Bigbury Draft Neighbourhood Plan (Regulation 14 version, January 2018)

Regulation 14 consultation response on behalf of South Hams District Council

Introduction

The Draft Bigbury Neighbourhood Plan has been published for a formal 6 week public consultation. This represents the plan reaching Regulation 14 stage of the plan preparation process, and offers the first formal opportunity for all stakeholders to comment on the emerging plan.

As the Local Planning Authority, South Hams District Council (SHDC) has a statutory duty to support the preparation of neighbourhood plans.

As well as its statutory duty, SHDC has an obligation to ensure that any planning document that sits within the suite of Development Plan Documents (DPDs) is consistent with its corporate objectives, and will make a positive contribution to the long term health, wellbeing and resilience of the district's communities. Advice and guidance provided to neighbourhood plan groups will reflect this wider remit, although it is acknowledged that this guidance may go beyond what is strictly required by regulation. Where we do exceed the levels of guidance required by regulation, we will clearly state as much in our comments.

Advice and guidance at Regulation 14 stage is most usefully focused on:

- 1) The Draft Neighbourhood Plan Vision, Aims and Objectives
- 2) The Draft Neighbourhood Plan Policies
- 3) The Draft Neighbourhood Plan Evidence Base

1) The Draft Bigbury Neighbourhood Plan: Vision and Objectives

The Bigbury Draft Neighbourhood Plan (the Plan) sets out policies and approaches which will add local detail to policies in the Plymouth and South West Devon Joint Local Plan. The Plan sets out a vision for Bigbury as follows:

'To conserve and enhance the unique and special character of our rural and coastal community retaining its heritage significance and its outstanding natural beauty, whilst considering sensitive enhancements for the benefit of residents and visitors'.

The vision effectively provides a good summary of what is seeking to be achieved.

Underneath the Vision is a set of stated Objectives. These are clearly presented and link logically from the Vision to the Policies and are consistent with strategic planning policy.

2) The Draft Bigbury Neighbourhood Plan: The Policies

Neighbourhood Plans are advised not to try and repeat local or national planning policy. Some of the policies in the draft Bigbury Neighbourhood Plan are already the subject of adopted and emerging local planning policy and/or national planning policy or guidance. In such cases consideration needs to be given to what degree the NP policies add relevant and justifiable additional policy guidance for the locality.

SHDC considers that alongside the detailed comments below, the Bigbury NP group considers whether each policy is necessary for inclusion in future drafts of their plan. If policies remain that are already the subject of local and/or national policies, care needs to be taken to ensure consistency with existing policy to avoid ambiguity over interpretation in the decision-making process.

The Plan contains 30 policies as annotated in the table below. A commentary is provided for each policy that looks at the level of conformity with locally adopted policy and national guidance, as well as considering how each policy will be implemented in order to achieve the aims and objectives of the plan.

Policy	SHDC comments
Policy BP1 – Housing Allocation Provision will be made for the development of a maximum of 13 dwellings on the site to the rear of Holywell Stores. At least 60% of the dwellings will be affordable and include a range of two and three bedroom properties including some bungalows. The highways access should be from the B3392 to the north of St Ann's Chapel and a pedestrian link should be provided to link into Holwell Lane to provide safe and easy access to the Holywell Stores and the school bus stop in front of the store. A pedestrian link to the Hilltop development should also be provided to enable safe access to the Memorial Hall, children's playground and playing fields and the other school bus stop. An area of public open space should be provided on site to serve the needs of the	No comments on the Policy. A Proposals Map should be included showing this allocation and other allocations/land use issues that are subject of specific Policies as identified in the relevant Policies below.

