

SHDC Informal Comments on Stoke Fleming Neighbourhood Plan, Revised Draft 23.10.17

Good progress has been made on revising the NP, following comments made at the Regulation 14 consultation. The following comments are intended to assist the neighbourhood plan group in preparing a final draft version ready for submission to SHDC at Regulation 15. Please note that these are informal comments and the Council may have further comments to make at Regulation 16.

1. Cover – timescale – end date should be 2034 to tie in with the JLP
2. Foreword, 4th para. – ‘The SFNP has been developed to:’ (first bullet) ‘protect the area from developments that are inappropriate in scale or location’. In order to show that the plan has been positively prepared to help deliver development, this statement could be prefaced by wording along the lines of – ‘Provide for appropriate development opportunities, including those to meet local needs, whilst protecting the area...’
3. Consider amending text before The Vision (‘The intention of the NP is to preserve...’) and also in The Vision itself, to reflect a more positive attitude towards development.
4. Section 3. While the history of the parish is interesting, some of the text in Section 3 might be considered superfluous to a planning document, including paras. 3.2, 3.15, 3.16, 3.19 and much of para.3.12. Consider moving this text to an appendix.
5. Para. 4.3. Update with the following: ‘The JLP reached pre-submission stage in March 2017 and was submitted for Examination in July 2017. Once adopted, it will replace the plan documents referred to in the previous paragraph and, together with the NP, will form the development plan for the parish.’
6. Para.6.6 – Re. number of new dwellings. The NP states ‘Site allocations identified in the NP are that no more than 10 new homes are supported by the Plan.’ Please note that the housing numbers given for sustainable villages in JLP TTV30 are indicative, for monitoring purposes only, and relate to sites identified through neighbourhood plans in the settlement rather than the whole parish. Where housing proposals come forward in excess of these figures, consideration will be given to them provided they can be shown to meet an identified local need and are sustainable. Wording in the NP should be amended accordingly.
7. 7.2 Objectives. The 4th bullet point (‘Development meets the needs...’) could helpfully be moved to become the first objective.
8. Policy H1 and supporting text. The same point again as in para. 6.6. The indicative 10 dwellings relates to specific sites to be allocated in the NP. It does not relate to the village as a whole or the wider parish area. This is not made clear in the NP and should be corrected, especially the final para. of the policy.
9. Policy H1 – opening sentence, the word ‘preserved’ should be replaced with ‘conserved’.
10. Policy H2 – The first sentence is not policy and should be moved to the supporting text. The threshold should be ‘11 dwellings or more’, not ‘10 or more’.
11. Para. 8.3.3 – It is noted that Policy H3 has been deleted, with the explanation given in an appendix as: ‘This site was considered suitable for development in the pre-submission draft

of the Plan however since its inclusion planning permission has been granted for housing and care provision at School Road (Site SH_51_12_13) In view of the representations made by the community against further development in School Road and that the housing requirement of this plan and the Joint Local Plan will be met by site H4, it was agreed to remove this site from the plan'. We would welcome further evidence to show that this site is not needed, especially given your assessed need of 18 affordable dwellings, and likely further need over the course of the plan period. There are issues about the delivery and scale of development at Rectory Field. If this site is not delivered early in the plan period and if adequate provision is not made for the identified housing need, then there will be scope in principle for provision to be made outside of the provisions of the NP – i.e. by means of a planning application on an 'un-planned' site or through a sites allocation plan prepared by the LPA. Either way, this would be 'over-riding' the NP – a potential consequence of failing to deal with this issue adequately at this stage.

