDP fails to meet these Basic Conditions and should not proceed to examination for the following reasons:

- The Plan's proposals do not have regard to national policies and advice contained within guidance issued by the Secretary of State;
- It does not contribute to the achievement of sustainable development; and
- It is not in general conformity with the strategic policies contained within the development plan for the area.

This representation provides a review of Policy Env2 and its intended purpose and consequences in terms of spatial planning. This is followed by an overview of the purpose of neighbourhood planning. Together these two sections provide important and relevant background information. The following sections explain how the NDP does not have regard to national policies and advice; how the NDP cannot be considered to contribute to the achievement of sustainable development; and how the NDP cannot be considered to be in general conformity with the strategic policies contained within the development plan.

## Proposed Policy Env2

Policy Env2 identifies two parcels of land on the Environment Policy Map as 'Open Countryside that Characterises the setting of Brixton Village'. The policy is preceded by a section titled 'Policy Intent Env1 and Env2'. This advises as follows:

***Policies Env1 and Env2 reflect strongly expressed opinions made during the community consultations of the need to reinforce the protection provided by the South Devon AONB Management Plan...***

The above statement is accompanied by selected extracts from the South Devon AONB Management Plan.

The policy itself reads as follows:

***The fields identified on Environment and Landscape Policy Env Map 3: Policy Area ENV2 will be protected from development to maintain the important public views across the South Devon AONB that define the setting and character of Brixton village and its eastern and western approaches.***

The policy is followed by a section titled 'Policy Evidence Env2'. The 'evidence' identified can be summarised as follows:

- That a strong preference was expressed through community consultations to maintain rural distinctiveness of Brixton and avoid encroachment from Plymouth to the west; and
- An assertion that the proximity to Plymouth means that there is likely to be continuing pressure for Brixton to 'absorb further housing'.

The section also includes references to policies within the Emerging Plymouth and South West Devon Joint Local Plan. A number of these however appear to be out of date and may not reflect the latest iteration of that plan.

The section also makes the following statements:

***The fields in policy area Env2 have been identified for their special open character providing significant views over the AONB and protected woodland.***

***Their location defines the rural setting of the village at the fringes of the settlement boundary. Notwithstanding the designation of the AONB and development policies in the countryside, protection from development on both of these fields is critical to the rural identity of Brixton village, and the special views they afford across the open landscape.***

The published NDP evidence base does not include a landscape or visual technical assessment of the areas proposed for 'protection' by policy Env2. For example, it does not include a baseline report to identify the landscape and visual characteristics of these areas relevant to Brixton and the AONB more generally. Also there is no assessment of the potential change to landscape character or visual amenity as a result of development that would justify why these areas cannot be developed. There is no analysis available to explain why the views referred to are considered to be particularly important, or how and why they define the setting and character of the settlement and the approaches to it from both the east and west.

The implications of Policy Env2 in spatial planning terms are very clear. The policy is going beyond a presumption against development in the areas identified by the policy and is seeking to prevent all future development in these areas. The policy, the practical effects of which is akin to a Green Belt or green wedge, is an attempt to establish without justification an additional policy control over and above that already provided by existing and emerging development plan policies controlling the countryside and development within an AONB.

## **Purpose of Neighbourhood Planning**

The National Planning Policy Framework (NPPF) confirms that the purpose of the planning system is the achievement of sustainable development. NPPF Paragraph 8 provides further detail as follows:

***Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):***

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.***

The achievement of sustainable development means that the three overarching objectives are interdependent and need to be pursued in mutually supportive ways.

NPPF Paragraph 10 confirms:

***So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.***

NPPF Paragraph 13 advises that application of the presumption in favour of sustainable development has implications for the way communities engage in neighbourhood planning. This means that neighbourhood plans should:

- support the delivery of strategic policies contained in local plans or spatial development strategies; and
- shape and direct development that is outside of these strategic policies.

National policy and guidance is clear that neighbourhood planning must be a positive process and that it is not intended to unduly constrain future development. The National Planning Practice Guidance (NPPG) describes neighbourhood planning as follows:

***Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.*** (Paragraph: 001 Reference ID: 41-001-20140306)

The NPPG goes on to advise that:

***Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see.*** (Paragraph: 003 Reference ID: 41-003-20140306)

And that:

***A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development.*** (Paragraph: 004 Ref ID: 41-004-20170728)

NPPF Paragraph 29 echoes much of this and advises that:

***Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.***

NPPF Paragraph 37 also confirms that:

***Neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.***

It is clear from the above review of national policies and advice contained in guidance issued by the Secretary of State, that neighbourhood planning is a positive activity that is concerned with meeting existing and future needs and managing change. **A neighbourhood plan should not restrict future development, or impact upon the ability of the local planning authority to meet its strategic priorities.**

The principles outlined above underpin neighbourhood planning and the planning system more generally. These principles are relevant to a neighbourhood plan and must be considered through its preparation.

### Having Regard to National Policies and Advice

There a number of instances where the NDP does not have regard to national policies and advice contained in guidance issued by the Secretary of State.

