

## Stoke Fleming Neighbourhood Plan

### Schedule of Responses to Regulation 16 Consultation

Stoke Fleming Neighbourhood Plan was submitted to South Hams District Council on 29/1/18. The Council consulted on the submitted plan for a six week period between 20/2/2018 – 3/4/18 in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations.

The tables below set out the representations on the Thurlestone Neighbourhood Plan made in response to consultation at Regulation 16.

**TABLE 1 Responses to Regulation 16 Consultation**

Date	Name/Organisation	Comments
21/2/18	Marine Management Organisation	Standard response – see Appendix 1
7/3/18	South West Water Appendix 2	<p>Sarah thank you for providing details of the above the content of which is noted and upon which South West Water has no comment at this time.</p> <p>Regards Martyn Dunn</p>
8/3/18	Highways England Appendix 3	<p>Dear planning team</p> <p>Thank you for providing Highways England with the opportunity to comment on the submission version of the Stoke Fleming Neighbourhood Plan. As you are aware, we are responsible for operating, maintaining and improving the strategic road network which in this instance comprises the A38 some distance to the north of the plan area. We are therefore satisfied that the plan's proposed policies are unlikely to lead to development which will impact upon our network and we therefore have no comments to make.</p> <p>This does not however prejudice any future responses Highways England may make on site specific applications as they come forward through the planning process, which will be considered by us on their merits under the prevailing policy at the time.</p> <p>Regards Gaynor</p>

<p><b>3/4/18</b></p>	<p><b>Natural England Appendix 4</b></p>	<p>Thank you for your consultation on the above dated 21 February 2018.  Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.  We welcome the submission version of the Stoke Fleming Neighbourhood Plan. We have one comment to make:  <b>Policy RT3</b>  Policy RT3 allocates a new car park for 34 cars on the edge of the settlement. The policy requires that the car park is designed with due regard for its location within the AONB and that a landscape design be prepared to minimise the car park’s visual impact. It is however at the time of allocation that you need to make sure that the car park would not have a detrimental impact on the landscape and that the landscape and scenic beauty of the AONB is conserved. Whilst the car park itself may not have an adverse visual impact on the landscape, the 34 cars could have a significant impact, particularly when the sun is reflected in their windscreens. 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.  We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.  For any queries relating to the specific advice in this letter only please contact Corine Dyke on 02080 268177 or corine.dyke@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.  Yours sincerely  Corine Dyke</p>
<p><b>5/4/18</b></p>	<p><b>Historic England Appendix 5</b></p>	<p><a href="#">FAO Sarah Packham</a></p> <p><a href="#">Thank you for your Regulation 16 consultation on the Stoke Fleming Neighbourhood Plan. Our apologies for not responding before now.</a></p> <p><a href="#">The focus of our interest is policy H3 which proposes to allocate land at Rectory Field for the development of up to 10 new homes. We commented on this policy (previously H4, and previous policy H3 now deleted) in response to the Regulation 14 consultation, highlighting the need for evidence to demonstrate that such development was deliverable without causing harm to designated heritage assets (see attached). In return we were advised that further site assessment work was envisaged.</a></p>