Policies and SHDC comments

residents.	
Policy BP2 – Other housing development Extensions or replacement houses, will be supported where appropriate. Any additional housing should be contained within the settlement boundaries of St Ann's Chapel, Bigbury Village and Bigbury on Sea.	Suggest that this Policy be split into two Policies, One relating to extensions the other to replacement houses. Also suggest that each new Policy includes criteria against which proposals are assessed since the phrase "where appropriate" is open to wide interpretation.
Policy BP3 – Subdivision of existing	No comment.
plots The subdivision of existing plots will be permitted only where the following apply: a) There is no loss to the character or environmental quality of the surroundings; b) The site is serviced by a suitable existing highway on one or more boundaries; c) The proposed plot sizes and dwelling sizes are in keeping with other building plots and dwelling sizes in the surrounding area; d) Proper respect is given to the amenity of adjoining properties including outlook and views; e) Provision is made for useable private garden space for both the existing and proposed dwellings; f) The re is adequate space for off street parking together with areas of soft landscaping; h) Verges in front of properties are maintained and the front boundary treatment is consistent with that of neighbouring properties; i) Significant features such as trees, hedges or stone walls 	
should be preserved. Policy BP4 – Principal residence	No comments.
Due to the impact on the local housing market and uncontrolled growth of dwellings used for holiday accommodation (second homes or holiday lets) new open market housing, other than one for one replacement dwellings, will only be supported where there is a Section 106 Agreement in place to ensure its occupancy as a principal residence. A principal residence is defined as a dwelling where the resident(s) spend the majority of their time when not working away from home. Proof of principal residence includes, but is not limited to being registered on the local electoral roll, at a local school or at the local healthcare centre. Where proposals for the replacement of existing dwellings by more than the number of dwellings to be	

demolished is approved the additional dwellings will be subject to a Section 106 Agreement to ensure occupancy as a principal residence. Proposals for open market housing (excluding one for one replacement dwellings) without a Section 106 Agreement to ensure occupancy as a principal residence will not be supported.	
Policy BP5 – Housing for the elderly Proposals for sheltered housing or assisted living accommodation will be encouraged providing this is on a previously developed site or site within the village settlement boundaries. It would also need to meet the other policies of the plan, including those relating to layout and design, and any new development would need to ensure that the appearance and character of the villages was not harmed.	
Policy BP6 – Residential care and nursing homes Proposals for residential care or nursing homes will be encouraged providing these are on previously developed sites or sites within the existing village settlement boundaries. Existing homes for the elderly should be retained unless facilities of a similar type, including residential care or nursing homes for the elderly, are provided.	Suggest this should be split into two policies. One relating to new proposals and the other relating to the retention of existing facilities. In terms of the former it should be stated that any proposal should comply with other Policies in the Plan. In terms of the latter a marketing test should be included should such a facility become vacant and be subject of proposals for change of use.
Policy BP7 – General design principles for new housing development When considering new and replacement housing development, in locations which are considered to be acceptable in principle and which meet the other relevant policies of this plan, the following criteria will need to be met: i. Proposals should be locally distinctive, reflecting the appearance and character of the area in which the development is to be located. In this respect regard should be had to the design guidance set out in the village studies set out in Appendices 7-10. Innovative contemporary design solutions may be acceptable in some locations providing these do not have a harmful effect on the overall appearance and character of the area and do not	

by reason of an excessive amount of glazing result in	
unreasonable levels of light pollution. ii. The height, scale and density of	
development should reflect the existing grain, height, density and	
pattern of development in the surrounding area and	
the materials used should preferably be natural materials	
and be consistent with those used for other	
buildings in the locality, providing these do not detract from	
the appearance and character of the	
surroundings iii. Proposals should protect residential	
amenity and	
should not have an unacceptable impact on the living	
conditions of occupiers of neighbouring properties by	
reason of loss of outlook, loss of important views,	
including views of the sea, island, estuary, river valleys	
and moorland, overlooking or loss of privacy, overbearing	
and dominant impact, noise or other disturbance.	
iv. Proposals should be designed to limit the impact of	
light pollution from artificial light resulting in harm to	
local amenity or areas of intrinsically dark landscape.	
v. There should be a safe means of access to the site,	
which does not result in the unacceptable loss of natural	
features, or the need to provide excessive widening of	
local roads. Adequate off street car parking should also	
be provided on part of the site which would not cause	
nuisance to the occupiers of neighbouring properties.	
vi. Proposals should ensure that the infrastructure needs	
of the development can be provided and put in place prior	
to the commencement of the development where	
appropriate or provided prior to the occupation of the	
development. vii. Proposals should retain important	
natural features including the retention of existing trees,	
hedgerows and grass verges and should include proposals	
to enhance the landscaping of the site and improve its	
biodiversity. viii. Proposals should seek to ensure	
protection of statutory and non-statutory heritage assets	
both above and below ground.	
ix. High levels of sustainability should be used in the	
design and construction.	

