

Geoffrey Duggan

From: SW-Neighbourhood Planning
Subject: RE: Bickleigh

Bickleigh Neighbourhood Plan

From: Duncan Smith
Sent: 07 December 2018 15:34
To: 'Elizabeth Gilmour' [REDACTED]; 'Rod Lane' [REDACTED]
Cc: Thomas Jones <Thomas.Jones@swdevon.gov.uk>
Subject: FW: Bickleigh

Dear Liz and Rod,

Further to my email below, as you are aware, Dartmoor National Park have confirmed they are content with the approach advocated in my email below.

In order to move forward I need you to confirm that the Parish Council agree to the proposed modification of the Designation of the Bickleigh Neighbourhood Plan Area. As indicated in my email below the Designated Area, as originally designated, was incorrect since it included land that is under the jurisdiction of Dartmoor National Park as Local Planning Authority. The modification proposed will remove that area controlled by the National Park from the designation. As a result, if the Parish Council are agreeable to the modification, the Bickleigh Neighbourhood Plan Area would be as illustrated in the second map enclosed with this email the boundary being delineated by a red line.

I will, in a separate email, which will closely follow, identify the changes that are required to the current referendum version of the Plan to fall in line with the proposed modification.

I would be pleased if, following receipt of each email, you would confirm the Parish Council's decision regarding the proposal.

If the Parish Council agree the modification then on receipt of the modified Plan I will need to consult Dartmoor National Park and the Bickleigh Neighbourhood Plan Examiner Andrew Ashcroft, prior to recommending the Plan goes forward to referendum.

Regards
Duncan

From: Duncan Smith
Sent: 04 December 2018 12:03
To: 'Elizabeth Gilmour' [REDACTED]
Subject: Bickleigh

Dear Liz,

Following our telephone conversation yesterday I set out below an explanation of the issue relating to the designation of the Bickleigh Neighbourhood Plan Area.

As a result of an issue with the designation of a Parish in West Devon where part of that Parish lay inside the Dartmoor National Park I initiated a check of all Parishes in similar situations including Bickleigh.

It has come to light that Bickleigh was incorrectly designated by South Hams some five years ago. That designation having covered a part of the Parish for which Dartmoor NP are the Planning Authority. I enclose two plans:-

- i) Showing the Bickleigh Parish as designated with the area covered by Dartmoor NP overlain in hatched notation.
- ii) Showing the Bickleigh Neighbourhood Plan Area if the modification proposed below is out into effect.

Essentially, an application to designate should have been submitted to Dartmoor National Park, in parallel with the application to South Hams, since Dartmoor National Park, as Local Planning Authority for that area, are solely empowered to make this part of the designation not South Hams

I have taken legal advice and the view is a modification can be made under Section 4 and Schedule A2 of the Neighbourhood Planning Act 2017 even at this late stage in the process. It is considered that the best way forward is to remove from the Plan Area the land that lies within the National Park. The amended designated area would be that illustrated in ii) above.

The intention would be that I would formally write to the Bickleigh Neighbourhood Team drawing their attention to the discrepancy and requesting they confirm that the Plan is intended solely to cover that part of the Parish under the aegis of South Hams.

I have formally written to the National Park to obtain their view on the proposed approach. I am awaiting their response.

I will write to you formally once I have a response from the National Park.

In terms of the Bickleigh Neighbourhood Plan itself there will be a need to introduce some amendments prior to its proceeding to referendum including the introduction of a plans showing the modified area covered by the Plan and minor alterations to the text. I have already read through the Plan and determined what would need to change and will be able to advise you if all the parties involved are agreeable to the solution advanced.

I am confident if all parties are agreeable to this approach this matter can be resolved in time for the referendum which is programmed for mid February for which an exact date has not been fixed.

