

STOKE FLEMING NEIGHBOURHOOD PLAN

Submission Draft Version

**Questions to the Qualifying Body and Local Planning
Authority on
Stoke Fleming Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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Stoke Fleming Neighbourhood Plan Examiner's Questions

Following my initial assessment of the Neighbourhood Plan and representations, I would appreciate clarification and further evidence on the following matters from the Qualifying Body and/or the Local Planning Authority. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

1. Would the LPA confirm that the statutory environmental bodies were consulted on the SEA Environmental Report and HRA screening. Would you supply me with copies of their responses. Was the Environmental Report updated to take account of any changes made in the Submission Plan? Would the LPA undertake an assessment of the housing site and proposed car park on heritage assets as advised in their representation by Historic England.
2. Has a Human Rights assessment of how the plan and its preparation been undertaken? If not would the QB/LPA provide me with a brief assessment.
LPA will provide
3. Paragraph 5.8 of the NP refers to the assessment of potential housing sites. Is this the same assessment that is included in Appendix E of the NP and the SEA report? What does the statement "*All were confirmed as being potentially suitable*" refer to? What is the relevance of the final sentence of this paragraph? **It is the same assessment. The statement refers to the fact that the other sites were considered suitable in that sustainability issues could be mitigated, as explained in Appendix E. However, the NP steering group considered that those selected had fewer sustainability issues and were more suited to the objectives of the Plan, though if difficulties ever arose on one or other of them alternatives could be brought forward. As this is a narrative of the Plan Process the final sentence simply records that these things happened at the same time**
4. In its representation the LPA has stated that there is no justification or evidence to support the figure of "up to 10 dwellings" set out in paragraphs 6.6 and 8.3.1. The PPG states that where plans contain policies relevant to housing supply the policies should take account of the latest and up to date evidence of housing need. It advises that a local planning authority should share relevant evidence on housing need gathered to support its own plan-making. (Para 41-040-20160211). What is the source of the figure of up to 10 dwellings in paragraph 8.3.1? Does it reflect the latest and up to date evidence of housing need? If not, would the QB and LPA provide this figure and a paragraph to be included in the NP to replace para 8.3.1b) to set out the evidence of housing need and to demonstrate how it is to be delivered in the Plan area (eg through the housing allocation, commitments, infill and windfalls).
5. What is the source of the information on affordable housing need in para 8.3.1?
Cassandra Harrison of South Hams District Council, on 29 Sept 2017, as

indicated below the table.

6. Would you provide a map showing the settlement development boundary. Is it proposed to be revised through emerging JLP? **JLP to respond**
7. Appendix D sets out information on housing development and commitments since 2014 of 111 dwellings. Would the LPA provide the figure of the current housing commitments. **JLP will respond but the parish council would draw attention to five having been approved on the former Premier Garage site on Dartmouth road (with an application for a further four on the adjacent plot under consideration), and one infill on Redlap Lane.**

8. Would the QB respond to the concerns expressed by the LPA about the deliverability of the development in Policy H3 and pedestrian routes under RT1 and RT2. Are legal agreements in place to confirm that the pedestrian routes are deliverable? If not, could the pedestrian route improvements be delivered by alternative means other than linked to the housing development? Paragraph 10.4.1 in the Action Plan only refers to the footpath from Rectory Lane to School Lane being provided as part of the housing development under Policy H3. **The LPA's concern was about access, which at present is controlled by the owners of Stoke Lodge Hotel, who until recently also owned Farwell House and retained a "ransom strip" when they sold that property. The owners have said in writing that they are in favour in principle of making access available, and have confirmed that in a letter that is one of the supporting documents on the website. The site H3 is owned by the diocese of Exeter and they support the creation of the footpath RT2 to School Road. One of their letters is a supporting document and is published on the website. Originally they proposed that the footpath should run round the perimeter of the site/field but now that it is envisaged for development the suggestion is that the footpath along the side of the service road should be utilised and the layout designed with that in mind. The developer of the Stage 2 development at School Road has offered £10,000 towards the cost of creating the link between the H3 site and their development. A passageway has been created between two of the dwellings in that development and a gate has been installed, to which the parish council have the key. The link will be created by constructing a wooden "bridge" across the Devon bank that separates the two sites.**

The footpath RT1 is the main pedestrian link between the two halves of the village. Improving it will be a joint effort. The ground is owned by the owners of Farwell House but as it is a public right of way and recognised footpath within a 30 mph zone Devon County Council is responsible for the maintenance of the surface. The residents on either side (Stoke Lodge Hotel and Farwell House) are principally responsible for maintaining the fences and have indicated their willingness to improve those. The parish council has offered to contribute and some funding will also be sought from the developer of site H3. We will amend the Action Plan to correct the omission.