From the opening pages onwards, it is clear that the NDP has been prepared with the **aim of restricting and preventing future development**, this is contrary to national policy and advice related to the purpose of neighbourhood planning. Reference is made in the NDP to concern about development at Sherford and the impact of past housing development. It is suggested that the neighbourhood plan provides an 'opportunity to safeguard and enhance the current and future character of the parish'. The 'development' section of the NDP highlights a number of recent developments and suggests that this has resulted in rapid urbanisation. The NDP advises that in response to this:

*The community is therefore demanding stronger protection from housing developments...*

Whilst safeguarding and enhancement are matters that a neighbourhood plan can consider, as explained elsewhere in this representation, it is also incumbent upon neighbourhood plan groups to plan positively to identify and meet local needs and support the achievement of sustainable development.

The 'development objectives' identified in the NDP do not include any reference to planning positively to meet the future housing needs of the community or contributing to the achievement of both the social and economic elements of sustainable development. The NDP does not consider the positive outcomes of development and the opportunities that it can offer, for example providing homes, businesses, supporting existing services and delivering new community facilities.

It is noted that Affordable Housing for local people in perpetuity is considered to be a high priority. Although it is unclear how the plan intends to support the delivery of additional affordable homes over the whole plan period to 2034.

It is of note that in the response to the Regulation 14 consultation, South Hams District Council made the following comment (see Appendix 3 SHDC Consultation Responses to First Draft Brixton Parish Neighbourhood Plan – April 2018):

*The LPA would prefer to see a) more positive wording within the policies and supporting text of the NP to demonstrate that it is not anti-development, b) the allocation of one or more development sites to deliver in the region of 10 dwellings that would meet local and affordable housing need. This may be appropriately delivered through a Community Land Trust or other community-led housing, which is an opportunity for the local community to control development coming forward and to ensure that local needs are met.*

The NDP does not appear to have been significantly revised in response to these concerns.

The NDP refers to a 2016 Housing Needs Survey and advises the requirements identified by the survey have been met by development consented in 2014. The Housing Needs Survey itself is clear in advising that it represents a snapshot in time and that it provides evidence of need for up to 5 years. The conclusion of the report also confirms that if there is significant development of affordable housing in the parish which substantially meets the needs identified, it will normally be necessary to re-survey the parish before any further development to address local needs is considered.

The neighbourhood plan process offers an opportunity to explore this matter further and to plan positively for future needs of the community over the period of the plan to 2034. However, no further assessment of housing need appears to have been undertaken through the course of the preparation of the NDP.

South Hams District Council also raised concerns about this matter in their April 2018 response to First Draft Brixton Parish Neighbourhood Plan, advising as follows:

***It is not made clear within the NP what the assessed level of affordable housing is within the Neighbourhood Area, nor how this need or likely further need arising within the NP period is likely to be met. As such, the NP has not demonstrated how it will assist in meeting local needs and the requirements of Section 6 of the NPPF: Delivering a wide choice of high quality homes.***

The NDP has not considered the housing needs of existing and future generations. It does not therefore support the achievement of a key aspect of the 'social objective' of sustainable development and has not had the required regard to national policy and guidance relating to planning, neighbourhood planning and meeting housing needs.

The NPPG is clear that policies in a neighbourhood plan should be supported by appropriate evidence, advising that:

***While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.***

And that:

***Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.*** (Paragraph: 040 Reference ID: 41-040-20160211)

Neighbourhood planning is a community led process and there is no question that community engagement and an understanding of local aspirations are key elements of the process to prepare a plan. However, community views alone on a particular topic are not 'evidence' to support a planning policy. These views are rather the starting point for exploring the potential or otherwise for a particular objective or policy. The policy itself must be developed having regard to proportionate and robust evidence that supports the choices made and the approach taken.

Policy Env2 is not supported by any evidence, as required by national policy and guidance. Community views alone cannot be used as evidence and justification to support a policy that seeks to restrict all future development in a particular location.

The NDP contains policies that are relevant to housing supply and, as explained above, these policies must therefore be informed by up-to-date evidence relating to housing need.

The NPPG also advises that:

***A policy in a neighbourhood plan should be clear and unambiguous. It 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*** (Paragraph: 041 Reference ID: 41-041-20140306)

Policy Env2 does not meet these requirements. It is neither clear and/or unambiguous about what about the identified area should be protected, what development in particular the area needs protection from, or why the public open views are specifically considered to be important in this location.

Furthermore, the NPPG advises that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided, unless they are supported by robust evidence. (Paragraph: 001 Reference ID: 50-001-20160519)

It is self-evident that Policy Env2 aims to restrict development and prevent the future expansion of Brixton. A decision to introduce such a restrictive policy must be supported by robust evidence and its implications fully explored and disclosed. As highlighted above, the Policy in question does not meet this requirement.

Env2 is not identified among the Local Green Spaces proposed by the NDP. The implications of the policy in terms of the restrictions placed on the area in question are undoubtedly more severe than those applied to Local Green Spaces. Policy Env2 is effectively an attempt to impose areas of green wedge and to do so without robust justification. Whilst referring to the designation of Local Green Space, the guidance offered by the NPPG is relevant and should be noted where it advises that in those circumstances:

***...blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.*** (Paragraph: 015 Reference ID: 37-015-20140306)

The landowner has confirmed to my client that he has not been directly involved in the process to prepare the NDP. Crucially, he has not been specifically consulted on the proposals to impose a significant restriction on land within his ownership, nor has offered his land for that purpose. This is contrary to the NPPG which confirms that landowners and the development industry should be involved in preparing a neighbourhood plan. (Paragraph: 048 Reference ID: 41-048-20140306)

The review above demonstrates that it is plainly the case that the NDP does not accord with national policy and guidance on a number of important counts. As a result, the NDP fails to meet the requirements of the Basic Conditions.

