

*Working together*



## South Milton Neighbourhood Plan

### South Hams District Council comments at Regulation 16 10/01/18

#### **1. Introduction**

The South Milton Neighbourhood Plan (the NP) was submitted to South Hams District Council on 8<sup>th</sup> November 2017 and representations invited in accordance with Regulation 16 of the Neighbourhood Planning regulations between 30<sup>th</sup> November 2017 and 11<sup>th</sup> January 2018. These comments are the Council's response to the NP at this stage, focussing on the extent to which it is considered that the NP a) meets the basic conditions and b) has responded positively to comments made at Regulation 14.

The Council is satisfied that, having made most of the changes suggested necessary at Regulation 14, the South Milton Neighbourhood Pan now meets the basic conditions for neighbourhood plans set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004), and therefore supports its submission for examination. Some areas of minor concern are set out below.

#### **2. Meeting the Basic Conditions**

The basic conditions that neighbourhood plans must meet in order to be made are as follows:

**a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.**

The Basic Conditions Statement submitted with the NP demonstrates that the NP has regard to national policies, particularly as set out in the National Planning Policy Framework (NPPF) and associated guidance. The Council concurs with this view and does not consider the NP as a whole to be in conflict with either the NPPF or any advice contained in guidance issued by the Secretary of State.

**d. the making of the neighbourhood plan contributes to the achievement of sustainable development.**

It is considered that the submitted Basic Conditions Statement does not adequately address this basic condition. However, it is the Council's opinion that the NP does contribute positively to the achievement of sustainable development, in particular by allocating a suitable site for the provision of local needs housing.

**e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.**

The development plan for the South Hams District is currently the Local Development Framework including the Core Strategy 2006 and associated documents. However, the emerging Plymouth and South West Devon Joint Local Plan (the JLP) is currently being examined and is expected to be adopted during 2018. While the NP should not reference the JLP if the NP is examined prior to its adoption, nonetheless it is considered appropriate that the NP demonstrates conformity with the JLP in order to avoid becoming out of date once the JLP is adopted. This has been addressed in the Basic Conditions Statement. However, there are references to the JLP within policy wording which should be removed. While conformity with the extant development plan has not been demonstrated in the Basic Conditions Statement, the Council considers that there are no conflicts with the strategic policies in the development plan.

**f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.**

Strategic Environmental Assessment and Habitats Regulations Assessment have been carried out and reports submitted alongside the NP. The council is satisfied that these documents adequately demonstrate that the NP does not breach, and is otherwise compatible with, EU obligations.

**g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.**

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the following basic condition of relevance to neighbourhood plans in addition to those set out in the primary legislation:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

The submitted Habitats Regulation Assessment report is considered to adequately address this additional condition.

### **3. General Comments**

The council considers that the NP is a well written document that contributes to a positive planning framework for South Milton parish. In particular, the Council is pleased to see an appropriate site allocation that will provide housing for local needs and other community

benefits. This accords with JLP Policy TTV30 and is a good demonstration of what neighbourhood plans can achieve within the framework of the JLP.

#### 4. Detailed comments

Detailed comments were made by the Council on the Regulation 14 version of the NP, and the Neighbourhood Plan Group have agreed with the majority of these and accordingly made the suggested changes to the NP.

Comments remaining on specific policies and paragraphs are as follows:

Policy or text	SHDC comment
<b>Policy E&amp;CM1</b>	<p>Recommend removal of the words ‘and enhance’ from the first sentence. It is not reasonable to require all new development to enhance the special qualities of the AONB. For example, a new agricultural building will rarely enhance the AONB.</p> <p>With regard to c): as currently worded, this is considered overly restrictive as it would prevent, in principle, the creation of new rural development, such as agricultural accesses. Suggest the addition of ‘<i>unless the development satisfactorily mitigates harmful impacts and is based on a demonstrable agricultural need</i>’. However, enclosure is a significant character feature of South Milton so deserves a reference. Suggest that all future developments, including the village hall car park and play area, should incorporate traditional enclosure (stone walls, Devon banks and hedges): this may sit best in this policy or in the housing policies.</p> <p>With regard to e): Insisting that planting is established prior to the commencement of development is at odds with government policy which seeks to avoid unreasonable impediments to development. Current planning conditions which require planting prior to occupation or completion have been agreed by PINS and as such, it is recommended this policy criterion is either amended to reflect this, or deleted.</p>
<b>E&amp;CM 2</b>	<p>With regard to b): This is considered unreasonably prescriptive, and could be argued to be stifling tourism and economic development. There does not appear to be evidence that a larger café would have a material impact upon highways infrastructure, or on the special qualities of the coastline. Any application should be judged on its own merits.</p> <p>f) is not a planning policy and should be removed to supporting text.</p>
<b>Policy E&amp;CM7</b>	This is not a policy and should be supporting text.
<b>Housing Policies</b>	No detailed evidence has been seen by the Council setting out the assessed housing need for the Neighbourhood Area, although this evidence may exist. It is recommended that any evidence available, such as a Housing Needs Survey, is uploaded to the NP website prior to the examination.