Policy BP8 – Existing and proposed	Suggest this should be split into two policies. One
employment Existing employment facilities should be	relating to new proposals and the other relating to
retained where	the retention of existing facilities.
possible and proposals for new employment, industry or	In terms of the former it should be stated that any
business development will be supported	proposal should comply with other Policies in the
providing the size, scale and any new buildings proposed	Plan following the specific descriptive already
for the use are	present.
sensitive to their surroundings, particularly in proximity	In terms of the latter a marketing test should be
to residential properties. In addition, the	included should such a facility become vacant and
proposed use should not give rise to use of a large	be subject of proposals for change of use.
number of heavy goods vehicles, undue noise, disturbance or	
other type of	
nuisance.	
Policy BP9 – Agricultural	Suggest a further criterion is added that requires the
development	associated infrastructure (i.e. parking, garden,
Proposals for agricultural development requiring	amenity space) respects the character and
planning permission (ie outside permitted	appearance of the area.
development rights) or farm diversification project will be	
supported provided that:	
i. It is sited within the farmstead or existing	
agricultural complex;	
ii. It will not give rise to a significant	
increase in traffic or use of heavy goods vehicles;	
iii. It will make a continuing contribution to	
the economic viability of an existing farm unit.	
Policy BP10 – Conversion of Farm and Rural Buildings for	No comment
Residential Purposes	
Proposals for the conversion of farm or	
rural buildings for residential use will be supported In cases	
where it can be demonstrated that the premises are no	
longer required for	
agricultural or any other economic use, that the building	
is structurally sound and is capable of	
conversion without significant rebuilding or extensions and	
respects the original character of the building.Any new	
dwelling or	
dwellings created by the conversion will be subject to the	
principal residence policy as set out in	
Policy BP4. Policy BP11 – Tourism related	No comment
development	no comment
Proposals which will support the existing tourism	
facilities such as new or extended beach	
shops, cafés, restaurants, leisure facilities, or enhanced	
facilities for the	
RNLI or Coastguards will be supported. These facilities	
should not however result in undue noise or disturbance	

or result in a significant increase in traffic, and they should not be located in locations outside of the existing villages, on the beach or any undeveloped part of the coastline or the Avon Estuary. Development on Burgh Island will be supported where it is related to the preservation, renovation or enhancement of the existing hotel, inn or other buildings and assists in the preservation and enhancement of the function of the island as a tourist attraction and important area of open green space.	
Policy BP12 – Catered holiday accommodation Existing hotels, hostels and bed and breakfast establishments should be retained. Proposals for new hotels, hostels, bed and breakfast establishments and extensions to existing facilities will be supported on existing developed sites or within existing village settlement boundaries. Policy BP13 – Camping and caravan sites	Reference to a marketing test should be included in this Policy as it relates to retaining existing facilities. In terms of new catered holiday accommodation suggest a separate Policy is formulated in which reference to compliance with other Policies in the Plan is mentioned Suggest adding 'or appearance', to better reflect standard planning practice of considering character
Having regard to the size and prominence of existing caravan and camping sites and the harm which has already been caused to the otherwise rural and open character of the parish within an Area of Outstanding Natural Beauty any proposals for new, or the extension or intensification of existing, camping and caravan sites, will not be supported unless it can be demonstrated that the proposal will not cause any harm to the character of the countryside and will be well screened by landform, trees or hedgerows.	and visual impact as discrete areas as follows: "unless it can be demonstrated that the proposal will not cause any harm to the character <u>or</u> <u>appearance</u> of the countryside"
Policy BP14 – Community facilities Existing retail, leisure and other types of community facilities should be retained unless replaced by community facilities of similar or better quality or value to the local community. New community facilities will also be encouraged including the reopening of The Royal Oak public house, The Bay View Café, and the local shops and post offices at Bigbury Village and Bigbury on Sea.	Reference to a marketing test should be included in this Policy in regard of existing facilities. In terms of new community facilities suggest a separate Policy in which reference to compliance with other Policies in the Plan is included.