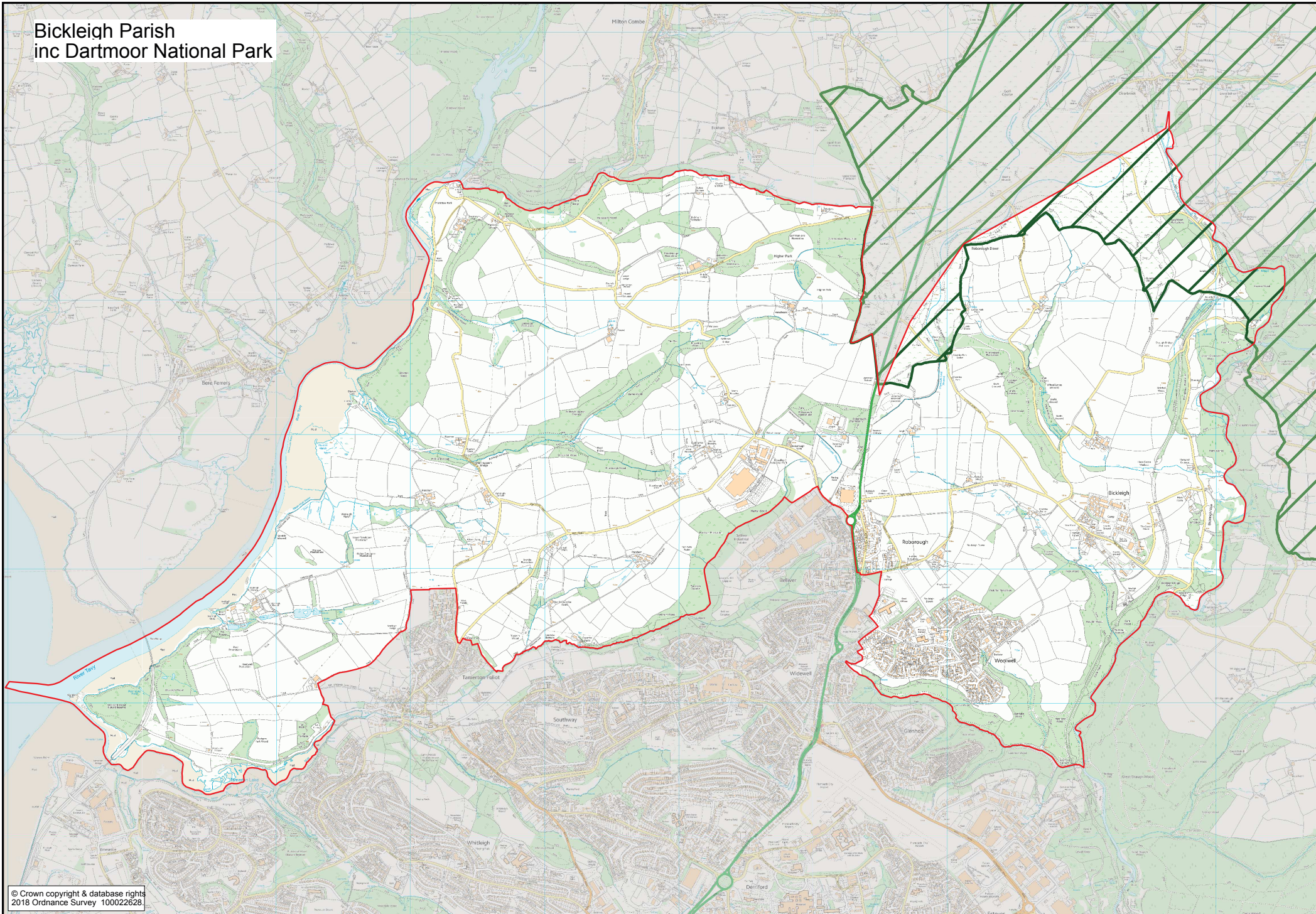
Please contact me if you require clarification of the matters I have raised.