<p><b>Policy H1</b></p>	<p>Remove ‘about’ or state a maximum number of dwellings. ‘Up to a third of plots for self-build’ could mean just one or two. State the minimum number of self-build plots expected. In the light of comments made by Historic England following Regulation 16, new wording is suggested to ensure that no harm would be caused to heritage assets as a result of the proposed development, as follows: <i>‘The site known as the Dairy, Milton Lane is allocated for housing to meet local needs. Up to 18 dwellings may be appropriate on the site, provided it can be demonstrated that the layout and design of the housing proposed will cause no harm to landscape or heritage assets. The development of the Dairy shall meet the following criteria...etc’</i></p> <p>The demolition of the large agricultural buildings offers an opportunity to reinstate an historic view of the church tower. This does not preclude development, but H1 should make it clear that the layout and scale of buildings should be designed to capture and perhaps frame this view as a positive opportunity to better reveal the most important heritage asset in the parish.</p>
<p><b>Policies H1 and H4</b></p>	<p>Suggest a separate principal residence policy setting out criteria, which can be referred to by H1 and H4 rather than referring to St Ives. Background evidence will be needed for such a policy and a topic paper is recommended which should be uploaded onto the NP website prior to the examination.</p>
<p><b>Policy H3</b></p>	<p>Should the final sentence read ‘ the Village Hall committee will take responsibility for managing the children’s playspace’ rather than car park?. Otherwise put it in Policy H2.</p>
<p><b>Policy H4</b></p>	<p>Bullet point 6: It is not reasonable to require all new housing development to ‘enhance’ the built and natural environment. A like for like replacement dwelling will struggle to enhance the natural environment, but may be otherwise entirely acceptable. There may be instances where significant economic and social benefits outweigh limited environmental harm.</p> <p>Bullet point 8. References to housing being well built are not necessary as that is a matter for Building Control which provides national standards for compliance. It is not reasonable or necessary to prescribe all new housing to be at most two storeys, as the height and visual impact of a development is wholly dependent on the constraints and characteristics of its site. In addition, references to traditional materials are not clear. Does the NP seek for new development to only use traditional materials, or to have some traditional and some non-traditional materials? Strict adherence to a traditional pallet of materials may be considered unreasonable, as it would stifle innovation and my affect viability. Suggest that this bullet point is reworded as follows: <i>‘It is well designed, makes adequate reference to local distinctiveness, where appropriate provides energy efficiency measures, and compliments the appearance, character and strong sense of place of the Parish.’</i></p>

	The second element of the policy identifies previously developed land, but it may be beneficial to add 'including schemes for replacement dwellings. Again, 'enhances' should be removed from the first bullet point. Comments for the second bullet point as above.
<b>Para 8.13</b>	There doesn't appear to be any mention of car parking within Policy H1 for the actual development at the Dairy?
<b>Policy EMP1</b>	<p>'These have been included....made explicit': remove this to supporting text.</p> <p>With regard to a) i: it may be difficult to quantify 'significant' benefits for smaller schemes. Suggest that the word 'significant' is removed.</p> <p>With regard to b): is it the intention that development should meet both criteria i and ii? This seems incompatible.</p> <p>b) iii: it is difficult to conclude that economic uses may not generate additional (although small) traffic generation. Suggest that 'unacceptable' is added before 'traffic generation'</p>

## 5. Conclusion

These comments are made in order to help ensure that the South Milton Neighbourhood Plan provides a strong planning framework for the parish. The NP will be reviewed at examination to ensure that in the opinion of the examiner it meets the basic conditions and can progress to referendum. The examiner may make recommendations for modifications to the NP taking into account these and other comments made at Regulation 16.