

John Slater Planning Ltd

Thurlestone Parish Neighbourhood Plan 2015 - 2034

Submission Version

A Report to South Hams District Council on the Examination of the
Thurlestone Parish Neighbourhood Plan

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Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The neighbourhood plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the South Hams Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Thurlestone Parish Council. A Neighbourhood Plan Steering Group was appointed to undertake the Plan's preparation. Thurlestone Parish Council is a "qualifying body" under the neighbourhood planning legislation.

This report is the outcome of my examination of the Submission Version of the Thurlestone Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by South Hams District Council, the Local Planning Authority (LPA) for the Thurlestone Parish Neighbourhood Plan area.

The Examiner's Role

I was formally appointed by South Hams District Council in February 2018, with the agreement of Thurlestone Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both South Hams District Council, and Thurlestone Parish Council and I can confirm that I have no interest in any land that is affected by the Thurlestone Parish Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the Plan should proceed to referendum if modified.
- That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Thurlestone Parish Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan does relate to the development and use of land, covering the area designated by South Hams District Council, for the Thurlestone Parish Neighbourhood Plan on 24th April 2015.

I can also confirm that it does specify the period over which the plan has effect namely the period from 2015 up to 2034.

I can confirm that the Plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Thurlestone Parish Council as a parish council is a “qualifying body” (QB) under the terms of the legislation.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or to give a person a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the Plan without the need for a hearing.

I carried out an unaccompanied visit to the villages of Thurlestone, Bantham, and Buckland as well as the coastline and the surrounding countryside on 20th March 2018. I spent a full day driving and walking around the area. I did have some questions that arose from my site visit, which I referred to both the Neighbourhood Plan Steering Group and the Local Planning Authority, to which I received separate replies on 5th April 2018. Copies of all the correspondence has been put on the respective websites.

The Consultation Process

Once the Plan area had been designated and the Steering Group set up, a Community Engagement meeting was held on 29 September 2015, attended by 124 people. This identified the main issues for the neighbourhood plan to address and three Working Groups were set out, covering Housing, the Local Economy and Well-being.

This was then followed by a seven-month evidence gathering period which included engaging with local landowners, carrying out a Housing Needs Survey sent to all households in the parish, which attracted a 35% response and conducting a Housing Market Survey of local estate agents. There was also a Business Survey and the group entered into dialogue with local businesses. Drop in sessions for residents were used, as well as other consultations, to look at both existing and desired community facilities.

Between 27th May and 27th June 2016, a questionnaire was distributed to every household, by an independent company, to test the Plan's vision and help devise

policies. This had a 37% response. The results were reported to a public meeting held on 6th September 2016. Further public focus sessions explored feedback on the housing and local economy responses.

This was then followed by a second evidence gathering period which included holding workshops, community events and exercises working with local schoolchildren on the Heritage Trail, and a public meeting discussing a possible community Wi-Fi network.

All this activity culminated in publication of the Pre-Submission version of the Plan – known as the Regulation 14 Consultation. This ran over a six-week period from 15th September to 27th October 2017, including 4 drop-in sessions which were attended by 28 people. In total over 40 responses which are set out in the Appendix O of the Consultation Statement.

I am satisfied that the Steering Group made efforts to engage with all parts of the community, including local businesses, second home owners, children and other age groups to ensure that they all could make a contribution to the Plan's preparation.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 9th January 2018 and 21st February 2018. This consultation was organised by South Hams District Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 12 individual responses were received from Historic England, Natural England, South Hams District Council, Highways England, Devon County Council Historic Environment Team, South West Water, NHS Northern, Eastern, and Western Devon Clinical Commissioning Group, Openreach, South Milton Parish Council, Cllr J Pearce, The Wolf Rock Boat Company, and the Bantham Estate.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

The Basic Conditions

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

Compliance with the Development Plan

To meet the basic conditions test, the Thurlestone Parish Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the saved policies of the South Hams Local Plan 1989-2001 adopted in 1996, South Hams Core Strategy adopted in 2006, the Affordable Housing DPD adopted in 2008, the Development Policies DPD adopted in 2010 and the Site Allocations DPDs adopted in 2011 which includes one for the Rural Areas, but it does not allocate any sites in the Plan area. In addition to the South Hams documents, the Development Plan includes three county wide documents – the Devon Waste Plan, the Devon Minerals Plan and the Waste -

Management and Infrastructure SPD. These three documents are not relevant to the preparation of the Plan.