### **Achievement of Sustainable Development**

As explained in the section above, the achievement of sustainable development is a key purpose of the planning system. Sustainable development is at the heart of national planning policy. The government is clear that this means that the three overarching objectives of sustainable development are interdependent and need to be pursued in mutually supportive ways.

The Basic Conditions make it clear that a neighbourhood plan must contribute to the achievement of sustainable development.

In its original form, Policy TTV30 of the emerging Development Plan for the area, identified Brixton as one of the sustainable villages able to accommodate around 10 dwellings. As acknowledged elsewhere in this representation, Brixton, along the other villages within AONBs, was subsequently removed from that list as one of the proposed main modifications to the Development Plan. This was in acknowledgement of the great weight that should be given to conserving their landscapes and scenic beauty.

It is important to recognise that, whilst Policy TTV30 may have been subject to change, that does not mean that Brixton is no longer a sustainable location. For example, the text accompanying the policy confirms that development can be brought forward by a neighbourhood plan where there is evidence of a local housing need in a village.

It is acknowledged that the NDP includes Policy Dev9, which identifies land for affordable/community housing. However, this policy is not informed by up to date evidence. The neighbourhood planning process has not assessed the need and therefore cannot be said to meet future housing needs of the community.

Whilst the NDP may consider some of the environmental and economic elements of sustainable development, it does not do so adequately in respect of the social elements. It does not consider the housing needs of existing and future generations and as such it does not support the achievement of a key aspect of the 'social objective' of sustainable development. National policy is clear that sustainable development is at the heart of the planning system and that this means that the three overarching objectives are interdependent.

It should be noted that if the requirements for housing in the district continue to be met over time then the policies of the development plan will be applied in accordance with the NPPF's presumption in favour of sustainable development. If however a situation arises where the Local Planning Authority fail to maintain a sufficient supply of housing land, then the tilted balance will apply and development plan policies would be accorded reduced weight accordingly, unless the application of policies in the NPPF that protect areas of particular importance provide a clear reason for refusing development. Under such circumstances, an additional level of restrictive policies in the NDP could hamper the achievement of sustainable development, rather than support it as required. This in turn may further restrict the Local Planning Authority's ability to maintain a 5 year supply of housing land and is a further example of how the NDP does not support the achievement of sustainable development.



In light of the above, the NDP cannot be considered to contribute to the achievement of sustainable development and does not meet the requirements of the Basic Conditions.

### General Conformity with Strategic Policies

In its current form, and following a round of consultation on the main modifications, the emerging Development Plan does not identify Brixton in Policy TTV30 as one of the villages that are 'able to accommodate around 10 dwellings each'. It is though important to note that the settlement was identified as a sustainable village in the previous iteration of the emerging plan and that it remains a sustainable location.

Through the examination process, the Inspectors have taken the view that sustainable villages that are within/partly within AONBs should not be identified as settlements that can accommodate around 10 dwellings. The accompanying text to the relevant policy confirms as follows:

*However, neighbourhood plans may wish to bring forward positive allocations to meet local housing need where justified by an appropriate evidence base. Policy DEV27 sets out the policy approach to considering development proposals in AONBs.*

This confirms two important things. Firstly, that neighbourhood plan groups are encouraged to identify local needs and bring forward allocations for development in these sustainable locations. Secondly, it confirms that the emerging development plan includes a policy that provides a robust framework to consider planning applications within nationally protected landscapes. This policy framework is supported by appropriate evidence and has been subject to scrutiny through an Examination in Public.

Emerging Development Plan Policies DEV27 and TTV31 will provide a robust planning policy framework to consider planning applications in areas of open countryside and/or within protected landscapes. By seeking to introduce an unjustified set of more restrictive policies, the NDP is effectively revising the existing strategic planning policy framework and attempting to add a further layer of planning policy where one is not required. Importantly, as explained above, this has been proposed without robust evidence and/or appropriate justification.

Finally, in light of its purpose and outcomes, Policy Env2 is clearly an example of a policy that is trying to deliver a strategic objective, albeit an ill-conceived one in our opinion given AONB policy applies in any event. NPPF Paragraph 18 advises that neighbourhood plans must only contain non-strategic policies. Neighbourhood planning is not an opportunity to introduce a strategic policy framework. That is the role and responsibility of the district council, who could have introduced additional strategic policies relating to Brixton or other settlements if they considered it to be necessary to do so.

In view of the above, the NDP cannot be considered to be in general conformity with the strategic policies contained in the development plan for the area and it therefore does not meet the Basic Conditions.

### Conclusion

The NDP has been prepared with the stated aim of restricting future development at Brixton. As set out above, that is not the purpose of a neighbourhood development plan. Neighbourhood planning is intended to be a positive activity that gives local communities the power to meet local needs,

contribute towards the achievement of sustainable development and manage future change in a positive manner.

Policy Env2 specifically is a restrictive designation that seeks to prevent future development. National policy and guidance are clear that any such designation must be thoroughly considered and justified by robust evidence. No evidence or justification is provided to support the inclusion of such a Policy in the NDP.

Moreover, Policy Env2 is a strategic policy. Strategic policies should be introduced by district level development plans and not neighbourhood plans. There is no policy basis in either the existing or emerging development plans for the area for the NDP to introduce such a strategic policy. Furthermore, the NPPF confirms that neighbourhood plans are not the appropriate mechanism to introduce such policies.