		<p>Having looked at the submitted Plan we note that the site assessments attached to it as Appendix E are essentially the same as those previously shared with us. These restate that no heritage constraints have been identified (with the basis of such an observation still unclear) and that further assessment may be required. The only additional evidence in the submitted supported documents appears to be found in the SEA Environmental Report.</p> <p>Table 4.3 (p20) of the Report identifies the existence of the Grade II Listed Farwell House and East Farwell within 30m of the site and the potential for impacts on their setting from new development. It identifies the conservation area approximately 40m to the south east but asserts that due to topography and existing screening there are unlikely to be impacts on its setting (see also section 5.5, p28).</p> <p>There remains little indication that the heritage significance of the conservation area has been described and understood, and how its setting relates to the site in terms of how it has informed the latter's suitability for allocation and the quantum of development proposed. It is worth reiterating that the conservation area appraisal specifically refers to how the existence of open spaces in and around the settlement play an important part in defining its special interest, prompting the not unreasonable view that any loss could well generate significant harm.</p> <p>On this basis we are not confident that sufficient evidence exists to demonstrate the suitability of the site for development as proposed in accordance with the statutory provisions for the protection and enhancement of the historic environment contained in the National Planning Policy Framework (NPPF). We therefore recommend that this apparent gap in evidence be filled to ensure an appropriate level of conformity with national and local planning policy. Given the advanced stage of proceedings in the Plan's preparation it may be simplest to seek the view of your authority's conservation team on the matter.</p> <p>Elsewhere in the Plan, we note policy RT3 proposes a new car park between Old Road and Mill Lane. We didn't comment on this in our Regulation 14 response but are not sure if this was due to oversight on our part or its first inclusion in this version of the Plan (note – the pre-submission version of the Plan is no longer on the community website to allow clarification). This too represents a site allocation which should be assessed for its impact on relevant heritage assets. Appendix E of the Plan (where it is referred to as RT4) identifies no constraints with the same caveat as for H3 above but the SEA Report doesn't appear to assess this site at all.</p>
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13/4/18	SHDC Appendix 6	<p>The Stoke Fleming Neighbourhood Plan has been submitted to South Hams District Council. The Council is satisfied that the submission draft and accompanying documents comply with all the relevant statutory requirements.</p> <p>The plan was publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations and representations invited between 20<sup>th</sup> February and 3<sup>rd</sup> April 2018.</p> <p>The Council made a full response to the Regulation 14 consultation carried out by the Qualifying Body in respect of the Stoke Fleming Neighbourhood Plan. This document sets out the Council's response to the Regulation 16 version of the plan, focussing on the extent to which it is considered that the current version of the draft plan has responded to comments made at Regulation 14 and whether any significant concerns remain.</p> <p>The Council notes that the Regulation 15 draft neighbourhood plan has taken account of many of the comments made at Regulation 14 stage, especially those relating to relatively minor points, and that the consequent rewording of the document has resulted in a stronger plan.</p> <p>However, some significant concerns remain and are included in the following:</p> <table border="1" data-bbox="696 703 2000 1415"> <thead> <tr> <th data-bbox="696 703 1151 738">Policy/Text</th> <th data-bbox="1151 703 2000 738">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="696 738 1151 1078">Para.6.6 ...'no more than 10 new homes within the main settlement are supported by the Plan.'</td> <td data-bbox="1151 738 2000 1078">There is no justification or evidence to support this arbitrary restriction. The village of Stoke Fleming is a sustainable settlement with a defined boundary within which development is acceptable in principle. The scope for windfall development of additional dwellings within the settlement is limited, but there is no way of predicting with any accuracy what this might be over the plan period and it is not acceptable to try to impose an arbitrary cap on this number.</td> </tr> <tr> <td data-bbox="696 1078 1151 1415">           Policy H1             First sentence. 'The visual character of the village along the A379 trunk road will be preserved.'         </td> <td data-bbox="1151 1078 2000 1415">           General: This policy as drafted is too long and some elements are superfluous.             (Correction) the A379 is not a 'trunk road'. To 'preserve' the visual character along a whole corridor through the village is considered to be unrealistic. Suggest that 'preserved' is replaced with 'conserved' as a more positive form of wording, is less onerous and more realistic/achievable than requiring that everything along and adjoining this corridor is maintained         </td> </tr> </tbody> </table>	Policy/Text	Comments	Para.6.6 ...'no more than 10 new homes within the main settlement are supported by the Plan.'	There is no justification or evidence to support this arbitrary restriction. The village of Stoke Fleming is a sustainable settlement with a defined boundary within which development is acceptable in principle. The scope for windfall development of additional dwellings within the settlement is limited, but there is no way of predicting with any accuracy what this might be over the plan period and it is not acceptable to try to impose an arbitrary cap on this number.	Policy H1  First sentence. 'The visual character of the village along the A379 trunk road will be preserved.'	General: This policy as drafted is too long and some elements are superfluous.  (Correction) the A379 is not a 'trunk road'. To 'preserve' the visual character along a whole corridor through the village is considered to be unrealistic. Suggest that 'preserved' is replaced with 'conserved' as a more positive form of wording, is less onerous and more realistic/achievable than requiring that everything along and adjoining this corridor is maintained
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		<p>Second sentence.</p> <p>‘Development to the east of the A379...will not be supported.’</p> <p>‘Development during the life of the Plan should be confined to sites which do not impact on the appearance of the village along the A379 axis.’</p> <p>Second para. of Policy H1</p>	<p>in its current state (preserved), which is not possible or necessarily desirable.</p> <p>How will development be assessed with regard to enhancing the identity and rural character of the existing settlements, etc.? Which settlements does this apply to?</p> <p>This amounts to a blanket ban of all forms of development. This requirement is considered to be too onerous and should be qualified. Some relatively minor forms of development may be compatible with the policy provisions for the area in question and may not detract from what the NP is seeking to achieve.</p> <p>The phrase ‘during the life of the Plan’ is superfluous and could be removed (all policies will be applicable during the life of the plan). Any development along the A379 corridor (which runs through the centre of the village) will potentially have an impact on its appearance. This large tract through the village is within the settlement boundary where development is acceptable in principle. Development could potentially have a positive impact on appearance. This requirement is unjustifiably too onerous and is realistically un-implementable.</p> <p>This whole para. should be deleted. The 10 dwellings referred to is not an ‘allowance’ for the whole village (see comments above). The final sentence is not policy and should not be included.</p>
		Policy H2	The word ‘Therefore’ at the start of the policy should be deleted.
		Policy H3 Rectory Field	The Council’s concerns regarding the deliverability of this site remain. S.8.3.3 second para. states: ‘For development to take place the owners of Stoke Lodge Hotel have agreed in