Thurlestone is identified as one of the identified villages identified in Policy CS1 of the Core Strategy where some development can be accommodated. It requires elsewhere, development to be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

Work is underway on a new Joint Local Plan which is being prepared by South Hams in conjunction with Plymouth City Council and West Devon Borough Council. The Submission Version of the plan has now been the subject of its public examination, with hearings concluded in March. The Inspector's report will be available later this year. Thurlestone is identified as one of the Sustainable Villages within the hierarchy of settlements, which is expected to accommodate approximately 10 dwellings over the plan period. Policy TTV 30 supports the preparation of neighbourhood plans as the means of identifying local development needs in Sustainable Villages.

For the basis of the basic conditions test, it is not possible to place reliance on the emerging local plan in terms of the statutory requirements for the neighbourhood plan to be in compliance with its strategic policies. I will discuss the impact of the emerging local plan in the Plan Overview section of this report.

Compliance with European and Human Rights Legislation

South Hams District Council carried out a Screening Opinion on the Pre-Submission Version of the Plan and produced a screening report dated 27th November 2017. The report concluded that it due to the limited nature of development proposed and the continuity in the land use it was unlikely that there will be any significant effects arising from the Plan and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004", would not be required.

The District Council, as competent authority, in the same report issued a screening opinion under the Habitat Regulations. The assessment concluded that the Plan will not likely have any significant effects on any internationally protected wildlife sites, the nearest of which is the Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Special Protection Area.

I understand that there are no Offshore Marine Conservation sites in the vicinity of the Plan area that could be affected by the Plan proposals.

I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the Plan has no conflict with the Human Rights legislation.

The Neighbourhood Plan: An Overview

The most important issue that my examination has had to address has been the proposal to introduce settlement boundaries around the settlements of Buckland and Bantham. At present the only defined settlement with a development boundary, is Thurlestone. The rest of the Plan area and the other two settlements are classed as “countryside”. Not only are these settlements constrained by the countryside policies, but also through the designation as “the undeveloped coast” as well as the whole of the Plan area being within an Area of Outstanding Natural Beauty. Also, much of the Plan area being within the South Devon Heritage Coast. As such, these two settlements are subject to the strongest level of constraints against new development, particularly residential development. In the previous Core Strategy, South Hams District Council only identified Thurlestone as a settlement that should be able to accommodate new development. As part of the emerging Joint Local Plan, the LPAs have conducted a review of all settlements to identify the most sustainable locations for new homes. South Hams has concluded that these two settlements, due to the absence of the services, were not sustainable locations, notwithstanding that Bantham has a public house and a village shop/ coffee shop. The LPA is arguing that the designation of settlement boundaries around these two settlements, through the neighbourhood plan, would allow developments within these boundaries, which would be contrary to both the provisions of the existing development plan as well as the emerging Joint Local Plan. They seek to persuade me that this aspect of the policy does not meet basic conditions.

This neighbourhood plan has taken the bold step, for the first time, of seeking to establish development boundaries around the settlements of Buckland and Bantham notwithstanding the objections made by the District Council. The Plan explicitly has chosen to allow small, infill residential developments within these two settlements, development which would ordinarily be refused under countryside policies. It argues that this will allow limited housing to meet local need. The justification also states that its primary role is to protect the adjoining countryside, although it was not initially clear to me why this offers a higher level of protection than the existing countryside designation in the local plan. I understand that there is missing text from the justification which should refer to “protecting the countryside *from inappropriate development*.” The Plan has adopted clear criteria for establishing the new settlement boundaries as well as the proposed settlement boundary amendments at Thurlestone.