Contrary to national guidance and best practice, the landowner has not been involved in the preparation of the NDP. In its current form the plan will effectively sterilise his land. The fact that the landowner has not been directly involved in the process is a significant failing of the NDP.

In light of the above, the NDP:

- Does not have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Does not contribute to the achievement of sustainable development; and
- Is not in general conformity with the strategic policies contained within the development for the area.

The NDP therefore fails to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. In our view it should not proceed to independent examination until it has been revisited and revised to address these fundamental failings.

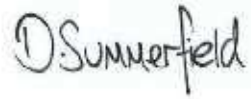
It is understood that as a general rule, neighbourhood plan examinations will be held by way of written representations and without public hearings. However, the examiner does have the power to call a public hearing to examine a key issue in more depth and/or to ensure a person has a fair chance to present a case.

If Policy ENV2 were included in the NDP it would be a significant and restrictive policy designation. For my client, this would have the drastic effect of sterilising land that they have a legal interest in without any justification. This, along with the fact that with the NDP does not meet the requirements of the Basic Conditions on a number of counts, means that in our opinion this is an example of a key issue that needs to be explored thoroughly.

The NDP has been prepared without any direct engagement or consultation with my client or the landowner. This is contrary to national policy and advice and in practice means that an interested party has not been given a fair chance to consider the proposed policy or provide any feedback to the Parish Council. This must be recognised as a significant failing of the NDP. My client is left in a position where the only opportunity that they have a fair chance to put their case is through the independent examination process.

In light of the above, should the NDP proceed to examination, there are in our opinion clear grounds for the examiner to call a public hearing and we request that this option is exercised.

Yours faithfully,

A handwritten signature in black ink that reads "D. Summerfield". The signature is written in a cursive style with a large, stylized initial "D".

**Darren Summerfield**  
**Associate**  
**LRM Planning Ltd**  
[darrensummerfield@lrmpanning.com](mailto:darrensummerfield@lrmpanning.com)

**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 20 September 2017 shows the state of this title plan on 20 September 2017 at 11:53:49. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

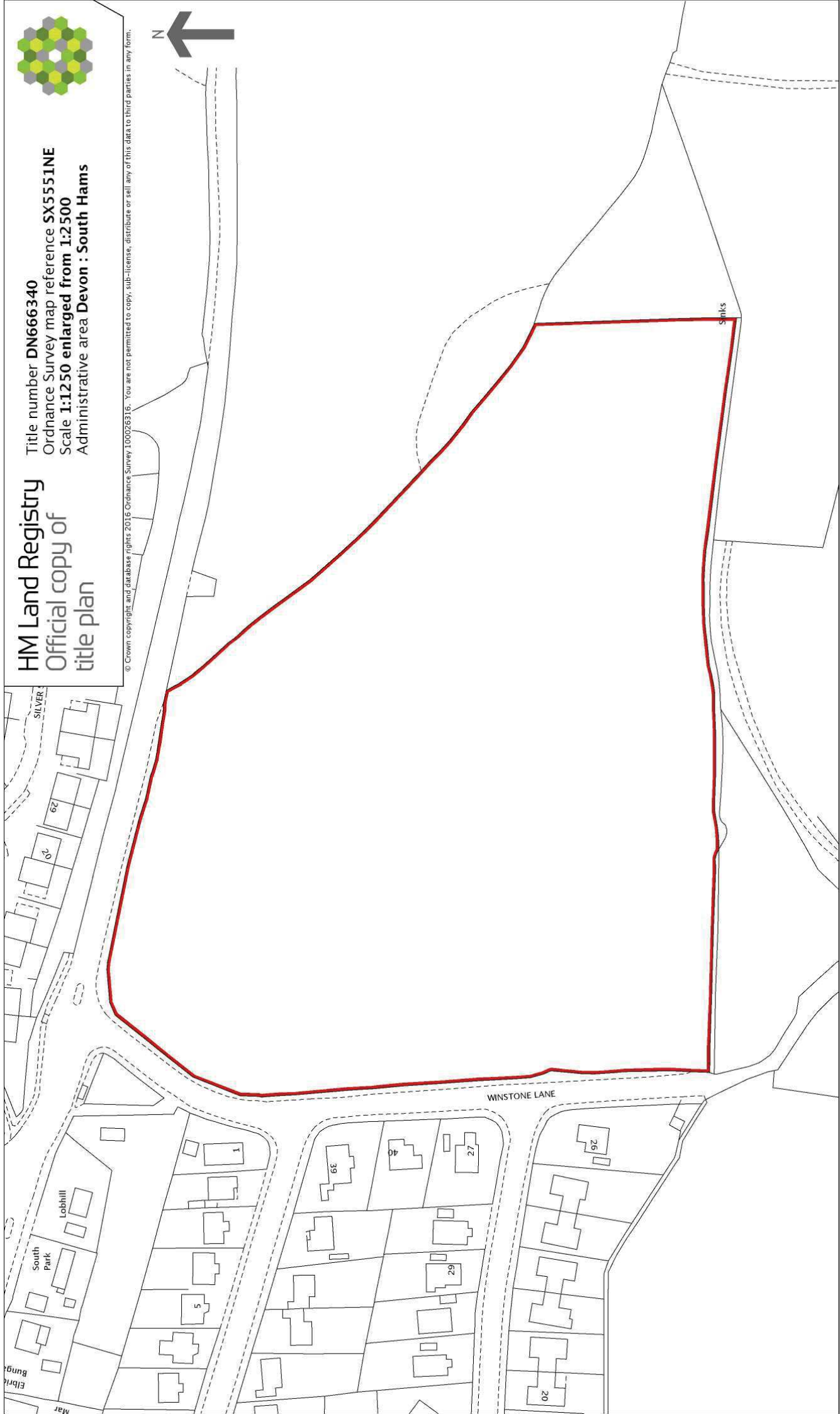
This title is dealt with by the HM Land Registry, Plymouth Office .