Regards

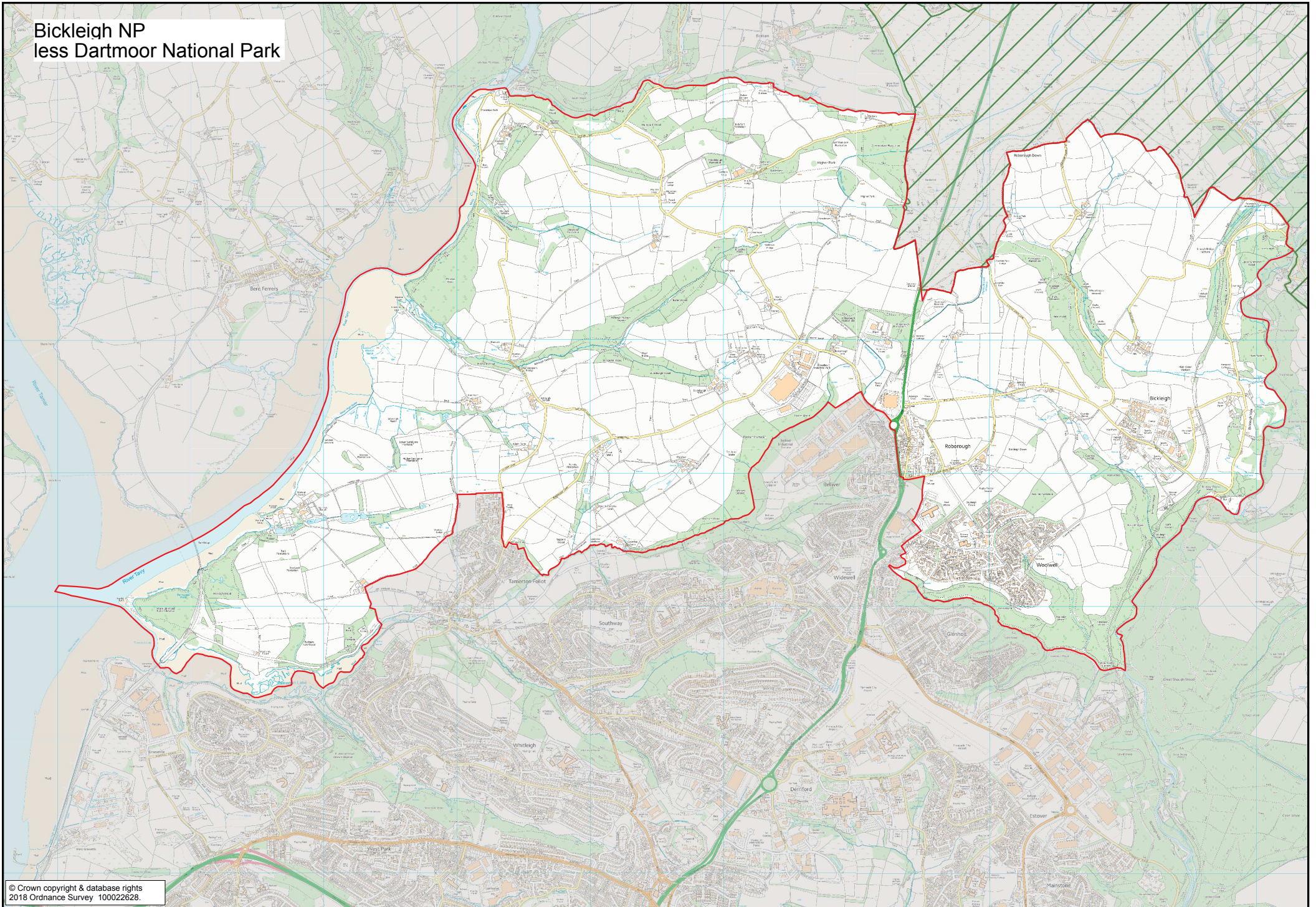
Duncan

Duncan Smith
Neighbourhood Planning Officer
South Hams District Council | West Devon Borough Council
Email: Duncan.smith@swdevon.gov.uk
Tel: 01803 861178

Bickleigh Parish
inc Dartmoor National Park



Bickleigh NP
less Dartmoor National Park



Geoffrey Duggan

From: SW-Neighbourhood Planning

From: Duncan Smith
Sent: 17 December 2018 11:36
To: SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>
Subject: FW: Bickleigh NP

From: Joanna Rumble [REDACTED]
Sent: 06 December 2018 13:13
To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Cc: Sarah Packham <Sarah.Packham@swdevon.gov.uk>; Daniel Janota <djanota@dartmoor.gov.uk>
Subject: Bickleigh NP

Hi Duncan

Many thanks for the email and the plans which I have picked up via Egress switch.