In terms of the different approach taken by the neighbourhood plan, whilst it may not accord with the assessment of sustainable locations undertaken in the emerging local plan, I do not consider that introducing settlement boundaries around Buckland and Bantham, would undermine the strategic policies of both the existing and emerging local plan. Rather it is a response to the expression of the local communities' choice, by seeking to permit small scale development in two areas which are currently "washed over" by countryside policies. I consider this to be a good example of localism. It is the specific role of neighbourhood planning to allow the community to be able to shape development in terms of its location and the type of housing it feels it needs. The Plan clearly believes that it can help maintain and enhance the vitality of the settlements of Bantham and Buckland by allowing limited residential development that would not ordinarily be allowed. As such, I believe that this is the type of scenario that the NPPF recognises, in paragraph 55, when it uses, as an example, "where there are groups of smaller settlements, development in one village may support services in a village nearby". The NPPF is not suggesting that residents will not use their cars when using services in an adjoining village.

My conclusions, on the question of the settlement boundaries, is that the communities' aspirations should take precedence over other policies which seek to restrict development within these two settlements, including policies on the undeveloped coast. As the PPG states "all developments can play a role in delivering sustainable development in areas and so blanket policies restricting development in some settlements should be avoided unless their use can be supported by evidence". I have seen no evidence that allowing development, albeit limited, within the settlement boundaries in Buckland and Bantham will have a detrimental impact either in terms of landscape protection or on sustainable development. I will therefore be recommending the retention of the settlement boundaries as proposed in the Plan in Policy TP2. The Plan is not recommending housing developments outside of settlements, in the open countryside and is aimed at small, infill residential development provided that it is of a size, type and tenure that meets clearly identified local housing needs. I have therefore concluded it passed the basic condition of being in general conformity with the strategic policies in the adopted development plan. I do not agree that the drawing of the boundaries is identifying sites for development. It merely establishes the areas against which criteria based policies will be applied. It is not allocating sites.

The LPA has suggested to me that, in my recommendations, I acknowledge in the wording of Policy TP2, that the settlements of Buckland and Bantham remain in the Undeveloped Coastline. This could create a scenario where development that meets the tests of the Neighbourhood Plan Policies TP3 and TP4 will also be subject to the restrictive Policy DEV25, as set out in the Proposed Modification version of the emerging Local Plan. That would appear to create an inherent contradiction in that

on the one hand the development plan is allowing specific development that cannot meet the criteria set out in the emerging Local Plan. I do not propose to make that recommendation.

I would commend the Plan's approach to ensuring that any new development, should provide much needed homes for local people and I believe that the principal residence requirement has been properly justified.

One of the other consistent themes I have encountered in this examination is the policies are seeking to dictate what documents are required to accompany a planning application, for example, Landscape Impact Appraisals, Heritage Statements, ecological surveys etc. The requirement as to what documents are required to be submitted with a planning application are set out by the South Hams Local Validation List. It is not the role of a neighbourhood planning policy to require particular documents to be submitted with a planning application. However, it is within the realm of a planning policy to require applicants to demonstrate that their proposal will not have an adverse impact on the matters which are covered by the policy whether it be landscape, ecology or heritage etc.

I have had particular regard to the representations made by the Bantham Estate, which is clearly a significant landowner in the area and has a major impact on the local economy. However, I am not persuaded that this requires a specific "tailor-made" policy, specific to Estate land. At the present time, the Bantham Estate is covered by the same development plan policies that cover the rest of the area and does not enjoy bespoke policies for their landholding. I do not consider that such an approach would be justified in planning terms, by having a policy based on who owns the land rather than what the land uses are that take place on it. There should be the same planning tests for the conversion of a farm building whether it be owned by an individual farming family or this major landowner.

My consideration of the Plan has concentrated on the wording of the development plan policies and I consider it beyond my remit as examiner to be proposing changes to the supporting text, which are not used for the determination of planning applications. However, for the final version of the Plan to read as a coherent document, it will be necessary for some of the supporting text to be amended or removed. This is a matter for the Qualifying Body in conjunction with South Hams District Council planners. Equally there were comments made at the Regulation 16 stage about the content of the supporting text that could equally be discussed following this examination.