Title number **DN666340**  
 Ordnance Survey map reference **SX5551NE**  
 Scale **1:1250 enlarged from 1:2500**  
 Administrative area **Devon : South Hams**

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Date: 11 March 2019  
Our ref: 272187  
Your ref: Brixton NDP Reg 16 consultation



Neighbourhood Planning  
South Hams District Council

NeighbourhoodPlan@swdevon.gov.uk  
**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Neighbourhood Planning team

**Planning consultation:** Brixton Neighbourhood Plan Regulation 16 consultation  
**Location:** Brixton, Devon

Thank you for your consultation on the above, dated and received by Natural England on 30 January 2019.

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.

**Further to our comment dated 11<sup>th</sup> January 2018, which we note has been incorporated into the latest version of the plan, we have no additional comments to make.**

If 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 Moira Manners on 0208 026 7504. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Moira Manners  
Lead Adviser  
Devon, Cornwall and Isles of Scilly team

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**From:** SW-Neighbourhood Planning  
**Sent:** 19 March 2019 14:19  
**To:** Geoffrey Duggan  
**Subject:** FW: Brixton Neighbourhood Plan Regulation 16 consultation

**Sarah Packham** | Neighbourhood Planning Senior Case Manager  
[West Devon Borough Council](#) | [South Hams District Council](#)

Working days - Tuesday, Wednesday, Thursday



[www.southhams.gov.uk](http://www.southhams.gov.uk)



[www.westdevon.gov.uk](http://www.westdevon.gov.uk)

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**From:** Stuart, David [mailto:David.Stuart@HistoricEngland.org.uk]  
**Sent:** 07 March 2019 15:47  
**To:** SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>  
**Subject:** Brixton Neighbourhood Plan Regulation 16 consultation

Dear Neighbourhood Planning team

Thank you for your Regulation 16 consultation on the Brixton Neighbourhood Plan.

I can confirm that there are no issues associated with the Plan upon which we wish to comment.

Kind regards

David Stuart

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND  
<https://historicengland.org.uk/southwest>



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**From:** SW-Neighbourhood Planning [<mailto:NeighbourhoodPlan@swdevon.gov.uk>]

**Sent:** 30 January 2019 21:01

**To:** Roger English; BT open reach; COAL authority; ee; Environment agency; Environment Agency (2); Exeter City Council NP Dept; Gas - Wales & west; General inbox highways England; South West Casework; Highways England; Highways England Gaynor; Stuart, David; Homes England; IDF; Marine Management UK ([Consultations.mmo@marinemanagement.org.uk](mailto:Consultations.mmo@marinemanagement.org.uk)); Mono Consultants ; Natural England; Natural England (2); network rail; New Devon CCG; NHS; Roger English; CVS; South West Water; three; vodafone & o2; West Devon CVS; Western Power

**Cc:** Duncan Smith; SW-Neighbourhood Planning

**Subject:** Brixton Neighbourhood Plan Regulation 16 consultation

Dear Consultee

As a consultee to the Brixton Neighbourhood Plan, I am writing to you; In accordance with regulation 16 of the Neighbourhood Planning regulations to inform you that we have now received the Brixton Neighbourhood Plan proposal.

We will formally consult on this document for a period of 6 weeks from Friday 1<sup>st</sup> February 2019 until Friday 15<sup>th</sup> March 2019 before making a formal decision as to whether we should instruct an independent examiner to carry out the examination.

You may view a copy of the plan via our website

<https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders> or by getting back in touch with us via the details above.

Yours sincerely

Neighbourhood Planning  
South Hams District Council and West Devon Borough Council



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**From:** SW-Neighbourhood Planning  
**Sent:** 19 March 2019 14:19  
**To:** Geoffrey Duggan  
**Subject:** FW: Brixton Neighbourhood Plan Regulation 16 consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Sarah Packham** | Neighbourhood Planning Senior Case Manager  
[West Devon Borough Council](#) | [South Hams District Council](#)

Working days - Tuesday, Wednesday, Thursday



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---

**From:** Stuart, David [mailto:David.Stuart@HistoricEngland.org.uk]  
**Sent:** 07 March 2019 15:47  
**To:** SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>  
**Subject:** Brixton Neighbourhood Plan Regulation 16 consultation

Dear Neighbourhood Planning team

Thank you for your Regulation 16 consultation on the Brixton Neighbourhood Plan.

I can confirm that there are no issues associated with the Plan upon which we wish to comment.