Policy BP15 – Local Green Spaces	THESE COMMENTS APPLY TO POLICIES BP15
The designated 'Local Green Spaces' as listed above	AND 16
should remain permanently open and will be	
protected from inappropriate development in accordance with local and national policy for Green Belts.	 The Local Green Space Allocations should be shown on the Proposals Map (see comments on BP1).
	2) Whilst the NPPF criteria for assessing LGS are mentioned in the text of the Plan, there appears to be no analysis of the proposed sites against these tests in the Appendices. There are concerns, taking just one of the proposed allocation at Bigbury Golf Club, at the extent of land included in the light of these criteria. The NPPF states at criterion c) that a LGS allocation should be:-
	<i>"c) local in character and is not an extensive tract of land."</i>
	 As such, it is considered each the sites allocated should be subject of recorded analysis that evidences the reasons for choice.
	 The interrelationship between Policy BP15 and BP16 is not clear since the same sites are covered by each of the Policies.
	 Furthermore these Policies cover a range of issues which in some cases overlap and in others are better covered by separate Policy(ies)
	 Finally there are Policy approaches to protect larger areas of "green space". I suggest I meet you to discuss this and the overall issue of LGS allocation.
Policy BP16 – Open spaces and	SEE ABOVE
recreation Public and private open spaces, used for recreation, leisure or sport should remain open and in	
use for those purposes including the recreational ground and playing fields adjacent to The Memorial Hall at St	
Ann's Chapel, the open space to the north of Bigbury Court and the Bigbury Golf Club. A new area of public	
open space will be provided as part of any new housing development of	
8 or more units. There will also be support for existing and any new or improved recreational facilities including	
the swimming pools, fitness centres and beach based water sports activities at Bigbury on Sea	
and Challaborough	

Policy BP17 – Footpaths and cycle	No comment
tracks	
Existing footpaths within the parish will be protected and	
enhanced where possible and opportunities	
will be	
sought and supported to provide new	
footpaths (whether public rights of way or permissive paths),	
bridleways and	
cycle tracks to link villages and to provide	
more access to the Avon Estuary and the countryside.	
Policy BP18 – Area of Outstanding	No comment
Natural Beauty	
Major development within the AONB will not be	
supported except in exceptional	
circumstances where it is	
specifically designed to meet the identified local needs of	
the parish and is designed to ensure that	
development will not cause undue harm to the landscape	
will not cause undue harm to the landscape and scenic	
beauty of the AONB.	
In considering any development within the	
AONB great	
weight will be given to: •Conserving and enhancing the natural	
landscape and	
scenic beauty of the area;	
•Conserving and enhancing facilities for wildlife, the	
cultural heritage and the built heritage of the	
area;	
•Avoiding light pollution due to excessive	
glazing or external lighting;	
 Avoiding development that would cause 	
undue noise	
and disturbance, resulting in loss of existing tranquillity:	
•Avoiding loss of wide, unspoilt and iconic	
views of the	
coast and countryside; •Retaining natural heritage features,	
including Devon	
hedgebanks;	
•Retaining the ancient and intricate network	
of winding lanes, paths and recreational routes.	
Policy PP10 Haritage Caset and	No Commont
Policy BP19 – Heritage Coast and Undeveloped Coast	No Comment
Development which would have a	
detrimental effect on	
the undeveloped and unspoilt character,	
appearance and tranquillity of the Heritage Coast,	
Undeveloped Coast, its	
beaches and the Avon Estuary will not be	
permitted.	
Development will only be permitted in the Undeveloped	
Coast where the development:	
1. Can demonstrate that it requires a coasta	
location; 2. It cannot be located in an area which is	
not designated	