The Neighbourhood Plan Policies

Policy TP 1 - General Development Principles

This policy sets out a range of matters against which every planning application will be assessed. It is also a policy that is cross referenced by other policies in the Plan. However, some requirements in the policy, would not necessarily be appropriate criteria to be used for every proposal. For example, a change of use application would not have to consider the impact of the development on dark skies. I propose to deal with this by inserting “where appropriate”, in the first sentence.

In terms of the actual criteria, I do not consider that the use of natural building materials can be required, even if it is qualified by the caveat “where possible”. I agree with South Ham’s planners that the plan cannot have a blanket prohibition of on “non-natural building materials” which could be perfectly acceptable in some locations, but their use can be “encouraged”.

In terms of infrastructure, I do not consider that it is a reasonable requirement for an applicant to be expected to provide a level of infrastructure that remedies any existing deficiencies. That would be an unreasonable requirement which would not be in line with national policy and could affect viability, although it is an appropriate expectation that a development should provide the infrastructure necessary to allow the development to proceed. That would bring it into line with the Core Strategy policy on infrastructure.

The policy requires all proposals to carry out an assessment of harm to the South Devon AONB, via a Landscape and Visual Impact Appraisal which should be carried out by a competent person. The Local Validation Checklist issued by South Hams District Council only requires such assessments for developments that result in an adverse impact on “landscape and townscape character and/or visual amenity”. A neighbourhood plan policy cannot introduce an additional requirement for documents to accompany planning applications from that set by the LPA or for a different range of applications. This equally applies to archaeological assessments and ecological assessment. I will recommend the relevant sections of the policy be removed.

The similar issue arises regarding the need to submit a Transport Statement or Traffic Impact Plan which is also a requirement of the local list.

Recommendations

In the first sentence after “following criteria” insert “(where appropriate)”.

In criterion 2, replace the second sentence with “The use of natural building materials will be encouraged”.

In criterion 3, in the second sentence after “deficiencies” insert “necessary to enable the development to proceed”.

In criterion 5 delete the last sentence.

In criterion 6 delete “be accompanied by an assessment of” and replace with “describe”. Delete the last sentence.

In criterion 7, delete the first sentence

Policy TP2 – Settlement Boundaries

I have rehearsed the issues related to this policy in the Plan Overview section of this report. I am satisfied that the case for introducing settlement boundaries has been properly justified and the boundaries as shown on Figures 7, 8 and 9, are appropriate. I do not concur with the Bantham Estate’s analysis that settlement boundaries are an ineffective mechanism for delivering sustainable development. It is actually offering opportunities for development sensitively designed within settlements whilst protecting the countryside from inappropriate development. They are a tool that are used across the country. I consider the policy does meet basic conditions.

Policy TP3 – Affordable Housing

This is a supportive policy for proposals that come forward for affordable housing schemes. It is not a policy requiring a proportion of housing schemes to be affordable which is the suggestion of the Bantham Estate in their representations. The requirement of the policy is for schemes to comprise between 5 and 10 units, which could preclude smaller affordable housing schemes being promoted on small infill sites, where it may not be possible to achieve a minimum of 5 units and still be compatible with the character of the area. It would not be appropriate for schemes to be refused permission because they did not meet the minimum number for affordable housing units. I will propose to remove the lower limit of 5 and refer to schemes of up to 10 affordable dwellings.

In terms of a clause in a legal agreement ensuring the housing is retained as affordable housing, in perpetuity, a planning obligation cannot remove a Council or Housing Association tenant’s statutory right to purchase their leasehold property or under a shared equity arrangements to staircase their ownership. The control over “affordability” can only be achieved through a development’s ownership by a Community Land Trust or similar. Equally if a development was to be promoted by a Community Right to Build Order that could also ensure ‘affordability’ in perpetuity.

I do not consider that a neighbourhood plan should be differentiating between different types of affordable housing. There is sufficient guidance set out in the NPPF and that does not include key worker accommodation.

Beyond that I am satisfied that Plan area's landscape designations and the housing needs of the area, do justify this policy.