Kind regards

David Stuart

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND  
<https://historicengland.org.uk/southwest>



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**From:** SW-Neighbourhood Planning [<mailto:NeighbourhoodPlan@swdevon.gov.uk>]

**Sent:** 30 January 2019 21:01

**To:** Roger English; BT open reach; COAL authority; ee; Environment agency; Environment Agency (2); Exeter City Council NP Dept; Gas - Wales & west; General inbox highways England; South West Casework; Highways England; Highways England Gaynor; Stuart, David; Homes England; IDF; Marine Management UK ([Consultations.mmo@marinemanagement.org.uk](mailto:Consultations.mmo@marinemanagement.org.uk)); Mono Consultants ; Natural England; Natural England (2); network rail; New Devon CCG; NHS; Roger English; CVS; South West Water; three; vodafone & o2; West Devon CVS; Western Power

**Cc:** Duncan Smith; SW-Neighbourhood Planning

**Subject:** Brixton Neighbourhood Plan Regulation 16 consultation

Dear Consultee

As a consultee to the Brixton Neighbourhood Plan, I am writing to you; In accordance with regulation 16 of the Neighbourhood Planning regulations to inform you that we have now received the Brixton Neighbourhood Plan proposal.

We will formally consult on this document for a period of 6 weeks from Friday 1<sup>st</sup> February 2019 until Friday 15<sup>th</sup> March 2019 before making a formal decision as to whether we should instruct an independent examiner to carry out the examination.

You may view a copy of the plan via our website

<https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders> or by getting back in touch with us via the details above.

Yours sincerely

Neighbourhood Planning  
South Hams District Council and West Devon Borough Council



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**From:** SW-Neighbourhood Planning  
**Sent:** 19 March 2019 14:19  
**To:** Geoffrey Duggan  
**Subject:** FW: Brixton Neighbourhood Plan Regulation 16 consultation - Highways England's comments

**Importance:** High

**Sarah Packham** | Neighbourhood Planning Senior Case Manager  
[West Devon Borough Council](#) | [South Hams District Council](#)

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[www.westdevon.gov.uk](http://www.westdevon.gov.uk)

---

**From:** Garnier, Chrystèle [mailto:Chrystele.Garnier@highwaysengland.co.uk]  
**Sent:** 04 February 2019 08:40  
**To:** SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>  
**Cc:** Parish, Sally <Sally.Parish@highwaysengland.co.uk>  
**Subject:** RE: Brixton Neighbourhood Plan Regulation 16 consultation - Highways England's comments  
**Importance:** High

Dear Neighbourhood Planning Team,

Thank you for providing Highways England with the opportunity to comment on the submission version of the Brixton Parish Neighbourhood Plan. Highways England is responsible for operating, maintaining and improving the strategic road network (SRN) which in this instance consists of the A38 which forms the northern boundary of the Parish.

We previously provided comments on the pre-submission draft and remain satisfied that the proposed plan policies are unlikely to result in development which will impact on the SRN and we therefore have no specific comments to make, although in general terms we welcome policies which will support and encourage sustainable modes of transport and reduce reliance on the private car. It should be noted that any development proposals coming forward which have the potential to impact on the operation of the A38 will need to include a suitable transport assessment and mitigation measures in line with the requirements of DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development.

These comments do not prejudice any future responses Highways England may make on site specific applications as they come forward through the planning process, and which will be considered by us on their merits under the prevailing policy at the time.

Kind regards,

Spatial Planning Team – South West

Email: [planningsw@highwaysengland.co.uk](mailto:planningsw@highwaysengland.co.uk)

---

**From:** SW-Neighbourhood Planning [<mailto:NeighbourhoodPlan@swdevon.gov.uk>]

**Sent:** 30 January 2019 21:01

**To:** Roger English <[roger.english@southdevonaonb.org.uk](mailto:roger.english@southdevonaonb.org.uk)>; BT open reach <[CBYD@openreach.co.uk](mailto:CBYD@openreach.co.uk)>; COAL authority <[planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)>; ee <[public.affairs@ee.co.uk](mailto:public.affairs@ee.co.uk)>; Environment agency <[enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)>; Environment Agency (2) <[SPDC@environment-agency.gov.uk](mailto:SPDC@environment-agency.gov.uk)>; Exeter City Council NP Dept <[jill.day@exeter.gov.uk](mailto:jill.day@exeter.gov.uk)>; Gas - Wales & west <[enquiries@wwutilities.co.uk](mailto:enquiries@wwutilities.co.uk)>; General inbox highways England <[planningsw@highwaysengland.co.uk](mailto:planningsw@highwaysengland.co.uk)>; General inbox Historic England <[southwestcasework@historicensland.org.uk](mailto:southwestcasework@historicensland.org.uk)>; Highways England <[info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)>; Gallacher, Gaynor <[Gaynor.Gallacher@highwaysengland.co.uk](mailto:Gaynor.Gallacher@highwaysengland.co.uk)>; Historic England ([David.Stuart@historicensland.org.uk](mailto:David.Stuart@historicensland.org.uk)) <[David.Stuart@historicensland.org.uk](mailto:David.Stuart@historicensland.org.uk)>; Homes England <[enquiries@homesengland.gov.uk](mailto:enquiries@homesengland.gov.uk)>; IDF <[ldf@exeter.gov.uk](mailto:ldf@exeter.gov.uk)>; Marine Management UK ([Consultations.mmo@marinemanagement.org.uk](mailto:Consultations.mmo@marinemanagement.org.uk)) <[Consultations.mmo@marinemanagement.org.uk](mailto:Consultations.mmo@marinemanagement.org.uk)>; Mono Consultants <[dpm@monoconsultants.com](mailto:dpm@monoconsultants.com)>; Natural England <[enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)>; Natural England (2) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>; network rail <[townplanningwestern@networkrail.co.uk](mailto:townplanningwestern@networkrail.co.uk)>; New Devon CCG <[james.short@nhs.net](mailto:james.short@nhs.net)>; NHS <[ian.turnbull@nhs.net](mailto:ian.turnbull@nhs.net)>; Roger English <[Roger.English@swdevon.gov.uk](mailto:Roger.English@swdevon.gov.uk)>; CVS <[cvs@southhamscvs.org.uk](mailto:cvs@southhamscvs.org.uk)>; South West Water <[developerservicesplanning@southwestwater.co.uk](mailto:developerservicesplanning@southwestwater.co.uk)>; three <[jane.evans@three.co.uk](mailto:jane.evans@three.co.uk)>; vodafone & o2 <[EMF.Enquiries@ctil.co.uk](mailto:EMF.Enquiries@ctil.co.uk)>; West Devon CVS <[info@westdevoncvcs.org.uk](mailto:info@westdevoncvcs.org.uk)>; Western Power <[sacross@westernpower.co.uk](mailto:sacross@westernpower.co.uk)>

