

*Working together*



**Thurlestone Draft Neighbourhood Plan**  
(Regulation 14 version, September 2017)

**Regulation 14 consultation response on  
behalf of South Hams District Council**

02/11/17

## Introduction

The draft Thurlestone Neighbourhood Plan has been released for a formal 6 week public consultation. This represents the plan reaching Regulation 14 stage of the plan preparation process, and offers the first formal opportunity for all stakeholders to comment on the emerging plan.

As the Local Planning Authority, South Hams District Council has a statutory duty to support the preparation of neighbourhood plans.

As well as our statutory duty, SHDC has an obligation to ensure that any planning document that sits within our suite of Development Plan Documents (DPDs) are consistent with our corporate objectives, and will make a positive contribution to the long term health, wellbeing and resilience of our communities. Advice and guidance provided to neighbourhood plan groups will reflect this wider remit, although it is acknowledged that this guidance may go beyond what is strictly required by regulation. Where we do exceed the levels of guidance required by regulation, we will clearly state as much in our comments.

Advice and guidance at Regulation 14 stage is most usefully directed on:

- The draft Neighbourhood Plan Vision, Aims and Objectives
- The draft Neighbourhood Plan Policies
- The draft Neighbourhood Plan Evidence Base

## The Draft Thurlestone Neighbourhood Plan

The Thurlestone Draft Neighbourhood Plan (the Plan) sets out policies and approaches which will add local detail to policies within the Joint Local Plan. The Plan sets out a vision for Thurlestone as follows:

*“A vibrant coastal and rural community where the quality of life of its residents and the preservation of the natural environment are paramount ~~and where any development should be proportionate, balanced and sustainable in keeping with its designation within an Area of Outstanding Natural Beauty.~~”*

SHDC comment – The vision effectively gives an impression of what is seeking to be achieved. Specific mention of types of development may be better expressed within the stated Aims and Objectives under the relevant themes.

Underneath the Vision are a set of stated Aims and Objectives:

### Housing

To support small-scale housing development that will contribute towards making the parish more sustainable for the future:

- affordable housing for local people who cannot afford to buy or rent housing on the open market; and
- open market housing for young people on lower and middle incomes to be able to afford to buy or rent.

SHDC comment – this is broadly consistent with adopted and emerging local policies, as well as national guidance. It has always been difficult to use the planning system to intervene in how open market properties are procured, as the name suggests, the premise of restricting open market ownership is

something of a contradiction in terms. There is an onus on any planning document to show how identified needs will be met, which will be examined when looking at the relevant policies.

### **Local Economy**

To support existing businesses and provide new employment opportunities for local people and promote sustainable growth in the local economy which is appropriate to the parish's location within the South Devon AONB.

SHDC comment – again, broad consistency, although the specific mention of providing new employment opportunities 'for local people' may be seeking to extend the remit of the neighbourhood plan beyond what is permitted.

### **Wellbeing**

To promote a healthy and socially inclusive community by supporting open space, recreational and sports facilities and services which enhance the community's wellbeing.

SHDC comment – fully support this aim.

### **Heritage**

To conserve and enhance the parish's historic environment by promoting the protection of certain non-designated heritage assets which are of special local historic interest.

SHDC comment – fully support this aim.

### **Environment**

To conserve and enhance the Parish's natural environment for future generations of residents and visitors.

SHDC comment – fully support this aim.

### **Infrastructure**

To seek opportunities for improving infrastructure to make the parish more sustainable for existing and future residents, visitors and those working in the parish.

SHDC comment – as a statement this is hard to disagree with, although the planning system typically works on the basis of using housing and/or employment development to lever associated funds from developers to invest in infrastructure. Therefore, for the plan to deliver any meaningful infrastructure, it needs first to accept the premise of a reasonable amount of new development to generate funds for investment.

### **Resources**

To support the delivery of renewable and low carbon energy generation.

SHDC comment – fully support this aim.

## Policy writing

Neighbourhood Plans are advised not to try and repeat local or national planning policy. Many of the policies within the draft Thurlestone neighbourhood plan are already the subject of adopted and emerging local planning policy and/or national planning policy or guidance.

SHDC considers that alongside the detailed comments below, the Thurlestone NP group considers whether each policy is necessary for inclusion in future drafts of their plan. If policies remain that are already the subject of local and/or national policies, care needs to be taken to ensure consistency with existing policy to avoid ambiguity over interpretation in the decision-making process.