Recommendations

In criterion 2 replace "5-" with "up to"

Delete criterion 5

Policy TP4 – Open Market Housing

For the avoidance of doubt, I consider that the policy should make it explicit that the presumption in favour of small-scale schemes or individual plots, only applies within the respective settlement boundaries as defined in Policy TP2. The previous policy on affordable housing introduces the possibility of market housing be used as part of a village housing initiative on a rural exception site for cross subsidy purposes. The possibility of market housing on rural exception sites required for viability purposes should be acknowledged in the second part of this policy.

I believe the Bantham Estate has misrepresented the emerging Local Plan which refers to, in the supporting text to Policy TTV30, of villages accommodating "around 10 units". This is not to be the maximum size of open market housing developments but the amount of development each village is expected to be accommodating. I also do not think that this policy would prevent agricultural or rural worker housing coming forward in accordance with Para 55 of the NPPF.

Recommendations

In 1. After "housing" insert "within the settlement boundaries"

In 2. after "Plan, insert" (apart from as part of a rural exception site where the market housing is required to cross subsidise the affordable housing scheme)".

Policy TP5 – Reuse of Farm and Rural Buildings

This policy relates to the conversion of buildings outside settlements for residential purposes. To add clarity, I will recommend the title of the policy be changed. The policy defines these as "settlement boundaries designated in this plan *for residential purposes*". I consider the qualification of this designation could cause confusion as

Policy TP2 designates settlement boundaries “for the purpose of determining all planning applications in the parish.” I will insert the wording after “rural buildings” which will clarify what the policy is referring to.

The main problem with the drafting of the policy is that the policy cannot dictate what documents need to accompany a planning application. As previously noted this is set out in the Local Validation List. The policy can require an applicant to demonstrate that there will be no loss of existing biodiversity interest, have an impact on the historic building or sites of archaeological interest.

In view of the need to balance local housing need with the restraint on new housing development because of the AONB designations, despite the concerns of the Bantham Estate who own a significant number of rural buildings, I am not persuaded that the case to remove the need to restrict the ownership to persons who will live in the property on a permanent basis, is made.

Recommendations

Add to the title “for Residential Purposes”

In the first sentence insert, “for residential purposes” after “rural buildings” and delete “for residential purposes” after “Plan”.

In criterion 1. replace “Viable” with “required”.

In criterion 4. replace “application is supported by an ecological survey and report” and replace with “proposal will be required”.

In criterion 5. replace “application is supported by an archaeological survey and report” and replace with “proposal will be required”.

Policy TP6 – Principal Residence Requirements

I believe that the evidence submitted with the Plan has amply demonstrated that there is an overwhelming need for this policy. This was reinforced by my impressions of empty properties whilst travelling through the villages on my site visit, as well as the evidence of inflated house prices. Notwithstanding the Bantham Estate’s comments on this policy, it has been shown that such policies are relevant planning policy requirements on new housing, particularly in the South West, where there is a real issue of second home ownership, not only inflating prices, but also restricting housing supply for persons who live and work in the area. The exclusion regarding replacement dwellings needs to be clarified that this only relates to one to one replacements. It also needs a third criterion adding, to ensure that if the number of houses on a site is increased, it is only the net increase in the number of dwellings that should be covered by the restriction, as the original house it replaces would not

be subject to occupancy conditions. If amended, I am satisfied that the policy does meet basic conditions.

Recommendations

In criteria i and ii, replace “(excluding replacement dwellings)” with “(excluding one for one replacement dwellings)”

Add criterion iii, “Where proposals for the replacement of existing dwellings by more than the number of dwellings to be demolished is approved, the additional properties will be subject to a Section 106 agreement to ensure occupancy as a principal residence.”

Policy TP7- Replacement Dwellings and Extensions

As this policy relates to all parts of the Plan area, it is not necessary to include “within Thurlestone, particularly on The Mead and Yarmer Estates” as this could cast doubt on the needs for the policy to be complied with outside these two developments. However, within the settlement boundaries, Policies TP3 and TP4 allow for the redevelopment of houses and their replacement with a greater number of dwellings or the subdivision of plots. The wording as such creates an inherent contradiction within the Plan and I propose to make it clear that the limit to one to one replacements only applies outside the settlement boundaries.