9. How are the pedestrian access improvements to be funded? Has any evidence been prepared to demonstrate that they will not result in the housing development being made unviable? **As indicated above financial responsibility will be shared and the cost to a developer should not be excessive.**
10. The route of the footpath RT2 in Figure 4 appears to show it running through the new housing development on School Road. Is this route correct and if so is it deliverable? **It is correct, and is deliverable, as indicated above.**

11. The Rectory Field housing site is accessed off a private road. Would the QB confirm that a means of access to the proposed housing development is achievable to the satisfaction of the highway authority? **Yes, again as indicated above the owners have offered to enable access by relinquishing their ownership of the said ransom strip as part of the development plan.**
12. Policy H6 - the first paragraph refers to existing settlements whereas the second part states settlement in the singular. The LPA states that only Stoke Fleming and the proposed extended Cotton would be suitable settlements for infill development. Would the QB confirm where is it intended that this policy should apply to? **The second reference would apply to the settlement "in question" and we can add those words to clarify. The LPA has allowed a development of 36 new homes at Hillfield and 15 have been allowed for permanent residence rather than holiday let at Bowden, and we would expect any infill proposals (perhaps unlikely outside the main settlements, to be judged on their merits.**
13. Would the QB confirm the definition of "infill development" they wish to apply and how the term "well related to existing settlement" is to be defined. **Within the village of Stoke Fleming the LPA has approved the creation of five dwellings between residential dwellings on the site of a former garage and is expected to approve a further four on an adjacent side currently occupied by a bungalow i.e nine new dwellings infilling the space between existing ones. We would not normally expect the term to apply to as many as that. The phrase "well related" is intended to convey that a development should be suitable given the context in which it sits.**
14. Is it possible to achieve an access to the proposed car park under Policy RT3 to the satisfaction of the Highway Authority? Are there any access requirements to be included in the policy? **Access would be from the corner of Mill Lane, using an existing gateway. Plans were drawn up and approved in 2008 but the project did not go ahead at that time.**
15. Natural England has commented on Policy RT3 that *"A landscape impact assessment of the proposed allocation is required and the SEA should be amended to consider Policy RT3 and its possible landscape impact. If mitigation measures such as screening are required then the policy should specify this."* Would the LPA and QB undertake this assessment and inform me of any measures that are required to mitigate any impacts. **LPA to advise. However, the response the QB received from Natural England made no reference to RT3. RT3 would be within H3, which itself would be in the centre of the village. The site is very secluded and separated from listed Farwell House by a screen of mature trees. As explained RT3 is in effect expected to be the pavement to the service road. H3 would require normal planning permission.**
16. The Action Plan in paragraph 10.4.2 makes reference to the possibility of infill housing on a suitable part of the proposed car park site. If it is intended that some housing

development should be included as part of the car park proposal this should be included in Policy RT3 and Policy H1. This site was not included in the housing site assessments. Would the QB explain what is intended on the site? **Nothing is planned; this was advisory, for the benefit of parishioners. The owners of the site mentioned that they might wish to take advantage of the development of the car park, which perhaps would enable shared access, and apply. They are advised by the OB that they would have to go through the normal process.**

17. Policy RT4 footpath to Swannaton - would you provide me with a map showing the area of land it is intended to safeguard through this policy that can be included in the NP. Would the QB confirm the status of the proposal and its deliverability. Has the location, layout and design of the scheme been agreed? **The Dart Area Land Access Group has been leading on this for some time with parish council support. Its secretary, who is one of the parish councillors, reports that as of 29th June: With regard to Note 17, I am attaching hereto detailed drawings of the proposed route. DCC's Safety Auditor has approved the route along the highway verge in principle, so we are about to submit to him those drawings and a written description of the construction as the third and final phase for DCC's audit procedure. It is anticipated that work will take place towards the end of this year and will be financed by a grant by SHDC from its Community Re-investment Fund. The detailed drawings are attached with this document.**