as Undeveloped Coast, such as within	
existing village settlement boundaries of Bigbury on Sea, St	
Ann's Chapel	
or Bigbury Village;. 3. Protects, maintains and enhances the	
unique landscape and seascape character and special	
qualities of the area;	
4. Is consistent with policy statements for the local policy	
unit as set out in the Shoreline Management	
Plan (SMP2) Durlston Head to Rame Head.	
5. Is consistent with the policies of the	
South Devon AONB Unit Management Plan	
Development for the purposes of agriculture, forestry,	
public access and enjoyment of the coast	
and estuaries or for community or recreational facilities that	
meet the	
objectively assessed needs of the parish will be supported	
if it meets the above tests.	
Policy BP20 – Woodlands, trees,	No comment
hedgerows and	
Devon banks Woodlands, trees, hedgerows and Devon	The Tree Specialist, Lee Marshall, has commented
banks which	generally as follows
make a significant contribution to the landscape, local	
amenity, environmental character of the area or are of	"Firstly I would like to commend the community/ plan
important nature conservation value should	authors for including trees within their documents
be retained. If it is essential to remove any hedgerows or	and seeking ways to protect and enhance the sylvan
Devon banks as part of new development this should be	setting of their parishes in the various guises trees
kept to a	can attribute. I hope I am able to offer comfort that
minimum and mitigation measures such as the planting	South Hams and West Devon Council is in fact well
of new hedgerows and provision of Devon	placed already in using its available resources to
banks should be provided where possible.	seek the protection of trees wherever necessary and
	expedient. The recent employment of myself as
	dedicated Tree Specialist and the use of our online
	TPO request tool I hope will have greatly aided in
	our ability to respond. Please find the link to the tool
	here -
	https://www.southhams.gov.uk/article/3916/Request-
	for-a-Tree-Preservation-Order
	We are extremely fortunate within our Authority in
	already having a great depth of knowledge in tree
	and hedgerow protection, as legislatively required of
	ourselves under the TCPA1990.
	The information conturned by the series will be of
	The information captured by the parish will be of
	significant use to themselves as possible land use
	changes are mooted throughout the life of any plan.

	However due to resource implications and the robust processes we already have in place I would be cautious in offering any suggestion that we will be able to change our actions in any way regarding tree protection based upon any Local plan Policy or a supporting appendix. We are presently in the early stages of planning a Tree and Woodland Strategy for the Boroughs which will have due regard to such issues and offer greater
	clarity on what we may or may not be able to practically deliver in terms of tree and hedgerow protection."
Policy BP21 – Wildlife sites and biodiversity Proposals that might affect wildlife sites and habitats should be avoided. If these sites are affected appropriate mitigation measures should be put in place and form part of any planning application proposals.	
Policy BP22 – Coastline, beaches and the Avon estuary The coastline, beaches and the Avon estuary shall be protected and conserved and no new development which might cause harm to the stability and/or beauty of the coastal cliffs, coastal pathways, beaches or the Avon estuary will be allowed. Ways to reduce pollution of the Avon Estuary, litter on the beaches and harm to the marine life will be promoted.	No comment
Policy BP23 – Views and vistas Important views and vistas should be protected and any new development which might affect the importance of these views will not be supported. This includes development that might cause harm to the openness of the area, be visible on the skyline, or affect important views	Other Neighbourhood Plans have identified key views/vistas for protection and identified them on the Proposals Map. As it stands this Policy is too general to be applied to development proposals that may arise. Furthermore South Ham's Landscape Officer has suggested rewording the Policy as follows:-
of the sea, island, the Avon Estuary, river valleys, moorlands or views of heritage assets.	" Important views and vistas should be protected and any new development which <u>might adversely</u> affect <u>s</u> the importance of these views will not be supported. This includes development that might <u>introduce incongruous features</u> , cause harm to the openness of the area, be visible on the skyline, <u>intrude into or otherwise adversely</u> affect important