The policy needs to make clear that replacement dwellings must meet all the criteria set out in the policy. I will recommend the addition of “and” be added at the end of the criteria i - ii.

I believe a restriction in the size of extensions is justified to retain a mix of dwelling size, especially in an AONB. Without such a policy, the stock of smaller dwellings will over time be lost as they are extended so that they become much larger dwellings.

Turning to the policy related to annexes and in particular the requirement that a Section 106 agreement be completed. I consider that such a planning obligation is not necessary to make the development acceptable in planning terms. This is one of the tests set out in the NPPF, the PPG and the Community Infrastructure Levy Regulations. I come to this conclusion as the occupation of an annexe by an independent household would mean that the annexe was no longer ancillary to the main dwelling. That would require planning permission and it is not necessary to have a planning obligation to prevent what would, in any event, be a breach of planning control. I will recommend the removal of the requirement to enter into a Section 106 agreement. Equally I do not think that a planning condition, as suggested by South Ham’s planners is necessarily required, as a matter of policy,

but could be an issue for the LPA to determine at the development management stage, based on the circumstances of individual proposals. Indeed, some annexes can be built as permitted development which would not allow the imposition of a condition.

Recommendations

In the first sentence delete “within Thurlestone, particularly on The Mead and Yarmer estates”.

At the start of i. insert “outside the settlement boundaries” and also insert “and” at the end of criteria i. and ii.

In 2 ii. delete “there is a Section106 agreement to ensure that”

Policy TP8 – New Economic Proposals

I have no comments to make on this policy with regard to compliance with the basic conditions.

Policy TP9 - Expansion of Existing Businesses.

Planning permission is not required for the “maintenance” of existing businesses. I will recommend that the wording be amended accordingly. I am concerned that the requirement of the proposal to be “appropriate” is a too vague to be used with certainty by decision makers but I will retain the requirement for the extension to be proportionate in scale and extent to the existing premises.

Recommendation

Delete “maintenance of” and “appropriate and”

Policy TP10 – New Businesses

Planning control cannot define the particular types of businesses which would occupy premises granted planning permission, or indeed their quality. Whilst the aspirations of the Plan are laudable and I am sure representing the wishes of the community, the planning system does not allow occupation of any shop to be restricted to “surf and water sports”. I will recommend the wording be amended to all for premises which are *suitable* for these types of businesses.

Recommendation

Insert “suitable” after “premises”

Policy TP11 - Caravan, Camp and Chalet sites

I have no comments to make on this policy with regard to compliance with the basic conditions.

Policy TP12 – New Business Hub

I have no comments to make on this policy with regard to compliance with the basic conditions.

Policy TP13 – New Marine- Related Workshops

I have no comments to make on this policy with regard to compliance with the basic conditions.

Policy TP14 – Storage Space

Again, I have no comments to make on this policy with regard to compliance with the basic conditions.

Policy TP 15– Change of Use of Farm and Rural buildings

This policy is essentially in line with national and local plan policy. I do not consider it is necessary for the applicant to have to argue that the existing agricultural use is unviable, just that it is no longer required for agricultural use. This will aid agricultural diversification and boosts the local economy. Again, the requirement to submit surveys cannot be a policy requirement with a planning application and I will make the same recommendations as in Policy TP5, which is a parallel policy related to the residential use of farm buildings. Again, for the sake of clarity I will add to the heading” for commercial purpose”

Recommendations

Add to the title “for Commercial Purposes”

In criterion1. replace” Viable” with “required”.

In criterion 3. replace” application is supported by an ecological survey and report” and replace with “proposal will be required”.

In criterion 4. replace “application is supported by an archaeological survey and report” and replace with “proposal will be required”.

Policy TP16- Loss of Employment Uses

I have no comments to make on this policy with regard to compliance with the basic conditions. I appreciate that the LPA has questioned the use of reasonable market price but if there was concern, this is a matter that professional evidence would be reasonably available to ascertain whether the asking price is reasonable.