12. Policy H4 (should now be H3) – Is there adequate evidence to demonstrate that this site is deliverable? Can suitable vehicular access be provided and secured? Is the only third party Stoke Lodge Hotel or is agreement also required from the owners of Farwell House or any other party? Do any of these third parties hold a ransom and if this is enacted would the development be financially viable? Does the Highway Authority consider Rectory Lane suitable to serve this proposed development at Rectory Field and, if so, what evidence is there to demonstrate this? Can pedestrian linkage from Rectory Field connecting into the new housing development on School Road be secured, is there evidence that this is agreed and will any financial settlement or other 'condition' be required to secure this? The NP states that 'Any development will have to make provision for pedestrian access to School Road...' – is this requirement supported by the Highway Authority (without it the requirement is unlikely to be enforceable). 'Development is also conditional on improvements being carried out to the Bird Walk...' - has it been demonstrated that this requirement meets the relevant tests (as set out in guidance relating to the use of planning obligations – i.e. that they are *necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind*)?
13. Policy H4 (which proposes 'Up to 10 new homes...') second clause 'provision of affordable housing to be as Plan policy H2...' (which requires affordable housing on 'all new developments of 10 or more dwellings...') (which should be '11 dwellings or more'). So, is no affordable housing expected to be delivered on this site?
14. There is no policy H5 – so subsequent policies should be renumbered.
15. Policy H6 c) – This clause is unclear and poorly expressed. Is it trying to require that new development has similar plot widths as established development in the vicinity and/or that development proposals are appropriate for the size of plot on which they are proposed? Really not sure what 'establish a rhythm to the local architecture' means or how this will be assessed.
16. Policy H7 – what does this add to the NPPF and policies DEV21 and DEV22? Guidance is clear that NP policies should not replicate higher level policies and guidance. The JLP policies include protect for 'non-designated' and 'locally important' heritage assets: it would be helpful for the NP to identify these – while the list of listed buildings given in an appendix is useful, these buildings already have substantial policy protection.
17. Policy H8 – This appears to support infill residential development anywhere in the parish as long as the design is acceptable. If so, this would be in conflict with long-established national guidance and strategic policies that seek to prevent new dwellings in the remote countryside. If this policy is not seeking to provide for this it needs redrafting with the addition of appropriate supporting text.

18. Policy H9 – Elements of this are vague and unclear. Clauses a) to e) are presented as examples – so will new development be required to meet all, or indeed any, of these requirements or not? Clause d) is unclear (e.g. if a new dwelling includes a ground source heat pump – how will this be ‘linked to existing buildings’?). Clauses a) to e) would be better removed from the policy and included in the supporting text. The requirement that ‘All proposals must be supported by protected species surveys...’ – what is the justification for this and is it consistent with the LPA’s validation requirements?
19. 8.4 Objective. As drafted, only the first sentence is an objective, the remainder is narrative.
20. Policy RT2 - see no. 12 above.
21. Policy RT3 – middle para. is not policy and should be removed to the supporting text. Why stipulate that the footpath will be the pavement to the service road? Wouldn’t it be better to wait until the detailed design stage, given that a route separate from the road might be possible and preferable? The policy only needs to establish that its provision will be required. Assuming that any footpath is provided as part of a development scheme that will be determined by the LPA, and its provision will potentially be secured by means of a S.106 agreement, what is the justification and mechanism for requiring that it be approved by the PC? (It is possible that the PC could be co-signatory of any legal agreement).
22. Policy RT4. Again, given that the PC will not be the authority determining any planning application, ‘approval by the Parish Council’ is not an appropriate requirement and cannot be included in a planning policy. The final clause re. finance is not policy and should be removed to the supporting text. Why stipulate one specific source of funding - what if some other source of funding became available?
23. Policy E2 – Local Green Spaces. Suggest ‘The following sites are *designated*...’ rather than ‘proposed’, for clarity. While reference to NPPF 76 and 77 is made in supporting text, no detailed evidence has been seen to demonstrate the sites’ conformity with the relevant NPPF criteria. This evidence should be provided on your website by the time the NP is submitted. Please contact us for further information about this.
24. Policy E3 – The protection of trees and woodland is covered by JLP policy DEV30. Does E3 add anything of significant value?
25. Policy E4 – ‘In accordance with current Government policy there should be no new commercial solar or wind turbine farms within the Plan area, and especially within the AONB and the Undeveloped Coast.’ Reword: government policy resists large scale energy developments within the AONB, rather than within the Plan area.
26. Policy B1 – How is ‘small-scale’ defined? Third bullet point – how will ‘detrimental to the local environment’ be assessed? Some clarification in the supporting text could assist the application of this policy.

Background Documents and Evidence

While we have seen some of your background documents, including site assessments, SEA, and a Basic Conditions Statements, there are further documents that should be available by submission: these include a Consultation Statement, a Housing Needs Survey and evidence to support your Local Green Space Designations. Please contact us if you would like further information on any of these.

GS/MG 16/11/17