The Plan contains 29 policies as summarised in the table below. A commentary is provided for each policy that looks at the level of conformity with locally adopted policy and national guidance, as well as considering how each policy will be implemented in order to achieve the aims and objectives of the plan.

**Table 1. Summary of policies in the Plan**

<b>Policy</b>	<b>Summary of aims and key environmental effects</b>
<b>POLICY TP1 - GENERAL DEVELOPMENT PRINCIPLES</b>	Overarching set of criteria, designed to apply to all decision-making, with a focus on core planning principles. These are locally specific, and replicate elements of existing policies that have been adopted locally and nationally. The criteria relating to identifying and mitigating impacts relating to the AONB have been written in conjunction with the South Devon AONB Manager, and are considered to provide adequate protection to the designated landscape. This policy is cross-referenced in almost all other NP policies.
<b>POLICY TP2 - SETTLEMENT BOUNDARIES</b>	Drawing boundaries around Bantham and Buckland is contrary to both the emerging JLP and adopted CS. Neither LPA document draws a boundary around Buckland or Bantham, as they are not considered to be sustainable locations for new development. This follows an extensive assessment of rural settlements using a sustainability toolkit. At an LPA level both Bantham and Buckland sit within sensitive landscapes, and as they do not have boundaries are considered to be in the countryside. They also with within the Undeveloped Coast, and AONB, afforded the settlements the highest level of protection from inappropriate development. Whilst it is accepted that NPs have the option of identifying boundaries as a policy tool, the NP needs to do so in a way that is consistent with locally adopted policies. The CS and JLP use boundaries to show where specific policies will be applied (such as Undeveloped

	<p>Coast). By trying to draw boundaries around settlements that are not identified in the CS or JLP as sustainable, ambiguity is created over where the Undeveloped Coast and Development in the Countryside policies should be applied. The principles for drawing the boundaries are also inconsistent with those used to inform the emerging JLP boundaries. The NP seeks to identify 'opportunity or infill sites' that 'round off' settlements within boundaries. In doing so, the NP is identifying sites for development. The process for identifying sites for development requires an assessment of all reasonable alternatives before identifying preferred sites. To use a line on a map to identify a development site, without a robust site selection process behind, it circumvents the appropriate process for site selection and does not represent sound plan making. It is agreed that there should be no coalescence between identified settlements, but the use of boundaries in this way is not considered to be the correct tool to meet this aim. SHDC propose that the boundaries are removed, and allow the combination of adopted and emerging Development in the Countryside, Undeveloped Coast and Designated Landscapes policies to provide protection against inappropriate development in these locations. If the NP would like to identify new development sites in Bantham and/or Buckland, then a site allocations process should be followed, with justification for identifying sites in these locations. It is accepted that Bantham and Buckland do form a network of rural villages that look to Thurlestone for a limited level of services and amenities. However, given the distances between the settlements, and local topography, it is expected that most people will drive to Thurlestone by car, and as such it is not considered appropriate to label either Buckland or Bantham as 'sustainable'.</p>
<p><b>POLICY TP3 - AFFORDABLE HOUSING</b></p>	<p>Provides criteria which must be met in order to deliver affordable housing schemes. The policy preface identifies 2 specific types of housing that the plan is seeking to deliver, both of which identify local people on low or medium salaries as a specific need group. The NP also identifies infill plots as being preferable for development other than sites adjoining existing settlements. For the NP to rely upon plots within</p>

	<p>existing settlements, where land values are already elevated, to deliver affordable housing seems unrealistic, unless land owners altruistically suppress the value of their land to reduce the overall delivery costs of a new home. The NP also seems to place an over-reliance on community-led housing to deliver affordable housing schemes, without any evidence of a Community Land Trust existing in the NP area or actively looking for a site. To be able to demonstrate that the identified short-term affordable housing need of 5 dwellings can be met, the NP should consider identifying a CLT/Community-led housing site. This will give greater certainty of delivery, and reduce the burden and risk on community groups by not relying on the groups themselves to identify and purchase a site. Para 3.38 says that most of the land adjoining settlements in the NP area is grade 3, and only the provision of affordable housing would justify the loss of productive agricultural land. Adopted and emerging Development in the Countryside policies require just that, and could be used to deliver Affordable Housing on sites adjoining existing settlements. By not considering the merits of sites adjoining existing settlements the NP cannot be considered to be applying the presumption in favour of sustainable development as required by the NPPF – which does apply even in the AONB, as long as the proposal is not considered to be ‘major’, and the requirements of the CROW Act are fully met. The NP are encouraged to reconsider their approach to sites adjoining existing settlements. The NP could meet its aims for delivering community-led, affordable housing by allocating a site for that use and delivery on a specified site.</p>
<p><b>POLICY TP4 - OPEN MARKET HOUSING</b></p>	<p>It is useful to provide specific guidance that can enable the delivery of new housing. The requirement for small-scale schemes is consistent with other elements of the plan, although this does not provide any indication of overall quantity of housing that could be delivered through this route. The mention of the allotment site in Bantham gives credibility to the suspicion that this site is being promoted as a site for development, but without having gone through a rigorous and transparent site selection process.</p>