**Cc:** Duncan Smith <[Duncan.Smith@swdevon.gov.uk](mailto:Duncan.Smith@swdevon.gov.uk)>; SW-Neighbourhood Planning <[NeighbourhoodPlan@swdevon.gov.uk](mailto:NeighbourhoodPlan@swdevon.gov.uk)>

**Subject:** Brixton Neighbourhood Plan Regulation 16 consultation

Dear Consultee

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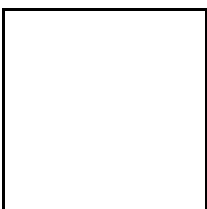
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You may view a copy of the plan via our website

<https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders> or by getting back in touch with us via the details above.

Yours sincerely

Neighbourhood Planning  
South Hams District Council and West Devon Borough Council



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**From:** SW-Neighbourhood Planning  
**Sent:** 19 March 2019 14:19  
**To:** Geoffrey Duggan  
**Subject:** FW: Brixton Neighbourhood Plan Regulation 16 consultation

**Sarah Packham** | Neighbourhood Planning Senior Case Manager  
West Devon Borough Council | South Hams District Council

Working days - Tuesday, Wednesday, Thursday



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**From:** Planning South [mailto:Planning.South@sportengland.org]  
**Sent:** 01 February 2019 14:25  
**To:** SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>  
**Subject:** RE: Brixton Neighbourhood Plan Regulation 16 consultation

Good Morning,  
Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework** (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

<http://www.sportengland.org/playingfieldspolicy>

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a

neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

*(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)*

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely,

**Planning Admin Team**

**T:** 020 7273 1777

**E:** [Planning.south@sportengland.org](mailto:Planning.south@sportengland.org)



#FITGOTREAL



Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF



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**From:** SW-Neighbourhood Planning <[NeighbourhoodPlan@swdevon.gov.uk](mailto:NeighbourhoodPlan@swdevon.gov.uk)>

**Sent:** 30 January 2019 21:01

**To:** Roger English <[roger.english@southdevonaonb.org.uk](mailto:roger.english@southdevonaonb.org.uk)>; BT open reach <[CBYD@openreach.co.uk](mailto:CBYD@openreach.co.uk)>; COAL authority <[planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)>; ee <[public.affairs@ee.co.uk](mailto:public.affairs@ee.co.uk)>; Environment agency <[enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)>; Environment Agency (2) <[SPDC@environment-agency.gov.uk](mailto:SPDC@environment-agency.gov.uk)>; Exeter City Council NP Dept <[jill.day@exeter.gov.uk](mailto:jill.day@exeter.gov.uk)>; Gas - Wales & west <[enquiries@wwutilities.co.uk](mailto:enquiries@wwutilities.co.uk)>; General inbox highways England <[planningsw@highwaysengland.co.uk](mailto:planningsw@highwaysengland.co.uk)>; General inbox Historic England <[southwestcasework@historicengland.org.uk](mailto:southwestcasework@historicengland.org.uk)>; Highways England <[info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)>; Highways England Gaynor <[Gaynor.Gallacher@highwaysengland.co.uk](mailto:Gaynor.Gallacher@highwaysengland.co.uk)>; Historic England ([David.Stuart@historicengland.org.uk](mailto:David.Stuart@historicengland.org.uk)) <[David.Stuart@historicengland.org.uk](mailto:David.Stuart@historicengland.org.uk)>; Homes England <[enquiries@homesengland.gov.uk](mailto:enquiries@homesengland.gov.uk)>; IDF <[ldf@exeter.gov.uk](mailto:ldf@exeter.gov.uk)>; Marine Management UK ([Consultations.mmo@marinemanagement.org.uk](mailto:Consultations.mmo@marinemanagement.org.uk)) <[Consultations.mmo@marinemanagement.org.uk](mailto:Consultations.mmo@marinemanagement.org.uk)>; Mono Consultants <[dpm@monoconsultants.com](mailto:dpm@monoconsultants.com)>; Natural England <[enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)>; Natural England (2) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>; network rail <[townplanningwestern@networkrail.co.uk](mailto:townplanningwestern@networkrail.co.uk)>; New Devon CCG <[james.short@nhs.net](mailto:james.short@nhs.net)>; NHS <[ian.turnbull@nhs.net](mailto:ian.turnbull@nhs.net)>; Roger English <[Roger.English@swdevon.gov.uk](mailto:Roger.English@swdevon.gov.uk)>; CVS <[cvs@southhamscvs.org.uk](mailto:cvs@southhamscvs.org.uk)>; South West Water <[developerservicesplanning@southwestwater.co.uk](mailto:developerservicesplanning@southwestwater.co.uk)>; three <[jane.evans@three.co.uk](mailto:jane.evans@three.co.uk)>; vodafone & o2 <[EMF.Enquiries@ctil.co.uk](mailto:EMF.Enquiries@ctil.co.uk)>; West Devon CVS <[info@westdevoncvcs.org.uk](mailto:info@westdevoncvcs.org.uk)>; Western Power <[sacross@westernpower.co.uk](mailto:sacross@westernpower.co.uk)>