	views of the sea, island, the Avon Estuary, river valleys, moorlands or views of heritage assets."
Policy BP24 – Built heritage Great weight shall be given to the conservation of both designated and non-designated heritage assets as identified within the Neighbourhood Plan and special regard shall be given to the desirability of preserving the asset or its setting and any features of special architectural or historic interest which it possesses.	National and Local policies provide adequate protection for statutory heritage features. You may want to tailor this Policy taking this into account.
Policy BP25 – Transport and highways The existing network of mainly single track roads with passing places should be retained, together with the high Devon banks which are important to the character of the area. Any new development should have regard to the need to retain as much Devon bank as possible whilst ensuring adequate visibility. Speed restrictions should be monitored and enforced, with appropriate speed restriction signage displayed, to avoid accidents due to illegal speeding. Existing footpaths should be maintained, and new or improved footpaths and cycle ways provided, where possible, to provide better access to the countryside and greater safety for pedestrians and cyclists.	The text in this Policy "Speed restrictions should be monitored and enforced, with appropriate speed restriction signage displayed, to avoid accidents due to illegal speeding"is not a land use issue and should be removed from the Policy. It can be referred to in the general text of the Plan.
Policy BP26 – Car parks Proposals to develop a car park which is considered essential to support the tourist industry at Bigbury on Sea or to serve the needs of the local community will be supported providing this does not have a harmful effect on the landscape and beauty of the natural environment.	 THESE COMMENTS APPLY TO POLICIES BP 26 AND 27 1) If sites have been identified for either or both these proposals, they should be shown on the Proposals Map. 2) Each Policy should state that any proposal should comply with other Policies in the Plan.
Policy BP27 - Air Ambulance Night Landing Proposals to develop further air ambulance night landing sites to serve the parish will be supported providing this does not result in harm to the special qualities of the AONB and Heritage Coast and is controlled so that it does not result in unacceptable levels of light pollution.	SEE ABOVE
Policy BP28 – Parking provision for new housing developments	Is this Policy better placed in the Housing Section.

Proposals for housing development will be required to provide a minimum of one off-street parking space per unit with 1-2 bedrooms and a minimum of two off-street parking spaces for units of 3 or more bedrooms. Proposals for housing developments of four or more dwelling units will also be required to provide one further off-street visitor parking space per four dwelling units. Grass verges should be provided in front of properties	The usual requirement appearing in Neighbourhood Plans is 2 spaces for a 2 bed property and 3 spaces for 3 bed properties and above. Evidence will need to be provided for the visitor space requirement. The requirement in respect of grass verges needs to be explained and evidenced.
where appropriate to avoid unauthorised parking taking place in front of residential properties.	
Policy BP29 - Connectivity Proposals to improve mobile services or Broadband speeds will be supported subject to the following criteria: (i) transmitters, receivers (or other structures) are located close to an existing road or access tracks; (ii) the equipment is sympathetically designed or camouflaged where appropriate; and (iii) there is no harmful visual impact on skylines or important views or vistas.	No comment
Policy BP30 – Renewable energy Proposals for small scale renewable energy schemes, close to or attached to individual properties will generally be supported providing these have no harmful impact on the appearance or character of a designated or undesignated heritage asset or on the South Devon AONB, including cumulative landscape and visual impact. Proposals for solar arrays or wind turbines on open farmland will not be supported.	No comment

3) The draft Bigbury Neighbourhood Plan: Evidence Base

The Evidence Base appears to cover all the issues that have been referred to in the Plan. Attention has been drawn, in the comments relating to Policies BP15 AND 16, to the need provide evidenced and robust analysis for the choice of Local Green Spaces. It is suggested I meet you to discuss this issues and others that may arise from this consultation response.

Conclusion

The Bigbury Neighbourhood Plan seeks to manage development within a sensitive landscape, whilst enabling small-scale organic development that meets the priorities and needs of the local community. The broad aspirations of the plan are consistent with adopted and emerging local policy.

For the most part, this consultation response poses questions or proposes amendments that are designed to make a positive contribution to the next iteration of the neighbourhood plan.

It is clear that a great deal of work has been undertaken to bring the Plan to this stage of the Neighbourhood Planning process. The draft plan is well presented with good illustrations and clear plans and graphics. There is however a need for a composite Proposals Map.

SHDC considers that the draft Bigbury Neighbourhood Plan can be brought into compliance with local policy and national guidance subject to the advice and guidance provided being followed and would welcome dialogue with the NP group to help achieve this.

March 2018