	<p>The wording of criteria 2 imposes overly restrictive criteria on sites that could be considered sustainable. The criteria reflects the restrictions applied in previously adopted 'development in the countryside' policies that are no longer applied by the LPA as they are not considered to be NPPF compliant, on the basis that such restriction do not reflect the presumption in favour. The emerging JLP policy position regarding development in the countryside is considered to be more aligned to the NPPF presumption in favour of sustainable development.</p>
<p><b>POLICY TP5 - REUSE OF FARM AND RURAL BUILDINGS</b></p>	<p>Provides a criteria-based framework to enable reuse of agricultural buildings for residential purposes. Refers back to policy TP1, but nowhere is it required that the location of new homes are required to be in a demonstrably sustainable location. There is a risk of applying this policy and enabling new isolated homes in the countryside, which is contrary to adopted and emerging local policy and national planning guidance.</p>
<p><b>POLICY TP6 - PRINCIPAL RESIDENCE REQUIREMENT</b></p>	<p>Policy requiring all new homes to be occupied as a principal residence. The aims of this policy are understood, and the social benefits of providing more homes for local people are understood. However, the evidence provided only partly justifies the policy, and reference made to the similar St Ives NP policy only identifies part of the issue. The justification for the St Ives policy allied the number/proportion of second homes with average house prices and local wages. Given the reliance on infill plots in this plan, it may also be pertinent to look at the cost of building plots too. Once all of these component pieces of evidence are prepared, the issue of affordability and accessibility of housing will be better understood, and therefore providing more robust justification of the policy.</p>
<p><b>POLICY TP7 - REPLACEMENT DWELLINGS AND EXTENSIONS</b></p>	<p>Criteria for replacement of dwellings and extensions... The application of this policy in identified sustainable settlements is considered overly restrictive, and not in conformity with the presumption in favour of sustainable development. The provisions of TP1 and adopted and emerging residential amenity policies should be engaged to ensure inappropriate subdivision of plots does not take place. There are however instances when the division of plots or redevelopment of large buildings where the addition of new homes</p>

	provides a more appropriate housing mix and/or a better use of the site. SHDC proposes that this policy is only applied in the countryside, as consistent with the emerging JLP policy position and national planning guidance.
<b>Housing for Older People</b>	The analysis of the issue is well constructed and relevant. Did the NP consider having a policy specifically aimed at delivering more housing for older age groups? Could a site be identified for that purpose?
<b>POLICY TP8 - ECONOMIC DEVELOPMENT</b>	This enabling policy is encouraging, and supported in its aims. The policy seeks to enable greater flexibility in working practices, which is recognised as being much needed in rural areas. The policy is supported.
<b>POLICY TP9 - EXPANSION OF EXISTING BUSINESSES</b>	Existing business expansion is something that should be encouraged, providing that the business is located in an appropriate location in the first place! In order to compliment policy TP8, should B-class uses not also be encouraged to expand, as long as the requirements of TP1 are met? This would be more consistent with other economy-related policies in the NP?
<b>POLICY TP10 - NEW BUSINESSES</b>	Another enabling policy is to be supported, although the policy is too prescriptive in the types of businesses it aims to deliver – the use classes order does not differentiate between specific types of A1 use for example, and so policy cannot ensure that other businesses in the same use class could be resisted. The location of the parish, and known users, are likely to dictate which types of businesses are created – surf/water sports shops for example, rather than shoe shops or furniture stores.
<b>POLICY TP11 - CARAVAN, CAMPSITES AND CHALET SITES</b>	Additional guidance on this type of use is helpful, particularly within the AONB and Undeveloped Coast. However, this presupposes that an existing site is already in an acceptable location, and that a better location cannot be used for caravanning or camping. Possibly consider the relocation of existing sites if it can be demonstrated that the new location is more sustainable and less visually obtrusive?
<b>POLICY TP12 - NEW BUSINESS HUB</b>	It is not clear what the policy is expecting to deliver – possibly a large, multi-use building, seemingly not restricted to a location within an existing settlement? This is seemingly not restricted by use. SHDC