**Cc:** Duncan Smith <[Duncan.Smith@swdevon.gov.uk](mailto:Duncan.Smith@swdevon.gov.uk)>; SW-Neighbourhood Planning <[NeighbourhoodPlan@swdevon.gov.uk](mailto:NeighbourhoodPlan@swdevon.gov.uk)>

**Subject:** Brixton Neighbourhood Plan Regulation 16 consultation

Dear Consultee

As a consultee to the Brixton Neighbourhood Plan, I am writing to you; In accordance with regulation 16 of the Neighbourhood Planning regulations to inform you that we have now received the Brixton Neighbourhood Plan proposal.

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You may view a copy of the plan via our website <https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders> or by getting back in touch with us via the details above.

Yours sincerely





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**From:** SW-Neighbourhood Planning  
**Sent:** 19 March 2019 14:20  
**To:** Geoffrey Duggan  
**Subject:** FW: Brixton Neighbourhood Plan Regulation 16 consultation

**Sarah Packham** | Neighbourhood Planning Senior Case Manager  
[West Devon Borough Council](#) | [South Hams District Council](#)

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**From:** Developer Services Planning [<mailto:DeveloperServicesPlanning@southwestwater.co.uk>]  
**Sent:** 31 January 2019 15:58  
**To:** SW-Neighbourhood Planning <[NeighbourhoodPlan@swdevon.gov.uk](mailto:NeighbourhoodPlan@swdevon.gov.uk)>  
**Subject:** RE: Brixton Neighbourhood Plan Regulation 16 consultation

Thank you for providing a link to the above the content of which is noted and upon which South West Water has no comment at this time.

Regards

**Martyn Dunn** Development Coordinator



**South West Water**

D: 01392 443702

Peninsula House, Rydon Lane, Exeter, EX2 7HR  
[www.southwestwater.co.uk](http://www.southwestwater.co.uk)

*Please note that the Water Act 2014 has brought in changes that mean that all water companies are being asked to modify the way they [charge customers for Developer Services related activities from April 2018](#).*



---

**From:** SW-Neighbourhood Planning [<mailto:NeighbourhoodPlan@swdevon.gov.uk>]  
**Sent:** 30 January 2019 21:01

**To:** Roger English; BT open reach; COAL authority; ee; Environment agency; Environment Agency (2); Exeter City Council NP Dept; Gas - Wales & west; General inbox highways England; General inbox Historic England; Highways England; Highways England Gaynor; Historic England ([David.Stuart@historicengland.org.uk](mailto:David.Stuart@historicengland.org.uk)); Homes England; IDF; Marine Management UK ([Consultations.mmo@marinemanagement.org.uk](mailto:Consultations.mmo@marinemanagement.org.uk)); Mono Consultants ; Natural England; Natural England (2); network rail; New Devon CCG; NHS; Roger English; CVS; Developer Services Planning; three; vodafone & o2; West Devon CVS; Western Power  
**Cc:** Duncan Smith; SW-Neighbourhood Planning  
**Subject:** Brixton Neighbourhood Plan Regulation 16 consultation

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**From:** SW-Neighbourhood Planning  
**Sent:** 19 March 2019 14:20  
**To:** Geoffrey Duggan  
**Subject:** FW: Consultation response- PLEASE READ

**Sarah Packham** | Neighbourhood Planning Senior Case Manager  
[West Devon Borough Council](#) | [South Hams District Council](#)

Working days - Tuesday, Wednesday, Thursday



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**From:** SM-Defra-Consultations (MMO) [mailto:Consultations.MMO@marinemanagement.org.uk]  
**Sent:** 30 January 2019 21:01  
**To:** SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>  
**Subject:** Consultation response- PLEASE READ

Thank you for including the MMO in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards  
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. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. 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.

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](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

[The East Inshore and Offshore Marine Plans](#) were published on the 2<sup>nd</sup> April 2014, 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 and Inshore and Offshore Plans please visit our [Marine Information System](#).

[The South Marine Plan](#) was published on the 17<sup>th</sup> July 2018, becoming a material consideration for public authorities with decision making functions. The South Marine Plan covers the coast and seas from Folkestone to the River Dart in Devon. For further information on how to apply the South Marine Plan please visit our [Marine Information System](#).

The MMO is currently in the process of developing marine plans for the remaining 7 marine plan areas by 2021. These are the [North East](#) Marine Plans, the [North West](#) Marine Plans, the [South East](#) Marine Plan and the [South West](#) Marine Plans.

## **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 NPPF [Minerals Planning Practice guidance](#) 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 Minerals Planning Practice 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](mailto:consultations@marinemanagement.org.uk) or telephone us on 0300 123 1032.

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