			<p>principle to boundary changes to provide a public right of way to the field.' This suggests that a 'ransom' situation exists and that no formal agreement is in place. Also, the owners in correspondence dated 23.6.17 state that they 'consider a development of no more than 5-6 detached dwellings to be most appropriate.'</p> <p>Is the provision of the required pedestrian link within the gift of the owner of Rectory Field?</p> <p>Are the associated improvements to Bird Walk an acceptable requirement?</p> <p>There are significant doubts re. the ability of this site to meet the housing requirements of the parish during the plan period – as set out in the plan. Only 'up to 10 new homes are proposed' for Rectory Field (Policy H3) – this is below the AH threshold set out in Policy H2 (and the AH policy in the JLP). It is therefore unclear how the AH need set out in the NP will be met.</p>	
		<p>Para. 8.3.4</p>	<p>Re. housing requirements set out in the JLP. 'That requirement can be fully met through development of site H3 and the allocated site RA22 on School Road...' The Council does not agree with this statement. The JLP figures are not 'requirements' but are indicative and should be regarded as a minimum number of dwellings to be allocated on a site or sites in the NP. Completions and commitments from earlier in the plan period (such as site RA22 in School Road) are not included, nor are 'windfalls' that have come forward, or may come forward, through the development management process. Appendix B – Site SH 51 02 08/13 Field 0048, School Road. As the plan acknowledges, this site was 'considered suitable for development in the pre-submission draft of the Plan...' However, it has been removed from this stage of the plan. The Council questions the justification for removing this site, especially given the doubts about the deliverability of the only site proposed in the plan (Rectory Field), and the fact that the</p>	

			number of dwellings proposed on it falls below the affordable housing threshold.
		Policy H6	<p>This policy as currently drafted is confusing and potentially in conflict with national policy and the existing local plan/JLP. The first clause refers to ‘existing settlements’, whilst the second clause refers to ‘the existing settlement’. Only one settlement in the parish (the village of Stoke Fleming) has a development/settlement boundary where residential infill development would be acceptable. The urban extension at Cotton, Dartmouth is within SF parish and has a defined boundary around the allocation. The policy and text should make it clear if this policy applies to just the main village and the proposed development at Cotton (which would be appropriate).</p> <p>There are no other sustainable settlements within the parish, so residential infill development, including self-build, elsewhere would be in conflict with long-established national and local plan policies that seek to prevent new dwellings in the remote countryside. This is even more the case in the Undeveloped Coast. The policy and supporting text should be redrafted to make this clear.</p>
		Policy E1	<p>The first sentence is not policy and should be deleted.</p> <p>Ref. to AONB Man. Plan - a policy cannot require adherence to <u>guidance</u> in other documents which is not adopted policy in its own right.</p>
		Plan period	The plan period runs to 2034. In a couple of places the NP states ‘for the period up to 2035.’
		Para. 10.4.2 Re. Policy RT3 Car Park	The text refers to ‘...some provision for infill housing on a suitable part of the site.’ However, this is not referred to in Policy RT3 or the supporting text. If it is intended that housing development should be included on this site then it should be

			<p>included in the policy proposal (RT3) and explained/justified in the supporting text (rather than being hidden away in the Action Plan section). If housing is not included in a policy proposal for this site (i.e. RT3), then any housing included as part of a development proposal for this site would be contrary to the policy.</p>	
			<p>April 2018</p>	