	<p>preference would be for a site to be identified and allocated for this purpose.</p>
<p><b>POLICY TP13 - NEW MARINE - RELATED WORKSHOPS</b></p>	<p>The importance of the coast and marine related industry is not to be undervalued, but it is unclear how viable new marine businesses will be on a watercourse as limited in scale as the River Avon. Larger maritime settlements such as Salcombe and Dartmouth are struggling to sustain their own marine industries, and they benefit from more efficient supply chains and larger pools of employees. Community aspirations may not be entirely consistent with market forces. Some evidence of latent demand would provide helpful justification for this policy.</p>
<p><b>POLICY TP14 - STORAGE SPACE</b></p>	<p>Storage uses fall within the use class B8, and this would not normally be encouraged in rural or visually sensitive areas. B8 also includes 'Wholesale warehouses, distribution centres and repositories'. There is also permitted development rights from B8 to C3 dwelling houses. The potential implications of supporting ore storage uses should be considered carefully before including in the final draft of the plan.</p>
<p><b>POLICY TP15 - CHANGE OF USE OF FARM AND RURAL BUILDINGS</b></p>	<p>The aims of the policy are understood, although it seems potentially too permissive to offer support to all new business uses regardless of use class or location of the farm buildings. Possibly restrict to specific identified uses?</p>
<p><b>POLICY TP16 - RETENTION OF EMPLOYMENT USES</b></p>	<p>The first part of the policy could be used to justify loss of employment to residential – particularly if it is meeting a local need. Is that what was intended? It seems to be slightly inconsistent with the preceding policies.</p> <p>The second part of the policy isn't about retaining employment uses at all, and should be the subject of its own policy, as it sets criteria applicable to proposals for the loss of employment uses, rather than retention. The Devon covenant is typically used to restrict the resale of ex-local authority homes. It is not considered the most appropriate mechanism for delivering affordable housing. SHDC will consider alternative mechanisms and work with the NP group on this issue.</p>
<p><b>POLICY TP17 - FOOTPATHS AND CYCLE TRACKS</b></p>	<p>New walking and cycling infrastructure brings with it clear benefits, and this policy is supported. However, the creation of new infrastructure has the potential for</p>

	<p>environmental harm, and at present this policy is one of the few that does not refer back to TP1. SHDC suggests that this policy is cross-referenced with TP1 to ensure that the potential impacts of such development is understood and mitigated against.</p>
<p><b>POLICY TP18 - RECREATION AND SPORT</b></p>	<p>Facilities for children of all ages to play and recreate are encouraged. Prior to the creation of new facilities, management structures should be carefully examined and put into place. Investment in such facilities often comes from developer contributions, and it is not considered that this plan identifies new growth at a sufficient scale to generate the required levels of investment.</p> <p>The need for new grass pitches should be coordinated with Sport England, who have a good understanding of sports clubs and facilities across the LPA area.</p> <p>SHDC considers that policy 18(2) is not required in addition to policy TP23.</p>
<p><b>POLICY TP19 - CHANGE OF USE TO OPEN SPACE, SPORT OR RECREATION</b></p>	<p>The health and social benefits of increasing OSSR provision is acknowledged. The policy says nothing about mitigating for the loss of biodiversity or habitats as a result of development.</p>
<p><b>POLICY TP20 - CHANGE OF USE FROM OPEN SPACE, SPORT AND RECREATION TO OTHER USES</b></p>	<p>Needs to be cross referenced with Sport England guidance on loss of facilities.</p>
<p><b>POLICY TP21 - NON - DESIGNATED HERITAGE ASSETS</b></p>	<p>The implementation of this policy will require professional input from decision makers within the LPA.</p>
<p><b>POLICY TP22 - THE NATURAL ENVIRONMENT</b></p>	<p>The sensitivity of the natural landscape throughout the NP area is acknowledged. This is reflected in the existing local and national policies that apply to the vast majority of the plan area. The NP should consider whether it is appropriate to include a policy that is so well covered by other statutory documents. If the policy remains, care should be taken that terminology is consistent with all relevant documents, and does not use language that creates ambiguity or uncertainty in decision making.</p>
<p><b>POLICY TP23 - COASTAL MANAGEMENT</b></p>	<p>The aims of the policy are understood. The policy needs to be cross-referenced with the current Shoreline Management Plan for the area to ensure compatibility.</p>