Policy TP17- Footpath and cycle tracks

I have no comments to make on this policy except the requirement to enhance existing rights of way and accesses would only be required in certain places so I will add “where it is appropriate”.

Recommendation

Insert at the end of 2. “where it is appropriate”

Policy TP18 - Recreation and Sports

I have no comments to make on this policy related to the basic conditions.

Policy TP19 - Change of Use to Open Space, Sport or Recreation

The only issue with this is the same matter of the need for an applicant to submit an ecological survey. I can recommend slightly changes to the wording to address this point.

Recommendations

In criterion 3, replace “application is supported by an ecological survey and report” and replace with “proposal will be required”.

Policy TP20 - Change of Use from Open Space, Sport and Recreation Uses

I have no comments to make on this policy with regard to the basic conditions.

Policy TP21 - Non- Designated Heritage Assets

I have no objections to this policy which accords with the approach set out in the NPPF. It identifies the assets which the plan is designating. However, it is important

that the extent of the site covered by the non-designated heritage asset designation can be identified and these should be shown on an ordnance survey-based map. There are particular areas where this is especially significant, including “The Leat” in Buckland and also the “Streetscape” in Bantham. I will introduce a recommendation that these plans being prepared and inserted into the document before the plan goes to referendum.

Recommendation

That the location of each site non-designated heritage asset should be plotted on an OS map showing the extent of the site covered by the designation.

Policy TP22 - The Natural Environment

I have no comments to make on this policy with regard to the basic conditions.

Policy TP23 - Coastal Management

I do agree with the comments of the District Council and the Bantham Estate that the second part of this policy is over restrictive and could prevent the provision of facilities such as toilets etc. that could improve the visitor experience without having a detrimental effect on the coastline. I think the policy could be caveated that the facilities are necessary to be sited in that location and designed to the highest standards appropriate for its coastal location in an area of the highest landscape value.

Recommendation

In 2 delete all after “supported “and replace with “unless it has been demonstrated that there is an overriding need for the facilities to be provided in that location and the design and landscaping is of the highest design quality that minimises any visual or environmental impact on the coastal landscape.”

Policy TP24 - Community Wi-Fi

Again, I have no comments to make with regard to this policy with regard to the basic conditions.

Policy TP25 - Car Park

I have no comments to make on this policy with regard to the basic conditions.

Policy TP26 - Air Ambulance Night Landing Site

In as much as such works and uses constitute development I have no objections in terms of compliance with the basic conditions.

Policy TP27 - Solar Panels and Arrays

I have no comments to make on this policy with regard to the basic conditions.

Policy TP29 - Wind Turbines

I do not consider that it is necessary for proposals to have to show community support, in respect of small wind turbines to be attached to or be adjacent to rural buildings. The importance of showing community support only relates to the largest wind turbine proposals.

Recommendation

Delete “, and has the community’s backing”.

Policy TP29 - Community Heating

I have no comments to make in respect of this policy with regard to the basic conditions.

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Thurlestone Parish Neighbourhood Plan. In this instance, I can confirm that the area of the Thurlestone Parish Neighbourhood Plan as designated by South Hams District Council on 24th April 2015, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

The Neighbourhood Plan Steering Group and the Parish Council are to be congratulated for producing a well-focused and locally distinctive neighbourhood plan which has been produced in a very timely fashion. The Plan is well set out and particularly its use of photos portrays what a beautiful part of the world it covers.

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The policies cover matters which are clearly of importance to the communities of the settlements that make up the Plan area. I believe it has made a strong case for neighbourhood plan policies which are specifically geared to the 3 settlements of Buckland, Thurlestone and Bantham. The policies will maintain the protection of this particularly unspoilt part of the countryside and coast, whilst meeting the needs and aspirations of those that live here or visit.

I have recommended changes to a number of the policies to address issues which are necessary to ensure the Plan meets the Basic Conditions.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

I am therefore delighted to recommend to the South Hams District Council that the Thurlestone Parish Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

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1st May 2018