18. Would the QB provide an assessment of the Local Green Spaces. The justification to Policy E2 refers to it being on the PC website but I cannot find it. I particularly want to know why site 4 has been selected as it appears to be a hedgerow and not a green space. Is there public access? What evidence is there that this area is special to the local community? **The justification is now on the website and a copy is at the end of this document. Site 4 is both a Devon bank and a wildlife corridor that was a condition of the planning permission given for the adjacent development. It subsequently came to light that some householders had appropriated the part of the corridor at the rear of their property as an extension to their gardens. One had installed large fish breeding tanks, another had created a vegetable plot and a third had been turfed and flower beds created. Enforcement took place and the site has been included to protect the wildlife corridor from further encroachment.**

19. Would the QB check and revise the maps for LGS sites 1 and 3 as they appear to include buildings at the recreation ground and the car park and other land not used as playing fields at the school. Would they correct the site numbering on Figure 4 to read E2.1, E2.2 etc. **Will correct numbering. The village hall building at LGS1 is outside the proposed LGS; the small building inside the area is the changing rooms. Part of the car park has been included; that will be amended.**

20. Policy E2 does not include any policy approach to safeguarding the Local Green Spaces. Would the QB comment on the following proposed wording: *"Development on the Local Green Spaces will not be approved other than in very special circumstances."* **That wording will be added.**

21. What is the source of the map of woodland included in Figure 6? Have they been surveyed and the owners consulted? The map differs from the map in the Wildlife and Biodiversity Inventory. Site W15 does not appear as woodland on the Google map of the parish. Are any of the woodlands protected by TPOs? **Ordnance Survey and local knowledge. The OB wishes to extend protection to all broadleaved woodlands, not just remnants of ancient semi-natural woodland. It excluded hedgerows etc. The mature trees at W15 have been taken down since the map was done. The perimeter remains and the main area is to be replanted. Can amend as required. LPA to advise on TPOs, please.**
22. Policy E4 - are the four bullet points intended to be examples of the types of renewable and low carbon energy generation that may be supported ie there may be others as well? Has the QB considered that some of these may be permitted development? **The use of the words "This includes" was intended to indicate that the list was not exhaustive. Can amend to say that if required. Yes, had considered that possibility but could not find anything to suggest that permitted development would be affected.**
23. How is it intended that developers should demonstrate that an energy generation proposal should have the support of the community? **Through the planning process.**
24. The three paragraphs in the justification under Policy E4 set out further policy statements which ought to be included in the policy itself and not the justification. Has the LPA identified any areas as suitable or unsuitable for the generation of renewable and low carbon energy that affect the NP area? **Will amend accordingly. There are currently isolated examples of acceptable solar, wind and hydro generation and others would be possible.**
25. What is the source of statement of Government policy that no new commercial solar or wind turbine farms should be developed in the AONB and Undeveloped Coast? The 2015 Government guidance on Renewable Energy states that "*proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration*"; it does not explicitly preclude them. **Will amend accordingly.**
26. The Community Projects should be a list of projects that the Parish Council wishes to progress during the life of the Neighbourhood Plan. They should be worded in the form

of 'The Parish Council will work with **XXXX** to deliver **XX XX**'. Would the QB review the wording of CP1, CP2, CP4, CPS, CP6 and CP9 and propose how they could be revised as Parish Council projects. **The parish council will be the main body responsible for progressing CP1, CP2, CP3 (but not CP4 which is in the hands of Natural England), CP6 and CP9. Can re-word to make that clear.**

27. Community Project 7 on Tourism is addressed through a number of Local Plan policies. Is there any aspect that the Parish Council is going to focus on as a specific project so that this Project could be worded as "The Parish Council will work with **XXXX** to deliver **XXXX**" ? **Mainly through CP6, with expanded links and further development of the website, and through a business forum in line with CP8.**

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Independent Examiner

19 June 2018

Local Green Spaces Assessment

A number of green open spaces are proposed for designation. The proposed extent of the possible Local Green Spaces is shown on Figure 4. The locations of important views are indicated on Figure 6.

As indicated in the responses from the Choices for Change and subsequent consultations, if these sites are designated they will help to allay the fears of the parishioners regarding over-development, so hold a special value to the community of Stoke Fleming.

- A. **Each potential site has been evaluated against Paragraphs 76 and 77 of the National Planning Policy Framework (see <https://www.gov.uk/government/publications/national-planning-policy-framework-2>).**

All these potential sites are:

- } Are in reasonable close proximity to the village
- } Are local parcels of land, not extensive tracks
- } Their significance to the parish is, namely;
 - Beauty and tranquility,
 - Historic significance,
 - Passive and active recreational value,
 - High environmental quality, the richness of habitats and wildlife
 - Safeguard local food production;
 - To maintain the open character of the parish;
 - The historic landscape setting of settlement is retained;
 - Strategic views across the parish are safeguarded;
 - Prevent coalescence of different parts of the village.