<b>POLICY TP24 - COMMUNITY WIFI</b>	(Online draft version has this policy numbered as TP27?) Local and national policies already exists that relate to telecommunications infrastructure. SHDC suggests that NPPF and local policies are referred to before including this policy in future iterations of the NP.
<b>POLICY TP25 - CAR PARK</b>	This is a permissive policy that enables change of use from agricultural or amenity land to car parking. This is not restricted to within or adjoining settlements. It seems a little incongruous that the NP says that agricultural land is too valuable to be used for anything other than affordable housing, but the permanent loss of such land for car-parking – of any scale – is considered acceptable? There is no limit on scale or number of fields that could reasonably be lost to car parking. For more clarity it is considered more appropriate for the NP to identify and allocate a site for this use. The use of a field as a car park can fall under the 28-day rule, and need not require the physical development of the site.
<b>POLICY TP26 - AIR AMBULANCE NIGHT LANDING SITE</b>	As above. If a site is needed, then the plan should allocate a site that use. It is questionable that such a resource is needed, does ‘permanent’ mean hardstanding, and presumably includes lighting? The land will not be utilised for the defined use for the vast majority of the time. Better to find an existing site that could be adapted for that use at short notice – Parish Hall car park for example. Otherwise there is the potential for environmental harm from this policy.
<b>POLICY TP27 - SOLAR PANELS AND ARRAYS</b>	The policy may usefully define how ‘close’ to a farm building is going to be assessed? Otherwise the policy is broadly consistent with local policy and national guidance.
<b>POLICY TP28 - WIND TURBINES</b>	If a site doesn’t fall within PD rights, turbines can only come forward on sites allocated by NPs or Local Plans. As such this policy is surplus to requirements, as clearly no sites are being allocated for that use.
<b>POLICY TP29 - COMMUNITY HEATING</b>	This policy is consistent with local policy and national guidance.

The Thurlestone Neighbourhood Plan seeks to closely manage development within a sensitive landscape, whilst enabling small-scale organic development that meets the priorities and needs of the local community first. The broad aspirations of the plan are consistent with adopted and emerging local policy.

The suite of policies that has been devised to meet the Vision, Aims and Objectives of the NP could be considered too numerous, and some elements of policy echo only parts of relevant national and local policy and may result in some ambiguity over interpretation of wording that varies only slightly between neighbourhood plan, local plan and NPPF.

It is acknowledged that the emerging neighbourhood plan has been subject to a 'health check', and subject to some proposed amendments has been considered 'sound'. As described in the introduction, there could be a difference between a 'sound' plan, and a plan that can be applied alongside locally adopted policies in a complimentary manner to maximum positive effect.

For the most part, this consultation response poses questions or proposes amendments that are designed to make a positive contribution to the next iteration of the neighbourhood plan. The outcome of these deliberations are unlikely to determine whether the plan meets the required basic conditions, where conformity with local and national policy is questioned.

There are two policies that at present are considered to conflict with both adopted and emerging policy and national guidance to such a degree that the plan is not considered to meet the basic conditions. These policies relate to the settlement boundaries drawn around Bantham and Buckland (TP2) – and the proposed use that these boundaries are designed to serve, and the replacement dwelling policy (TP7). Some concern is also raised over the reliance on community-led housing schemes to deliver the identified affordable housing need. Reference is made to funding that is being held by SHDC at this present time for the delivery of community-led housing. There is no guarantee that any of this will be spent in the parish of Thurlestone, and no expectation that the funding will be used to procure sites on behalf of community groups.

The Housing Needs Survey provides a limited snapshot of need, and has a limited relevance of 3-5 years. Like all statutory DPD, review and monitoring of the effectiveness of the plan will be required. Under-delivery of affordable housing to meet an identified housing need could result in proposals on unallocated sites being approved. SHDC encourages neighbourhood plans to identify and allocate sites for specific uses to provide certainty of delivery, providing that the requisite allocations processes are followed.

It should also be noted that newly arising need is required to be factored into a review cycle of this neighbourhood plan.

The plan is well-written and comprehensively researched. SHDC considers that the draft Thurlestone neighbourhood plan can be brought into compliance with local policy and national guidance subject to the advice and guidance provided being followed.