The Authority would not raise an objection to the solution proposed and the Bickleigh NDP area only extending to, and not including, the Dartmoor National Park. This will formalise the current status quo and our original understanding of the NDP area.

As an adjoining LPA we remain a statutory consultee for the NDP. I have considered the draft plan and associated documents that are currently available on your website and do not consider that the policies contained would have an undue impact on the National Park. However, clearly the documents will need to be amended to reflect the revised area and include explanation as to why this area has been chosen. I assume the examiner will also be amending his report accordingly, in particular his consideration of referendum area. Will you be publicising the revised plan area prior to referendum or making the area revision explicit in the referendum process?


I look forward to seeing the revised documents once they become available and will be happy to offer a formal response to consultation at that time. All future consultations should be sent to forwardplanning@dartmoor.gov.uk and we would ask that we are added to your statutory consultee database to avoid a similar issue arising in future.

Best wishes

Jo

Jo Rumble
Communities Officer
Dartmoor National Park Authority
TQ13 9JQ

01626 831024
07541 588051

 [@dartmoornpa](https://twitter.com/dartmoornpa)
www.dartmoor.gov.uk

From: Duncan Smith [<mailto:Duncan.Smith@swdevon.gov.uk>]
Sent: 04 December 2018 07:49
To: Joanna Rumble
Subject: RE: Bickleigh NP

Jo....I will get Sarah to Drop Box to you. I tried twice yesterday without success. Also can you use the email below as a basis for your reply. I wrongly stated West Devon were the Planning Authority, I've corrected in the email below. And the email Sarah will drop box to you will be similarly corrected...Regards Duncan

From: Duncan Smith
Sent: 03 December 2018 15:12
To: 'Joanna Rumble' <jrumble@dartmoor.gov.uk>
Cc: SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>
Subject: Bickleigh NP

Dear Jo,

It has come to light that the Bickleigh Neighbourhood Plan Area was incorrectly designated by West Devon some five years ago. That designation having covered a part of the Parish for which Dartmoor NP are the Planning Authority. I enclose two plans:-

- i) Showing the Bickleigh Parish as designated with the area covered by Dartmoor NP overlain in hatched notation.
- ii) Showing the Bickleigh Neighbourhood Plan Area once the modification proposed below has been effected.

I have taken legal advice and the view is a modification can be made under Section 4 and Schedule A2 of the Neighbourhood Planning Act 2017 even at this late stage in the process (the Bickleigh Plan has been through examination and a date for the referendum is being arranged). It is proposed that the Neighbourhood Plan covers solely the area for which South Hams is the Planning Authority. In terms of the exclusion of the area covered by the National Park the area in question is small and lightly populated and , as such, its removal will be at no detriment to those owning land or living in the area.

My intention is to write formally to the Bickleigh Neighbourhood Group drawing their attention to the discrepancy and requesting they confirm that the Plan is intended solely to cover that part of the Parish under the aegis of West Devon.

In terms of the Bickleigh Neighbourhood Plan itself there will be a need to introduce some amendments prior to its proceeding to referendum including the introduction of a plan showing the modified area covered by the Plan.

I have written to Andrew Ashcroft the Bickleigh Neighbourhood Plan Examiner who has given his seal of approval to the suggested approach (correspondence enclosed). He has also agreed to supply the necessary assurances once he has seen the amended version of the Bickleigh NP and the replies I receive from the Bickleigh NPG and the National Park.

I am writing to formally request the views of the National Park in advance of my writing to the Bickleigh NPG.