B. Reference has also been made to South Hams Landscape Character Assessment, see:

http://www.devon.gov.uk/index/environmentplanning/natural_environment/landscape/devon-character-areas/dca-south-hams/dca-53.htm

This states that the overall strategy for South Hams, (of which Stoke Fleming is a part) is:

“To protect the high scenic quality associated with the South Devon AONB, and to sustain the area’s important nature conservation sites, and historic settlement. The shingle beach, and freshwater lagoon are well managed and their resilience to climate change is enhanced where feasible. Recreation is encouraged, but a good balance between recreation and conservation is retained. The wider plateau landscape and gentle combs are actively managed and hedge banks sensitively protected and repaired. Development of villages and nearby urban areas, notably Dartmouth, is sensitively designed and sited to minimise its intrusion and to protect historic character and form of settlement.”

Amongst concerns highlighted in this Landscape Character Assessment are:

1. Linear development along the A379 undermining the distinctive identity of villages.
2. Growth of historic villages resulting in loss of nucleated form and character e.g. Stoke Fleming.
3. Potential development pressures associated with villages and nearby urban areas, notably Dartmouth.

Specific objectives mentioned were to:

- Protect the undeveloped character of Slapton Bay (beach, and freshwater lagoon and surrounding combs and hills) ensuring that any limited new development in the area respects the scale and horizontal emphasis of the landscape.
- Protect the settlement pattern of nucleated villages, hamlets, farms and houses.

Designation of these sites would help to meet these objectives.

C. Reference has also been made to the ANOB Management plan (see

www.southdevonaonb.org.uk/.../aonb-management-plan)

This plan states that:

“Plan/P1 Plan-making

Planning policies will give great weight to the purpose of conserving and enhancing the natural beauty and special qualities of the South Devon AONB; while supporting small scale development that is appropriate to its setting, is in keeping with its character, and meets the economic and social needs of local communities”.

D. An additional reason for designation of these sites is that all future development within the parish must also demonstrate that it will not affect the integrity of the South Hams Special Areas of Conservation “SAC”, both current and future designations:

“Development that results in the loss of these green spaces or that results in any harm to their character, setting, accessibility, appearance, general quality or amenity value would only be permitted if the community would gain equivalent benefit from the provision of suitable replacement green space or gain significant social, economic or environmental benefits from an alternative facility.”

Designation of these site would therefore offer protection from future inappropriate development.

**E. All potential sites have been included in the consultation process for the parish.
Additional qualities and reasons for proposed designation of the Local Green
Spaces identified are:**

1. Recreation Ground / Playing Fields. This site is central in the village and is currently used by the Football and Petanque clubs on a regular basis, dog and recreational walkers, and contains the children's playground.
2. Bowling Green. Currently used by the Bowling Club, so safeguards current and future recreational activity, strong amenity value.
3. School Playing fields. Provides existing and future amenity value for pupils, improves health and wellbeing, and maintains open character of the parish.
4. Wildlife Corridor by the new School Road development. This existing corridor provides a safe haven and passage for a variety of both ground and tree dwelling creatures in what is a primarily a developed area.

In addition to these sites the NP considered 5 additional sites in the parish for potential designation, all for the reasons previously stated. However, the NP Steering Group was unable to persuade the relevant landowners of the value to the parish of designation so these sites are included here for information and completeness only as they all formed part of the consultations that have taken part with the parish.

5. Land west of School Road between Mill Lane and the school. This site is currently pasture and the green use prevents coalescence with previous and current development in this area. It provides a sense of an open area in what otherwise is urban development. It also protects locally important views west of the Parish. Parishioners who stated a preference are against additional development in this area of the village.
6. Field above Overseas. This site is currently pasture and is situated at the entrance to the village from the East so will help maintain the open character of the parish. It will also protect important views west of the Parish.
7. Field SW of proposed new car park. This site provides beautiful views over Start Bay and beyond, and maintains the historical landscape setting of the parish.
8. Cricket Field. Currently used by the Cricket Club so an existing amenity and safeguards current and future recreational activity.
9. Allotments. Currently used by a number of parishioners so an active recreational asset and small but important food production area