Regards
Duncan

Duncan Smith
Neighbourhood Planning Officer
South Hams District Council | West Devon Borough Council
Email: Duncan.smith@swdevon.gov.uk
Tel: 01803 861178

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Geoffrey Duggan

From: SW-Neighbourhood Planning

From: Duncan Smith
Sent: 18 December 2018 13:17
To: Sarah Packham <Sarah.Packham@swdevon.gov.uk>
Subject: FW: Bickleigh

From: andrew ashcroft [REDACTED]
Sent: 11 December 2018 10:29
To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Subject: Re: Bickleigh

Dear Duncan
Many thanks for your e mail.
The proposed text changes read well. For my part I am satisfied that they properly address the issue of the revised neighbourhood area.
I also continue to be satisfied that the referendum area should not be extended beyond the neighbourhood area. Plainly the numbers of people eligible to vote will be slightly affected by the change to the neighbourhood area
I hope this helps

Kind regards
Andrew Ashcroft
Independent examiner
Bickleigh NDP

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From: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Sent: Tuesday, December 11, 2018 8:40:40 AM
To: andrew ashcroft
Subject: RE: Bickleigh

Andrew.....Since last writing to you Dartmoor National Park have agreed to the solution proposed for correcting the error made when the plan area was designated. I enclose the exchange of correspondence which records this.

I also enclose a revised copy of the Bickleigh Plan. The text has been amended. I set out below my suggested alterations, which have been incorporated in the text, for ease of cross checking:-

Change Paras 1.1 and 1.2 as follows:-

Para 1.1 The Bickleigh Parish Neighbourhood Plan applies to the parished area that is under the jurisdiction of Bickleigh Parish Council except that part of the area for which the Dartmoor National Park is Local Planning Authority. The plan area, designated as a neighbourhood area by South Hams District Council on 18th July 2013 incorrectly included that part of the area for which Dartmoor National Park is Local Planning Authority. Under powers conferred to South Hams Council under Section 4 and Schedule A2 of the Neighbourhood Planning Act 2017 ,

with the agreement of the Dartmoor National Park Authority and Bickleigh Parish Council, the Council have modified the Plan to exclude from its jurisdiction that area of the Bickleigh Parish that lies within the boundary of Dartmoor National Park.

Para 1.2 In the interests of clarity, all references to Bickleigh in this document, apply to that part of the Parish that lies outside Dartmoor National Park. Map 1 illustrates that area which is delineated in black. The village of Bickleigh, a settlement area after which the Parish is named, is referred to throughout the document as "the Village". Other settlement areas are referred to by their name.

Para 7.1 *Add new third sentence....*"As indicated at Paragraphs 1.1 and 1.2 of this document the area of the Parish controlled by Dartmoor National Park is excluded from this Plan.

Para 8.18 *4th sentence to be reworded...*"The north-western part of the area falls within the Tamar Valley AONB and the north-eastern lies adjacent to the Dartmoor National Park.

Para 10.5 *Last sentence to be reworded...*"Particular care will be needed for any such installations which may be proposed in part of the Tamar Valley AONB or lie adjacent to the Dartmoor National Park".

The Plans are currently being changed to exclude the DNP land from the Plan area. I will pass the finalised copy of the Plan to you once it is ready.

I would appreciate if you would let me know if you are content with the text changes.

I would have waited to send you the final document but I must have everything ready for the referendum by next week. There are only four Plans to change so your checking those out won't take long.

I would appreciate if you would let me know if you want to formally endorse the process and alterations. I am intendin to be explicit about what has happened both in the Plan as you will see and on our website.

Regards
Duncan

From: andrew ashcroft [REDACTED]
Sent: 03 December 2018 15:01
To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Cc: SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>
Subject: Re: Bickleigh

Duncan
A pleasure.
I trust it all works smoothly. It seems you have it under control.

Best wishes
Andrew

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From: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Sent: Monday, December 3, 2018 2:47:34 PM
To: andrew ashcroft
Cc: SW-Neighbourhood Planning
Subject: RE: Bickleigh

Andrew.....Many Thanks for your swift response. I will commence the formal process and return to you when I have completed....Regards....Duncan

From: andrew ashcroft [REDACTED]
Sent: 03 December 2018 14:25
To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Subject: Re: Bickleigh

Dear Duncan,
Many thanks for this update.
The maps are very helpful.
Your recommended way forward is that which I had in mind assuming that all concerned were happy with this outcome.
Plainly it is an administrative rather than a substantive issue. That said my recommended modification on the landscape designation policy makes this course of action much easier (assuming that my memory is serving me well)
I would be happy to provide whatever assurances I can as the independent examiner at the appropriate time.
I hope this helps at this point.

Kind regards
Andrew Ashcroft
Independent Examiner
Bickleigh NDP

From: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Sent: 03 December 2018 14:02
To: andrew ashcroft
Subject: RE: Bickleigh

Andrew,

As a result of an issue with the designation of a Parish in West Devon where part of that Parish lay inside the Dartmoor National Park I initiated a check of all Parishes in similar situations including Bickleigh.

It has come to light that Bickleigh was incorrectly designated by West Devon some five years ago. That designation having covered a part of the Parish for which Dartmoor NP are the Planning Authority. I enclose two plans:-

- i) Showing the Bickleigh Parish as designated with the area covering by Dartmoor NP overlain in hatched notation.
- ii) Showing the Bickleigh Neighbourhood Plan Area once the modification proposed below has been effected.

I have taken legal advice and the view is a modification can be made under Section 4 and Schedule A2 of the Neighbourhood Planning Act 2017 even at this late stage in the process. It is considered the area in question is small and lightly populated and , as such, its removal will be at no detriment to those owning land or living in the area. It will be covered by the Dartmoor Local Plan and then its successor which is currently in progress.

The intention would be that I would formally write to the Bickleigh Neighbourhood Team drawing their attention to the discrepancy and requesting they confirm that the Plan is intended solely to cover that part of the Parish under the aegis of West Devon.

I have informally discussed the matter with officers from the National Park who have confirmed that there would be no objection to this solution being employed. I intend to formally write to the National Park to confirm this view.

In terms of the Bickleigh Neighbourhood Plan itself there will be a need to introduce some amendments prior to its proceeding to referendum including the introduction of a plan showing the modified area covered by the Plan. I am confident if all parties are agreeable to this approach this matter can be resolved in time for the referendum which is programmed for mid February as yet an exact date has not been fixed.

It would be helpful if I could, once the above process has been completed, pass you a copy of the correspondence and the revised copy of the referendum version of the Neighbourhood Plan to obtain your agreement.

I have held fire on initiating the process until I hear from you since I would not want to embark upon a process with which you were unhappy.

Regards
Duncan

From: Duncan Smith
Sent: 21 November 2018 11:22
To: 'andrew ashcroft' [REDACTED]
Subject: RE: Bickleigh

Andrew...Thanks for this....I am taking legal advice (next Tuesday) I will get back to you after that...Duncan

From: andrew ashcroft [REDACTED]
Sent: 20 November 2018 10:11
To: Sarah Packham <Sarah.Packham@swdevon.gov.uk>
Cc: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Subject: Re: Bickleigh

Dear Sarah
Thanks for this update
I am happy to advise if that would help

Best wishes
Andrew Ashcroft
01926 311672
07546 584250

From: Sarah Packham <Sarah.Packham@swdevon.gov.uk>
Sent: 20 November 2018 07:20
To: andrew ashcroft
Cc: Duncan Smith
Subject: RE: Bickleigh

No problem Andrew, yes although Duncan may get in touch with you shortly as it turns out part of the designated area was in the Dartmoor National Park! Oops! So I am not sure how we will go about this!?

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: andrew ashcroft [REDACTED]
Sent: 16 November 2018 14:51
To: Sarah Packham <Sarah.Packham@swdevon.gov.uk>
Subject: Bickleigh

Sarah

Thanks for oiling whatever wheels were necessary

I got the Remittance Advice in the post a few minutes ago

I trust that you are working your way through the final (somewhat torturous..) stages of the making of the NP.

Best wishes

Andrew Ashcroft



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